

BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: Pocahontas Gas LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 05-0816-1491-04

RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 3 (2) AND DISMISSAL OF COAL OWNERS PURSUANT TO CODE OF VIRGINIA SECTION 45.1-361.22:2.

HEARING DATE: March 17, 2020

DRILLING UNIT: X8

BUCHANAN COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is Pocahontas Gas 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 3, 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

H-W Financial, LLC is entitled to 100% of the CBM royalties awarded under Case No. CL12-736, Opinion dated December 9, 2019. 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.

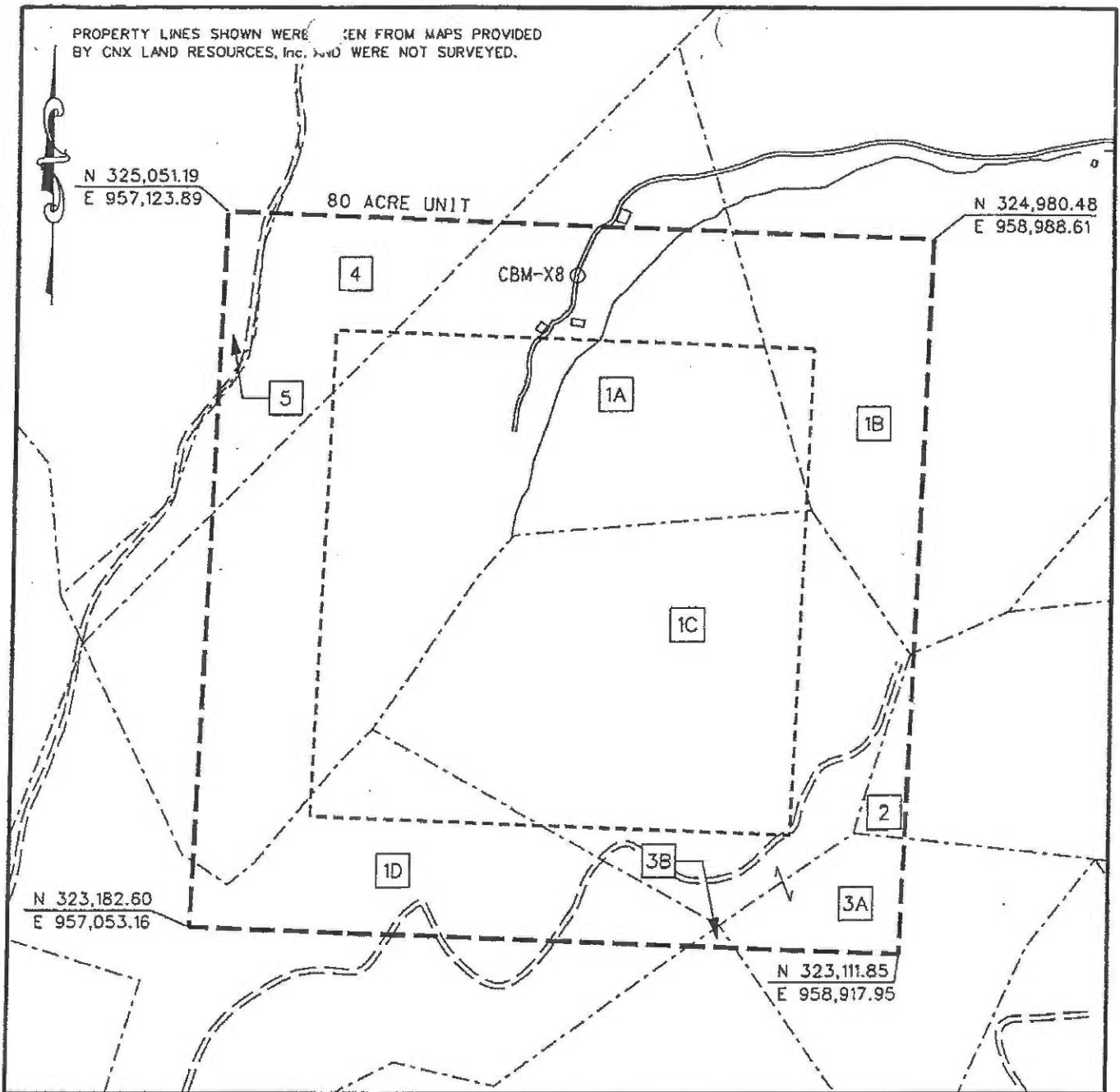
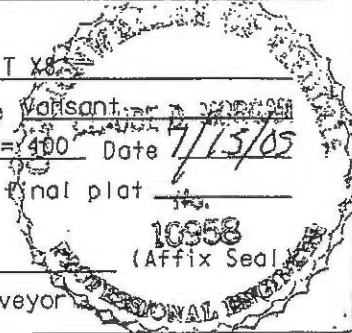


