

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** CNX Gas Company LLC

**DIVISION OF GAS AND OIL**

**DOCKET NO:** VGOB 05-0719-1475-06

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) A portion of 2A, 2D (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:** October 17, 2017

**DRILLING UNIT:** BB122

**RUSSELL 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 2A and 2D, as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to Pamela Stapleton, Gloria & Thelmon Fugate, and Trustees of Pine Creek Holiness Church.

**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

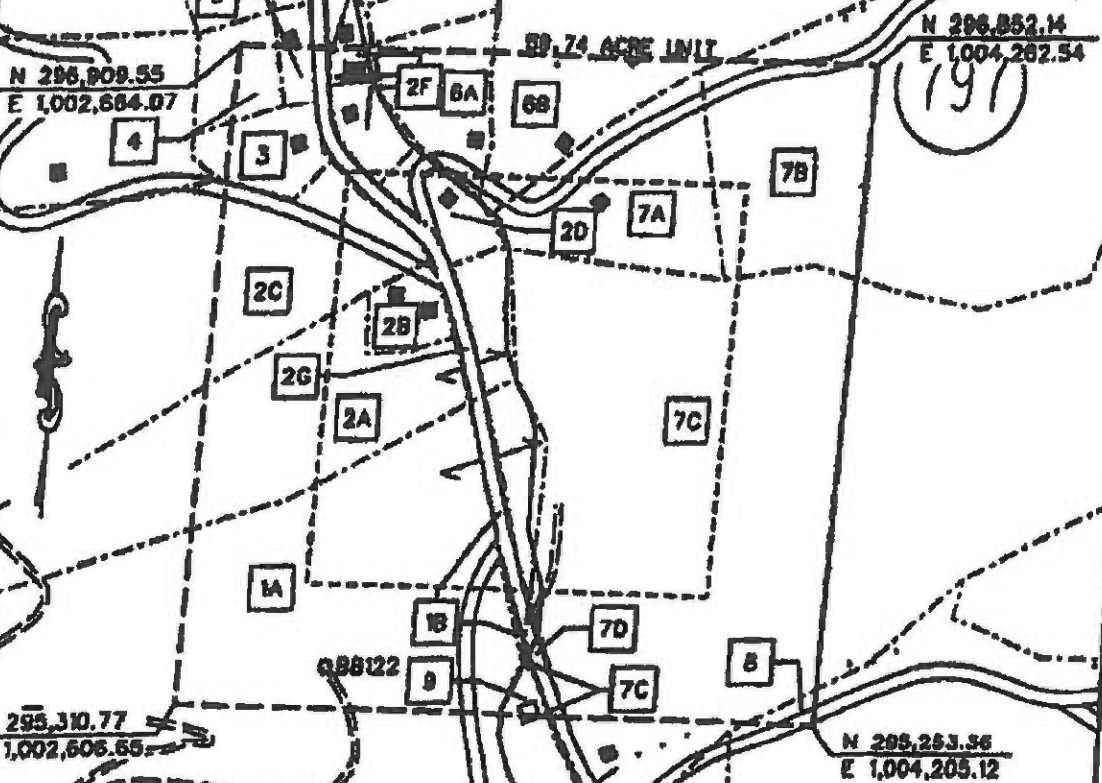
**5. Factual basis for relief requested**

