

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 05-0816-1491-03

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1C (2) AND DISMISSAL OF COAL OWNERS PURSUANT TO CODE OF VIRGINIA SECTION 45.1-361.22:2.

HEARING DATE: April 17, 2018

DRILLING UNIT: X8

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

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

2. Relief Sought

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tract 1C, as depicted upon the annexed table. (Royalties currently being paid under VP8SGU5, Docket #VGOB 07-1113-2083).

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

Theresa Brents is entitled to 100% of the CBM royalties awarded under Case No. CL12-387, Opinion dated February 5, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons 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 CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

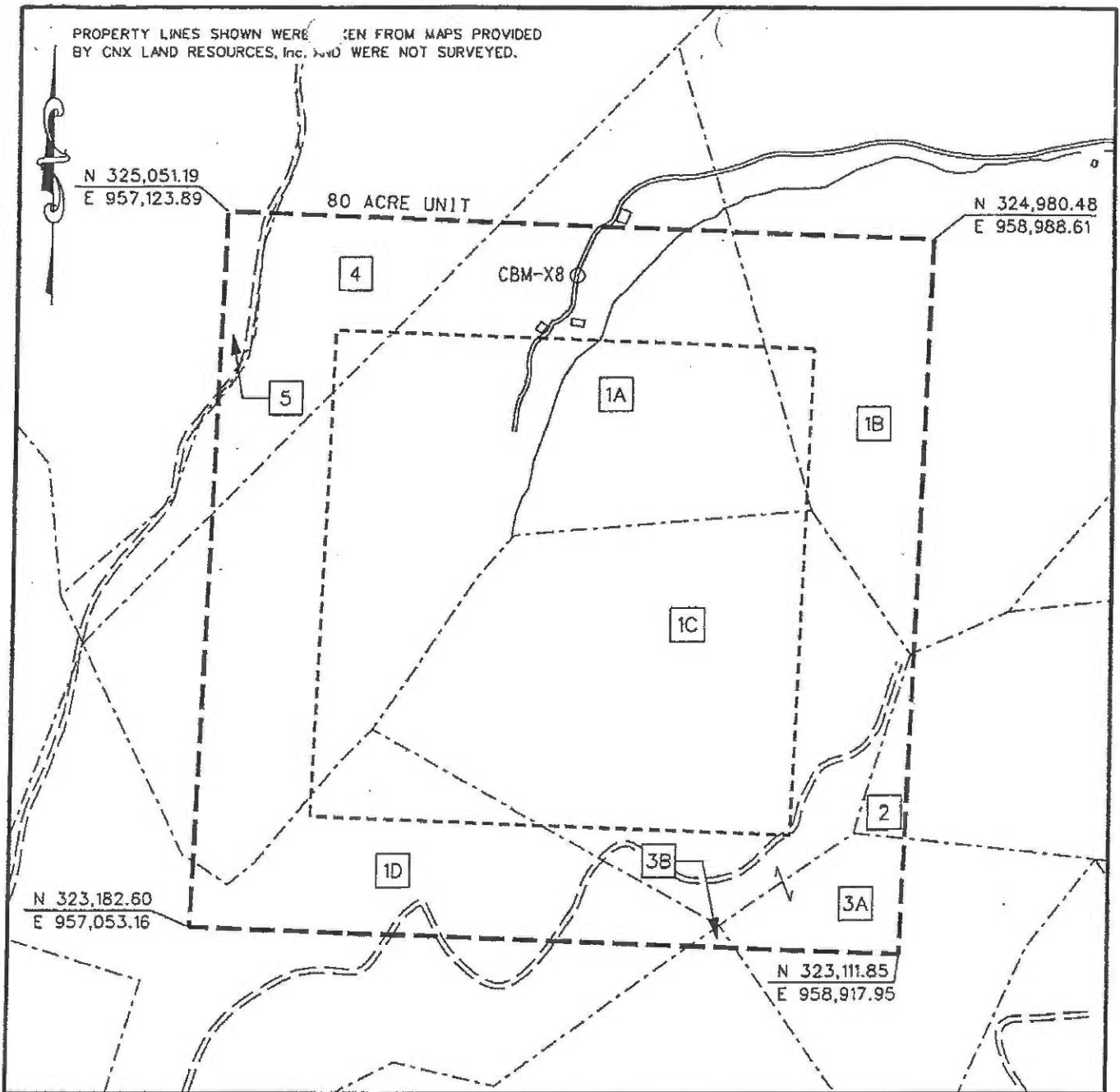
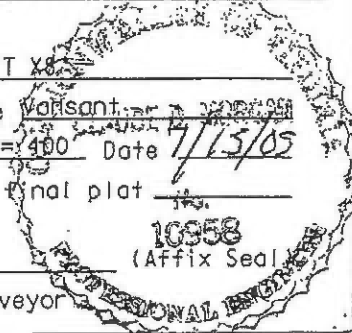