EXHIBIT A
 OAKWOOD FIELD
 UNIT X-8
 FORCE POOLING
 VGOB-05-0816-1491

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

Claude D. May
 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 B-2
Unit X-8
Docket #VGOB 05-0816-1491-04
List of Respondents to be Dismissed

Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%	Reason for Dismissal
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II. OIL & GAS FEE OWNERSHIP

Tract #3, 2.43 Acres

(1) <i>Parties known and/or unknown who may be heirs of Riddle Colley, Frank Howard, Amanda Howard, James A. Tiller, and Louisa (or Luvinia) H. Tiller; including but not limited to the following:</i>	2.43 acres	3.03750%	0.2629%	Not owners
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Irene R. Simpkins
221 Sunny Drive
Princeton, WV 24740

Fairy P. Colley
4908 Cochise Trail
Richmond, VA 23237

Gary Clay Colley
5195 US BSN Highway 340
Stanley, VA 22851

Dairl E. Colley
1165 East Main Street
Stanley, VA 22851

Graham A. Colley
2973 Vaughn Summit Road
Luray, VA 22835

Donna J. Chavers
137 Nez Perce Way
Chester Gap, VA 22623

John Edward Hayes II
12560 Erroll Lane
Bristow, VA 20136

Leisha Howard
2877 River Mountain Road
Lebanon, VA 24266

Pamela Cherly Colley Johnson
43 Pendergrass Road
Bristol, VA 24201

Brenda Lee Jamison
402 Worthville Street
Randleman, NC 27317

Denise Colley
20718 Lamoreaux Landing Square
Ashburn, VA 20148

Richard William Colley
20718 Lamoreaux Landing Square
Ashburn, VA 20148

Amos R. Colley
46877 Ducksprings Way
Sterling, VA 20164

Bobbie Kean Mussomele
3503 Alberta Drive
Fredericksburg, VA 22408

Rhonda Sue Tucker
606 S. Alder Avenue
Orlando, FL 32807

Exhibit B-2
Unit X-8
Docket #VGOB 05-0816-1491-04
List of Respondents to be Dismissed

Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%	Reason for Dismissal
Kenneth Wayne Colley 1936 Oldgate Lane Garland, TX 75042			
Ina Fern Colley 1703 McCody Circle, Apt 110 Port Angeles, WA 98326			
Jeffery James Colley 9502 Tower Street Manassas, VA 20110			
Betty Colley 1192 Nelson Lane Amissville, VA 20106			

Exhibit E
Unit X-8
Docket #VGOB 05-0816-1491-04
List of Respondents that require escrow

Acres in Unit	Percent of Unit	Interest in VP8-2 S. Panel 8.6552%
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Escrowing no longer required

Exhibit EE
Unit X-8
Docket #VGOB 05-0816-1491-04
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%	<i>n/a</i>
<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 #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>n/a</i>

