

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** EnerVest Operating, LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 05-0419-1435-01

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 002 (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES.**

**HEARING DATE:** March 21, 2017

**TAX ID NUMBERS:** Tax Map Identification Numbers for all parcels affected by this petition are shown on: Exhibit E - Exhibit EE

**DRILLING UNIT:** 536721

**DICKENSON COUNTY, VIRGINIA**

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

**1. Petitioner and its counsel**

Petitioner is EnerVest Operating, LLC, 408 W Main Street, Abingdon, VA 24210, 276-628-9001. Petitioner's counsel is Tim Scott, McKinnis & Scott Law Firm, 135 W. Main St., Kingsport, TN 37660.

**2. Relief Sought**

Petition to disburse funds from the escrow account for well V-536721, to all known owners in Tract 2, VGOB 05-0419-1435-01 pursuant to court order.

**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)**

Conventional

**5. Factual basis for relief requested**

Petition to disburse funds from the escrow account for well V-536721, to all known owners in Tract 2, VGOB 05-0419-1435-01, pursuant to court order.

**6. Attestation**

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

**FINAL PLAT**

4304'

TOTAL UNIT AREA  
= 112.69 ACRES

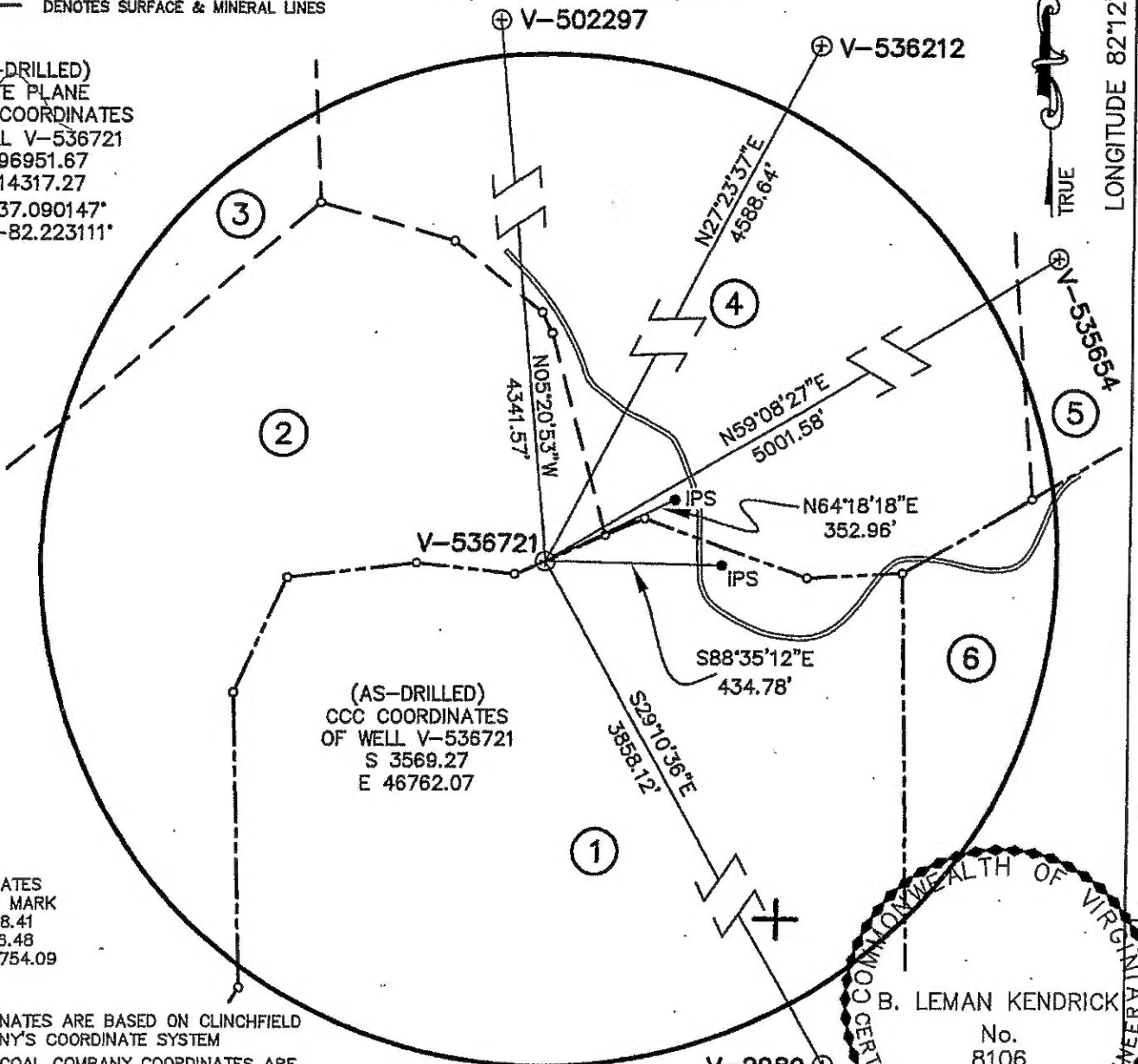
- DENOTES MINERAL LINE
- - - DENOTES SURFACE LINE
- · - · - DENOTES SURFACE & MINERAL LINES

