

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** CNX Gas Company LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 99-0720-0730-03

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 3 (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES (3) AND DISMISSAL OF COAL OWNERS PURSUANT TO CODE OF VIRGINIA SECTION 45.1-361.22:2.**

**HEARING DATE:** January 17, 2017

**DRILLING UNIT:** T32

**BUCHANAN COUNTY, VIRGINIA**

**PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS**

**1. Petitioner and its counsel**

Petitioner is CNX Gas Company LLC, PO Box 570, Pounding Mill, VA 24637, (276)596-5075. Petitioner's counsel is Mark A. Swartz, Hillard & Swartz, LLP, 122 Capital Street, Suite 201, Charleston, WV 25301.

**2. Relief Sought**

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to a portion of Tract 1, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiffs; Arnold Roby Langley, Debra Belcher Deskins, Barbara Wooten Deskins, Carole Otto, David Lee Deskins, Gregory N. Deskins, Matthew Deskins, Ruby Geraldine Deskins, Linda S. Deskins, Donald W. Deskins, Norma Ruth Hale, Michael P. Deskins, Ellis P. Deskins, Jr., Althea Walker Bollinger, Astra Harris, William Randall Deskins, Perry Christopher Deskins, Myrtle Ann Jefferson, Linda Lockhart Deskins, Barbara L. Miller, Sonya Deskins, Lonnie Perkins, Michael Hurd, Billy Joe Deskins, Samuel L. Deskins and Michael Wayne Cook. (Royalties currently being paid under BUCH1SGU2 Docket #VGOB 08-1118-2367)

**3. Legal Authority**

Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

**4. Type of Well(s)**

Coalbed Methane

**5. Factual basis for relief requested**

Arnold Roby Langley, Debra Belcher Deskins, Barbara Wooten Deskins, Carole Otto, David Lee Deskins, Gregory N. Deskins, Matthew Deskins, Ruby Geraldine Deskins, Linda S. Deskins, Donald W. Deskins, Norma Ruth Hale, Michael P. Deskins, Ellis P. Deskins, Jr., Althea Walker Bollinger, Astra Harris, William Randall Deskins, Perry Christopher Deskins, Myrtle Ann Jefferson, Linda Lockhart Deskins, Barbara L. Miller, Sonya Deskins, Lonnie Perkins, Michael Hurd, Billy Joe Deskins, Samuel L. Deskins and Michael Wayne Cook are entitled to 100% of the CBM royalties as determined by Corrected Declaratory Judgment, Case No. CL15-361, dated November 21, 2016. Said decision allows the Applicant and Designated Operator to pay royalties directly to the person(s) identified in Exhibit EE annexed hereto and the annexed Table, further, specifies how said royalties are to be paid.

**6. Attestation**

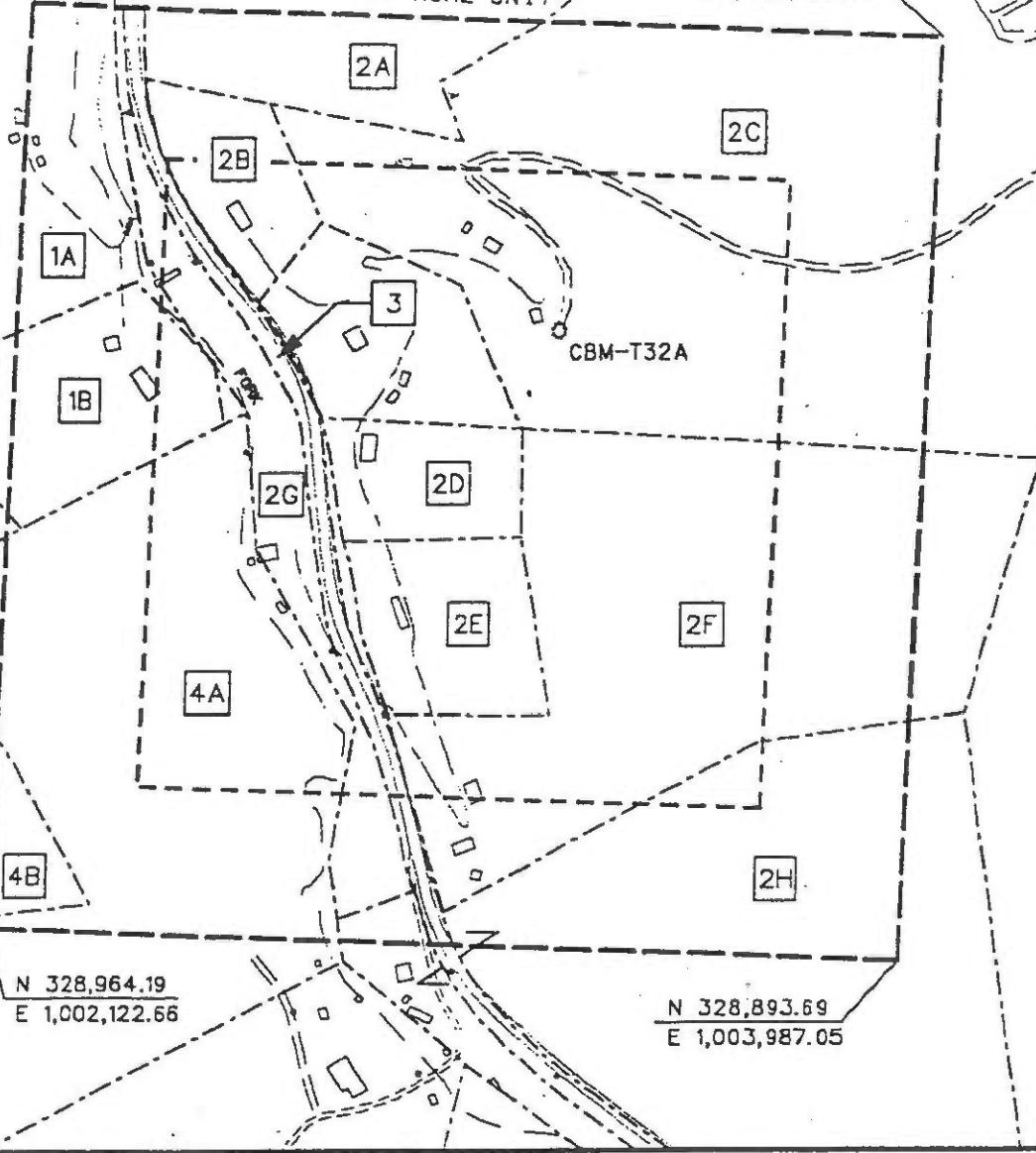
The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

PROPERTY LINES SHOWN ARE TAKEN FROM MAPS PROVIDED BY CONSOL Inc. AND WERE NOT SURVEYED.

