

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: EnerVest Operating, LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 98-0818-0678-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 003 (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: May 16, 2017

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

DRILLING UNIT: 703756

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 escrow funds to all known owners in Tract 3, pursuant to HB 2058.

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

Petition to disburse escrow funds to all known owners in Tract 3, pursuant to HB 2058 and CL 16-115

6. Attestation

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

900'

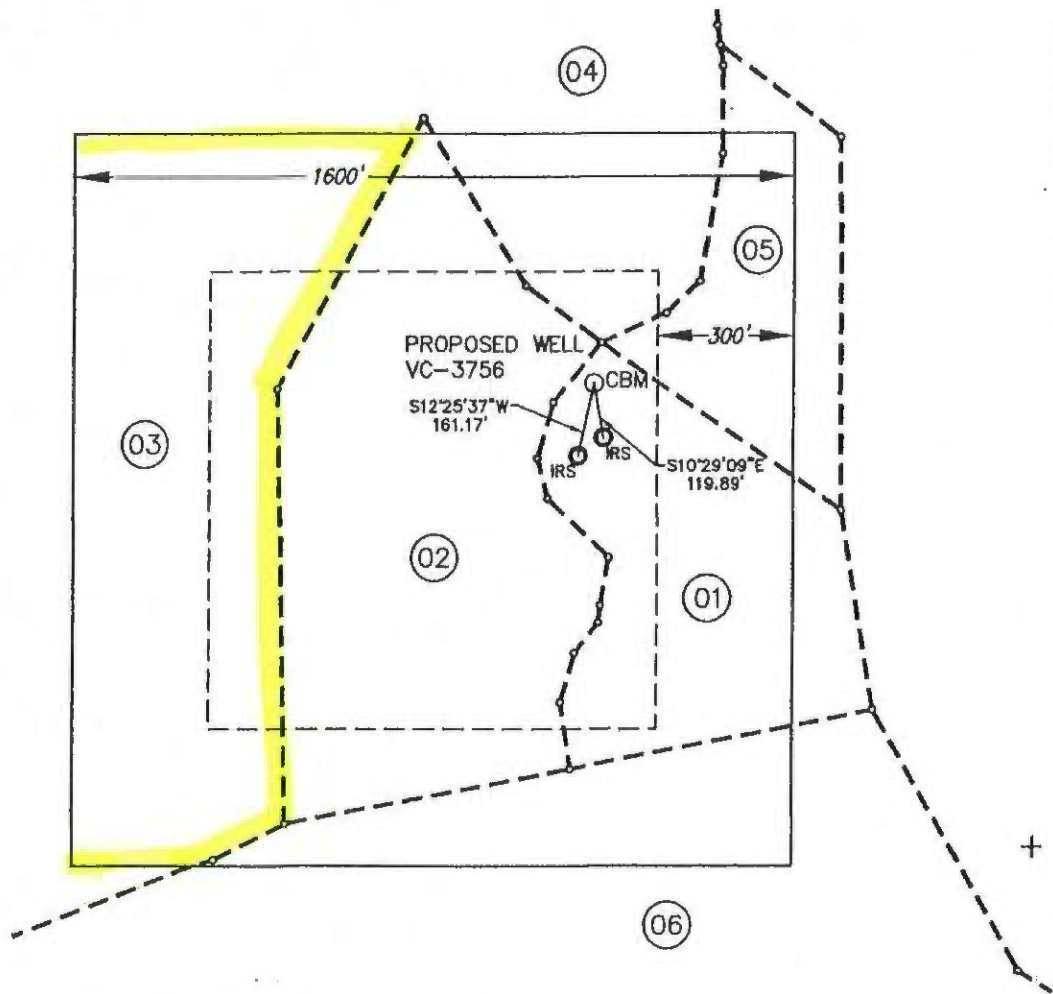
Note: Elevation determined by Trigonometric leveling from CCC Monument.

Latitude 37° 02' 30"



Longitude 82° 17' 30"

11,600'



LEGEND

- Proposed Well Loc.
- ⊙ Offset Well
- Mineral Line
- Surface Line

Well Coordinates: (VA St. Plane S. Zone, Calculated from CCC coordinates)
N - 268,534 E - 892,253

Well Coordinates: (Clinchfield Coal Co.)
S - 32,844.04 E - 25,858.73

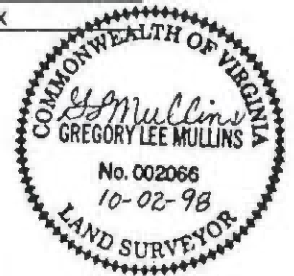
Area of Unit = 58.77 Ac.

