

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

**PETITIONER:** Pocahontas Gas LLC

**GAS AND OIL PROGRAM**

**DOCKET NO:** VGOB

06-0919-1714-03

**RELIEF SOUGHT: (1) DISBURSEMENT FROM ESCROW REGARDING TRACT(S) 1B, A portion of 1D, 1J, 2 (2) AND AUTHORIZATION FOR DIRECT PAYMENT OF ROYALTIES (3) AND DISMISSAL OF COAL OWNERS PURSUANT TO CODE OF VIRGINIA SECTION 45.2-1624.**

**HEARING DATE:** January 18, 2022

**DRILLING UNIT:** BG98

**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 Tracts 1B, a portion of 1D, 1J & 2 as depicted upon the annexed table; and (2) authorization to begin paying royalties directly to the parties to the prevailing plaintiffs: The Heirs of Mary A. Leftwich, including: Richard Leftwich, Robert Leftwich, Elizabeth Leftwich, Hnarakis Family 2004 Revocable Trust, Dennis Hnarakis, Bettina Crosby, Robert Blake Leftwich, Melvin E. Leftwich, McDonald Asset Trust, Martha Summerford, Aubry Hall, Michael McManus, Barbara Compton, George B. Harris, Carolyn Harris Briggs, James Rodney Harris, Dorothy Harris, James Herron, Sandra Christine Murdock, Jackie Harris, Ricky Harris, and Donna Rash; and Mary Elizabeth Wingold (judgment in favor of Logan Hurley Hale); authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, LLC & The Heirs of Ruby Mitchell, including: Dawyer Mitchell, Philis Wilson, Mildred Baldwin, and Deborah Barton; authorization to begin paying royalties directly to the parties to the royalty split between Harrison-Wyatt, LLC and Pocahontas Gas LLC

**3. Legal Authority**

Va. Code Ann. § 45.2-1600 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) The Heirs of Mary A. Leftwich, including; Richard Leftwich, Robert Leftwich, Elizabeth Leftwich, Hnarakis Family 2004 Revocable Trust, Dennis Hnarakis, Bettina Crosby, Robert Blake Leftwich, Melvin E. Leftwich, McDonald Asset Trust, Martha Summerford, Aubry Hall, Michael McManus, Barbara Compton, George B. Harris, Carolyn Harris Briggs, James Rodney Harris, Dorothy Harris, James Herron, Sandra Christine Murdock, Jackie Harris, Ricky Harris, and Donna Rash are entitled to 100% of the CBM royalties awarded under Case No. CL16-254, Opinion dated July 25, 2018. 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.