N 330,834.18  
E 1,002,191.06

N 330,763.73  
E 1,004,055.37

80 ACRE UNIT



N 328,964.19  
E 1,002,122.66

N 328,893.69  
E 1,003,987.05

EXHIBIT A  
OAKWOOD FIELD UNIT T-32  
FORCE POOLING  
VGOB-99-0720-0730-01

Company CONSOL Inc. Well Name and Number UNIT T32  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Keen Mountain  
County Buchanan District Garden Scale: 1" = 400' Date 3/14/00  
This plat is a new plat  ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
Rev. 9/91

Charles D. Meyer (Affix Seal)  
Licensed Professional Engineer or Licensed Land Surveyor

**CONSOL INC.**  
**Unit T-32**  
**Tract Identifications**

1. Richard Deskins Heirs, et al - Coal Oil and Gas  
Island Creek Coal Company - Coal Below Tiller  
Permac Coal Company - Coal above drainage  
Buchanan Production Company - CBM Lessee  
Buchanan Production Company - CBM, Oil & Gas Lessee  
6.51 acres 8.1375%
  
- 1A. Zelvia Keen - Surface
- 1B. Beulah Clifton - Surface
  
2. Alpha Stickley Heirs, et al - Coal, Oil & Gas  
Island Creek Coal Company - Below Drainage Coal Leased  
Jewell Smokeless Coal Corp. - Above Drainage Coal Leased  
Permac Inc. - Above Drainage Coal Leased  
Buchanan Production Co. - CBM Leased  
57.60 Acres 72.0000%
  
- 2A. George Cantrell - Surface
- 2B. Ted Hurt - Surface
- 2C. Buchanan Production Company - Surface
- 2D. Leroy Stiltner - Surface
- 2E. Granville Blankenship - Surface
- 2F. Darrell Wayne Ball - Surface
- 2G. Price Family Trust - Surface
- 2H. Clyde Harman - Surface
  
3. Alpha Stickley, et al 25% - Coal, Oil & Gas  
Virginia Department of Transportation 75% - Coal, Oil & Gas  
Island Creek Coal Company - Coal Lessee  
Jewell Smokeless Coal Corporation  
Permac, Inc.  
Buchanan Production Company - 25% CBM Lessee  
1.98 acres 2.4750%
  
4. Yukon Pocahontas Coal Co, et al - Coal, Oil & Gas  
Island Creek Coal Company - Below Drainage Coal Leased  
Jewell Smokeless Coal Corp. - Above Drainage Coal Leased  
Buchanan Production Co. - CBM Leased  
13.91 Acres 17.3875%
  
- 4A. Yukon Pocahontas Coal Co, et al - Surface
- 4B. Mary Clifton - Surface



3 Tract 3 (total acreage)

6.5100

23	3	Sonya Deskins Hawthorne\6732 Birkshire Dr Everett WA 98204	1/448	0.0145	100.00%	0.0145	1.5625%	\$98.63
24	3	Lonnie Perkins\17347 Wilkinson Dr Abingdon VA 24211	1/448	0.0145	100.00%	0.0145	1.5625%	\$98.63
25	3	Michael Hurd\28 Aspen Ct Rd Honaker VA 24260	1/224	0.0291	100.00%	0.0291	3.1250%	\$197.26
26	3	Billy Joe Deskins\5441 Drill Rd Honaker VA 24260	1/56	0.1163	100.00%	0.1163	12.5000%	\$789.03
27	3	Samuel L Deskins\883 Lynn Spring Rd Swords Creek VA 24649	1/56	0.1163	100.00%	0.1163	12.5000%	\$789.03

**Wells contributing to the escrow account: CBM T-32A W/PL**

**Exhibit E**  
**Unit T-32**  
**Docket # VGOB 99-0720-0730-03**  
**List of Respondents in Escrow**

		Acres in Unit	Percent of Unit	Division of interest in	
				1st Right 1A 16.98255%	2nd Right 2A 1.98891%
<b><u>Tract #1, 6.51 acres</u></b>					
<b><u>COAL OWNERSHIP</u></b>					
(1)	Richard Deskins Heirs, Devisees, Successors or Assigns, <i>(181.00 Acre Tract)</i>	6.51 acres	8.1375%	1.38196%	0.16185%
(2)	Louise J. Deskins; Deeded to Claude Deskins				
(2.1)	Claude (Cloyd) Edward Deskins Heirs aka C.E. Deskins & Claude E. Deskins				
(2.1.1.1)	Linda Vandyke Heirs, Devisees, Successors, or Assigns				
(2.1.1.1.1)	Lida Jaydene Holzgrefe 13765 Sea Biscuit Drive Reno, NV 89521	0.1329 acres 1/49 of 6.51 acres	0.1661%	0.02820%	0.00330%
(2.1.1.2)	Edith McGlothlin 2619 Derubertis Drive North Madison, OH 44057	0.1329 acres 1/49 of 6.51 acres	0.1661%	0.02820%	0.00330%
(2.1.1.4)	Daris Deskins Heirs, Devisees, Successors, or Assigns				
(2.1.1.4.1)	Madeline Essie Deskins Heirs, Devisees, Successors, or Assigns				
(2.1.1.4.1.1)	Patricia (Patty) Sutter 177 Duff Drive Avon Lake, OH 44012	0.0664 acres 1/98 of 6.51 acres	0.0830%	0.01410%	0.00165%
(2.1.1.4.1.2)	Wanda "Connie" Deskins 3660 Wade Lane East Colorado Springs, CO 80917	0.0664 acres 1/98 of 6.51 acres	0.0830%	0.01410%	0.00165%
(8)	ICCC 10545 Riverside Drive Oakwood, VA 24631	0.5314 acres 4/49 of 6.51 acres	0.6643%	0.11281%	0.01321%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>					
(1)	Richard Deskins Heirs, Devisees, Successors or Assigns, et al. (ICCC #540) <i>(330 Acre Tract)</i>	6.51 acres	8.1375%	1.38196%	0.16185%
(a)	C.P. (Perry) Deskins Heirs, Devisees, Successors or Assigns				
(a.1)	Sarah Deskins Heirs, Devisees, Successors or Assigns				
(a.1.4)	Leonard Richard Deskins, Sr. Heirs, Devisees, Successors or Assigns				
(a.1.4.1)	Norma Gay Deskins Heirs, Devisees, Successors or Assigns				
(a.1.4.1.1.2)	Angela Dawn Chandler 672 Hopley Ave Bucyrus, OH 44820	0.0043 acres 1/1512 of 6.51 acres	0.0054%	0.00091%	0.00011%
(a.1.4.1.1.3)	Bobby Deskins 203 Hayes St Bucyrus, OH 44820	0.0043 acres 1/1512 of 6.51 acres	0.0054%	0.00091%	0.00011%
(a.1.4.1.1.4)	Eric Deskins 5965 Pinto Pass Dr Hilliard, OH 43026	0.0043 acres 1/1512 of 6.51 acres	0.0054%	0.00091%	0.00011%
(a.1.4.1.3)	J.P. (John Perry) Deskins Heirs, Devisees, Successors or Assigns				
(a.1.4.1.3.1.1)	Jackie Deskins Heirs, Devisees, Successors or Assigns				