The undersigned hereby certifies that the final location is within ten (10) feet of the location shown on the well plat dated APRIL 27, 2005.

LATITUDE 37°07'30"

LONGITUDE 82°12'30"

(AS-DRILLED)  
STATE PLANE  
NAD 27 COORDINATES  
OF WELL V-536721  
N 296951.67  
E 914317.27  
LAT 37.090147°  
LON -82.223111°

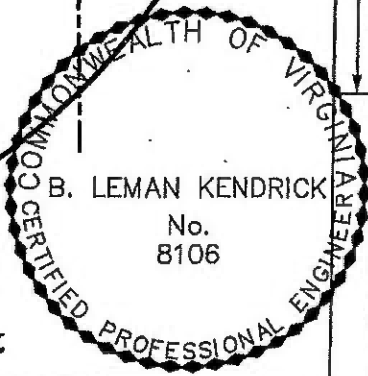


(AS-DRILLED)  
CCC COORDINATES  
OF WELL V-536721  
S 3569.27  
E 46762.07

COORDINATES  
OF BENCH MARK  
S 77498.41  
E 22826.48  
ELEV. = 1754.09

NOTE !!!  
WELL COORDINATES ARE BASED ON CLINCHFIELD COAL COMPANY'S COORDINATE SYSTEM  
CLINCHFIELD COAL COMPANY COORDINATES ARE CALCULATED FROM STATE PLANE WELL COORDINATES.  
PROPERTY INFORMATION PROVIDED BY EQUITABLE PRODUCTION COMPANY.  
ELEVATIONS ARE BASED ON NGS CONTROL ST. PAUL 2.

**NOTE !!**  
**SEE WELL PLAT SUPPLEMENT SHEET 2 FOR TRACT INFORMATION.**



**WELL LOCATION PLAT**

COMPANY Equitable Production Company WELL NAME AND NUMBER V-536721

TRACT No. LEASE NO. 241490L/T-414 ELEVATION 2061.12 (GPS) QUADRANGLE DUTY

COUNTY DICKENSON DISTRICT ERVINTON SCALE: 1" = 400' DATE AUGUST 29, 2005

THIS PLAT IS A NEW PLAT    ; AN UPDATED PLAT    ; OR A FINAL LOCATION PLAT X

PROPOSED TOTAL DEPTH OF WELL =                     

+ DENOTES THE LOCATION OF A WELL ON UNITED STATES TOPOGRAPHIC MAPS, SCALE 1 TO 24,000, LATITUDE AND LONGITUDE LINES BEING REPRESENTED BY BORDER LINES AS SHOWN.

