

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 99-0922-0747-04

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: April 18, 2017

DRILLING UNIT: U32

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(s) attributable to a portion of Tract(s) 3 as depicted upon the annexed Table; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiffs; Bobby Deskins, Richard Eric Deskins, Ellis Lee Deskins, Morgan Faith Deskins c/o Rita Deskins, Larry Keith Deskins, Rita Deskins, Vanessa Dillon. (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)

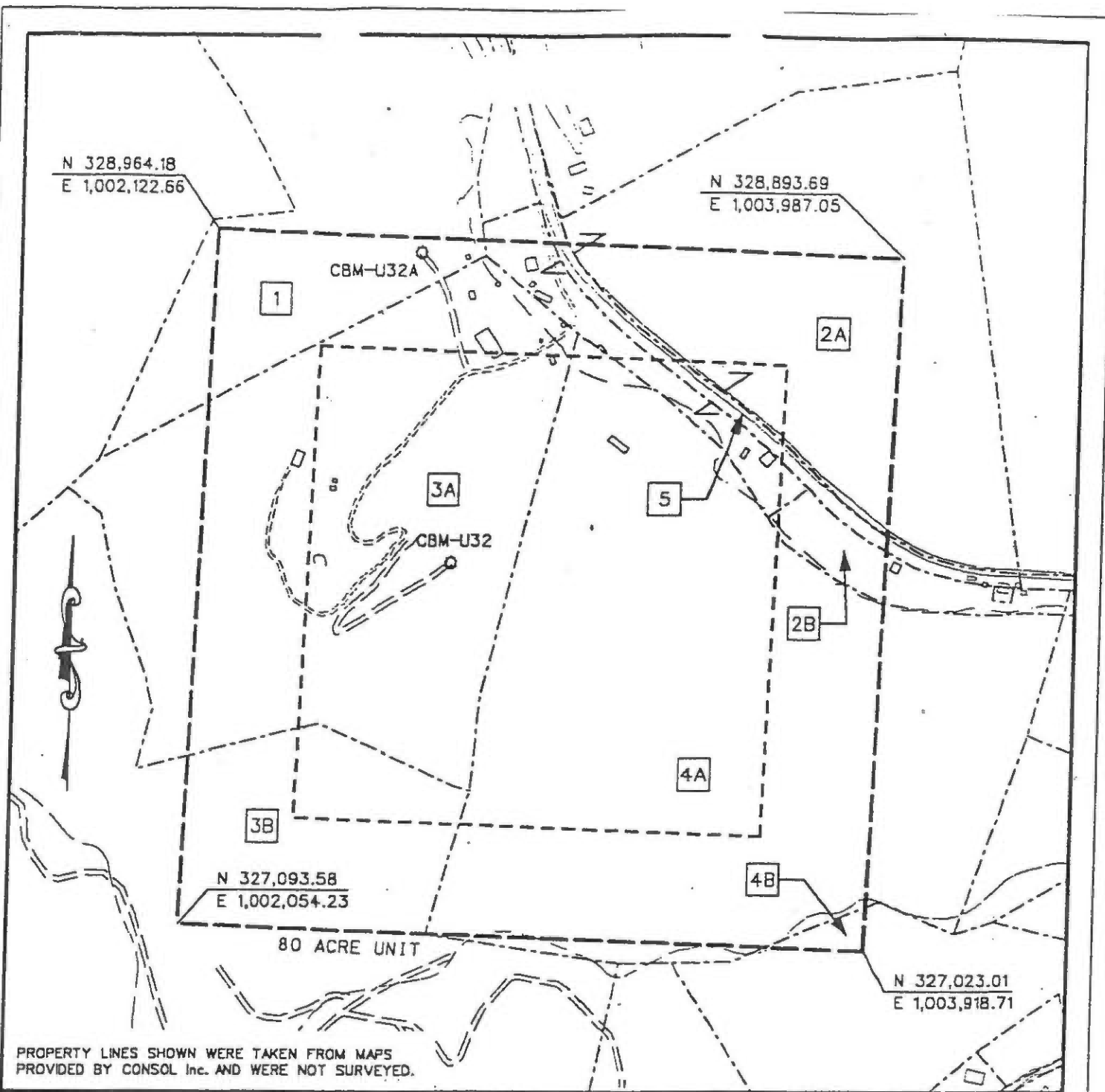
Coalbed Methane

5. Factual basis for relief requested

Bobby Deskins, Richard Eric Deskins, Ellis Lee Deskins, Morgan Faith Deskins c/o Rita Deskins, Larry Keith Deskins, Rita Deskins, Vanessa Dillon 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 WERE TAKEN FROM MAPS PROVIDED BY CONSOL Inc. AND WERE NOT SURVEYED.

EXHIBIT A
 OAKWOOD FIELD UNIT U-32
 FORCE POOLING
 VGOB-99-0922-0747-01

Company Consol Inc. Well Name and Number UNIT U32
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Buchanan District Garden Scale: 1" = 400' Date 3/14/06
 This plat is a new plat ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7 Rev. 9/91
Claude D. Morgan (Affix Seal)
 Licensed Professional Engineer or Licensed Land Surveyor
 Page Number 2.

CONSOL INC.
UNIT U-32
Tract Identification

1. Yukon Pocahontas Coal Co. et al - Tr. 108 - Fee
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Buchanan Production Company - CBM Lessee
4.21 acres 5.2625%

2. Alpha Stickley, et al - Coal, Oil & Gas
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Buchanan Production Company - CBM Lessee
11.55 acres 14.4375%

- 2A. Clyde Harman - Surface
2B. Cloyd Boyd - Surface

3. Richard Deskins Heirs, et al - Coal, Oil & Gas
Coal Lessees
Island Creek Coal Company - Coal Below Tiller
Jewell Smokeless Coal Corp.
Permac, Inc.
Buchanan Production Company - CBM, Oil & Gas Lessee
Buchanan Production Company - CBM Lessee
31.61 acres 39.5125%

- 3A. Major Jack Harman - Surface
3B. Cloyd Deskins - Surface