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	Acres in Unit	Percent of Unit	Division of interest in	
			1st Right 1A 16.98255%	2nd Right 2A 1.98891%
(a.1.4.1.3.1.1.1) Ellis Lee Deskins 389 Stone Branch Road Honaker, VA 24260	0.0008 acres 1/8064 of 6.51 acres	0.0010%	0.00017%	0.00002%
(a.1.4.1.3.1.1.2) Morgan Faith Deskins (minor) 385 Stone Branch Rd. Honaker, VA 24260	0.0008 acres 1/8064 of 6.51 acres	0.0010%	0.00017%	0.00002%
(a.1.4.1.3.1.2) Larry Deskins 385 Stone Branch Rd. Honaker, VA 24260	0.0016 acres 1/4032 of 6.51 acres	0.0020%	0.00034%	0.00004%
(a.1.4.1.3.1.3) Rita Deskins 385 Stone Branch Rd. Honaker, VA 24260	0.0016 acres 1/4032 of 6.51 acres	0.0020%	0.00034%	0.00004%
(a.1.4.1.3.1.4) Rhonda Kay "Katie" Deskins Heirs, Devisees, Successors or Assigns				
(a.1.4.1.3.1.4.1) Arnold "Bo" Cook Heirs, Devisees, Successors or Assigns				
(a.1.4.1.3.1.4.1.1) Vanessa Dillon PO Box 395 Doran, VA 24612	0.0005 acres 1/12096 of 6.51 acres	0.0007%	0.00011%	0.00001%
(a.1.4.1.3.1.4.1.3) Danny Cook 4915 Indian Creek Rd Bee, VA 24217	0.0005 acres 1/12096 of 6.51 acres	0.0007%	0.00011%	0.00001%
<b>Total tract acres remaining in escrow</b>	<b>0.0188</b>			
<b>Total tract percentage remaining in escrow</b>		<b>0.0235%</b>		

Exhibit EE  
Unit T-32  
Docket # VGOB 99-0720-0730-03  
List of Respondents with Royalty Splits/Court Orders/HB2058

		Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
				1st Right 1A	2nd Right 2A	
			16.98255%	1.98891%		
<b><u>Tract #1, 6.51 acres</u></b>						
<b><u>COAL OWNERSHIP</u></b>						
(1)	Richard Deskins Heirs, Devisees, Successors or Assigns <i>(181.00 Acre Tract)</i>	6.51 acres	8.1375%	1.38196%	0.16185%	
(2)	Louise J. Deskins; Deeded to Claude Deskins					
(2.1)	Claude (Cloyd) Edward Deskins Heirs aka C.E. Deskins & Claude E. Deskins					
(2.1.1.1)	Linda Vandyke Heirs, Devisees, Successors, or Assigns					
(2.1.1.1.1)	Lida Jaydene Holzgrefe 13765 Sea Biscuit Drive Reno, NV 89521	0.1329 acres 1/49 of 6.51 acres	0.1661%	0.02820%	0.00330%	n/a
(2.1.1.2)	Edith McGlothlin 2619 Derubertis Drive North Madison, OH 44057	0.1329 acres 1/49 of 6.51 acres	0.1661%	0.02820%	0.00330%	n/a
(2.1.1.4)	Daris Deskins Heirs, Devisees, Successors, or Assigns					
(2.1.1.4.1)	Madeline Essie Deskins Heirs, Devisees, Successors, or Assigns					
(2.1.1.4.1.1)	Patricia (Patty) Sutter 177 Duff Drive Avon Lake, OH 44012	0.0664 acres 1/98 of 6.51 acres	0.0830%	0.01410%	0.00165%	n/a
(2.1.1.4.1.2)	Wanda "Connie" Deskins 3660 Wade Lane East Colorado Springs, CO 80917	0.0664 acres 1/98 of 6.51 acres	0.0830%	0.01410%	0.00165%	n/a
(8)	ICCC 10545 Riverside Drive Oakwood, VA 24631	0.5314 acres 4/49 of 6.51 acres	0.6643%	0.11281%	0.01321%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>						
(1)	Richard Deskins Heirs, Devisees, Successors or Assigns, et al. (ICCC #540) <i>(181.00 Acre Tract)</i>	6.51 acres	8.1375%	1.38196%	0.16185%	
(a)	C.P. (Perry) Deskins Heirs, Devisees, Successors or Assigns					
(a.1)	Sarah Deskins Heirs, Devisees, Successors or Assigns					
(a.1.1)	Agnes Deskins - predeceased, no issue					
(a.1.2)	Lorine Deskins - predeceased - no issue					
(a.1.3)	Myrtle Langley Heirs, Devisees, Successors or Assigns					
(a.1.3.1)	Arnold R. Langley 4851 Hidden Valley Ct Gainesville, GA 30504	0.116 acres 1/56 of 6.51 acres	0.1453%	0.02468%	0.00289%	12.5000% Court Order
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4)	Leonard Richard Deskins, Sr. Heirs, Devisees, Successors or Assigns					
(a.1.4.1)	Norma Gay Deskins Heirs, Devisees, Successors or Assigns					
(a.1.4.1.1)	Leonard R. Deskins, Jr. Heirs, Devisees, Successors or Assigns					

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		Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
				1st Right 1A 16.98255%	2nd Right 2A 1.98891%	
(a.1.4.1.1.1)	Debra G. Belcher Deskins 1017 High St. Bucyrus, OH 44820	0.006 acres 1/1008 of 6.51 acres	0.0081%	0.00137%	0.00016%	<b>0.6944%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.2)	Clifford L. Deskins Heirs, Deviseses, Successors or Assigns					
(a.1.4.1.2.1)	Barbara Wooten Deskins 8124 Curle Dr. West Point, VA 23181	0.004 acres 1/1512 of 6.51 acres	0.0054%	0.00091%	0.00011%	<b>0.4630%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.2.1.1)	Lisa Carole Liggan Otto 5337 Nasset /rd Spontsylvania, VA 22551	0.004 acres 1/1728 of 6.51 acres	0.0047%	0.00080%	0.00009%	<b>0.4051%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.2.1.2)	David Lee Deskins PO Box 33 Barhamsville, VA 23011	0.004 acres 1/1728 of 6.51 acres	0.0047%	0.00080%	0.00009%	<b>0.4051%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.2.1.3)	Gregory N. Deskins PO Box 189 Barhamsville, VA 23011	0.004 acres 1/1728 of 6.51 acres	0.0047%	0.00080%	0.00009%	<b>0.4051%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.2.1.4)	Matthew Deskins 8124 Curle Drive West Point, VA 23181-9435	0.004 acres 1/1728 of 6.51 acres	0.0047%	0.00080%	0.00009%	<b>0.4051%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.3)	J.P. (John Perry) Deskins Heirs, Deviseses, Successors or Assigns					
(a.1.4.1.3.1)	Ruby Geraldine Deskins 385 Stone Branch Rd. Honaker, VA 24260	0.013 acres 1/504 of 6.51 acres	0.0161%	0.00274%	0.00032%	<b>1.3889%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.4)	Jerry F. Deskins Heirs, Deviseses, Successors or Assigns					
(a.1.4.1.4.1)	Linda S. Honaker Deskins 624 Kensington Ct Aiken, SC 28803	0.019 acres 1/336 of 6.51 acres	0.0242%	0.00411%	0.00048%	<b>2.0833%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.5)	Donald W. Deskins P. O. Box 1184 Honaker, VA 24260	0.019 acres 1/336 of 6.51 acres	0.0242%	0.00411%	0.00048%	<b>2.0833%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						