EXHIBIT A
 OAKWOOD FIELD
 UNIT X-8
 FORCE POOLING
 VGOB-05-0816-1491

Company CNX Gas Company LLC Well Name and Number UNIT X-8
 Tract No. _____ Elevation _____ Quadrangle Walsant
 County Buchanan District Prater Scale: 1" = 400' Date 7/15/05
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7 _____
 Rev. 9/91 _____
 Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC

UNIT X8

Tract Identifications

- 1A. Harrison-Wyatt, LLC Big Axe Tr. 27 (200 Acre Tract) - Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
CNX Gas Company LLC – All Minerals except Coal
Island Creek Coal Company/Consol Energy, Inc. – Surface
30.15 acres 37.6875%
- 1B. Harrison-Wyatt, LLC Big Axe Tr. 27 (200 Acre Tract) - Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
Buchanan County – Surface and All Minerals except Coal
8.02 acres 10.0250%
- 1C. Harrison-Wyatt, LLC Big Axe Tr. 27 (200 Acre Tract) - Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
Ronald E and Teresa H. Brents, Trustees – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
22.78 acres 28.4750%
- 1D. Harrison-Wyatt, LLC Big Axe Tr. 27 (200 Acre Tract) - Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
CNX Gas Company LLC – All Minerals except Coal
Island Creek Coal Company/Consol Energy, Inc. - Surface
9.25 acres 11.5625%
2. Harrison-Wyatt, LLC Big Axe Tr. 40 (155 Acre Tract) – All Minerals
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
CNX Gas Company LLC - Surface
0.79 acres 0.9875%
3. Harrison-Wyatt, LLC Big Axe Tr. 37 (105 Acre Tract) - Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
James A. Tiller Heirs and Frank Howard Heirs – All Minerals except Coal
2.43 acres 3.0375%
- 3A. Ronald E. and Teresa H. Brents, Trustees – Surface
3B. Unknown Surface Owner

CNX Gas Company LLC

UNIT X8

Tract Identifications

4. **T. R. Mullins, et al – Coal**
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Bobby H. C. Jackson, et al – Surface and All Minerals except Coal
5.68 acres 7.1000%

5. **Harrison-Wyatt, LLC Big Axe Tr. 23 (900 Acre Tract) - Coal**
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
Bobby H. C. Jackson, et al – Surface and All Minerals except Coal
0.90 acres 1.1250%

Exhibit E
Unit X-8
Docket #VGOB 05-0816-1491-03
List of Respondents that require escrow

	Acres in Unit	Percent of Unit	Interest in VP8-2 S. Panel 8.6552%
<u>Tract #3, 2.43 Acres</u>			
<u>COAL OWNERSHIP</u>			
(1) H-W Financial, LLC, Tr.37 P.O. Box 11000 Danville, VA 24543	2.43 acres	3.03750%	0.2629% <i>Dismissed under -01 Petition</i>
<u>OIL & GAS OWNERSHIP</u>			
<i>Unresolved Heirship</i>			
(1) James A. Tiller Heirs & Frank Howard Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unlocatable</i>	2.43 acres	3.03750%	0.2629%
Total Acreage in Conflict		2.4300	
Total Percentage in Conflict		3.0375%	