- a. Pamela Stapleton, Gloria & Thelmon Fugate, and Trustees of Pine Creek Holiness Church are the gas claimants in a portion of Tr. 2A and 2D. As such Pamela Stapleton, Gloria & Thelmon Fugate, and Trustees of Pine Creek Holiness Church is entitled to 100% of the CBM royalties attributable to their gas claims that are now in escrow and as may be hereafter payable. See Va. Code Ann. § 45.1-361.22:2.A.
- b. That CNX Gas Company LLC has previously given the notice(s) required by § 45.1-361.22:2.A to all conflicting coal claimants identified in the above referenced pooling Order and any supplemental Orders pertaining thereto.
- c. That when the Board granted Petitioner's Miscellaneous Petition in VGOB 05-0719-1475-02, it dismissed the coal claimant(s) Swords Creek Land Partnership as a Respondent to these proceedings. Accordingly, Swords Creek Land Partnership was not provided further notice under § 45.1-361.19 and 22 of the hearing set on this Petition.
- d. That a detailed accounting in accordance with the applicable provisions of § 45.1-361.22 is submitted herewith and identified as Exhibit J.
- e. That an Exhibit identified as Table 1 is annexed hereto, and it specifies how the disbursement (s) is to be calculated and paid by the escrow agent.
- f. That Va. Code Ann. § 45.1-361.22:2.A. further provides that the Operator shall pay such royalties as may hereafter be payable directly to the gas claimant Pamela Stapleton, Gloria & Thelmon Fugate, and Trustees of Pine Creek Holiness Church and shall not escrow same. See Exhibit EE annexed hereto

## **6. Attestation**

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

PROPERTY LINES SHOWN ON THIS  
 PLAN WERE PROVIDED BY CNX GAS LLC  
 AND WERE TAKEN  
 FROM DEED DESCRIPTIONS AND CHAIN OF  
 TITLE OF RECORD  
 IT DOES NOT REPRESENT A CURRENT  
 BOUNDARY SURVEY.  
 THE CERTIFICATION HEREON CERTIFIES  
 THE SIZE, SHAPE AND LOCATION OF THE  
 PROPOSED UNIT ONLY.



BEARINGS AND DISTANCES TO OTHER  
 WELLS WITHIN 2,500' RADIUS OF CBM-BB122  
 CBM-BB121 N 56° 0' 47" W 1062.53'  
 CBM-BB120 N 80° 25' 28" W 2330.82'  
 CBM-BC121 S 55° 2' 49" W 1800.95'  
 CBM-BC122 S 15° 37' 17" E 1119.54'  
 CBM-BC123 S 66° 29' 26" E 2473.27'

- EXISTING WELL
- ⊙ PROPOSED HORIZONTAL WELL
- ⊕ PROPOSED OIL WELL

**EXHIBIT A**  
**MIDDLE RIDGE FIELD**  
**UNIT BB122**  
**FORCE POOLING**  
**VG08-05-0719-1475-01**

Company CNX Gas Company LLC Well Name and Number UNIT BB122

Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle \_\_\_\_\_

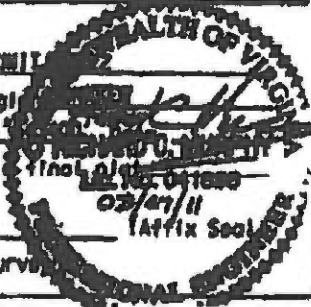
County RUSSELL District NEW GARDEN Scale: 1" = \_\_\_\_\_

This plot is a new plot  or an updated plot \_\_\_\_\_ or a final plot \_\_\_\_\_