WELL LOCATION PLAT

COMPANY Equitable Resources Energy Company WELL NAME AND NUMBER VC-3756
 TRACT NO. N. K. Rasnick Heirs ELEVATION 2096.58 QUADRANGLE Nora
 COUNTY Dickenson DISTRICT Kenady SCALE 1" = 400' DATE 10-02-98

This Plat is a new plat ____; an updated plat ____; or a final location plat ____ x
 + 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.

Greg Mullins
 Licensed Land Surveyor



SUPPLEMENTAL
FOR
FORM DGO-GO-7

- ① Lease No. . . .
N. K. Rasnick Heirs Tr.
27.75 Acres
N. K. Rasnick Heirs - oil & gas
A. J. Lambert ET AL - coal (below Lower Banner seams)
Clinchfield Coal Company /
Pyxis Resources Co. - surface & coal (Lower Banner
& above seams)
Gas 8.53 Ac. 14.51%
- ② Lease No.
N. K. Rasnick Heirs Tr.
27.75 Acres
N. K. Rasnick Heirs - oil & gas
A. J. Lambert ET AL - coal
Gas 18.08 Ac. 30.76%
- ③ Lease No.
Charles W. Grizzie Heirs Tr.
77.35 Acres
Charles W. Grizzie Heirs - oil & gas
A. J. Lambert ET AL - coal
Gas 18.60 Ac. 31.65%
- ④ Lease No. 244728L
A. J. Lambert ET AL Tr.
347.40 Acres
A. J. Lambert ET AL - oil, gas & coal
Gas 4.53 Ac. 7.71%
- ⑤ Lease No. 244728L
A. J. Lambert ET AL Tr.
347.40 Acres
A. J. Lambert ET AL - oil & gas
A. J. Lambert ET AL - coal (below Lower Banner seams)
Clinchfield Coal Company /
Pyxis Resources Co. - surface & coal (Lower Banner
& above seams)
Gas 3.66 Ac. 6.23%
- ⑥ Lease No. 241490L / T-105
Cranesnest Coal & Coke Company Tr.
175.32 Acres
Clinchfield Coal Company /
Pyxis Resources Co. - surface & coal
Pine Mountain Oil & Gas, Inc. - oil & gas
Gas 5.37 Ac. 9.14%

EXHIBIT "E"
VGOB 98-0818-0678-02
VC-703756

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
1	<u>N.K. RASNICK HEIRS</u>			
Tax ID	<u>Mary R. Phillips Heirs</u>			
Minerals Only	<u>Pearl Phillips Martin Heirs</u>			
	<u>Ralph Martin Heirs</u>			
	Clyde Martin Unknown	Unleased	0.030229%	0.0178
	Butch Martin Unknown	Unleased	0.030229%	0.0178
	Chuck Martin Unknown	Unleased	0.030229%	0.0178
	<u>Lester Martin Heirs</u>			
	Jacky Martin Unknown	Unleased	0.012955%	0.0076
	Mickey Martin Unknown	Unleased	0.012955%	0.0076
	Buddy Martin Unknown	Unleased	0.012955%	0.0076
	Zelma Martin Unknown	Unleased	0.012955%	0.0076
	Brenda Martin Unknown	Unleased	0.012955%	0.0076
	Linda Martin Unknown	Unleased	0.012955%	0.0076
	Myrtle Martin Unknown	Unleased	0.012955%	0.0076
	<u>Eugene Martin Heirs</u>			
	Unknown	Unleased	0.090688%	0.0533
	<u>Darrell Martin Heirs</u>			
	Darrell Martin Jr. Unknown	Unleased	0.090688%	0.0533