**Exhibit EE**  
**Unit T-32**  
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		Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
				1st Right 1A	2nd Right 2A	
			16.98255%	1.98891%		
(a.1.4.1.6)	Norma R. Hale PO Box 240 Jewell Ridge, VA 24622	0.019 acres 1/336 of 6.51 acres	0.0242%	0.00411%	0.00048%	<b>2.0833%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.3.1.4.1.2)	Michael W. Cook 1305 Dixie Lane Honaker, VA 24260	0.0005 acres 1/12096 of 6.51 acres	0.0007%	0.00011%	0.00001%	<b>0.0579%</b> <b>HB2058</b>
(a.1.5)	Ellis Deskins Heirs, Devisees, Successors or Assigns					
(a.1.5.1)	Frieda Coltrane Deskins Heirs, Devisees, Successors or Assigns					
(a.1.5.1.1)	Michael P. Deskins 222 Beaver Dam Road Hillsville, VA 24343	0.058 acres 1/112 of 6.51 acres	0.0727%	0.01234%	0.00145%	<b>6.2500%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.5.1.2)	Ellis Daniel Deskins, Jr. 554 Silver Leaf Road Dugspur, VA 24325	0.058 acres 1/112 of 6.51 acres	0.0727%	0.01234%	0.00145%	<b>6.2500%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.6)	Delles G. Deskins Heirs, Devisees, Successors or Assigns					
(a.1.6.1)	Ilean Keen Clifton Heirs, Devisees, Successors or Assigns					
(a.1.6.1.1)	Althea Walker Bollinger 8191 Varina Rd. Richmond, VA 23231	0.116 acres 1/56 of 6.51 acres	0.1453%	0.02468%	0.00289%	<b>12.5000%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.7)	Bertie Jay Deskins Heirs, Devisees, Successors or Assigns					
(a.1.7.1)	Billanora C. Deskins Heirs, Devisees, Successors or Assigns					
(a.1.7.1.1)	Astra Harris 1590 Dawn Avenue Ypsilanti, MI 48198-4268	0.023 acres 1/280 of 6.51 acres	0.0291%	0.00494%	0.00058%	<b>2.5000%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.7.1.2)	William Randall Deskins 120 Deer Run Clinton, MI 48136	0.02325 acres 1/280 of 6.51 acres	0.0291%	0.00494%	0.00058%	<b>2.5000%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.7.1.3)	Perry Christopher Deskins 494 Twin Oak Circle Lebanon, VA 24266	0.023 acres 1/280 of 6.51 acres	0.0291%	0.00494%	0.00058%	<b>2.5000%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						

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			1st Right 1A 16.98255%	2nd Right 2A 1.98891%	
(a.1.7.1.4) Myrtle Ann Jefferson 11625 Bell House Road Providence Forge, VA 23140	0.023 acres 1/280 of 6.51 acres	0.0291%	0.00494%	0.00058%	<b>2.5000%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.7.1.5) Bertie Jay Deskins, Jr. Heirs, Devisees, Successors or Assigns					
(a.1.7.1.5.1) Linda D. Lockhart Deskins 208 Whites Subdivision Cedar Bluff, VA 24609	0.023 acres 1/280 of 6.51 acres	0.0291%	0.00494%	0.00058%	<b>2.5000%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.8) Charles P. Deskins, Jr. Heirs, Devisees, Successors or Assigns					
(a.1.8.1) Barbara Louise (Deskins) Miller 6134 Miller Creek Road Swords Creek, VA 24649	0.029 acres 1/224 of 6.51 acres	0.0363%	0.00617%	0.00072%	<b>3.1250%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.8.2) James "Ron" Deskins Heirs, Devisees, Successors or Assigns					
(a.1.8.2.1) Barbara Louise (Deskins) Miller 6134 Miller Creek Road Swords Creek, VA 24649	0.029 acres 1/224 of 6.51 acres	0.0363%	0.00617%	0.00072%	<b>3.1250%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.8.3) Rose Mary Deskins Perkins Heirs, Devisees, Successors or Assigns (predeceased)					
(a.1.8.3.1) Sonya Deskins Hawthorne 6732 Birkshire Dr Everett, WA 98204	0.015 acres 1/448 of 6.51 acres	0.0182%	0.00308%	0.00036%	<b>1.5625%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.8.3.2) Lonnie Perkins 17347 Wilkinson Drive Abingdon, VA 24211	0.015 acres 1/448 of 6.51 acres	0.0182%	0.00308%	0.00036%	<b>1.5625%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.8.4) Lois June "Junie" Deskins Hurd Heirs, Devisees, Successors or Assigns (predeceased)					
(a.1.8.4.1) Michael Hurd 28 Aspen Ct Rd Honaker, VA 24260	0.029 acres 1/224 of 6.51 acres	0.0363%	0.00617%	0.00072%	<b>3.1250%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.9) Billy Joe Deskins 5441 Drill Rd. Honaker, VA 24260	0.116 acres 1/56 of 6.51 acres	0.1453%	0.02468%	0.00289%	<b>12.5000%</b> <b>Court Order</b>
<i>*Prevailing plaintiff under Case No. CL15-361</i> <i>Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.10) Winfred L. Deskins Heirs, Devisees, Successors or Assigns					

**Exhibit EE**  
**Unit T-32**  
**Docket # VGOB 99-0720-0730-03**  
**List of Respondents with Royalty Splits/Court Orders/HB2058**

	Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
			1st Right 1A 16.98255%	2nd Right 2A 1.98891%	
(a.1.10.1) Samuel L. Deskins 883 Lynn Spring Rd Swords Creek, VA 24649	0.116 acres 1/56 of 6.51 acres	0.1453%	0.02468%	0.00289%	12.5000% Court Order
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(b) Louise J. Deskins Heirs, Devisees, Successors or Assigns					
(b.1) Claude (Cloyd) Edward Deskins Heirs, Devisees, Successors or Assigns (aka C.E. Deskins & Claude E. Deskins)					
(b.1.3) Ralph Deskins Heirs, Devisees, Successors or Assigns					
(b.1.3.1) Marie McNealy Deskins Ferguson 21576 G.C. Perry Hwy Tazewell, VA 24651	0.133 acres 1/49 of 6.51 acres	0.1661%	0.02820%	0.00330%	n/a
(b.1.5) Gaylene A. Horn Heirs, Devisees Successors or Assigns					
(b.1.5.1) Andrew C. Horne 21467 Green Springs Road Abingdon, VA 24211	0.044 acres 1/147 of 6.51 acres	0.0554%	0.00940%	0.00110%	n/a
(b.1.5.2) Kathy Boggs 117 Kimberwicke Drive Summerville, SC 29483	0.044 acres 1/147 of 6.51 acres	0.0554%	0.00940%	0.00110%	n/a
(b.1.5.3) Jerry D. Horn Heirs, Devisees, Successors or Assigns					
(b.1.5.3.1) Richard Lee Horn 1008 Wildflower Drive Georgetown, IN 47122	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(b.1.5.3.2) Adam Matthew Horn PO Box 13 Oakwood, VA 24631	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(b.1.6) Myrtle Deskins Sisk Heirs, Devisees, Successors or Assigns					
(b.1.6.1) Jimmy Sisk Sr. 327 Stewart Ave. S.W. Massillon, OH 44646	0.133 acres 1/49 of 6.51 acres	0.1661%	0.02820%	0.00330%	n/a
(b.1.7) Otis Harvey Deskins Heirs, Devisees, Successors or Assigns					
(b.1.7.1) Joyce L. Ratliff 242 Primrose Drive Shelbyville, IN 46176	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(b.1.7.2) Juanita Colley 1916 County Rd. 60 Auburn, IN 46706	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(b.1.7.3) Billy R. Deskins 1111 Superior Drive Auburn, IN 46706	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(b.1.7.4) Lois Jean High P. O. Box 24 Corunna, IN 46730	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(b.1.7.5) Joan E. Deskins 518 Touring Dr. Auburn, IN 46706	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a

**Exhibit EE**  
**Unit T-32**  
**Docket # VGOB 99-0720-0730-03**  
**List of Respondents with Royalty Splits/Court Orders/HB2058**

	Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
			1st Right 1A 16.98255%	2nd Right 2A 1.98891%	
(b.1.7.6) Joe H. Deskins 5272 County Rd. 35 Auburn, IN 46706	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(c) Rachel McNeil Heirs, Devisees, Successors or Assigns					
(c.1) Oliver McNeil Heirs, Devisees, Successors or Assigns					
(c.1.1) Stanton L. McNeil Heirs, Devisees, Successors or Assigns					
(c.1.1.1) Cloetta McNeil Bradley Heirs, Devisees, Successors or Assigns					
(c.1.1.1.1) Jack Wayne McNeil 2330 Mountain Pass Rd. Troutsville, VA 24176	0.005 acres 1/1400 of 6.51 acres	0.0058%	0.00099%	0.00012%	n/a
(c.1.1.1.2) Christopher Todd McNeil 425 Argos Rd. Yukon, OK 73099-9757	0.003 acres 3/5600 of 6.51 acres	0.0044%	0.00074%	0.00009%	n/a
(c.1.1.1.3) Rodrick Staton McNeil 7122 Lazy Meadow Lane Frisco, TX 75033	0.003 acres 3/5600 of 6.51 acres	0.0044%	0.00074%	0.00009%	n/a
(c.1.1.1.4) Robert Scott McNeil 102 Olde Well Loop Rd. Wilmington, NC 28411-6146	0.001 acres 1/5600 of 6.51 acres	0.0015%	0.00025%	0.00003%	n/a
(c.1.1.1.5) Edward & Anita McNeil 2412 Sequoia Park Yukon, OK 73099-5822	0.045 acres 39/5600 of 6.51 acres	0.0567%	0.00962%	0.00113%	n/a
(c.2) Rosa Adkins Heirs, Devisees, Successors or Assigns					
(c.2.1) Felda Lenore Adkins Bland Heirs, Devisees, Successors or Assigns					
(c.2.1.1) Charlotte Elaine Bland Mason Heirs, Devisees, Successors or Assigns					
(c.2.1.1.1) Robert E. Mason 38 Reddington Court West Carrollton, OH 45449	0.116 acres 1/56 of 6.51 acres	0.1453%	0.02468%	0.00289%	n/a
(c.2.2) Betty L. Deweese Heirs, Devisees, Successors or Assigns					
(c.2.2.1) Arthur Elmo Deweese Heirs, Devisees, Successors or Assigns					
(c.2.2.1.1) Robert Wayne Deweese PO Box 186 Peytona Est. Peytona, WV 25154	0.116 acres 1/56 of 6.51 acres	0.1453%	0.02468%	0.00289%	n/a
(c.3) Eula Hiser Heirs, Devisees, Successors or Assigns					
(c.3.1) Jasper E. Hiser Heirs, Devisees, Successors or Assigns					
(c.3.1.1) John A. Brown Heirs, Devisees, Successors or Assigns					
(c.3.1.1.1) Margaret E. Brown Rt. 1, Box 364 Ronceverte, WV 24970	0.233 acres 1/28 of 6.51 acres	0.2906%	0.04936%	0.00578%	n/a
(e) Claude (Cloyd) Edward Deskins Heirs, Devisees, Successors or Assigns (aka C.E. Deskins & Claude E. Deskins)					

**Exhibit EE**  
**Unit T-32**  
**Docket # VGOB 99-0720-0730-03**  
**List of Respondents with Royalty Splits/Court Orders/HB2058**

	Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
			1st Right 1A 16.98255%	2nd Right 2A 1.98891%	
(e.1) Mary E Deskins Heirs, Devisees, Successors or Assigns	Life Estate				
(e.1.3) Ralph Deskins Heirs, Devisees, Successors or Assigns					
(e.1.3.1) Marie McNealy Deskins Ferguson 21576 GC Perry HWY Tazewell, VA 24651	0.133 acres 1/49 of 6.51 acres	0.1661%	0.02820%	0.00330%	n/a
(e.1.4) Daris Deskins Heirs, Devisees, Successors or Assigns					
(e.1.5) Gaylene Horn Heirs, Devisees, Successors or Assigns					
(e.1.5.1) Andrew C. Horne 21467 Green Springs Road Abingdon, VA 24211	0.044 acres 1/147 of 6.51 acres	0.0554%	0.00940%	0.00110%	n/a
(e.1.5.2) Kathy Boggs 117 Kimberwicke Drive Summerville, SC 29483	0.044 acres 1/147 of 6.51 acres	0.0554%	0.00940%	0.00110%	n/a
(e.1.5.3) Jerry D. Horn Heirs, Devisees, Successors or Assigns					
(e.1.5.3.1) Richard Lee Horn 1008 Wildflower Drive Georgetown, IN 47122	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(e.1.5.3.2) Adam Matthew Horn PO Box 13 Oakwood, VA 24631	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(e.1.6) Myrtle Deskins Sisk Heirs, Devisees, Successors or Assigns					
(e.1.6.1) Jimmy Sisk, Sr. 327 Stewart Ave. S.W. Massillon, OH 44646	0.133 acres 1/49 of 6.51 acres	0.1661%	0.02820%	0.00330%	n/a
(e.1.7) Otis Harvey Deskins Heirs, Devisees, Successors or Assigns					
(e.1.7.1) Joyce L. Ratliff 242 Primrose Dr. Shelbyville, IN 46176	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(e.1.7.2) Juanita Colley 1916 County Rd. 60 Auburn, IN 46706	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(e.1.7.3) Billy R. Deskins 1111 Superior Drive Auburn, IN 46706	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(e.1.7.4) Lois Jean High P. O. Box 24 Corranna, IN 46730	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(e.1.7.5) Joan E. Deskins 518 Touring Dr. Auburn, IN 46706	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
(e.1.7.6) Joe H. Deskins 5272 County Rd. 35 Auburn, IN 46706	0.022 acres 1/294 of 6.51 acres	0.0277%	0.00470%	0.00055%	n/a
<b>Total tract acres resolved</b>	<b>2.4971</b>				
<b>Total tract percentage resolved</b>		<b>3.1214%</b>			