Form D60-GO-7  
 Rev. 9/91

*[Signature]*

Licensed Professional Engineer or Licensed Land Surveyor



**CNX Gas Company LLC**  
**UNIT BB122**  
**Tract Identifications**  
**(88.74 Acre Unit)**

- 1A. Swords Creek Land Partnership Tr. 26 (84.15 Acre Tract) – All Minerals  
Reserve Coal Properties Company - Coal Below Tiller Seam Leased  
Knox Creek Coal Company - Coal in Tiller Seam and Above Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Ralph Steele, et al – Surface  
11.43 acres 19.4885%
- 1B. Swords Creek Land Partnership Tr. 26 (84.15 Acre Tract) – All Minerals  
Reserve Coal Properties Company - Coal Below Tiller Seam Leased  
Knox Creek Coal Company - Coal in Tiller Seam and Above Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Commonwealth of Virginia – Surface  
0.66 acres 0.8874%
- 2A. Swords Creek Land Partnership Tr. 24 (107.00 Acre Tract) – Coal  
Reserve Coal Properties Company - Coal Below Tiller Seam Leased  
Knox Creek Coal Company - Coal in Tiller Seam and Above Leased  
CNX Gas Company LLC – CBM Leased  
Arnold Victor Richardson, et al – Oil and Gas  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Russell Reynolds, et ux – Surface  
6.00 acres 10.2145%
- 2B. Swords Creek Land Partnership Tr. 24 (107.00 Acre Tract) – Coal  
Reserve Coal Properties Company - Coal Below Tiller Seam Leased  
Knox Creek Coal Company - Coal in Tiller Seam and Above Leased  
CNX Gas Company LLC – CBM Leased  
Earline Reynolds – Surface, Oil and Gas  
0.91 acres 1.3790%
- 2C. Swords Creek Land Partnership Tr. 24 (107.00 Acre Tract) – Fee  
Reserve Coal Properties Company - Coal Below Tiller Seam Leased  
Knox Creek Coal Company - Coal in Tiller Seam and Above Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
3.86 acres 6.2309%
- 2D. Swords Creek Land Partnership Tr. 24 (107.00 Acre Tract) – Coal  
Reserve Coal Properties Company - Coal Below Tiller Seam Leased  
Knox Creek Coal Company - Coal in Tiller Seam and Above Leased  
CNX Gas Company LLC – CBM Leased  
Thelmon Fugate, et ux – Surface, Oil and Gas  
0.80 acres 1.3610%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

**CNX Gas Company LLC  
UNT BB122  
Tract Identifications  
(55.74 Acre Unit)**

- 2E. Swords Creek Land Partnership Tr. 24 (107.00 Acre Tract) - Coal Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Company - Coal in Tiller Seam and Above Leased CNX Gas Company LLC - CBM Leased Mary Ellen Dye - Surface, Oil and Gas  
0.01 acres 0.0170%**
- 2F. Swords Creek Land Partnership Tr. 24 (107.00 Acre Tract) - Coal Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Company - Coal in Tiller Seam and Above Leased CNX Gas Company LLC - CBM Leased Trustees of Free Presbyterian Holiness Church of Pine Creek - Surface, Oil and Gas  
0.83 acres 1.4130%**
- 2G. Swords Creek Land Partnership Tr. 24 (107.00 Acre Tract) - Coal Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Company - Coal in Tiller Seam and Above Leased CNX Gas Company LLC - CBM Leased Commonwealth of Virginia - Surface, Oil and Gas  
0.93 acres 1.6933%**
- 3. Edward Richardson (1.28 Acre Tract) - All Minerals (97.77%) Swords Creek Land Partnership Tr. 24 - All Minerals (2.23%) Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Company - Coal in Tiller Seam and Above Leased CNX Gas Company LLC - Oil, Gas and CBM Leased (2.23%) Edward Richardson - Surface  
0.99 acres 1.6984%**
- 4. Edward Richardson (1.20 Acre Tract) - All Minerals (97.77%) Swords Creek Land Partnership Tr. 24 - All Minerals (2.23%) Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Company - Coal in Tiller Seam and Above Leased CNX Gas Company LLC - Oil, Gas and CBM Leased (2.23%) Edward Richardson - Surface  
0.43 acres 0.7320%**
- 5. Edward Richardson (0.74 Acre Tract) - All Minerals (97.77%) Swords Creek Land Partnership Tr. 24 - All Minerals (2.23%) Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Company - Coal in Tiller Seam and Above Leased CNX Gas Company LLC - Oil, Gas and CBM Leased (2.23%) Edward Richardson - Surface  
0.27 acres 0.4807%**

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**CNX Gas Company LLC  
UNIT BB122  
Tract Identifications  
(88.74 Acre Unit)**