B. J. Emahiser 8/25/05 (AFFIX SEAL)

LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR

①

LEASE No. 241490 / T-414  
S.D. SUTHERLAND  
76.30 ACRES  
HEARTWOOD FORESTLAND FUND IV, L.P. - surface  
DICKENSON-RUSSELL COAL COMPANY, LLC/ALPHA  
LAND & RESERVES, LLC/ACIN, LLC/WBRD, LLC - coal  
PINE MOUNTAIN OIL & GAS, INC. - oil, gas & CBM  
GAS 42.90 AC. 38.06%

②

LEASE No. 244789L  
MISSOURI I. KISER - surface, oil, & gas  
41.87 ACRES  
LEASE No. 244792L / TC-219  
J.H. POWERS  
1108.79 ACRES  
HEARTWOOD FORESTLAND FUND IV, L.P. - surface  
DICKENSON-RUSSELL COAL COMPANY, LLC/ALPHA  
LAND & RESERVES, LLC/ACIN, LLC/WBRD, LLC - coal  
GAS 28.79 AC. 25.55%

③

NOT LEASED  
LEONARD POWERS, et. al. - surface, oil, & gas  
46.00 ACRES  
LEASE No. 244792L / TC-219  
J.H. POWERS  
1108.79 ACRES  
HEARTWOOD FORESTLAND FUND IV, L.P. - surface  
DICKENSON-RUSSELL COAL COMPANY, LLC/ALPHA  
LAND & RESERVES, LLC/ACIN, LLC/WBRD, LLC - coal  
GAS 3.20 AC. 2.84%

④

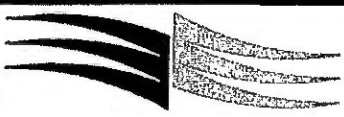
LEASE No. 241711L  
DAVID C. POWERS - surface, oil, & gas  
52.00 ACRES  
LEASE No. 244792L / TC-219  
J.H. POWERS  
1108.79 ACRES  
HEARTWOOD FORESTLAND FUND IV, L.P. - surface  
DICKENSON-RUSSELL COAL COMPANY, LLC/ALPHA  
LAND & RESERVES, LLC/ACIN, LLC/WBRD, LLC - coal  
GAS 31.65 AC. 28.09%

⑤

LEASE No. 243512L  
CAPTAIN B.M. DAVID. - surface, oil, & gas  
50.00 ACRES  
LEASE No. 244792L / TC-219  
J.H. POWERS  
1108.79 ACRES  
HEARTWOOD FORESTLAND FUND IV, L.P. - surface  
DICKENSON-RUSSELL COAL COMPANY, LLC/ALPHA  
LAND & RESERVES, LLC/ACIN, LLC/WBRD, LLC - coal  
GAS 0.22 AC. 0.20%

⑥

LEASE No. 241490 / T-413  
HENRY SUTHERLAND  
354.00  
HEARTWOOD FORESTLAND FUND IV, L.P. - surface  
DICKENSON-RUSSELL COAL COMPANY, LLC/ALPHA  
LAND & RESERVES, LLC/ACIN, LLC/WBRD, LLC - coal  
PINE MOUNTAIN OIL & GAS, INC. - oil, gas & CBM  
GAS 5.93 AC. 5.26%



THOMPSON & LITTON

40 Main Street  
P.O. Box 1869  
Clintwood, Virginia 24228

**EQUITABLE PRODUCTION COMPANY**  
**WELL No. V-536721**  
**WELL PLAT SUPPLEMENT**  
**SHEET 2**

PROJECT No.:  
8042 AS-D.DWG

SCALE: 1" = 400'