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<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
	<u>Inez Chandler Heirs</u>			
	Kay & Pat O'Malley Unknown	Unleased	0.030229%	0.0178
	Stacy Hughes Unknown	Unleased	0.030229%	0.0178
	<u>Mona Humphreys Heirs</u>			
	Mildred F. Dickenson Heirs Unknown	Leased-RRPM 245424	0.022672%	0.0133
	<u>June Humphrey Heirs</u>			
	Unknown	Leased	0.090688%	0.0533
	<u>Lou Martin Heirs</u>			
	Billie Martin Smith Unknown	Unleased Life Estate		
	Janet & Eddie Benton Unknown	Unleased Remainderman	0.181375%	0.1067
	Mike & Brenda Smith Unknown	Unleased Remainderman	0.181375%	0.1067
	Jeannie & Jackie Hubbard Unknown	Unleased Remainderman	0.181375%	0.1067
	<u>Harold Rasnick Heirs</u>			
	Unknown	Unleased	0.725500%	0.4266
	<u>R. W. Rasnick Heirs</u>			
	<u>Elizabeth Rasnick Heirs</u>			
	<u>Peggy Varney Heirs</u> Unknown	Leased-RRPM 245424	0.046063%	0.027079
	<u>Billie Rasnick Heirs</u> Unknown	Unleased	0.322441%	0.1896
	<u>Tilden Rasnick Heirs</u> Unknown	Unleased	2.902000%	1.7060
	Tract 1 Totals		5.07670%	2.9847

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<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>2</u>	<u>N.K. RASNICK HEIRS</u>			
	<u>Mary R. Phillips Heirs</u>			
	<u>Pearl Phillips Martin Heirs</u>			
Tax ID Minerals Only	<u>Ralph Martin Heirs</u>			
	Clyde Martin Unknown	Unleased	0.064083%	0.0377
	Butch Martin Unknown	Unleased	0.064083%	0.0377
	Chuck Martin Unknown	Unleased	0.064083%	0.0377
	<u>Lester Martin Heirs</u>			
	Jacky Martin Unknown	Unleased	0.027464%	0.0161
	Mickey Martin Unknown	Unleased	0.027464%	0.0161
	Buddy Martin Unknown	Unleased	0.027464%	0.0161
	Zelma Martin Unknown	Unleased	0.027464%	0.0161
	Brenda Martin Unknown	Unleased	0.027464%	0.0161
	Linda Martin Unknown	Unleased	0.027464%	0.0161
	Myrtle Martin Unknown	Unleased	0.027464%	0.0161
	<u>Eugene Martin Heirs</u>			
	Unknown	Unleased	0.192250%	0.1130
	<u>Darrell Martin Heirs</u>			
	Darrell Martin Jr. Unknown	Unleased	0.192250%	0.1130

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<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
	<u>Inez Chandler Heirs</u>			
	Kay & Pat O'Malley Unknown	Unleased	0.064083%	0.0377
	Stacy Hughes Unknown	Unleased	0.064083%	0.0377
	<u>Mona Humphreys Heirs</u>			
	Mildred F. Dickenson Heirs Unknown	Leased-RRPM 245424	0.048063%	0.0283
	<u>June Humphrey Heirs</u>			
	Unknown	Leased	0.192250%	0.1130
	<u>Lou Martin Heirs</u>			
	Billie Martin Smith Unknown	Unleased Life Estate		
	Janet & Eddie Benton Unknown	Unleased Remainderman	0.384500%	0.2260
	Mike & Brenda Smith Unknown	Unleased Remainderman	0.384500%	0.2260
	Jeannie & Jackie Hubbard Unknown	Unleased Remainderman	0.384500%	0.2260
	<u>Harold Rasnick Heirs</u>			
	Unknown	Unleased	1.538000%	0.9040
	<u>R. W. Rasnick Heirs</u>			
	<u>Elizabeth Rasnick Heirs</u>			
	<u>Peggy Varney Heirs</u> Unknown	Leased-RRPM 245424	0.097651%	0.057397
	<u>Tilden Rasnick Heirs</u>			
	Unknown	Unleased	6.152000%	3.6160
	<u>Billie Rasnick Heirs</u>			
	Unknown	Unleased	0.683549%	0.4018
	Tract 2 Totals		10.76218%	6.3258
	TOTAL GAS ESTATE		15.8389%	9.3104

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COAL ESTATE ONLY

The coal estate is released pursuant HB2058

3 Tax ID Minerals Only	EnerVest Operating, L.L.C. Attn: Jim McKinney 408 West Main Street Abingdon, VA 24210 <i>Frmly Charles W. Grizzle Heirs</i> <i>Unknown</i>	Unleased	31.650%	18.600
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Tract 3 Totals	31.650%	18.6000
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3 TAX ID Minerals Only	Lambert Land, LLC Attn: Dennis Sutherland P.O. Box 191 Abingdon, VA 24212 <i>Frmly Arlie J. Lambert, et al coal owners</i>	Leased 244728	31.650000%	18.6000
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Tract 3 Totals	31.650000%	18.6000
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Exhibit J
VC-703756
VGOB 98-0818-0678-02