Exhibit EE
Unit X-8
Docket #VGOB 05-0816-1491-04
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
OIL & GAS OWNERSHIP				
(1) H-W Financial, LLC, Tr.37 P.O. Box 11000 Danville, VA 24543	2.43 acres	3.03750%	0.2629%	100.00% Court Order
<i>Prevailing plaintiff under Case No. CL12-736 Awarded 100% of the CBM royalty.</i>				
Tract #4, 5.68 Acres				
COAL OWNERSHIP				
T.R. Mullins, et al.	5.68 acres	7.10000%	0.6145%	n/a
(1) Theodore A. Mullins Heirs, Devisees, Successors or Assigns				
(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%	n/a
(b) Cornelia Maurice Mullins P.O. Box 51 Clendenin, WV 25045	0.63 acres 1/9 of 5.68 acres	0.78889%	0.06828%	n/a
(c) Marilyn Mullins 19107 Park Place Blvd. Eustis, FL 32736	0.63 acres 1/9 of 5.68 acres	0.78889%	0.06828%	n/a
(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%	n/a
(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%	n/a
(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%	n/a
(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%	n/a
(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%	n/a
(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%	n/a
(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%	n/a

Exhibit EE
Unit X-8
Docket #VGOB 05-0816-1491-04
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
(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 Advieu 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) Augutus C. Mullins Heirs, Devisees, Successors or Assigns				
(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	79.2100		
	Total Percentage Resolved		99.0125%	

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

CNX Deposit Information		
Check Date	Check Number	Total

Escrow Bank Data														
Date	Escrow Royalty Deposits	Income	\$ Mrket Int	CDARS Int	Fees	Distributions	Audit Costs	Corrections	Gain/Loss	Royalty Bonus	Total Int. and Fees	Bank Balance	Running Balance	Difference
11/30/2019	\$0.00		\$1.08	\$0.00	(\$0.27)	\$0.00	\$0.00	\$0.00			\$0.81	\$3,295.80	\$3,295.80	\$0.00
12/31/2019	\$0.00		\$1.22	\$0.00	(\$0.27)	\$0.00	\$0.00	\$0.00			\$0.95	\$3,296.75	\$3,296.75	\$0.00
Total											\$682.35			

Total Deposited	\$52,171.97
Total Interest and Fees	\$682.35
01 Disbursement	-\$10,587.73
02 Disbursement	-\$8,692.63
03 Disbursement	-\$30,277.21
Total	\$3,296.75
December 2019 First Bank and Trust Balance	\$3,296.75
FB&T Difference	\$0.00

VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

HARRISON-WYATT, LLC,PLAINTIFF,

v. CIVIL LAW NO.: CL12000736-00

IRENE R. SIMPKINS, ET AL,.....DEFENDANTS.

TO THE HONORABLE MICHAEL L. MOORE, PRESIDING JUDGE:

FINAL ORDER

This Action came on to be heard on the Plaintiff's Complaint to Quiet Title and for Declaratory Judgment concerning the title of the Plaintiff in and to all the coal and mineral in, upon, or underlying a certain 105 acre tract or parcel of real estate, which tract or parcel is described in Deed Book C, at page 229, by metes and bounds, and is the same real estate which was conveyed from Landon R. Wyatt, Jr., Trustee, to Harrison-Wyatt, LLC, dated December 31, 1995, found of record in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, in Deed Book 452, at page 205, and recorded therein on August 15, 1996; upon the proper service of process by Order of Publication upon all parties to the suit, who are not represented by T. Shea Cook, Esquire, all of whom have failed to appear and

answer; upon Answer and Motion to Dismiss for Failure to Join Necessary Parties filed by T. Shea Cook, Esquire, on behalf of the first nineteen Defendants named in this Action, pertaining to the failure of the Plaintiff to join in this Action the companion cases then pending before the Court raising as an issue the definition of the term mineral in deeds either conveying all coal and mineral or excepting and reserving all coal and mineral and asserting that the owners of the residual estates in real estate related to other tracts of real estate described in the deeds that are part of the Plaintiff's title should be joined as a parties in this Action; upon this Court's December 11, 2012, Order allowing CNX Gas Company LLC to intervene in this Action, upon the Plaintiff's Motion for Summary Judgment; and was argued by Counsel.

WHEREUPON , the Court having reviewed the chain of title to the 105 acre parcel in question and having determined that all persons who may have an interest in either the surface or mineral of said 105 acre parcel are before the Court, and the Court having further determined that the several cases currently pending before this

Court raising the same issues (to-wit: whether the term mineral includes gas) have all been previously decided and are no longer pending before the Court, Defendant's Motion to Join Necessary Parties, is overruled.