DATE: AUGUST 29, 2005



**EXHIBIT E**  
**V- 536721**  
**VGOB 05-0419-1435-01**  
**2/8/2017**

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
	<u>N/A</u>	<u>N/A</u>		

**EXHIBIT EE**  
**V-536721**  
**VGOB 05-0419-1435-01**  
2/8/2017

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Gas Estate Only</u>				
<b>2</b> #2746	<b><u>Missouri I. Kiser Heirs</u></b> <u>William R. Kiser Heirs</u>			
	Jackson L. Kiser 1513 White Oak Court Martinsville, VA 24112	Unleased	2.5550%	2.8790
	William R. Kiser, Jr. 817 Old White Bridge Road Waynesboro, VA 22980	Leased	2.5550%	2.8790
	<u>Herbert S. Kiser Heirs</u> Roy Curtis Kiser 4740 East Windstone Trail Cave Creek, AZ 85331	Leased	2.5550%	2.8790
	<u>Fred N. &amp; Catherine Kiser Heirs</u> Julie R. Hartsock 232 Michaels Ridge Boulevard Johnson City, TN 37615	Leased	0.8516%	0.9596
	Linda G. Ware Dyer 875 Ryan Rd. Chuckey, TN 37641	Leased	0.8516%	0.9596
	Howard Scott Kiser P.O. Box 445 Collins, MS 39428	Leased	0.8516%	0.9596
	<u>Utah &amp; Bessie Kiser Heirs</u> Yvonne Sweeney P.O. Box 1116 Clintwood, VA 24228	Leased	1.2775%	1.4395
	Audrey Kennedy 212 Little Caney Ridge Coeburn, VA 24230	Leased	1.2775%	1.4395
	Ronald Kennedy P.O. Box 96 Clintwood, VA 24228	Leased	1.2775%	1.4395
	<u>Mainard &amp; Virginia Kiser Heirs</u> James Scott Kiser PO Box 245 Jonesborough, TN 37659	Leased	1.2775%	1.4395

**EXHIBIT EE**  
**V-536721**  
**VGOB 05-0419-1435-01**  
2/8/2017

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Aubrey &amp; Virginia Kiser Heirs</u>				
	Lenora K. Davis 444 Pope Road Ivanhoe, VA 24350	Unleased	0.8517%	0.9597
	N. Gay McAllister 8 Orion Road Boiling Springs, PA 17007	Unleased	0.8517%	0.9598
	Susan K. Perry 1807 Holiday Road Newport Beach, CA 92660	Unleased	0.8517%	0.9598
	Janet D. Breeding 19175 Moulin Street Abingdon, VA 24210	Unleased	0.8517%	0.9598
	Edward L. Kiser P.O. Box 42 Dante, VA 24237	Unleased	0.8517%	0.9598
	Diana Knight 3136 Salem Road Havana, FL 32333	Unleased	0.8517%	0.9598
<u>James Kiser Heirs</u>				
	Cartha Kiser, widow 5722 Dunn Avenue Jacksonville, FL 32218	Leased Life Estate	0.0000%	0.0000
	Alona Bailey 7530 Rondex Lane Lewisville, NC 27023	Leased Remainderman	2.5550%	2.8790
	Teresa Chandler 6004 Broad Water Dr. Kernersville, NC 27284	Leased Remainderman	2.5550%	2.8790
<b>Tract 3 Total</b>			<b>25.5498%</b>	<b>28.7905</b>
<b>Total Gas Estate</b>			<b>25.55%</b>	<b>28.79</b>

**EXHIBIT EE**  
**V-536721**  
**VGOB 05-0419-1435-01**  
2/8/2017

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Coal Estate Only</u>				
<u>2</u> #12082	EnerVest Operating, LLC Attn: Jim McKinney 408 West Main Street Abingdon, VA 24210 <i>formerly Range Resources-Pine Mountain, Inc.</i>	Leased	25.5500%	28.7900
<b>Tract 2 Total</b>			<b>25.5500%</b>	<b>28.7900</b>
<b>Total Coal Estate</b>			<b>25.5500%</b>	<b>28.7900</b>