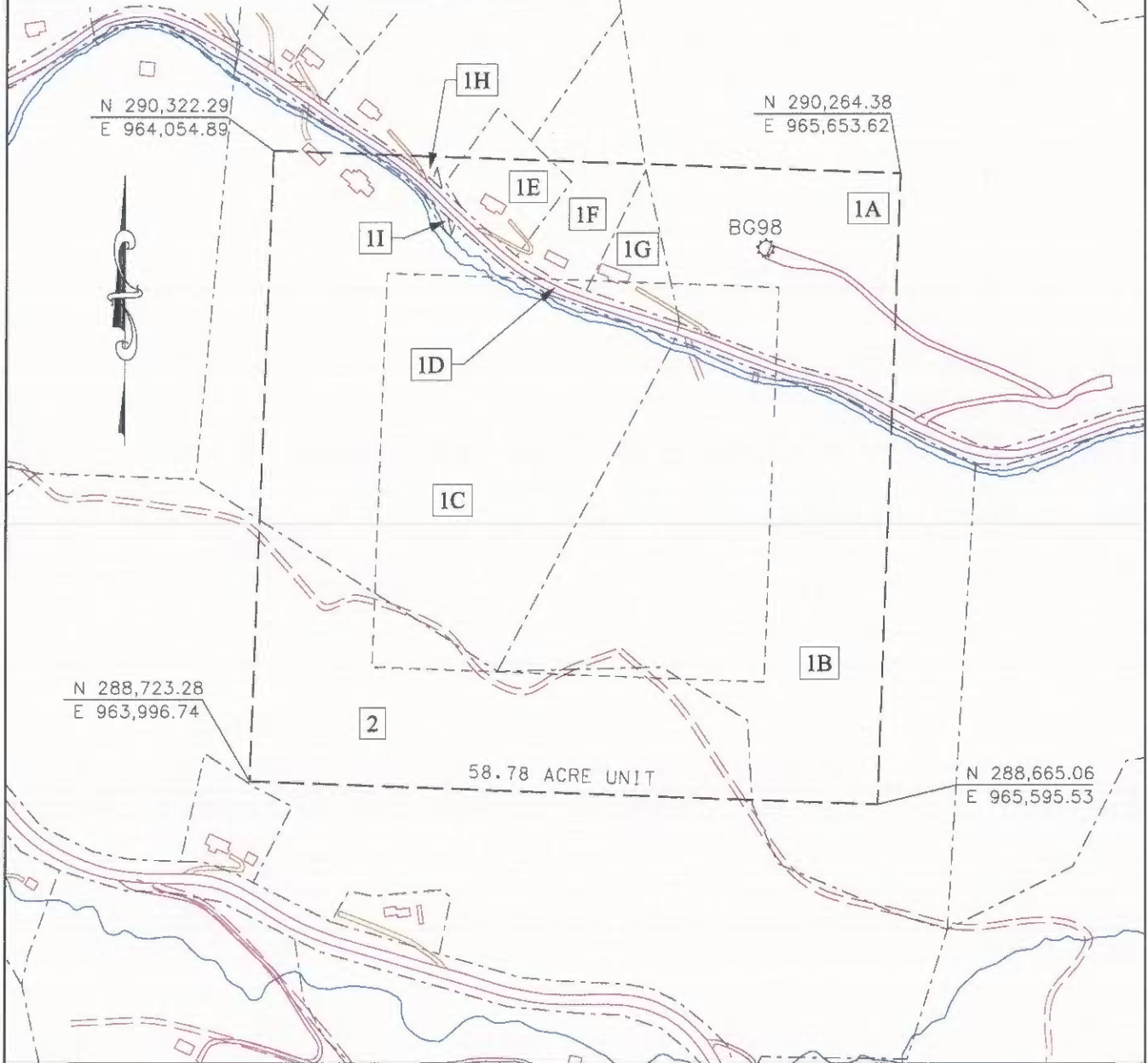
(b) Mary Elizabeth Wingold (judgement in favor of Logan Hurley Hale who deeded property to Mary Elizabeth Wingold January 10, 2018) is entitled to 100% of the CBM royalties awarded under Case No. CL 15-397, Opinion dated July 20, 2015. Said decision allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table, further, specifies how said royalties are to be paid.

(c) Harrison-Wyatt, LLC & The Heirs of Ruby Mitchell, including; Dawyer Mitchell, Philis Wilson, Mildred Baldwin, and Deborah Barton; and Pocahontas Gas LLC have entered into royalty split agreement(s). Said royalty split agreement(s) allow 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 divided and paid.

## **6. Attestation**

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

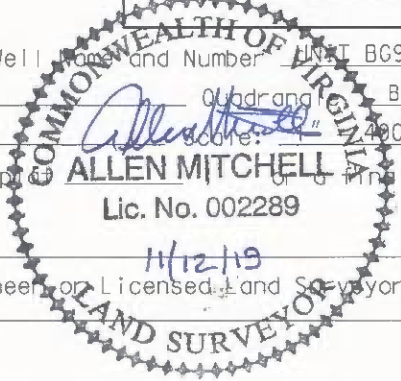
PROPERTY LINES SHOWN ON THIS PLAT WERE PROVIDED BY POCAHONTAS GAS LLC AND WERE TAKEN FROM DEED DESCRIPTIONS AND CHAIN OF TITLE OF RECORD IT DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY. THE CERTIFICATION HEREON CERTIFIES THE LOCATION OF THE PROPOSED WELL ONLY.