<u>Payment Date</u>	<u>Amount</u>
1/26/1999	\$ 221.39
2/24/1999	\$ 300.19
3/23/1999	\$ 352.78
4/27/1999	\$ 337.07
5/25/1999	\$ 440.78
6/22/1999	\$ 637.17
7/27/1999	\$ 556.29
8/31/1999	\$ 555.54
9/29/1999	\$ 660.15
10/29/1999	\$ 664.36
11/24/1999	\$ 655.42
12/22/1999	\$ 767.12
1/26/2000	\$ 478.03
2/24/2000	\$ 639.71
3/24/2000	\$ 530.28
4/21/2000	\$ 590.77
5/23/2000	\$ 656.03
6/27/2000	\$ 664.22
7/28/2000	\$ 959.99
8/25/2000	\$ 789.55
9/28/2000	\$ 810.08
10/30/2000	\$ 876.63
11/30/2000	\$ 1,008.11
12/21/2000	\$ 838.71
1/31/2001	\$ 1,015.46
2/28/2001	\$ 1,448.12
3/27/2001	\$ 965.87
4/24/2001	\$ 821.64
5/23/2001	\$ 854.14
6/26/2001	\$ 866.23
7/26/2001	\$ 527.68
8/28/2001	\$ 438.27
9/25/2001	\$ 474.80
10/26/2001	\$ 319.71
11/29/2001	\$ 243.69
12/19/2001	\$ 494.98
1/30/2002	\$ 348.58
3/1/2002	\$ 324.32
4/2/2002	\$ 290.25
4/25/2002	\$ 297.66
5/24/2002	\$ 426.63
6/28/2002	\$ 483.90
7/31/2002	\$ 325.37
8/26/2002	\$ 438.73
9/27/2002	\$ 373.14
10/28/2002	\$ 367.40
11/25/2002	\$ 464.32
12/30/2002	\$ 511.58
2/1/2003	\$ 547.68
3/5/2003	\$ 579.55
4/2/2003	\$ 566.41
5/1/2003	\$ 1,106.87
6/2/2003	\$ 656.02
7/1/2003	\$ 652.25
8/1/2003	\$ 667.11
9/2/2003	\$ 575.88
10/1/2003	\$ 523.35
11/3/2003	\$ 490.99
12/2/2003	\$ 406.21
1/7/2004	\$ 395.99
2/2/2004	\$ 439.82
3/3/2004	\$ 599.04
4/5/2004	\$ 477.57
5/5/2004	\$ 470.42
6/2/2004	\$ 473.86
7/5/2004	\$ 531.93
8/4/2004	\$ 575.44
9/1/2004	\$ 538.64

Exhibit J
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<u>Payment Date</u>	<u>Amount</u>
10/4/2004	\$ 513.03
11/2/2004	\$ 397.88
12/2/2004	\$ 458.97
1/6/2005	\$ 618.91
2/7/2005	\$ 634.16
3/3/2005	\$ 505.75
4/5/2005	\$ 407.75
5/6/2005	\$ 539.92
6/7/2005	\$ 585.23
7/6/2005	\$ 531.40
8/5/2005	\$ 442.25
9/8/2005	\$ 523.38
10/6/2005	\$ 545.23
11/8/2005	\$ 751.06
12/7/2005	\$ 1,006.36
1/6/2006	\$ 950.52
2/6/2006	\$ 820.80
3/8/2006	\$ 770.44
4/7/2006	\$ 486.61
5/10/2006	\$ 467.41
6/6/2006	\$ 464.95
7/11/2006	\$ 455.16
8/7/2006	\$ 361.13
9/8/2006	\$ 385.82
10/9/2006	\$ 452.25
11/9/2006	\$ 406.26
12/7/2006	\$ 262.13
1/8/2007	\$ 407.69
2/8/2007	\$ 487.32
3/8/2007	\$ 336.81
4/6/2007	\$ 306.62
5/9/2007	\$ 360.50
6/8/2007	\$ 448.94
7/10/2007	\$ 447.48
8/7/2007	\$ 406.23
9/10/2007	\$ 416.98
10/12/2007	\$ 351.83
11/8/2007	\$ 293.03
12/10/2007	\$ 352.86
1/9/2008	\$ 384.85
2/8/2008	\$ 386.10
3/10/2008	\$ 402.57
4/8/2008	\$ 395.51
5/7/2008	\$ 462.24
6/9/2008	\$ 486.13
7/14/2008	\$ 593.84
8/7/2008	\$ 583.70
9/5/2008	\$ 683.91
10/10/2008	\$ 483.80
11/7/2008	\$ 426.45
12/9/2008	\$ 384.24
1/12/2009	\$ 320.59
2/11/2009	\$ 379.18
3/10/2009	\$ 342.17
4/9/2009	\$ 217.13
5/12/2009	\$ 189.63
6/8/2009	\$ 121.53
7/10/2009	\$ 126.04
8/12/2009	\$ 132.94
9/10/2009	\$ 153.15
10/12/2009	\$ 166.05
11/9/2009	\$ 100.28
12/9/2009	\$ 127.91
1/13/2010	\$ 164.80
2/10/2010	\$ 174.04
3/9/2010	\$ 257.58
4/14/2010	\$ 208.96
5/10/2010	\$ 174.65