**Exhibit J**  
**Unit T32 Escrow Account Reconciliation**  
**VGOB 91-1015-0154 & 99-0720-0730**

CNX Deposit Information		
Check Date	Check Number	Total
3/24/2000	8025	\$27.20
4/25/2000	8274	\$29.07
5/25/2000	8538	\$28.88
6/23/2000	8780	\$36.12
7/25/2000	9027	\$40.94
8/25/2000	9318	\$55.19
9/25/2000	9623	\$63.73
10/25/2000	9932	\$56.92
11/24/2000	10172	\$91.07
12/22/2000	10520	\$100.19
1/25/2001	10836	\$101.00
2/23/2001	11169	\$158.29
3/23/2001	11533	\$374.30
4/25/2001	11852	\$103.33
5/25/2001	12220	\$87.85
6/25/2001	12548	\$75.95
7/25/2001	12948	\$688.99
8/24/2001	13353	\$938.66
9/25/2001	13692	\$343.29
10/25/2001	14012	\$445.76
11/23/2001	14358	\$277.40
12/24/2001	14803	\$274.96
1/25/2002	15348	\$161.32
2/25/2002	15653	\$339.15
3/25/2002	15949	\$318.88
4/25/2002	16685	\$125.64
5/24/2002	17096	\$198.71
6/25/2002	17748	\$183.63
7/25/2002	18318	\$191.23
8/23/2002	18911	\$167.89
9/25/2002	19793	\$200.61
10/25/2002	20114	\$157.11
11/25/2002	20753	\$130.18
12/24/2002	21953	\$134.90
1/24/2003	22732	\$132.78
2/25/2003	23384	\$135.01
3/25/2003	24132	\$154.07
4/25/2003	24990	\$164.16
5/23/2003	25862	\$168.37
6/25/2003	26980	\$115.92
7/25/2003	27285	\$128.71
8/25/2003	28160	\$132.39
9/25/2003	28894	\$104.33
10/24/2003	29776	\$97.57
11/25/2003	30688	\$94.45
12/24/2003	31511	\$95.76
1/23/2004	33038	\$90.92
2/25/2004	33864	\$107.22
3/25/2004	34733	\$168.15
4/23/2004	35665	\$149.70
5/25/2004	36765	\$135.52
6/25/2004	37695	\$136.21
7/23/2004	38669	\$139.97
8/25/2004	39806	\$143.77
9/24/2004	40944	\$136.64
10/25/2004	42044	\$138.57
11/24/2004	43152	\$113.02
12/24/2004	44157	\$124.96

Escrow Bank Data														Running Balance	Difference
Date	Escrow Royalty Deposits	Income	\$ Mrket Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance			
3/31/2000	\$27.20	\$0.46									\$0.46	\$107.04	\$27.66	\$79.38	
4/30/2000	\$29.07	\$0.53									\$0.53	\$136.64	\$57.26	\$79.38	
5/31/2000	\$28.88	\$0.72									\$0.72	\$166.24	\$86.86	\$79.38	
6/30/2000	\$36.12	\$0.82									\$0.82	\$203.18	\$123.80	\$79.38	
7/31/2000	\$40.94	\$1.03									\$1.03	\$245.15	\$165.77	\$79.38	
8/31/2000	\$55.19	\$1.27									\$1.27	\$301.61	\$222.23	\$79.38	
9/30/2000	\$63.73	\$1.44				\$0.00					\$1.44	\$366.78	\$287.40	\$79.38	
10/31/2000	\$56.92	\$1.92									\$1.92	\$425.62	\$346.24	\$79.38	
11/30/2000	\$91.07	\$2.16									\$2.16	\$518.85	\$439.47	\$79.38	
12/31/2000	\$100.19	\$2.51				\$0.00					\$2.51	\$621.55	\$542.17	\$79.38	
1/31/2001	\$101.00	\$3.06				\$0.00					\$3.06	\$725.61	\$646.23	\$79.38	
2/28/2001	\$259.29	\$5.68				\$0.00					\$5.68	\$886.52	\$810.20	\$76.32	
3/31/2001	\$374.30	\$4.00				\$0.00					\$4.00	\$1,264.82	\$1,188.50	\$76.32	
4/30/2001											\$0.00	\$1,291.83	\$1,291.83	(\$1,291.83)	
5/31/2001	\$87.85	\$3.71				\$0.00					\$3.71	\$1,463.64	\$1,383.39	\$80.25	
6/30/2001	\$75.95	\$3.28				\$0.00					\$3.28	\$1,542.87	\$1,462.62	\$80.25	
7/31/2001	\$688.99	\$4.97				\$0.00					\$4.97	\$2,236.83	\$2,156.58	\$80.25	
8/31/2001	\$938.66	\$4.84				\$0.00					\$4.84	\$3,180.33	\$3,100.08	\$80.25	
9/30/2001	\$343.29	\$5.67				\$0.00					\$5.67	\$3,529.29	\$3,449.04	\$80.25	
10/31/2001	\$445.76	\$5.74				\$0.00					\$5.74	\$3,980.79	\$3,900.54	\$80.25	
11/30/2001	\$0.00	\$0.00				\$0.00					\$0.00	\$4,263.00	\$4,177.94	\$85.06	
12/31/2001	\$274.96	\$5.48				\$0.00					\$5.48	\$4,543.44	\$4,458.38	\$85.06	
1/31/2002	\$161.32	\$3.37				\$0.00					\$3.37	\$4,708.13	\$4,623.07	\$85.06	
2/28/2002	\$339.15	\$2.67				\$0.00					\$2.67	\$5,049.95	\$4,964.89	\$85.06	
3/31/2002	\$318.88	\$3.14				\$0.00					\$3.14	\$5,371.97	\$5,286.91	\$85.06	
4/30/2002	\$125.64	\$0.00				\$0.00					\$0.00	\$5,497.61	\$5,412.55	\$85.06	
5/31/2002	\$198.71	\$3.70				\$0.00					\$3.70	\$5,700.02	\$5,614.96	\$85.06	
6/30/2002	\$183.63	\$3.11				\$0.00					\$3.11	\$5,886.76	\$5,801.70	\$85.06	
7/31/2002	\$191.23	\$3.14				\$0.00					\$3.14	\$6,081.13	\$5,996.67	\$85.06	
8/31/2002	\$167.89	\$3.39				\$0.00					\$3.39	\$6,252.41	\$6,167.35	\$85.06	
9/30/2002	\$200.61	\$3.38				\$0.00					\$3.38	\$6,456.40	\$6,371.34	\$85.06	
10/31/2002	\$157.11	\$2.93				\$0.00					\$2.93	\$6,616.44	\$6,531.88	\$85.06	
11/30/2002	\$130.18	\$3.25				\$0.00					\$3.25	\$6,749.87	\$6,664.81	\$85.06	
12/31/2002	\$134.90	\$3.18				\$0.00					\$3.18	\$6,887.95	\$6,802.89	\$85.06	
1/31/2003	\$132.78	\$1.58				\$0.00					\$1.58	\$7,022.31	\$6,937.25	\$85.06	
2/28/2003	\$135.01	\$1.45				\$0.00					\$1.45	\$7,158.77	\$7,073.71	\$85.06	
3/31/2003	\$154.07	\$0.75				\$0.00					\$0.75	\$7,313.59	\$7,228.53	\$85.06	
4/30/2003	\$164.16	\$1.26				\$0.00					\$1.26	\$7,479.01	\$7,393.95	\$85.06	
5/31/2003	\$168.37	\$0.87				\$0.00					\$0.87	\$7,648.25	\$7,563.19	\$85.06	
6/30/2003	\$115.92	\$1.25				\$0.00					\$1.25	\$7,765.42	\$7,680.36	\$85.06	
7/31/2003	\$128.71	\$0.76				\$0.00					\$0.76	\$7,894.89	\$7,809.83	\$85.06	
8/31/2003	\$132.39	\$0.32				\$0.00					\$0.32	\$8,027.60	\$7,942.54	\$85.06	
9/30/2003	\$104.33	\$0.29				\$0.00					\$0.29	\$8,132.22	\$8,047.16	\$85.06	
10/31/2003	\$97.57	\$0.45				\$0.00					\$0.45	\$8,230.24	\$8,145.18	\$85.06	
11/30/2003	\$94.45	\$0.69				\$0.00					\$0.69	\$8,325.38	\$8,240.32	\$85.06	
12/31/2003	\$95.76	\$0.46				\$0.00					\$0.46	\$8,421.60	\$8,336.54	\$85.06	
1/31/2004	\$90.92	\$0.86				\$0.00					\$0.86	\$8,513.38	\$8,428.32	\$85.06	
2/28/2004	\$107.22	\$0.63				\$0.00					\$0.63	\$8,621.23	\$8,536.17	\$85.06	
3/31/2004	\$168.15	\$0.38				\$0.00					\$0.38	\$8,789.76	\$8,704.70	\$85.06	
4/30/2004	\$149.70	\$1.05				\$0.00					\$1.05	\$8,940.51	\$8,855.45	\$85.06	
5/31/2004	\$135.52	\$1.04				\$0.00					\$1.04	\$9,077.07	\$8,992.01	\$85.06	
6/30/2004	\$136.21	\$1.44				\$0.00					\$1.44	\$9,214.72	\$9,129.66	\$85.06	
7/31/2004	\$139.97	\$1.93				\$0.00					\$1.93	\$9,356.62	\$9,271.56	\$85.06	
8/31/2004	\$143.77	\$4.03				\$0.00					\$4.03	\$9,504.42	\$9,419.36	\$85.06	
9/30/2004	\$136.64	\$4.79				\$0.00					\$4.79	\$9,645.85	\$9,560.79	\$85.06	
10/31/2004	\$138.57	\$5.84				\$0.00					\$5.84	\$9,790.26	\$9,705.20	\$85.06	
11/30/2004	\$113.02	\$7.62				\$0.00					\$7.62	\$9,910.90	\$9,825.84	\$85.06	
12/31/2004	\$124.96	\$7.64				\$0.00					\$7.64	\$10,043.50	\$9,958.44	\$85.06	