- 6A. Swords Creek Land Partnership Tr. 21 (1286.81 Acre Tract) – Coal Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Company - Coal in Tiller Seam and Above Leased CNX Gas Company LLC – CBM Leased Darryl Dye, et ux – Surface, Oil and Gas  
1.63 acres 2.7760%**
- 6B. Swords Creek Land Partnership Tr. 21 (1286.81 Acre Tract) – Coal Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Company - Coal in Tiller Seam and Above Leased CNX Gas Company LLC – CBM Leased Donald Richardson, et ux – Surface, Oil and Gas CNX Gas Company LLC – Oil, Gas and CBM Leased  
2.48 acres 4.2390%**
- 7A. William R. McCall, et al (162 Acre Tract) – All Minerals (except 6.0520% of Coal in Tiller and Above Seams) Knox Creek Coal Corporation - Coal in Tiller Seam and Above Seams (6.0520%) Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Coal in Tiller and Above Drainage Leased (88.1667%) Knox Creek Coal Corporation – CBM in Tiller Seam and Above Seams Leased CNX Gas Company LLC – Oil, Gas and CBM Leased Below Tiller Seam (88.1667%) Ricky A. Richardson – Surface  
3.88 acres 6.5713%**
- 7B. William R. McCall, et al (162 Acre Tract) – All Minerals (except 6.0520% of Coal in Tiller and Above Seams) Knox Creek Coal Corporation - Coal in Tiller Seam and Above Seams (6.0520%) Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Coal in Tiller and Above Drainage Leased (88.1667%) Knox Creek Coal Corporation – CBM in Tiller Seam and Above Seams Leased CNX Gas Company LLC – Oil, Gas and CBM Leased Below Tiller Seam (88.1667%) Unknown Surface Owner  
4.88 acres 7.7630%**
- 7C. William R. McCall, et al (162 Acre Tract) – All Minerals (except 6.0520% of Coal in Tiller and Above Seams) Knox Creek Coal Corporation - Coal in Tiller Seam and Above Seams (6.0520%) Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Coal in Tiller and Above Drainage Leased (88.1667%) Knox Creek Coal Corporation – CBM in Tiller Seam and Above Seams Leased CNX Gas Company LLC – Oil, Gas and CBM Leased Below Tiller Seam (88.1667%) Bonita Y. (Metcalf) Nafsin – Surface  
18.88 acres 32.1076%**

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**CNX Gas Company LLC  
UNIT BB122  
Tract identifications  
(88.74 Acre Unit)**

- 7D. **William R. McCall, et al (162 Acre Tract) – All Minerals (except 5.0528% of Coal in Tiller and Above Seams)**  
**Knox Creek Coal Corporation - Coal in Tiller Seam and Above Seams (5.0520%)**  
**Reserve Coal Properties Company – Coal Below Tiller Seam Leased**  
**Knox Creek Coal Corporation – Coal in Tiller and Above Drainage Leased (86.1667%)**  
**Knox Creek Coal Corporation – CBM in Tiller Seam and Above Seams Leased**  
**CNX Gas Company LLC – Oil, Gas and CBM Leased Below Tiller Seam (89.1667%)**  
**Commonwealth of Virginia – Surface**  
**0.22 acres                      0.3746%**
8. **Swords Creek Land Partnership Tr. 33 (27.65 Acre Tract) – All Minerals**  
**Reserve Coal Properties Company - Coal Below Tiller Seam Leased**  
**Knox Creek Coal Company - Coal in Tiller Seam and Above Leased**  
**CNX Gas Company LLC – Oil, Gas and CBM Leased**  
**Unknown Surface Owner**  
**0.17 acres                      0.2894%**
9. **Bonita Y. (Metcalfe) Ratliff (8 Acre Tract) – Fee**  
**CNX Gas Company LLC – Oil, Gas and CBM Leased**  
**0.21 acres                      0.3576%**

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Exhibit E  
Unit BB-122  
Docket #VGOB 05-0719-1475-06  
List of Owners remaining in Escrow  
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
<b><u>Tract #2A, 6.00 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Swords Creek Land Partnership, Tr.24 <i>(107.09 Acre Tract)</i> P.O. Box 29 Tazewell, VA 24651	6.00 acres	10.2145% <i>Dismissed under -02 petition</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Arnold Richardson, et al. <i>7.50 Acres T001991</i>	6.00 acres	10.2145%
<b><u>Outstanding W9/Affidavits</u></b>		
(b) George Peery Richardson Heirs, Devisees, Successors or Assigns		
(b.8) Karen Reynolds 19478 Midwest Circle Abingdon, VA 24211	0.217 acres 43/1188 of 6.00 acres	0.3697%
<b>Acreage in Tract Remaining</b>	<b>0.2172</b>	
<b>Percentage of Tract Remaining</b>		<b>0.3697%</b>
<b><u>TOTALS:</u></b>		
<b>Acreage Remaining in Unit</b>	<b>0.2172</b>	
<b>Percentage Remaining of Unit</b>		<b>0.3697%</b>