- ⊙ CBM WELL
- ⊙ PROPOSED CBM WELL

EXHIBIT A  
 NORA FIELD  
 UNIT BG98  
 FORCE POOLING  
 VGOB-06-0919-1714-02

Company POCAHONTAS GAS LLC Well Name and Number UNIT BG98  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrant Big A Mountain  
 County Buchanan District \_\_\_\_\_ Hurricane \_\_\_\_\_ Scale: 1"=400' Date \_\_\_\_\_  
 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

(Affix Seal)

**Pocahontas Gas LLC**  
**UNIT BG98**  
**Tract Identifications**

- 1A. H-W Financial LLC (Oxy Tr1-3, ICCO Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
CNX Gas Company LLC – Surface, Oil, and Gas  
Harrison-Wyatt LLC (50%) and CNX Gas Company LLC (50%) – CBM  
CNX Gas Company LLC – CBM Leased  
6.56 Acres      11.1603%
- 1B. H-W Financial LLC (Oxy Tr1-3, ICCO Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
Mary Leftwich Heirs – Oil and Gas  
Carson Austin – Surface  
16.34 Acres      27.7986%
- 1C. H-W Financial LLC (Oxy Tr1-3, ICCO Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
Joyce B. Mitchell – Surface, Oil, and Gas  
CNX Gas Company LLC – Oil and Gas Leased  
Harrison-Wyatt LLC (50%) and Joyce B. Mitchell (50%) – CBM  
CNX Gas Company LLC – CBM Leased  
19.46 Acres      33.1065%
- 1D. H-W Financial LLC (Oxy Tr1-3, ICCO Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
Ruby Mitchell Heirs – Oil and Gas  
CNX Gas Company LLC – Oil and Gas Leased  
Harrison-Wyatt LLC (50%) and Ruby Mitchell Heirs (50%) – CBM  
CNX Gas Company LLC – CBM Leased  
Commonwealth of Virginia - Surface  
0.87 Acres      1.4801%
- 1E. H-W Financial LLC (Oxy Tr1-3, ICCO Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
Avery Barton, et ux – Surface, Oil, and Gas  
CNX Gas Company LLC – Oil and Gas Leased  
Harrison-Wyatt LLC (50%) and Avery Barton, et ux (50%) – CBM  
CNX Gas Company LLC – CBM Leased  
1.11 Acres      1.8884%

"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."

**Pocahontas Gas LLC**  
**UNIT BG98**  
**Tract Identifications**

- 1F. H-W Financial LLC (Oxy Tr1-3, ICCC Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
Avery DeShannon Barton – Surface, Oil, and Gas  
CNX Gas Company LLC – Oil and Gas Leased  
Harrison-Wyatt LLC (50%) and Avery DeShannon Barton (50%) – CBM  
CNX Gas Company LLC – CBM Leased  
1.33 Acres      2.2627%
- 1G. H-W Financial LLC (Oxy Tr1-3, ICCC Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
Joyce Mitchell – Surface, Oil, and Gas  
CNX Gas Company LLC – Oil and Gas Leased  
Harrison-Wyatt LLC (50%) and Harold Mitchell, et ux (50%) – CBM  
CNX Gas Company LLC – CBM Leased  
0.98 Acres      1.6672%
- 1H. H-W Financial LLC (Oxy Tr1-3, ICCC Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
Avery Barton, et ux – Surface, Oil and Gas  
CNX Gas Company LLC – Oil and Gas Leased  
Harrison-Wyatt LLC (50%) and Avery Barton, et ux (50%) – CBM  
CNX Gas Company LLC – CBM Leased  
0.15 Acres      0.2552%
- 1I. H-W Financial LLC (Oxy Tr1-3, ICCC Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
Ruby Mitchell Heirs – Surface, Oil and Gas  
CNX Gas Company LLC – Oil and Gas Leased  
Harrison-Wyatt LLC (50%) and Ruby Mitchell Heirs (50%) – CBM  
CNX Gas Company LLC – CBM Leased  
0.07 Acres      0.1191%
- 1J. H-W Financial LLC (Oxy Tr1-3, ICCC Tr823, 416.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
CNX Gas Company LLC – Oil and Gas  
Harrison-Wyatt LLC (50%) and CNX Gas Company LLC (50%) – CBM  
CNX Gas Company LLC – CBM Leased  
Commonwealth of Virginia - Surface  
0.58 Acres      0.9867%
2. H-W Financial LLC (Oxy Tr 7, ICCC Tr 826 951.00-acre Tract) – Coal  
Revelation Energy, LLC – Above Drainage Coal Leased  
Mary Elizabeth Wingold – Surface, Oil, and Gas  
11.33 Acres      19.2753%