4. Yukon Pocahontas Coal Co. et al - Tr. 6 - Coal, Oil & Gas
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Buchanan Production Company - CBM Lessee
31.53 acres 39.4125%

- 4A. Clyde Harman - Surface
4B. Vern Mullins - Surface

5. Alpha Stickley, et al 25% - Coal, Oil & Gas
Virginia Department of Transportation 75% - Coal, Oil & Gas
Coal Lessees
Island Creek Coal Company
Jewell Smokeless Coal Corporation
Permac, Inc.
Buchanan Production Company - CBM Lessee
1.10 acres 1.3750%

**Exhibit E
Unit U-32
Docket # VGOB-99-0922-0747-04
List of Respondents in escrow**

		Acres in Unit	Percent of Unit	Division of interest in	
				1st Right 1A 17.00233%	2nd Right 2A 1.71949%
<u>Tract #3, 31.61 acres</u>					
<u>COAL OWNERSHIP</u>					
(1)	Richard Deskins Heirs, Devisees, Successors or Assi <i>(181.00 Acre Tract)</i>	31.61 acres	39.5125%	6.71805%	0.67941%
(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	0.6451 acres 1/49 of 31.61 acres	0.8064%	0.13710%	0.01387%
(2.1.1.2)	Edith McGlothlin 2619 Derubertis Drive North Madison, OH 44057	0.6451 acres 1/49 of 31.61 acres	0.8064%	0.13710%	0.01387%
(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	0.3226 acres 1/98 of 31.61 acres	0.4032%	0.06855%	0.00693%
(2.1.1.4.1.2)	Wanda "Connie" Deskins 3660 Wade Lane East Colorado Springs, CO 80917	0.3226 acres 1/98 of 31.61 acres	0.4032%	0.06855%	0.00693%
(8)	ICCC 10545 Riverside Drive Oakwood, VA 24631	2.5804 acres 4/49 of 31.61 acres	3.2255%	0.54841%	0.05546%
<u>OIL & GAS OWNERSHIP</u>					
(1)	Richard Deskins Heirs, Devisees, Successors or Assigns, et al. (ICCC #540) <i>(330 Acre Tract)</i>	31.61 acres	39.5125%	6.71805%	0.67941%
(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	0.0209 acres 1/1512 of 31.61 acres	0.0261%	0.00444%	0.00045%
(a.1.4.1.3)	J.P. (John Perry) Deskins Heirs, Devisees, Successors or Assigns				
(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.1.4.1.3.1.4.1.3)	Danny Cook 4915 Indian Creek Bee, VA 24217	0.0026 acres 1/12096 of 31.61 acres	0.0033%	0.00056%	0.00006%
Total tract acres remaining in escrow		0.0235			
Total tract percentage remaining in escrow			0.0294%		