**EXHIBIT J**  
**V-536721**  
**VGOB 05-0419-1435-01**  
**2/8/2017**

	<u>Payment Date</u>	<u>Amount</u>		
EQT Pay	4/10/2013	\$ 4.67	**EQT appears to have paid owners directly for 9/1/2005 - 9/1/09 production	\$ 39,929.58
	4/10/2013	\$ 9.45		
	4/10/2013	\$ 6.58	Appeared 1/2010 in Escrow Account Transfer from Wachovia	\$ 45,742.55
	4/10/2013	\$ 6.14	EQT paid to FB&T	\$ 12,536.43
	4/10/2013	\$ 7.86	Range paid to FB&T	\$ 2,625.61
	4/10/2013	\$ 8.18	EV paid to FB&T	\$ 982.26
	4/10/2013	\$ 7.54		\$ 61,886.85
	4/10/2013	\$ 6.84		
	4/10/2013	\$ 6.22		
	4/10/2013	\$ 5.18		
	4/10/2013	\$ 4.79		
	4/10/2013	\$ 5.58		
	4/10/2013	\$ 6.05		
	4/10/2013	\$ 7.71		
	4/10/2013	\$ 7.03		
	4/10/2013	\$ 8.99		
	4/10/2013	\$ 10.16		
	4/10/2013	\$ 59.10		
	4/10/2013	\$ 77.42		
	4/10/2013	\$ 100.13		
	4/10/2013	\$ 100.88		
	4/10/2013	\$ 68.10		
	4/10/2013	\$ 64.78		
	4/10/2013	\$ 56.47		
	4/10/2013	\$ 76.59		
	4/10/2013	\$ 82.06		
	4/10/2013	\$ 71.76		
	4/10/2013	\$ 46.56		
	4/10/2013	\$ 52.95		
	4/10/2013	\$ 40.54		
	4/10/2013	\$ 36.85		
	4/10/2013	\$ 41.72		
	4/10/2013	\$ 92.40		
	4/10/2013	\$ 108.42		
	4/10/2013	\$ 151.56		
	4/10/2013	\$ 185.92		
	1/13/2010	\$ 284.28		
	2/10/2010	\$ 265.41		
	3/9/2010	\$ 346.15		
	4/14/2010	\$ 277.38		
	5/10/2010	\$ 305.40		
	6/8/2010	\$ 193.90		
	7/13/2010	\$ 224.91		
	8/10/2010	\$ 204.90		
	9/10/2010	\$ 242.10		
	10/11/2010	\$ 306.38		
	11/11/2010	\$ 199.48		
	12/9/2010	\$ 208.40		
	1/13/2011	\$ 166.99		
	2/11/2011	\$ 242.20		
	3/11/2011	\$ 258.97		
	4/12/2011	\$ 218.99		
	5/11/2011	\$ 217.50		
	6/11/2011	\$ 227.05		
	7/13/2011	\$ 236.57		
	8/10/2011	\$ 228.69		
	9/12/2011	\$ 237.42		
	10/12/2011	\$ 237.14		
	11/10/2011	\$ 196.56		
	12/9/2011	\$ 198.21		
	1/17/2012	\$ 184.28		
	2/10/2012	\$ 177.65		
	3/12/2012	\$ 151.81		
	4/13/2012	\$ 114.30		
	5/11/2012	\$ 107.58		
	6/12/2012	\$ 76.37		
	7/11/2012	\$ 76.34		
	8/10/2012	\$ 96.43		
	9/12/2012	\$ 121.86		
	10/10/2012	\$ 130.97		
	11/9/2012	\$ 104.54		
	12/12/2012	\$ 133.39		
	1/10/2013	\$ 158.98		
	2/11/2013	\$ 178.20		
	3/13/2013	\$ 154.62		
	4/10/2013	\$ 130.54		
	5/10/2013	\$ 158.15		
	6/10/2013	\$ 171.49		
	7/8/2013	\$ 191.03		
	8/12/2013	\$ 183.99		
	9/13/2013	\$ 162.26		
	10/10/2013	\$ 146.55		
	11/13/2013	\$ 146.88		
	12/11/2013	\$ 148.92		
	1/10/2014	\$ 150.32		
	2/11/2014	\$ 176.25		
	3/12/2014	\$ 305.83		