WHEREUPON, it appearing to the Court that the Plaintiff has established its title to all coal and mineral in, upon, or underlying the aforesaid 105 acre parcel;

It is ADJUDGED and ORDERED that the Plaintiff's title in and to the aforesaid coal and mineral in, upon, or underlying the 105 acre parcel be and the same is hereby is QUIETED, CONFIRMED and APPROVED.

And it further appearing to the Court, that the only remaining issue in this Action is the assertion by the Defendants represented by Mr. Cook that "a conveyance of mineral does not include the oil and gas" and a denial of the application of *Warren v. Clinchfield Coal Corporation*, 116 Va. 524 (1936), found in Paragraphs 2 and 4 of the Defendant's Answer; it is the ruling of this Court that the issue of whether or not a conveyance of coal and mineral includes gas and/or oil within the term mineral has been decided in the case of *Nellie Kate Martin Dye v.*


CNX Gas Company LLC, et al, 291 Va. 319 (2016), which decision has since been followed and applied in the cases of *Danny Ray Tiller, Plaintiff, v. CNX Gas Company LLC, et al*, Buchanan County Case Number CL12000678-00 and the case of *Mary Ball, et al, v. Harrison-Wyatt, LLC, et al*, Buchanan County Case Number CL18000406;

NOW THEREFORE, it is the judgment of this Court that the Plaintiff, Harrison-Wyatt, LLC, is the owner of oil, methane gas, and any other gas all of which are embraced within the term mineral and that such substances were included in the conveyance to the Plaintiff's predecessors in title of all coal and mineral.

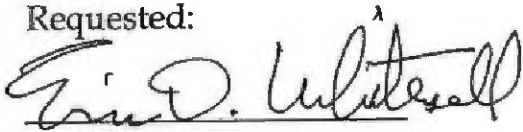
It further appearing by stipulation reached between the Parties that portions of the aforesaid 105 acre are contained in Drilling Unit X8-VGOB#05-0816-1491, Unit X8-VGOB#93-0420-0351, Unit Y7-VGOB#01-0821-0918, Unit Y8-VGOB#92-1117-0291, Unit Z7-VGOB#02-0416-1020 and Unit Z8-VGOB#91-0430-0114, it is further ADJUDGED and ORDERED that this Final Order be submitting to the Oil and Gas Board by CNX Gas Company LLC, who was granted leave to intervene, for appropriate action.

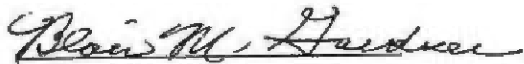
There being nothing further to be done herein, this Action is left from the active docket of this Court and the Clerk is directed to furnish counsel of record with an attested copy hereof.

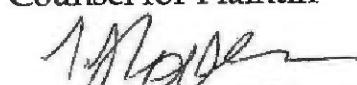
Enter: This the 9th day of December, 2019.


Judge

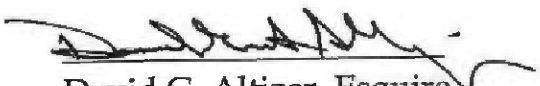
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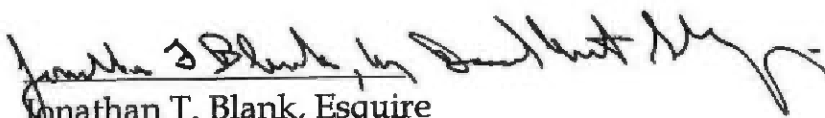

Eric D. Whitesell, Esquire
Counsel for Plaintiff


Blair M. Gardner, Esquire
Counsel for Plaintiff

 *seen and objected based upon the Application of Dye v. CNX's misconstruction of Warren v. Clinchfield and White v. Sayers's interpretation of mineral. "Gas" was not intended to be a "mineral" in the subject deed.*
T. Shea Cook, Esquire
Counsel for Defendant

Seen:
CNX Gas Company LLC


David G. Altizer, Esquire
Counsel for CNX Gas Company LLC


Jonathan T. Blank, Esquire
Counsel for CNX Gas Company LLC