**CIRCUIT COURT OF BUCHANAN COUNTY, VIRGINIA**

BILLY JOE DESKINS, SR., *et al*

PLAINTIFFS

v.

Case No.CL15-361

CNX GAS COMPANY, LLC  
ISLAND CREEK COAL COMPANY  
CONSOLIDATION COAL COMPANY  
WANDA DESKINS  
and PATRICIA SUTTER

DEFENDANTS

**CORRECTED DECLARATORY JUDGMENT**

Pursuant to Rule 3:19 and Va. Code § 8.01-184, *et seq.*, the Court having previously entered judgment with respect to the defendants McGlothlin and Holzgreffe, enters the following as its declaratory judgment as to the other defendants and final order in the case. In this corrected order, Paragraphs 16.2.5 and 16.4.5 have been corrected and Paragraphs 22-24 have been added, pursuant to Va. Code 8.01-428(B).

1. Richard Deskins was the owner of the 330 Acre Tract situated in Buchanan County, which consists of the following:

1.1. the property conveyed to Richard Deskins in 1874 or 1875, by the deed recorded in Deed Book No. "D", page 355, in the office of the Clerk of the Circuit Court of Buchanan County, Virginia, less the parcel conveyed to William Mosely in 1889 by the deed recorded in Deed Book No. "F", page 280, and the parcel conveyed to J.F. Mays in 1889 by the deed recorded in Deed Book No. "G", page 435;

1.2. the property conveyed to Richard Deskins in 1896, by the deed recorded in Deed Book No. "O", page 418, in the office of the Clerk of the Circuit Court of Buchanan County, Virginia;

1.3. the property conveyed to Richard Deskins in 1898, by the deed recorded in Deed Book No. "P", page 459, in the office of the Clerk of the Circuit Court of Buchanan County, Virginia.

2. Richard Deskins died, intestate, on or about the year 1940, leaving as survivors seven children, including among them Cloyd Deskins, Charles Perry Deskins, Louisa Deskins, and three others, each of whom inherited an undivided one-seventh interest in the 330 Acre Tract.

3. The Plaintiffs are heirs of Charles Perry Deskins. Collectively, the heirs of Charles Perry Deskins are the owners of a one-seventh interest in the oil and gas for the 330 Acre Tract.

4. By deed dated February 22, 1941, and recorded at Deed Book No. 84, page 236, Charles Perry Deskins and his wife conveyed their undivided one-seventh interest in the coal underlying the 330 Acre Tract to Louisa Deskins, but kept the one-seventh interest in the oil and gas, including the coalbed methane. By deed dated November 1, 1957, and recorded December 5, 1957, in at Deed Book No. 133, page 361, Louisa Deskins conveyed her two-sevenths interest in the coal and one-seventh interest in the oil and gas for the 330 Acre Tract to Cloyd Deskins.

5. Cloyd Deskins died intestate, leaving as survivors Lida Vandyke, Ralph Deskins, Gaylene Deskins Horn, Edith McGlothlin, Daris Deskins, Jimmy Sisk, Sr. – the son of Myrtle Deskins Sisk, and Joyce Ratliff, Juanita Deskins Colley, Billy R. Deskins, Lois Deskins High, Joseph Deskins, and Joan Deskins - the children of Otis Deskins.

6. The Defendants Wanda Deskins and Patricia Sutter are the heirs of Daris Deskins, a son of Cloyd Deskins. Combined, they own a 1/49th interest in the coal property for the 330 Acre Tract, of the one-seventh interest that was conveyed by Charles Perry Deskins to Louisa Deskins and from Louisa Deskins to Cloyd Deskins, in addition to

whatever other interests in the 330 Acre Tract they may own. The Defendants Wanda Deskins and Patricia Sutter have no property interest in the coalbed methane for the 330 Acre Tract arising solely by virtue of the conveyance of the coal property from Charles Perry Deskins and his wife to Louisa Deskins by the deed dated February 22, 1941, and recorded at Deed Book No. 84, page 236, and later conveyed by Louisa Deskins to Cloyd Deskins. Nothing contained herein shall affect any property interest they may have by virtue of their inheritance of property interests that were never owned by Charles Perry Deskins, or that were inherited directly by Louisa Deskins or Cloyd Deskins, or otherwise not part of the conveyance between Charles Perry Deskins and Louisa Deskins.

7. Pursuant to Va. Code § 45.1-361.20, the Virginia Gas and Oil Board has established and modified drilling units for the area that includes the 330 Acre Tract. The 330 Acre Tract includes parts of present or former Drilling Units S-30, S-31, S-32, T-30, T-31, T-32, U-30, U-31, U-32, V-31, V-32, and VP2SGU1. Tracts 11 and 45 of VP2SGU1 include part of the 330 Acre Act.

8. The Virginia Gas and Oil Board has entered pooling orders and amended pooling orders for some or all of these drilling units, including Drilling Units S-32, T-32, U-30, V-31, the gob units VP2SGU1 and Buchanan No. 1 SGU2. The Defendant CNX Gas Company, LLC, or its predecessors and affiliates, requested the pooling orders and sent

notices to the Deskins heirs and to the Defendant Island Creek Company.

9. The pooling orders provide for the establishment of interest-bearing escrow accounts for the deposits of payments of bonus, royalty payment, proceeds in excess of ongoing operational expenses, or other payment due and owing, where the persons entitled thereto cannot be made certain due to conflicting claims of ownership. Under these orders, conflicting claims of ownership to coalbed methane are recognized where the coal rights and oil and gas rights for a given property have different ownership. Pursuant to Va. Code § 45.1-361.22(5), the Board "shall order payment of principal and accrued interest, less escrow account fees, from the escrow account to conflicting claimants only after (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them."

10. Pursuant to 4 VAC 25-160-100(B) and Va. Code § 45.1-361.22, CNX Gas Company, LLC, has deposited a portion of the proceeds from the coalbed methane wells in these units in escrow accounts and these funds are being held for disbursement once a final determination of ownership of the coalbed methane has been made.