Exhibit EE
Unit X-8
Docket #VGOB 05-0816-1491-03
List of Respondents with Royalty Split Agreements/HB 2058/Court Orders

	Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%	Percent of Escrow
<u>Tract #1A, 30.15 Acres</u>				
<u>COAL OWNERSHIP</u>				
(1) H-W Financial, LLC, Tr.27 P.O. Box 11000 Danville, VA 24543	30.15 acres	37.6875%	3.2619%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>				
(1) CNX Gas Company LLC PO Box 643830 Pittsburgh, PA 15264-3830	30.15 acres	37.6875%	3.2619%	<i>n/a</i>
<u>Tract #1B, 8.02 Acres</u>				
<u>COAL OWNERSHIP</u>				
(1) H-W Financial, LLC, Tr.27 P.O. Box 11000 Danville, VA 24543	8.02 acres	10.0250%	0.8677%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>				
(1) Buchanan County P.O. Box 1056 Grundy, VA 24614	8.02 acres	10.0250%	0.8677%	<i>n/a</i>
<u>Tract #1C, 22.78 Acres</u>				
<u>COAL OWNERSHIP</u>				
(1) H-W Financial, LLC, Tr.27 P.O. Box 11000 Danville, VA 24543	22.78 acres	28.47500%	2.4646%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>				
(1) Theresa H. Brents 713 Churchmans Mill Road Stuart Draft, VA 24477	22.78 acres	28.47500%	2.4646%	90.3610% Court Order
<i>Prevailing plaintiff under Case No. CL12-387 Awarded 100% of the CBM royalty.</i>				
<u>Tract #1D, 9.25 Acres</u>				
<u>COAL OWNERSHIP</u>				
(1) H-W Financial, LLC, Tr.27 P.O. Box 11000 Danville, VA 24543	9.25 acres	11.5625%	1.0008%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>				
(1) CNX Gas Company LLC PO Box 643830 Pittsburgh, PA 15264-3830	9.25 acres	11.5625%	1.0008%	<i>n/a</i>
<u>Tract #4, 5.68 Acres</u>				
<u>COAL OWNERSHIP</u>				
T.R. Mullins, et al.	5.68 acres	7.10000%	0.6145%	<i>n/a</i>
(1) Theodore A. Mullins Heirs, Devisees, Successors or Assigns				

Exhibit EE
Unit X-8
Docket #VGOB 05-0816-1491-03
List of Respondents with Royalty Split Agreements/HB 2058/Court Orders

	Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%	Percent of Escrow
(a) Theodore Blaine Mullins 1468 Rock Cliff Drive, Apt #3 Martinsburg, WV 25401	0.63 acres 1/9 of 5.68 acres	0.78889%	0.06828%	<i>n/a</i>
(b) Cornelia Maurice Mullins P.O. Box 51 Clendenin, WV 25045	0.63 acres 1/9 of 5.68 acres	0.78889%	0.06828%	<i>n/a</i>
(c) Marilyn Mullins 19107 Park Place Blvd. Eustis, FL 32736	0.63 acres 1/9 of 5.68 acres	0.78889%	0.06828%	<i>n/a</i>
(2) John L. & Lucille M. Mullins Sr. Heirs, Devisees, Successors or Assigns				
(a) George W. Mullins, Sr. 165 Muller Road Cottageville WV 25239	0.47 acres 1/12 of 5.68 acres	0.59167%	0.05121%	<i>n/a</i>
(b) Jo Ann Barker Heirs, Devisees, Successors or Assigns				
(b.1) Robert Barker Heirs, Devisees, Successors or Assigns				
(b.1.1) Thomas J. Barker 13658 NW 172 Ave Alachua, FL 32615-4453	0.12 acres 1/48 of 5.68 acres	0.1479%	0.01280%	<i>n/a</i>
(b.1.2) Timothy J. Barker 3854 Hampton Crest Lane Kennesaw, GA 30152-6990	0.12 acres 1/48 of 5.68 acres	0.1479%	0.01280%	<i>n/a</i>
(b.1.3) Elizabeth Barker 7745 Lupine Drive Blacklick, OH 43004-8062	0.12 acres 1/48 of 5.68 acres	0.1479%	0.01280%	<i>n/a</i>
(b.1.4) Jennifer Marie Wheeler 2151 Eastover Lane Miamisburg, OH 45342-5299	0.12 acres 1/48 of 5.68 acres	0.1479%	0.01280%	<i>n/a</i>
(c) John L. Mullins, Jr. Heirs, Devisees, Successors or Assigns				
(c.1) Stephanie Mullins-Williams 1701 Sir John Court Orlando, FL 32837-6309	0.12 acres 1/48 of 5.68 acres	0.14792%	0.01280%	<i>n/a</i>
(c.2) John David Mullins 2601 Sandtrap Lane #D Melbourne, FL 32935	0.12 acres 1/48 of 5.68 acres	0.14792%	0.01280%	<i>n/a</i>
(c.3) Barndon Overton Mullins 2601 Sandtrap Lane #D Melbourne, FL 32935	0.12 acres 1/48 of 5.68 acres	0.14792%	0.01280%	<i>n/a</i>
(c.4) Heather L. Dawson 1675 Adview Road Estates / Bayside Lakes Palm Bay, FL 32909	0.12 acres 1/48 of 5.68 acres	0.14792%	0.01280%	<i>n/a</i>
(d) Thomas L. Mullins 1394 Poca River Road South Poca, WV 25159	0.47 acres 1/12 of 5.68 acres	0.59167%	0.05121%	<i>n/a</i>
(3) Augustus C. Mullins Heirs, Devisees, Successors or Assigns				

Exhibit EE
Unit X-8
Docket #VGOB 05-0816-1491-03
List of Respondents with Royalty Split Agreements/HB 2058/Court Orders

	Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%	Percent of Escrow
(a) Madeline Hunt, widow P.O. Box 7305 Zephyrhills, FL 33543	1.89 acres 1/3 of 5.68 acres	2.36667%	0.20484%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>				
(1) Bobby Henry Craig Jackson, et al. <i>(p/o 46.64 acre SOG Tract)</i>	5.68 acres	7.1000%		
(a) Bobby H.C. Jackson & Tracy Jackson, TE P.O. Box 872 Lester Prairie, MN 55354	5.68 acres	7.1000%	0.61452%	<i>n/a</i>
(b) Lawrence Jackson P.O. Box 376 Vansant, VA 24656				<i>Ownership subject to a Life Estate reservation deeded July 1994</i>
<u>Tract #5, 0.90 Acres</u>				
<u>COAL OWNERSHIP</u>				
(1) H-W Financial, LLC, Tr.23 P.O. Box 11000 Danville, VA 24543	0.90 acres	1.12500%	0.0974%	<i>n/a</i>
<u>OIL & GAS OWNERSHIP</u>				
(1) Bobby Henry Craig Jackson, et al. <i>(p/o 35.00 acre SOG Tract)</i>	0.90 acres	1.1250%		
(a) Bobby H.C. Jackson & Tracy Jackson, TE P.O. Box 872 Lester Prairie, MN 55354	0.90 acres	1.1250%	0.0974%	<i>n/a</i>
(b) Lawrence Jackson P.O. Box 376 Vansant, VA 24656				<i>Ownership subject to a Life Estate reservation deeded July 1994</i>
	Total Acreage Resolved	76.7800		
	Total Percentage Resolved		95.9750%	