Exhibit EE
Unit U-32
Docket # VGOB-99-0922-0747-04
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 17.00233%	2nd Right 2A 1.71949%	
<u>Tract #3, 31.61 acres</u>					
<u>COAL OWNERSHIP</u>					
(1) Richard Deskins Heirs, Devisees, Successors or Assignees <i>(181.00 Acre Tract)</i>	31.61 acres	39.5125%	6.71805%	0.67941%	
(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 Holzgreffe 13765 Sea Biscuit Drive Reno, NV 89521	0.6451 acres 1/49 of 31.61 acres	0.8064%	0.13710%	0.01387%	n/a
(2.1.1.2) Edith McGlothlin 2619 Derubertis Drive North Madison, OH 44057	0.6451 acres 1/49 of 31.61 acres	0.8064%	0.13710%	0.01387%	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	0.3226 acres 1/98 of 31.61 acres	0.4032%	0.06855%	0.00693%	n/a
(2.1.1.4.1.2) Wanda "Connie" Deskins 3660 Wade Lane East Colorado Springs, CO 80917	0.3226 acres 1/98 of 31.61 acres	0.4032%	0.06855%	0.00693%	n/a
(8) ICCC 10545 Riverside Drive Oakwood, VA 24631	2.5804 acres 4/49 of 31.61 acres	3.2255%	0.54841%	0.05546%	n/a
<u>OIL & GAS OWNERSHIP</u>					
(1) Richard Deskins Heirs, Devisees, Successors or Assigns, et al. (ICCC #540)	31.61 acres	39.5125%	6.71805%	0.67941%	
(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	0.5645 acres 1/56 of 31.61 acres	0.7056%	0.11997%	0.01213%	n/a
<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					
(a.1.4.1.1.1) Debra G. Belcher Deskins 1017 High St. Bucyrus, OH 44820	0.0314 acres 1/1008 of 31.61 acres	0.0392%	0.00666%	0.00067%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					