Exhibit EE  
Unit BB-122  
Docket #VGOB 05-0719-1475-06  
List of Respondents with Royalty Split Agreements/Court Orders/HB2058  
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>Tract #2A, 6.00 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Swords Creek Land Partnership, Tr.24 (107.09 Acre Tract) P.O. Box 29 Tazewell, VA 24651	6.00 acres	10.2145%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Arnold Richardson, et al 7.50 Acres T001991	6.00 acres	10.2145%	
(a) Madeline Richardson 213 Bevins Branch Pikeville, KY 41501	1.955 acres 43/132 of 6.00 acres	3.3275%	<i>n/a</i>
(b) George Peery Richardson Heirs, Devisees, Successors or Assigns			<i>n/a</i>
(b.1) Larry Richardson 36405 Providence Church Rd Delmar, DE 19940	0.217 acres 43/1188 of 6.00 acres	0.3697%	<i>n/a</i>
(b.2) Harry Richardson PO Box 162 Richlands, VA 24641	0.217 acres 43/1188 of 6.00 acres	0.3697%	<i>n/a</i>
(b.3) Jannie Richardson 34815 Gov GC Perry Hwy N. Tazewell, VA 24630	0.217 acres 43/1188 of 6.00 acres	0.3697%	<i>n/a</i>
(b.4) Connie Honaker 2270 Tunnel Rd Honaker, VA 24260	0.217 acres 43/1188 of 6.00 acres	0.3697%	<i>n/a</i>
(b.5) Carol French 124 Patton Rd N. Tazewell, VA 24630	0.217 acres 43/1188 of 6.00 acres	0.3697%	<i>n/a</i>
(b.6) Patsy Richardson 862 SW Goodrich St Port St. Lucie, FL 34983	0.217 acres 43/1188 of 6.00 acres	0.3697%	<i>n/a</i>
(b.7) Banna Brown 222 Douglas Chapel Rd Jonesborough, TN 37659	0.217 acres 43/1188 of 6.00 acres	0.3697%	<i>n/a</i>
(b.9) Bennie Douglas Richardson Heirs, Devisees, Successors or Assigns			
(b.9.1) Pamela Stapleton 249 Old 52 Road Austinville, VA 24312	0.109 acres 4/221 of 6.00 acres	0.1849%	9.6462% HB2058
(b.9.2) Kimberly Cox 1836 Baptist Valley Rd Cedar Bluff, VA 24609	0.109 acres 4/221 of 6.00 acres	0.1849%	<i>n/a</i>
(c) Herbert Paul Richardson Heirs, Devisees, Successors or Assigns			

Exhibit EE  
Unit BB-122  
Docket #VGOB 05-0719-1475-06  
List of Respondents with Royalty Split Agreements/Court Orders/HB2058  
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
(c.1) Blanche Richardson Heirs, Devisees, Successors or Assigns			
(c.1.1) Rebecca Jean Helton Sigmon 3612 Kents Ridge Rd Swords Creek, VA 24649	0.652 acres 43/396 of 6.00 acres	1.1092%	<i>n/a</i>
(c.1.2) Sherry Asbury 149 Sumpter Rd Cedar Bluff, VA 24609	0.652 acres 43/396 of 6.00 acres	1.1092%	<i>n/a</i>
(c.1.3) Curtis Lee Richardson 3301 Long Rifle Dr Wimauma, FL 33598	0.652 acres 43/396 of 6.00 acres	1.1092%	<i>n/a</i>
(d) Clarence Howard Whited Heirs, Devisees, Successors or Assigns			
(d.1) Alice Faye Ball 16299 Worthing Way Abingdon, VA 24211	0.136 acres 1/44 of 6.00 acres	0.2321%	<i>n/a</i>
	<b>Tract Acres</b> <b>5.7829</b>		
		<b>Tract Percentage</b> <b>9.8448%</b>	