Exhibit J
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<u>Payment Date</u>	<u>Amount</u>
6/8/2010	\$ 121.76
7/13/2010	\$ 147.40
8/10/2010	\$ 141.31
9/10/2010	\$ 159.01
10/11/2010	\$ 166.63
11/11/2010	\$ 115.90
12/9/2010	\$ 121.24
1/13/2011	\$ 97.50
2/11/2011	\$ 174.25
3/11/2011	\$ 166.31
4/12/2011	\$ 131.27
5/11/2011	\$ 124.35
6/11/2011	\$ 134.54
7/13/2011	\$ 135.59
8/10/2011	\$ 136.33
9/12/2011	\$ 141.28
10/12/2011	\$ 140.99
11/10/2011	\$ 113.07
12/9/2011	\$ 110.63
1/17/2012	\$ 102.09
2/10/2012	\$ 98.35
3/12/2012	\$ 87.27
4/13/2012	\$ 61.66
5/11/2012	\$ 58.27
6/12/2012	\$ 43.21
7/11/2012	\$ 43.67
8/10/2012	\$ 55.73
9/12/2012	\$ 69.15
10/10/2012	\$ 75.09
11/9/2012	\$ 58.69
12/12/2012	\$ 73.87
1/10/2013	\$ 86.28
2/11/2013	\$ 90.62
3/13/2013	\$ 79.41
4/10/2013	\$ 64.92
5/10/2013	\$ 85.27
6/10/2013	\$ 95.01
7/8/2013	\$ 105.98
8/12/2013	\$ 103.35
9/13/2013	\$ 90.65
10/10/2013	\$ 78.80
11/13/2013	\$ 81.54
12/11/2013	\$ 80.66
1/10/2014	\$ 80.54
2/11/2014	\$ 94.54
3/12/2014	\$ 151.28
4/10/2014	\$ 147.69
5/14/2014	\$ 120.63
6/13/2014	\$ 108.70
7/9/2014	\$ 119.19
8/14/2014	\$ 110.52
9/30/2014	\$ 118.48
10/31/2014	\$ 98.06
11/28/2014	\$ 97.32
12/31/2014	\$ 100.69
1/30/2015	\$ 89.52
2/27/2015	\$ 102.38
3/31/2015	\$ 79.66
4/30/2015	\$ 68.35
5/29/2015	\$ 67.75
6/30/2015	\$ 53.68
7/31/2015	\$ 55.33
8/31/2015	\$ 60.44
9/30/2015	\$ -
10/31/2015	\$ -
11/30/2015	\$ -
12/31/2015	\$ -
1/31/2016	\$ -

**Exhibit J
VC-703756
VGOB 98-0818-0678-02**

<u>Payment Date</u>	<u>Amount</u>	
2/29/2016	\$ -	
3/31/2016	\$ -	
4/30/2016	\$ -	
5/31/2016	\$ -	
6/30/2016	\$ -	
7/31/2016	\$ -	
8/31/2016	\$ -	
9/30/2016	\$ -	
10/31/2016	\$ -	
11/30/2016	\$ -	
12/31/2016	\$ -	
1/31/2017	\$ -	
2/28/2017	\$ -	
Total Payments	\$ 74,152.54	
Interest/CDARS	\$ 10,067.30	
Fees/Costs	\$ 1,208.45	
TOTAL	\$ 83,011.39	
Less Disb 01	\$ 31,821.95	Jul-16
TOTAL	\$ 51,189.44	