Exhibit J
Unit X-8 Escrow Account Reconciliation
VGOB 05-0816-1491

CNX Deposit Information		
Check Date	Check Number	Total

Escrow Bank Data													Bank Balance	Running Balance	Difference
Date	Escrow Royalty Deposits	Income	\$ Mkt Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees				
11/30/2017	\$0.00		\$5.39	\$0.00	(\$2.78)	\$0.00	\$0.00	\$0.00			\$2.61	\$33,349.34	\$33,349.34	\$0.00	
12/31/2017	\$0.00		\$19.66	\$0.00	(\$2.78)	\$0.00	\$0.00	\$0.00			\$16.88	\$33,366.22	\$33,366.22	\$0.00	
1/31/2018	\$0.00		\$35.17	\$0.00	(\$2.78)	\$0.00	\$0.00	\$0.00			\$32.39	\$33,398.61	\$33,398.61	\$0.00	
Total											\$507.00				

Total Deposited	\$52,171.97
Total Interest and Fees	\$507.00
01 Disbursement	-\$10,587.73
02 Disbursement	-\$8,692.63
Total	\$33,398.61
January 2018 First Bank and Trust Balance	
	\$33,398.61
FB&T Difference	\$0.00

T. Shea Cook, P.C.

ATTORNEY AT LAW

2411 Second Street

Post Office Box 507

Richlands, Virginia 24641

Phone (276) 963-4332--Facsimile (276) 963-6271

tsheacook@yahoo.com

ATTORNEY FEE AGREEMENT

I have retained T. Shea Cook, P.C., to establish my gas rights and recover all funds held in escrow by EQT, CNX Gas Company, LLC or the VGOB.

Agreed:

Theresa H. Brento
Client

1/16/15
Date

Accepted:

T. Shea Cook
T. Shea Cook

1-16-15
Date



VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

THERESA BRENTS,)	
)	
)	
Plaintiff)	
)	
vs.)	Case No. CL12-387
)	
)	
HARRISON-WYATT, LLC,)	
)	
)	
Defendant)	
)	

FINAL ORDER ENTERING JUDGMENT

Upon the motion of Defendant, Harrison-Wyatt, LLC, for entry of judgment, it is; **Adjudged, Ordered and Decreed** that the Defendant, Harrison-Wyatt, LLC, is not the owner of the coal-bed methane gas within the following tracts within the below named and described units permitted pursuant to the Virginia Gas and Oil Act, Va. Code Ann. § 45.1-361.1 et seq.:


- a. From Unit X-8, Forced Pooling Supplemental Order, Entered July 20, 2009, Regarding Docket No. VGOB-05-0816-1491, Tract 1(C) of Exhibit A (pg. 5) to the order, 22.78 acres; and,
- b. From VGOB Order, entered January 31, 2008, Unit VP8-SGU-5 (441.90 acres), Docket No. VGOB-07-1113-2083, Tract 4(I) of Exhibit A (pg.12) to the order, 12.48 acres.

The above described tracts within the named units are referred to in this Order as the ("Subject Properties").

It is further; **Adjudged, Ordered and Decreed** that the Defendant, Harrison-Wyatt, LLC is not entitled to any royalties relating to the extraction of coal-bed methane gas by CNX Gas, LLC from the Subject Properties, and that it is not a conflicting claimant to the ownership of the CBM or the production royalties as identified in submissions made to, and orders entered by, the Virginia Gas and Oil Board with respect to the Subject Properties.


The Defendant's motion for a bill of particulars and demurrer are denied. All other claims asserted by either party against the other are denied, and this action is stricken from the docket of this Court with prejudice to the Plaintiff and Defendant as to any such other claims.

ENTER: This, the 5th day February, 2015.



MICHAEL L. MOORE
~~KEARY R. WILLIAMS~~, JUDGE

REQUESTED:



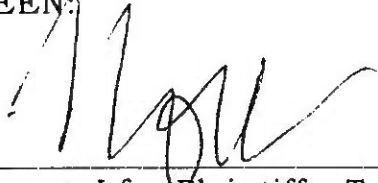
Counsel for Defendant, HARRISON-WYATT, LLC

SEEN AND AGREED:

NO LONGER A PARTY

Counsel for Defendant CNX GAS, LLC,
DAVID ALTIZER, ESQ.

SEEN:



Counsel for Plaintiffs, T. SHEA COOK, ESQ.