**Tract #2B, 0.81 acres**

**COAL OWNERSHIP**

(1) Swords Creek Land Partnership, Tr.24 <i>(107.09 Acre Tract)</i> P.O. Box 29 Tazewell, VA 24651	0.81 acres	1.3790%	<i>n/a</i>
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**OIL & GAS OWNERSHIP**

(1) Earlene Reynolds 1641 Pine Creek Rd. Swords Creek, VA 24649	0.81 acres	1.3790%	<i>n/a</i>
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**Tract #2D, 0.80 acres**

**COAL OWNERSHIP**

(1) Swords Creek Land Partnership, Tr.24 <i>(107.09 Acre Tract)</i> P.O. Box 29 Tazewell, VA 24651	0.80 acres	1.3619%	<i>n/a</i>
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**OIL & GAS OWNERSHIP**

(1) Thelmon & Gloria J. Fugate, T/E**			<i>Conveyed 11/3/2014 by DB 782/154</i>
(a) Trustees of Pine Creek Holiness Church 1833 Pine Creek Rd Swords Creek, VA 24649 <i>**prior owners due a one time payment from escrow</i>	0.80 acres	1.3619%	<b>71.0606%</b> <b>HB2058</b>

Exhibit EE  
Unit BB-122  
Docket #VGOB 05-0719-1475-06  
List of Respondents with Royalty Split Agreements/Court Orders/HB2058  
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>Tract #2E, 0.01 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Swords Creek Land Partnership, Tr.24 <i>(107.09 Acre Tract)</i> P.O. Box 29 Tazewell, VA 24651	0.01 acres	0.0170%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Mary Ellen Dye 1796 Pine Creek Rd. Swords Creek, VA 24649	0.01 acres	0.0170%	<i>n/a</i>
<b><u>Tract #2F, 0.83 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Swords Creek Land Partnership, Tr.24 <i>(107.09 Acre Tract)</i> P.O. Box 29 Tazewell, VA 24651	0.83 acres	1.4130%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Trustees of Free Pentecostal Holiness Church of Pine C 1833 Pine Creek Rd. Swords Creek, VA 24649	0.83 acres	1.4130%	<i>n/a</i>
<b><u>Tract #2G, 0.93 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Swords Creek Land Partnership, Tr.24 <i>(107.09 Acre Tract)</i> P.O. Box 29 Tazewell, VA 24651	0.93 acres	1.5833%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201-2002	0.93 acres	1.5833%	<i>n/a</i>
<b><u>Tract #6A, 1.63 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Swords Creek Land Partnership, Tr.21 <i>(1286.81 Acre Tract)</i> P.O. Box 29 Tazewell, VA 24651	1.63 acres	2.7750%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Danny & Mary Ellen Dye, T/E <i>(previously William P. Hess)</i> 1796 Pine Creek Rd. Swords Creek, VA 24649	1.63 acres	2.7750%	<i>n/a</i>

Exhibit EE  
 Unit BB-122  
 Docket #VGOB 05-0719-1475-06  
 List of Respondents with Royalty Split Agreements/Court Orders/HB2058  
 (58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<b><u>Tract #6B, 2.49 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Swords Creek Land Partnership, Tr.21 (1286.81 Acre Tract) P.O. Box 29 Tazewell, VA 24651	2.49 acres	4.2390%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Donald Richardson, et ux. P.O. Box 71 Swords Creek, VA 24649	2.49 acres	4.2390%	<i>n/a</i>
<b><u>TOTAL RESOLVED:</u></b>			
	Acreage in Unit	13.2829	
	Percentage of Unit	22.6130%	