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		Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
				1st Right 1A 17.00233%	2nd Right 2A 1.71949%	
(a.1.4.1.1.3)	Bobby Deskins 203 Hayes St Bucyrus, OH 44820	0.0209 acres 1/1512 of 31.61 acres	0.0261%	0.00444%	0.00045%	22.8482% Court Order
(a.1.4.1.1.4)	Richard Eric Deskins PO Box 261 Lebanon, VA 24266	0.0209 acres 1/1512 of 31.61 acres	0.0261%	0.00444%	0.00045%	22.8482% Court Order
(a.1.4.1.2)	Clifford L. Deskins Heirs, Devisees, Successors or Assigns					
(a.1.4.1.2.1)	Barbara Wooten Deskins 8124 Curle Dr. West Point, VA 23181	0.0209 acres 1/1512 of 31.61 acres	0.0261%	0.00444%	0.00045%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.0183 acres 1/1728 of 31.61 acres	0.0229%	0.00389%	0.00039%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.0183 acres 1/1728 of 31.61 acres	0.0229%	0.00389%	0.00039%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.0183 acres 1/1728 of 31.61 acres	0.0229%	0.00389%	0.00039%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.0183 acres 1/1728 of 31.61 acres	0.0229%	0.00389%	0.00039%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.3)	J.P. (John Perry) Deskins Heirs, Devisees, Successors or Assigns					
(a.1.4.1.3.1)	Ruby Geraldine Deskins 385 Stone Branch Rd. Honaker, VA 24260	0.0627 acres 1/504 of 31.61 acres	0.0784%	0.01333%	0.00135%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.4.1.3.1.1)	Jackie Deskins Heirs, Devisees, Successors or Assigns					
(a.1.4.1.3.1.1.1)	Ellis Lee Deskins 385 Stone Branch Road Honaker, VA 24260	0.0039 acres 1/8064 of 31.61 acres	0.0049%	0.00083%	0.00008%	4.2840% Court Order
(a.1.4.1.3.1.1.2)	Morgan Faith Deskins (r c/o Rita Deskins 385 Stone Branch Rd. Honaker, VA 24260	0.0039 acres 1/8064 of 31.61 acres	0.0049%	0.00083%	0.00008%	4.2840% Court Order
(a.1.4.1.3.1.2)	Larry Deskins 385 Stone Branch Rd. Honaker, VA 24260	0.0078 acres 1/4032 of 31.61 acres	0.0098%	0.00167%	0.00017%	8.5681% Court Order
(a.1.4.1.3.1.3)	Rita Deskins 385 Stone Branch Rd. Honaker, VA 24260	0.0078 acres 1/4032 of 31.61 acres	0.0098%	0.00167%	0.00017%	8.5681% Court Order
(a.1.4.1.3.1.4)	Rhonda Kay "Katie" Deskins Heirs, Devisees, Successors or Assigns					

Exhibit EE
Unit U-32
Docket # VGOB-99-0922-0747-04
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 17.00233%	2nd Right 2A 1.71949%	
(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 1071 Open Fork R. Pikeville, KY 41501	0.0026 acres 1/12096 of 31.61 acres	0.0033%	0.00056%	0.00006%	2.8560% Court Order
(a.1.4.1.3.1.4.1.2) Michael W. Cook 1305 Dixie Lane Honaker, VA 24260	0.0026 acres 1/12096 of 31.61 acres	0.0033%	0.00056%	0.00006%	n/a
(a.1.4.1.4) Jerry F. Deskins Heirs, Devisees, Successors or Assigns					
(a.1.4.1.4.1) Linda S. Honaker Deskins 624 Kensington Ct Aiken, SC 28803	0.0941 acres 1/336 of 31.61 acres	0.1176%	0.01999%	0.00202%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.0941 acres 1/336 of 31.61 acres	0.1176%	0.01999%	0.00202%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.4.1.6) Norma R. Hale PO Box 240 Jewell Ridge, VA 24622	0.0941 acres 1/336 of 31.61 acres	0.1176%	0.01999%	0.00202%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					

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	Acres in Unit	Percent of Unit	Division of interest in		Percent of Escrow
			1st Right 1A 17.00233%	2nd Right 2A 1.71949%	
(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	0.2822 acres 1/112 of 31.61 acres	0.3528%	0.05998%	0.00607%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.2822 acres 1/112 of 31.61 acres	0.3528%	0.05998%	0.00607%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.5645 acres 1/56 of 31.61 acres	0.7056%	0.11997%	0.01213%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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) Bilianora C. Deskins Heirs, Devisees, Successors or Assigns					
(a.1.7.1.1) Astra Harris 1590 Dawn Avenue Ypsilanti, MI 48198-4268	0.1129 acres 1/280 of 31.61 acres	0.1411%	0.02399%	0.00243%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.1129 acres 1/280 of 31.61 acres	0.1411%	0.02399%	0.00243%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.1129 acres 1/280 of 31.61 acres	0.1411%	0.02399%	0.00243%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					
(a.1.7.1.4) Myrtle Ann Jefferson 11625 Beil House Road Providence Forge, VA 23140	0.1129 acres 1/280 of 31.61 acres	0.1411%	0.02399%	0.00243%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.1129 acres 1/280 of 31.61 acres	0.1411%	0.02399%	0.00243%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>					