	4/10/2014	\$	287.92		
	5/14/2014	\$	228.94		
	6/13/2014	\$	203.64		
	7/9/2014	\$	219.29		
Range Pay	8/14/2014	\$	198.95	\$ 12,536.43	EQT paid to FB&T
	9/30/2014	\$	217.27		
	10/31/2014	\$	183.23		
	11/28/2014	\$	193.02		
	12/31/2014	\$	193.22		
	1/30/2015	\$	170.72		
	2/27/2015	\$	206.93		
	3/31/2015	\$	165.52		
	4/30/2015	\$	143.89		
	5/29/2015	\$	135.81		
	6/30/2015	\$	109.29		
	7/31/2015	\$	108.24		
	8/31/2015	\$	123.71		
	9/30/2015	\$	121.96		
	10/30/2015	\$	129.65		
	11/30/2015	\$	115.04		
	12/31/2015	\$	118.61		
	1/29/2016	\$	87.01		
EV Pay	2/29/2016	\$	102.49	\$ 2,625.61	Range paid to FB&T
	3/31/2016	\$	113.53		
	4/26/2016	\$	94.71		
	5/25/2016	\$	66.91		
	6/27/2016	\$	75.96		
	7/28/2016	\$	73.43		
	8/26/2016	\$	76.02		
	9/28/2016	\$	125.77		
	10/27/2016	\$	107.12		
	11/29/2016	\$	122.48		
	12/22/2016	\$	126.33	\$ 982.26	EV paid to FB&T
<b>TOTAL</b>		<b>\$</b>	<b>16,144.30</b>		
Plus Wachovia Balance 1/2010		\$	45,742.55		Assume EQT paid lump sum into Wachovia Account
<b>TOTAL PAYMENTS</b>		<b>\$</b>	<b>61,886.85</b>		

**Escrow Agent Summary December 2016**

<u>Unit Name</u>	<u>Docket #</u>	<u>Operator</u>	<u>Beginning Market Value</u>	<u>Deposits</u>	<u>Money Mkt Interest</u>	<u>Fees</u>	<u>Ending Market Value</u>
8001435	V536721	1435	ENERVEST	\$62,087.77	\$122.48	\$10.01	\$7.90 (\$5.17) \$62,222.99

**TOTAL PAYMENTS** \$ 61,886.85

**Escrow Agent Summary December 2016** \$62,222.99

**Difference** \$ 336.14



EnerVest Operating, L.L.C.

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408 West Main Street  
Abingdon, VA 24210  
Phone (276) 628-9001

February 9, 2017

EnerVest Operating, L.L.C. hereby waives any claims to past or future royalties attributable to the conflicting interest herein as shown on Exhibit EE, unless subject to prior agreements.

A handwritten signature in blue ink that reads "Deborah T. Louthian".

Deborah T. Louthian  
Associate Landman  
EnerVest Operating, L.L.C.

**VIRGINIA: IN THE CIRCUIT COURT OF DICKENSON COUNTY**

JACKSON L. KISER,  
WILLIAM R. KISER, JR.,  
YVONNE SWEENEY,  
AUDREY KENNEDY,  
MAINARD KISER,  
RONALD KENNEDY,  
LENORA K. DAVIS,  
N. GAY MCALLISTER,  
SUSAN K. PERRY,  
JANET D. BREEDING,  
EDWARD L. KISER,  
DIANA MCKNIGHT,  
ROY CURTIS KISER,

**Plaintiffs,**

v.