Escrow Agent Summary February 2017

<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 for 8/31</u>	<u>Ending Market Value</u>
VC 3756	0678	Enervest	\$51,375.50		\$8.36	(\$4.28)	\$51,379.58

TOTAL PAYMENTS	\$51,189.44
Escrow Agent Summary February 2017	<u>\$51,379.58</u>
Difference	\$190.14

VIRGINIA:

IN THE CIRCUIT COURT OF DICKENSON COUNTY

ENERVEST ENERGY INSTITUTIONAL)
FUND XIV-A, L.P.,)

ENERVEST ENERGY INSTITUTIONAL)
FUND XIV-WIC, L.P.,)

and)

ENERVEST ENERGY INSTITUTIONAL)
FUND XIV-1A, L.P.,)

Plaintiffs,)

v.)

Case No. CL16-115

CHARLES W. GRIZZLE,)
and)

UNKNOWN HEIRS, SUCCESSORS, AND)
ASSIGNS OF CHARLES W. GRIZZLE)
("Parties Unknown"),)

Defendants.)

COPIES AS DIRECTED 12-12-16

FINAL ORDER

Plaintiffs, EnerVest Energy Institutional Fund XIV-A, L.P., EnerVest Energy Institutional Fund XIV-WIC, L.P., and EnerVest Energy Institutional Fund XIV-1A, L.P., filed their Complaint for declaratory judgment on August 4, 2016, seeking to establish their title to the oil and gas (including coalbed methane gas) on that certain tract of land known as the R.W. Ervin 77.06 acre tract (the "Ervin Tract"), to establish their right to proceeds from production of oil and gas from the Ervin Tract, including any

royalties in escrow, and to establish that Defendants, Charles W. Grizzle and Unknown Heirs, Successors and Assigns of Charles W. Grizzle, have no valid claims to the oil and gas on the Ervin Tract or to the proceeds from the production on that Tract.

Upon the Affidavit for Order of Publication filed by Plaintiffs, the Court entered the Order of Publication on August 4, 2016. Notice was published in the Dickenson Star for four consecutive weeks beginning August 10, 2016, as required by the Order of Publication, and the Certificate of Publication was filed on September 27, 2016.

On September 6, 2016, Plaintiffs filed their Motion for Appointment of a Guardian Ad Litem for Defendants, Unknown Heirs, Successors, and Assigns of Charles W. Grizzle. The Court entered the Order appointing Susan J. Wood as Guardian Ad Litem on September 12, 2016. Susan J. Wood, as Guardian Ad Litem, filed her Answer on September 26, 2016.

Defendants have not otherwise appeared or filed responsive pleadings, and the deadline set in the Order of Publication, October 5, 2016, has expired.

On September 27, 2016, Plaintiffs filed a Notice of Trial for the trial on November 1, 2016. The Notice of Trial was properly served on Susan J. Wood, Guardian Ad Litem.

On November 1, 2016, Plaintiffs and Susan J. Wood, Guardian Ad Litem, appeared for trial. Plaintiffs introduced evidence in support the claims in their Complaint, including without limitation evidence of the record chain of title to the Ervin

Tract. Plaintiffs rested and no further evidence was presented. Thereafter, the Court took the case under advisement.

By letter dated November 15, 2016, the Court announced its decision in the case. Based on the record and evidence in the case, and for the reasons stated in its letter, the Court finds and determines as follows:

1. Sufficient and proper notice was given to Defendants under the Order of Publication, and Defendants have not appeared.
2. The Ervin Tract was conveyed to Charles W. Grizzle by deed dated January 5, 1888, recorded in the Dickenson County Clerk's Office in Deed Book 8, page 461.
3. The Ervin Tract was then conveyed by Charles W. Grizzle and Delilah Grizzle, his wife, to Robert W. Ervin, by deed dated January 22, 1897, recorded in the Clerk's Office, in Deed Book 15, page 139 (the "Ervin Deed").
4. The Ervin Deed conveys the Ervin Tract "with all its appurtenances; provided however that the coal gasses oils and minerals are sold and deeded to other parties and are hereby excepted."
5. When the Ervin Deed was executed, the only minerals on the Ervin Tract that had been sold or deeded to other parties was the coal, which Charles W. Grizzle and Delilah Grizzle, his

wife, conveyed to S.D. May and H.H. Dickenson by deed dated March 4, 1890, recorded in the Clerk's Office in Deed Book 8, page 477. This deed did not convey the oil, gas, or other minerals on the property.