Exhibit EE
Unit U-32
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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 17.00233%	2nd Right 2A 1.71949%		
(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	0.1411 acres 1/224 of 31.61 acres	0.1764%	0.02999%	0.00303%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.1411 acres 1/224 of 31.61 acres	0.1764%	0.02999%	0.00303%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.0706 acres 1/448 of 31.61 acres	0.0882%	0.01500%	0.00152%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.8.3.2)	Lonnie Perkins 17347 Wilkinson Drive Abingdon, VA 24211	0.0706 acres 1/448 of 31.61 acres	0.0882%	0.01500%	0.00152%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 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	0.1411 acres 1/224 of 31.61 acres	0.1764%	0.02999%	0.00303%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.9)	Billy Joe Deskins 5441 Drill Rd. Honaker, VA 24260	0.5645 acres 1/56 of 31.61 acres	0.7056%	0.11997%	0.01213%	n/a
<i>*Prevailing plaintiff under Case No. CL15-361 Awarded 100% of the CBM royalty (Represented by Gerald Gray)</i>						
(a.1.10) Winfred L. Deskins Heirs, Devisees, Successors or Assigns						
(a.1.10.1)	Samuel L. Deskins 883 Lynn Spring Rd Swords Creek, VA 24649	0.5645 acres 1/56 of 31.61 acres	0.7056%	0.11997%	0.01213%	n/a
<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)						

Exhibit EE
Unit U-32
Docket # VGOB-99-0922-0747-04
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 17.00233%	2nd Right 2A 1.71949%	
(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	0.6451 acres 1/49 of 31.61 acres	0.8064%	0.13710%	0.01387%	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	0.2150 acres 1/147 of 31.61 acres	0.2688%	0.04570%	0.00462%	n/a
(b.1.5.2) Kathy Boggs 117 Kimberwicke Drive Summerville, SC 29483	0.2150 acres 1/147 of 31.61 acres	0.2688%	0.04570%	0.00462%	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	0.1075 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(b.1.5.3.2) Adam Matthew Horn PO Box 13 Oakwood, VA 24631	0.1075 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	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	0.6451 acres 1/49 of 31.61 acres	0.8064%	0.13710%	0.01387%	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	0.1075 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(b.1.7.2) Juanita Coiley 1916 County Rd. 60 Auburn, IN 46706	0.1075 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(b.1.7.3) Billy R. Deskins 1111 Superior Drive Auburn, IN 46706	0.1075 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(b.1.7.4) Lois Jean High P. O. Box 24 Corunna, IN 46730	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(b.1.7.5) Joan E. Deskins 518 Touring Dr. Auburn, IN 46706	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(b.1.7.6) Joe H. Deskins 5272 County Rd. 35 Auburn, IN 46706	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	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	0.02 acres 1/1400 of 31.61 acres	0.0282%	0.00480%	0.00049%	n/a

Exhibit EE
Unit U-32
Docket # VGOB-99-0922-0747-04
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 17.00233%	2nd Right 2A 1.71949%	
(c.1.1.1.2) Christopher Todd McNeil 425 Argos Rd. Yukon, OK 73099-9757	0.02 acres 3/5600 of 31.61 acres	0.0212%	0.00360%	0.00036%	n/a
(c.1.1.1.3) Rodrick Staton McNeil 7122 Lazy Meadow Lane Frisco, TX 75033	0.02 acres 3/5600 of 31.61 acres	0.0212%	0.00360%	0.00036%	n/a
(c.1.1.1.4) Robert Scott McNeil 102 Olde Weii Loop Rd. Wilmington, NC 28411-6146	0.01 acres 1/5600 of 31.61 acres	0.0071%	0.00120%	0.00012%	n/a
(c.1.1.1.5) Edward & Anita McNeil 2412 Sequoia Park Yukon, OK 73099-5822	0.22 acres 39/5600 of 31.61 acres	0.2752%	0.04679%	0.00473%	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	0.56 acres 1/56 of 31.61 acres	0.7056%	0.11997%	0.01213%	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	0.56 acres 1/56 of 31.61 acres	0.7056%	0.11997%	0.01213%	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	1.13 acres 1/28 of 31.61 acres	1.4112%	0.23993%	0.02426%	n/a
(e) Claude (Cloyd) Edward Deskins Heirs, Devisees, Successors or Assigns (aka C.E. Deskins & Claude E. Deskins)					
(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	0.65 acres 1/49 of 31.61 acres	0.8064%	0.13710%	0.01387%	n/a
(e.1.4) Daris Deskins Heirs, Devisees, Successors or Assigns					
(e.1.5) Gaylene Horn Heirs, Devisees, Successors or Assigns					