Case No.: CL12-78

SANDRA YELVINGTON,  
GLENDA STANLEY,  
ONA MAE KISER,  
CLIDA WITT,  
SHERRELL O'QUINN,  
ADRIAN POWERS,

**Defendants.**

**FINAL ORDER**

Came on this 9<sup>th</sup> day of November, 2016, the Plaintiffs, by counsel, and the Defendant's, in person *pro se*, upon a Motion for Judgment, pursuant to Virginia Code Section 8.01-184, and the same was argued.

It appearing from the evidence presented herein that Plaintiffs, are the legal heirs of M. I. Kiser, deceased, who acquired by Deed dated the 16<sup>th</sup> day of

COPIES AS DIRECTED 11-14-16

February, 1911, and recorded in the Dickenson County Circuit Court Clerk's Office at Deed Book 29, Page 410, a certain tract or parcel land containing slightly more than 45 acres; that Bonnie Powers Kiser and Leonard O. Powers, brother and sister, and both deceased, entered into a "Quit Claim Deed" dated August 1, 1994, and recorded in the Dickenson County Circuit Court Clerk's Office at Deed Book 302, Page 466, between themselves purporting to grant and convey to themselves, "all of their right and interest..." in the same tract of real estate; that Adrian Powers is the sole legal heir of Leonard Powers, and the remaining Defendants are the sole legal heirs Bonnie Powers; that at no time were Bonnie Powers Kiser and Leonard O. Kiser the legal heirs of M.I. Kiser; that the real property which is the subject of this action contributes to two producing natural gas units, namely Well Nos. VC2966 and VC-536062; that revenue from the production of the gas (including CBM) has been placed into an escrow accounts maintained by the Virginia Oil and Gas Board, or internally by EQT; and that a controversy has arisen between the Plaintiffs and the Defendants as to the validity and efficacy of the "Quit Claim Deed" dated August 1, 1994, and recorded in the Dickenson County Circuit Court Clerk's Office at Deed Book 302, Page 466

Upon consideration thereof, it is ADJUDGED, ORDERED, and DECREED that the "Quit Claim Deed" dated August 1, 1994, and recorded in the Dickenson County Circuit Court Clerk's Office at Deed Book 302, Page 466, is a nullity, void and of no effect as it relates to the present ownership of the tract of land acquired by M.I. Kiser as a result of the deed dated the 16<sup>th</sup> day of February,

1911, and recorded in the Dickenson County Circuit Court Clerk's Office at Deed Book 29, Page 410; and that Plaintiffs are the owners of said tract, including the gas estate relative to said tract, including, but not limited to, those portions of said parcel contributing to Well Nos. VC2966 and VC-536062, and are entitled to any production royalties generated by the same.

It is further ordered that the Virginia Gas and Oil Board, EQT, Range Resources, Enervest, or any other entity holding escrowed funds resulting from the production of natural gas (including CBM) related to those portions of the subject tract contributing to Well Nos. VC2966 and VC-536062, be released to T. Shea Cook, as counsel for the Plaintiff's.

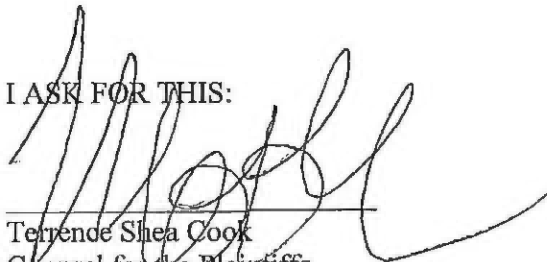
The requirement for the Defendants' signature is waived pursuant to Rule 1:13 of the Virginia Supreme Court. The Clerk of this Court is directed to send an attested copy of this decree to counsel of record for Plaintiff, and to each Defendant at such address as may be provided.

There appearing nothing further to be done in this matter, the Clerk is directed to strike this matter from the active docket of the Court.

Given under my hand this 9<sup>th</sup> day of November, 2016.

  
JUDGE

I ASK FOR THIS:

  
Terrence Shea Cook  
Counsel for the Plaintiffs