6. The question presented is whether the Ervin Deed conveyed the oil, gas, and other minerals owned by Charles W. Grizzle or whether it excepted or reserved them, along with the coal.
7. This precise issue was recently decided by the Supreme Court of Virginia in *CNX Gas Co. v. Rasnake*, 287 Va. 163, 752 SE.2d 865 (2014). In that case, the grantor conveyed a tract but stated in the deed that “[t]his sale is not ment [sic] to convey any coals or minerals. The same being sold and deeded to other parties heretofore.” 287 Va. at 167, 752 SE.2d at 866. At the time of the deed, the grantor had conveyed the coal, but he had not conveyed the oil, gas, or other minerals. The Supreme Court held that the deed conveyed the oil, gas, and other minerals to the grantee. 287 Va. at 169, 752 SE.2d at 868.
8. Under the Supreme Court of Virginia's ruling in *Rasnake*, the Ervin Deed conveyed to Robert W. Ervin all of the interests that Charles W. Grizzle was capable of conveying, including

the oil, gas, and other minerals, and excepting only the previously-conveyed coal.

9. Range Resources-Pine Mountain, Inc. acquired the oil and gas on the Ervin Tract as successor-in-title to Robert W. Ervin. By deed dated April 13, 2016, recorded in the Clerk's Office in Deed Book 535, page 608, Range Resources-Pine Mountain, Inc. conveyed to Plaintiffs the oil and gas on the Ervin Tract along with any proceeds from production of the oil and gas.
10. Prior to the *Rasnake* decision, the Ervin Tract was force pooled for various conventional and coalbed methane gas wells. In filings with the Virginia Department of Mines, Minerals & Energy, Division of Gas and oil ("DMME"), the gas estate was incorrectly listed as being owned by the heirs of Charles W. Grizzle. These filings were made before the Supreme Court's decision in *Rasnake*.
11. Royalties from the gas production on the Ervin Tract are currently held in the DMME's escrow account.
12. As owner of the gas estate on the Ervin Tract, Plaintiffs have the right to all proceeds from production of gas on the Ervin Tract, including any royalties in escrow.

WHEREUPON, it appearing to the Court that Plaintiffs are entitled to the relief they seek, it is ORDERED as follows:

1. Plaintiffs are the owner of the oil and gas (including coalbed methane gas) on the Ervin Tract as stated in their deed which is recorded in the Clerk's Office in Deed Book 535, page 608.
2. Plaintiffs have the right to all proceeds from production of oil and gas from the Ervin Tract, including any royalties in escrow, and DMME should release all such royalties and accrued interest to Plaintiffs; and
3. Defendants have no valid claims to the oil or gas on the Ervin Tract or to the proceeds from the production of oil and gas on the Tract.

For fees and any costs incurred as Guardian Ad Litem, Plaintiffs shall pay to Susan J. Wood the amount of \$ 625.00.

The Clerk shall appropriately index this Final Order in the land records of this Court under the names of Charles W. Grizzle and Unknown Heirs, Successors, and Assigns of Charles W. Grizzle, as grantors, and EnerVest Energy Institutional Fund XIV-A, L.P., EnerVest Energy Institutional Fund XIV-WIC, L.P., and EnerVest Energy Institutional Fund XIV-1A, L.P., as grantees, and send attested copies of this Order to counsel for Plaintiffs and to Susan J. Wood, Guardian Ad Litem.

Nothing further remaining to be done, the Clerk shall strike this case from the docket of the Court.

ENTER: this 9th day of ^{December}~~November~~, 2016.

Thomas J. ...
Judge

REQUESTED:

Wade W. Massie

Wade W. Massie
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Seth M. Land
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Counsel for Plaintiffs

A COPY TESTE:
RICHARD EDWARDS, CLERK
BY: *[Signature]* DEPUTY CLERK

SEEN:

Susan J. Wood

Susan J. Wood
VSB No. 88121
GREG BAKER ATTORNEYS AT LAW, PLLC
P.O. Box 338
Clintwood, Virginia 24228

*Guardian Ad Litem for Unknown Heirs,
Successors and Assigns of Charles W. Grizzle*