Exhibit EE
Unit U-32
Docket # VGOB-99-0922-0747-04
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 17.00233%	2nd Right 2A 1.71949%	
(e.1.5.1)	Andrew C. Home 21467 Green Springs Road Abingdon, VA 24211	0.22 acres 1/147 of 31.61 acres	0.2688%	0.04570%	0.00462%	n/a
(e.1.5.2)	Kathy Boggs 117 Kimberwicke Drive Summerville, SC 29483	0.22 acres 1/147 of 31.61 acres	0.2688%	0.04570%	0.00462%	n/a
(e.1.5.3)	Jerry D. Horn Heirs, Devises, Successors or Assigns					
(e.1.5.3.1)	Richard Lee Horn 1008 Wildflower Drive Georgetown, IN 47122	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(e.1.5.3.2)	Adam Matthew Horn PO Box 13 Oakwood, VA 24631	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(e.1.6)	Myrtle Deskins Sisk Heirs, Devises, Successors or Assigns					
(e.1.6.1)	Jimmy Sisk, Sr. 327 Stewart Ave. S.W. Massillon, OH 44646	0.65 acres 1/49 of 31.61 acres	0.8064%	0.13710%	0.01387%	n/a
(e.1.7)	Otis Harvey Deskins Heirs, Devises, Successors or Assigns					
(e.1.7.1)	Joyce L. Ratiff 242 Primrose Dr. Sheibyville, IN 46176	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(e.1.7.2)	Juanita Coiley 1916 County Rd. 60 Auburn, IN 46706	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(e.1.7.3)	Billy R. Deskins 1111 Superior Drive Auburn, IN 46706	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(e.1.7.4)	Lois Jean High P. O. Box 24 Corranna, IN 46730	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(e.1.7.5)	Joan E. Deskins 518 Touring Dr. Auburn, IN 46706	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
(e.1.7.6)	Joe H. Deskins 5272 County Rd. 35 Auburn, IN 46706	0.11 acres 1/294 of 31.61 acres	0.1344%	0.02285%	0.00231%	n/a
Total tract acres resolved		12.1931				
Total tract percentage resolved			15.2414%			

Exhibit J
Unit U32 Escrow Account Reconciliation
VGOB 99-0922-0747

CNX Deposit Information		
Check Date	Check Number	Total
5/25/2000	8543	\$2,673.61
6/23/2000	8784	\$429.67
7/25/2000	9033	\$516.40
8/25/2000	9325	\$603.40
9/25/2000	9629	\$553.75
10/25/2000	9939	\$429.15
11/24/2000	10178	\$808.26
12/22/2000	10543	\$824.41
1/25/2001	10842	\$613.37
2/23/2001	11179	\$1,441.47
3/23/2001	11545	\$1,696.81
4/25/2001	11858	\$1,083.78
5/25/2001	12228	\$892.11
6/25/2001	12554	\$924.79
7/25/2001	12957	\$3,535.98
8/24/2001	13363	\$4,547.21
9/25/2001	13697	\$1,795.96
10/25/2001	14020	\$2,225.59
11/23/2001	14363	\$1,379.36
12/24/2001	14825	\$1,366.01
1/25/2002	15351	\$803.82
2/25/2002	15656	\$1,666.02
3/25/2002	15953	\$1,549.15
4/25/2002	16689	\$587.61
5/24/2002	17101	\$934.43
6/25/2002	17755	\$857.34
7/25/2002	18325	\$897.96
8/23/2002	18916	\$782.33
9/25/2002	19802	\$935.60
10/25/2002	20119	\$739.55
11/25/2002	20761	\$620.11
12/24/2002	21974	\$646.33
1/24/2003	22736	\$636.83
2/25/2003	23390	\$647.65
3/25/2003	24137	\$740.13
4/25/2003	24998	\$790.16
5/23/2003	25868	\$810.95
6/25/2003	26987	\$557.94
7/25/2003	27292	\$619.99
8/25/2003	28171	\$638.29
9/25/2003	28905	\$503.29
10/24/2003	29784	\$468.82
11/25/2003	30696	\$454.49
12/24/2003	31533	\$461.58
1/23/2004	33044	\$438.45
2/25/2004	33873	\$517.34
3/25/2004	34742	\$811.49
4/23/2004	35674	\$723.67
5/25/2004	36774	\$654.89
6/25/2004	37703	\$657.86
7/23/2004	38678	\$676.29
8/25/2004	39816	\$694.66
9/24/2004	40953	\$659.52
10/25/2004	42054	\$668.70
11/24/2004	43161	\$544.58