11. The pooling orders for the Drilling Units that include the 330 Acre Tract list the heirs of Daris Deskins among the owners of coal

interests for the 330 Acre Tract with claims to the coalbed methane in conflict the claims of the Plaintiffs as the owners of oil and gas interests for the 330 Acre Tract.

12. In addition, CNX Gas Company, LLC, holds other royalties for the production of coalbed methane from the drilling units that include the 330 Acre Tract in suspense accounts, which funds are also being held pending a determination of the ownership of the coalbed methane. A determination of ownership is necessary for the release of these funds under the terms of the Leases signed by the Plaintiffs or their predecessors.

13. Oxy USA, LLC, leased the 330 Acre Tract for the production of gas. The Defendant CNX Gas Company, LLC, now has the rights and obligations of Oxy USA, LLC, under those leases. CNX Gas Company, LLC, or its predecessors, is the designated operator for and has drilled wells and been producing coalbed methane from the drilling units that include portions of the 330 Acre Tract for a number of years.

14. The Plaintiffs or their predecessors have all signed leases, which provide that "[i]n the event" that ownership of the coalbed methane is "subject to a claim by others," then "Lessee shall have the right to withhold payment of such royalties to the extent of such claim and to escrow such royalties until final determination of such claim."

15. The Court holds, for purposes of Va. Code §§ 45.1-361.21 and 45.1-361.22 and the leases between the parties, that the Plaintiffs own the coalbed methane for their respective interests in the 330 Acre Tract.

16. Out of the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins, the respective interests of the Plaintiffs are as follows:

16.1. The Plaintiff Billy Joe Deskins, Sr., owns a 1/8th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

16.2.1. The Plaintiff Donald Wayne Deskins owns a 1/48th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

16.2.2. The Plaintiff Norma Ruth Deskins Hale owns a 1/48th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

16.2.3. The Plaintiffs Barbara Wooten Deskins, Carole Lisa Otto, David L. Deskins, Gregory N. Deskins, and Matthew C. Deskins as the heirs of Clifford Deskins together own a 1/48th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry

Deskings.

16.2.4. The Plaintiff Linda S. Honaker Deskings owns a 1/48th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskings.

16.2.5. The Plaintiff Ruby Geraldine Harris Deskings, along with non-parties Ellis Lee Deskings, Morgan Faith Deskings, Larry Deskings, Rita Deskings, Vanessa Dillon, Michael W. Cook, and Danny Cook, owns a 1/48th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskings.

16.2.6. The Plaintiff Debra Belcher Deskings, along with non-parties Eric Deskings and Bobby Joe Deskings, together own a 1/48th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskings.

16.3. The Plaintiff Arnold Roby Langley owns a 1/8th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskings.

16.4.1. The Plaintiff Astra Arlene Deskings Harris owns a 1/40th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskings.

16.4.2. The Plaintiff William Randall Deskins owns a 1/40th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

16.4.3. The Plaintiff Perry Christopher Deskins owns a 1/40th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

16.4.4. The Plaintiff Myrtle Deskins Jefferson owns a 1/40th interest in the coalbed methane for the 330 Acre Tract.

16.4.5. The Plaintiff Linda Lockhart Deskins owns a 1/40th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

16.5. The Plaintiff Samuel Deskins owns a 1/8th interest in the coalbed methane for the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

16.6. The Plaintiffs Michael Deskins and Ellis Daniel "Danny" Deskins combined own a 1/8th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

16.7. The Plaintiff Althea Walker Bollinger owns a 1/8th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

16.8. The Plaintiffs Barbara Deskins Miller, James Deskins, Sonya Deskins Hawthorne, Lonnie Perkins, and Michael Hurd as the heirs of Charles Perry Deskins, Jr., together own a 1/8th interest in the one-seventh interest in the coalbed methane gas inherited by Charles Perry Deskins.

17. This judgment is a the "final determination" of the ownership of the coalbed methane as between the heirs of Charles Perry Deskins and the Defendants Wanda Deskins and Patricia Sutter, for purposes of Va. Code §§ 45.1-361.21 and 45.1-361.22 and the leases between the Plaintiffs and CNX Gas Company, LLC.

18. The Plaintiffs, and not the Defendants Wanda Deskins and Patricia Sutter, are entitled to be paid the escrowed proceeds, and any royalties held by CNX Gas Company, LLC, in suspense for the production of coalbed methane relative to the referenced units, as to the 1/7th interest originally inherited by Charles Perry Deskins from Richard Deskins, consistent with their respective interests stated above, and in proportion to that percentage which the 330 Acre Tract bears to the total acreage of each drilling unit, all pursuant to Va. Code §§ 45.1-361.21 and 45.1-361.22.

19. The Plaintiffs, and not the Defendants Wanda Deskins and Patricia Sutter, are entitled to be paid future royalties for the production of coalbed methane from drilling units that include the 330 Acre Tract, consistent with their respective interests stated above.

20. Plaintiffs withdraw their request for an award of costs and Attorney's fees from Defendants Wanda Deskins and Patricia Sutter on the grounds that their position in opposition to Plaintiff's claims for CBM royalties was substantially unjustified.

21. Nothing in this order affects the rights of the Defendants Wanda Deskins and Patricia Sutter as the heirs of Daris Deskins to the continued payment of production royalties with respect to any interest in the 330 Acre Tract for which they are otherwise entitled including by virtue of the 1/7th interest inherited by Louisa Deskins from Richard Deskins, or for which they have previously been paid production royalties.

22. Pursuant to power of attorney documents previously delivered, CNX will pay to Elliott Lawson & Minor, PC Trust Account, EIN 54-1703421, the royalties held by CNX in suspense on account of the plaintiffs to this action (other than Barbara Miller, James Deskins, and Linda Lockhart Deskins), on or before December 30, 2016. CNX will not be responsible or accountable for the distribution of the

amounts so paid among the remaining twenty-three Plaintiffs, which shall be the sole responsibility of counsel for the Plaintiffs.

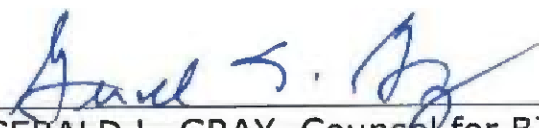
23. CNX will deposit the royalties held in suspense for the plaintiffs Barbara Miller, James Deskins, and Linda Lockhart Deskins with the Clerk of Court. The Clerk will hold these funds on deposit until further order of the Court regarding their disposition.

24. The Clerk will certify copies of this Order to all counsel, and to also send copies to Barbara Miller, 6134 Miller Creek Road, Swords Creek, VA 24649, for herself and for James Deskins, and to Linda Lockhart Deskins, 208 Whites Subdivision Road, Cedar Bluff, VA 24609.

ENTER: November 21<sup>st</sup>, 2016.

  
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CIRCUIT COURT JUDGE

REQUESTED:

  
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GERALD L. GRAY. Counsel for BILLY JOE DESKINS, SR., et al

SEEN:

Endorsement disposed under Per Rule 1:13 M  
DAVID ALTIZER, Counsel for Defendants CNX GAS  
COMPANY, LLC, ISLAND CREEK COAL COMPANY, and  
CONSOLIDATION COAL COMPANY

Endorsement disposed under Per Rule 1:13 M  
BENJAMIN STREET, Counsel for Defendants WANDA  
DESKINS AND PATRICIA SUTTER