**SUPPLEMENTAL AFFIDAVIT OF MAILING—COAL OWNER**

COMMONWEALTH OF VIRGINIA  
COUNTY OF **RUSSELL**

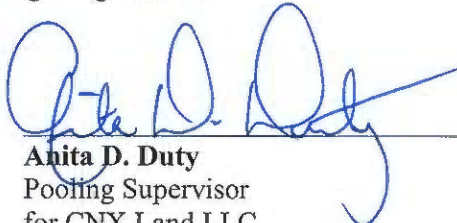
**Applicant: CNX Gas Company LLC**  
**Relief Sought: Disbursement/Dismissal for Unit **BB122****  
**VGOB: 05-0719-1475-05**

I, Anita D. Duty, being first duly sworn on oath, depose and say:

1. I am the Pooling Supervisor for CNX Land LLC, and I am authorized to submit this Affidavit on behalf of the Applicant CNX Gas Company LLC.

2. I affirm that the coal owner(s) in this Unit was properly noticed under Va. Code Ann. 45.1-361-22:2. See annexed letter(s) dated **June 25, 2015**.

3. **Swords Creek Land Partnership** should be dismissed as Respondent/coal claimant for failure to timely provide evidence of a relevant proceeding or agreement.

  
\_\_\_\_\_  
**Anita D. Duty**  
Pooling Supervisor  
for CNX Land LLC

STATE OF VIRGINIA  
COUNTY OF TAZEWELL, TO-WIT:

TAKEN, SUBSCRIBED AND SWORN to before me this 19<sup>th</sup> day of April, 2017.

  
\_\_\_\_\_  
Notary Public

My commission expires: 8/31/2020

Commonwealth of Virginia  
Jeffrey A. Simmons - Notary Public  
Commission ID: 7215200  
My Commission Expires 08/31/2020

CERTIFICATION OF NOTICE  
CNX Gas Company LLC

Unit BB121 & BB122  
VGOB 04-0518-128805-0719-1475-01  
Disbursement

Last Name	First Name	BB121	BB122	MAILED	RECEIPT #	RECEIVED
Swords Creek Coal Company	(Coal Owner)	X	X	6/25/15	70143490000:5353	6/29/2015

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Swords Creek Land  
 Partnership  
 PO Box 29  
 Taz VA 24651

2. Article Number  
 (Transfer from service label) 7014 3490 0001 8926 5353  
 PS Form 3811, July 2013 Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 x *Sharon Beane*  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Sharon Beane

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No  
 No other address below



3. Service Type  
 Certified Mail®  Priority Mail Express™  
 Registered  Return Receipt for Merchandise  
 Insured Mail  Collect on Delivery

4. Restricted Delivery (Extra Fee)  Yes  
 BB116  
 BB121  
 BB123 BB122



CNX Gas Company LLC

PO Box 570

Pounding Mill, VA 24637

Phone: (724) 485-3600

Date

«FNAME» «LNAME»

«Attention\_Line»

«Street\_Address»

«City»«State»«Zip»

**COAL OWNERS**

**RE:** Unit \_\_\_\_\_  
Miscellaneous Petition for Disbursement from Escrow

Dear Property Owner,

House Bill 2058 was signed by the Governor and became law effective July 1, 2015. This new law requires the Virginia Gas and Oil Board to disburse monies placed in escrow because of conflicting claims (between coal owners and oil and gas owners) to coalbed methane gas royalties to the oil and gas owners of the tracts in this Unit.

In general, under this new law escrowed funds are to be paid to oil and gas owners unless the coal owner(s) provides the operator CNX and the Division of Gas and Oil "with evidence of a proceeding" [as in a court case] "or an agreement." The new law gives coal owners/coal claimants **45 days** from the date you get this letter to provide that evidence.

Enclosed herewith please find a copy of the 45 day Notice of Filing. Please read the Notice carefully to be sure you understand that you have 45 days to provide evidence to the operator CNX Gas Company LLC at the address above **and** the Division of Gas and Oil at PO Draw 159, Lebanon, VA 24266

In order to help us keep our records current and to make sure you receive all correspondence and notices promptly, please notify us of any address change at the address above.

Sincerely,

Anita Duty  
Pooling Supervisor

Enclosure(s)