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			
5/31/2000													\$2,673.61	(\$2,673.61)	
6/30/2000													\$3,103.28	(\$3,103.28)	
7/31/2000													\$3,619.68	(\$3,619.68)	
8/31/2000													\$4,223.08	(\$4,223.08)	
9/30/2000	\$553.75	\$19.05				\$0.00					\$19.05	\$4,853.56	\$4,795.88	\$57.68	
10/31/2000													\$5,225.03	(\$5,225.03)	
11/30/2000													\$6,033.29	(\$6,033.29)	
12/31/2000	\$824.41	\$28.27				\$0.00					\$28.27	\$6,994.98	\$6,885.97	\$109.01	
1/31/2001	\$613.37	\$32.20				\$0.00					\$32.20	\$7,640.55	\$7,531.54	\$109.01	
2/28/2001	\$2,054.84	\$59.10				\$0.00					\$59.10	\$9,108.92	\$9,032.11	\$76.81	
3/31/2001	\$1,696.81	\$34.30				\$0.00					\$34.30	\$10,840.03	\$10,763.22	\$76.81	
4/30/2001													\$11,847.00	(\$11,847.00)	
5/31/2001	\$892.11	\$32.60				\$0.00					\$32.60	\$12,882.19	\$12,771.71	\$110.48	
6/30/2001	\$924.79	\$29.42				\$0.00					\$29.42	\$13,836.40	\$13,725.92	\$110.48	
7/31/2001	\$3,535.98	\$38.71				\$0.00					\$38.71	\$17,411.09	\$17,300.61	\$110.48	
8/31/2001	\$4,547.21	\$37.65				\$0.00					\$37.65	\$21,995.95	\$21,885.47	\$110.48	
9/30/2001	\$1,795.96	\$38.26				\$0.00					\$38.26	\$23,830.17	\$23,719.69	\$110.48	
10/31/2001	\$2,225.59	\$37.58				\$0.00					\$37.58	\$26,093.34	\$25,982.86	\$110.48	
11/30/2001	\$0.00	\$0.00				\$0.00					\$0.00	\$27,503.76	\$27,362.22	\$141.54	
12/31/2001	\$1,366.01	\$34.88				\$0.00					\$34.88	\$28,904.65	\$28,763.11	\$141.54	
1/31/2002	\$803.82	\$21.28				\$0.00					\$21.28	\$29,729.75	\$29,588.21	\$141.54	
2/28/2002	\$1,666.02	\$16.62				\$0.00					\$16.62	\$31,412.39	\$31,270.85	\$141.54	
3/31/2002	\$1,549.15	\$19.28				\$0.00					\$19.28	\$32,980.82	\$32,839.28	\$141.54	
4/30/2002	\$587.68	\$0.00				\$0.00					\$0.00	\$33,568.50	\$33,426.89	\$141.61	
5/31/2002	\$934.43	\$22.44				\$0.00					\$22.44	\$34,525.37	\$34,383.76	\$141.61	
6/30/2002	\$857.34	\$18.87				\$0.00					\$18.87	\$35,401.58	\$35,259.97	\$141.61	
7/31/2002	\$897.96	\$18.75				\$0.00					\$18.75	\$36,318.29	\$36,176.68	\$141.61	
8/31/2002	\$782.33	\$20.13				\$0.00					\$20.13	\$37,120.75	\$36,979.14	\$141.61	
9/30/2002	\$935.60	\$19.97				\$0.00					\$19.97	\$38,076.32	\$37,934.71	\$141.61	
10/31/2002	\$739.55	\$17.23				\$0.00					\$17.23	\$38,833.10	\$38,691.49	\$141.61	
11/30/2002	\$620.11	\$19.06				\$0.00					\$19.06	\$39,472.27	\$39,330.66	\$141.61	
12/31/2002	\$646.33	\$18.55				\$0.00					\$18.55	\$40,137.15	\$39,995.54	\$141.61	
1/31/2003	\$636.83	\$9.25				\$0.00					\$9.25	\$40,783.23	\$40,641.62	\$141.61	
2/28/2003	\$647.65	\$8.48				\$0.00					\$8.48	\$41,439.36	\$41,297.75	\$141.61	
3/31/2003	\$740.13	\$4.38				\$0.00					\$4.38	\$42,183.87	\$42,042.26	\$141.61	
4/30/2003	\$790.16	\$7.30				\$0.00					\$7.30	\$42,981.33	\$42,839.72	\$141.61	
5/31/2003	\$810.95	\$5.07				\$0.00					\$5.07	\$43,797.35	\$43,655.74	\$141.61	
6/30/2003	\$557.94	\$7.18				\$0.00					\$7.18	\$44,362.47	\$44,220.86	\$141.61	
7/31/2003	\$619.99	\$4.39				\$0.00					\$4.39	\$44,986.85	\$44,845.24	\$141.61	
8/31/2003	\$638.29	\$1.87				\$0.00					\$1.87	\$45,627.01	\$45,485.40	\$141.61	
9/30/2003	\$503.29	\$1.66				\$0.00					\$1.66	\$46,131.96	\$45,990.35	\$141.61	
10/31/2003	\$468.82	\$2.56				\$0.00					\$2.56	\$46,603.34	\$46,461.73	\$141.61	
11/30/2003	\$454.49	\$3.99				\$0.00					\$3.99	\$47,061.82	\$46,920.21	\$141.61	
12/31/2003	\$461.58	\$2.61				\$0.00					\$2.61	\$47,526.01	\$47,384.40	\$141.61	
1/31/2004	\$438.45	\$4.89				\$0.00					\$4.89	\$47,969.35	\$47,827.74	\$141.61	
2/28/2004	\$517.34	\$3.58				\$0.00					\$3.58	\$48,490.27	\$48,348.66	\$141.61	
3/31/2004	\$811.49	\$2.18				\$0.00					\$2.18	\$49,303.94	\$49,162.33	\$141.61	
4/30/2004	\$723.67	\$5.91				\$0.00					\$5.91	\$50,033.52	\$49,891.91	\$141.61	
5/31/2004	\$654.89	\$5.90				\$0.00					\$5.90	\$50,694.31	\$50,552.70	\$141.61	
6/30/2004	\$657.86	\$8.11				\$0.00					\$8.11	\$51,360.28	\$51,218.67	\$141.61	
7/31/2004	\$676.29	\$10.77				\$0.00					\$10.77	\$52,047.34	\$51,905.73	\$141.61	
8/31/2004	\$694.66	\$22.41				\$0.00					\$22.41	\$52,764.41	\$52,622.80	\$141.61	
9/30/2004	\$659.52	\$26.64				\$0.00					\$26.64	\$53,450.57	\$53,308.96	\$141.61	
10/31/2004	\$668.70	\$32.30				\$0.00					\$32.30	\$54,151.57	\$54,009.96	\$141.61	
11/30/2004	\$544.58	\$42.23				\$0.00					\$42.23	\$54,738.38	\$54,596.77	\$141.61	

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 21st, 2016.



CIRCUIT COURT JUDGE

REQUESTED:



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