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## 1B Tract 1B (total acreage)

16.3400

18	1B	McDonald Asset Trust\c/o Shirley Acey McDonald 404 Henry Clay Rd Ashland VA 23005	1/120	0.1362	100.00%	0.1362	0.4676%		\$278.30
19	1B	Martha Summerford\11903 Sawhill Blvd Spotsylvania VA 22553	1/30	0.5447	100.00%	0.5447	1.8704%		\$1,113.19
20	1B	Hnarakis Family 2004 Revocable Trust\c/o Joette Hnarakis PO Box 165 Moorpark CA 93020	1/60	0.2723	100.00%	0.2723	0.9352%		\$556.60
21	1B	Dennis Hnarakis\13129 Pennerview Lane Fairfax VA 22033	1/60	0.2723	100.00%	0.2723	0.9352%		\$556.60
22	1B	Bettina Crosby\7625 Sun Island Drive S #107 South Pasadena FL 33707	1/150	0.1089	100.00%	0.1089	0.3741%		\$222.64
23	1B	Robert Blake Leftwich\11013 Pondwoods Drive Alexandria KY 41001	1/150	0.1089	100.00%	0.1089	0.3741%		\$222.64
24	1B	Melvin Leftwich\4318 Great Lakes Drive N Clearwater FL 33762	1/150	0.1089	100.00%	0.1089	0.3741%		\$222.64
25	1B	Aubry Hall\415 Denice Drive Seminole FL 33772	1/150	0.1089	100.00%	0.1089	0.3741%		\$222.64
26	1B	Michael McManus\4535 Beth Ann Drive Indianapolis IN 46221	1/150	0.1089	100.00%	0.1089	0.3741%		\$222.64
27	1B	McDonald Asset Trust\c/o Shirley Acey McDonald 404 Henry Clay Rd Ashland VA 23005	1/30	0.5447	100.00%	0.5447	1.8704%		\$1,113.19
28	1B	Barbara Compton\19337 Stone Mountain Road Abingdon VA 24210	1/90	0.1816	100.00%	0.1816	0.6235%		\$371.06
29	1B	George B. Harris\1017 Hobbs Road Virginia Beach VA 23464	1/90	0.1816	100.00%	0.1816	0.6235%		\$371.06
30	1B	Carolyn Harris Briggs\68 Claret Drive Rancho Mirage CA 92270	1/180	0.0908	100.00%	0.0908	0.3117%		\$185.53
31	1B	James Rodney Harris\27601 Buckpasser Drive Tehachapi CA 93561	1/180	0.0908	100.00%	0.0908	0.3117%		\$185.53
32	1B	Dorothy Harris\c/o Victor Breeding 1042 Howard Flat Rd Davenport VA 24239	1/30	0.5447	100.00%	0.5447	1.8704%		\$1,113.19
33	1B	James Herron\12651 Tunstall St Garden Grove CA 92845	1/30	0.5447	100.00%	0.5447	1.8704%		\$1,113.19
34	1B	Sandra Murdock\142 Azalea Avenue Brevard NC 28712	1/60	0.2723	100.00%	0.2723	0.9352%		\$556.60
35	1B	Sandra Murdock\142 Azalea Avenue Brevard NC 28712	1/60	0.2723	100.00%	0.2723	0.9352%		\$556.60
36	1B	Jackie Harris\1943 Jewell Ridge Road Richlands VA 24641-9606	1/60	0.2723	100.00%	0.2723	0.9352%		\$556.60
37	1B	Ricky Harris\4120 Maynors MHP Lot 4 Hudson NC 28638	1/120	0.1362	100.00%	0.1362	0.4676%		\$278.30
38	1B	Donna Rash\2698 Collettsville Road Lenoir NC 28645	1/120	0.1362	100.00%	0.1362	0.4676%		\$278.30
39	1B	Barbara Compton\19337 Stone Mountain Road Abingdon VA 24210	1/45	0.3631	100.00%	0.3631	1.2469%		\$742.13
40	1B	George B. Harris\1017 Hobbs Road Virginia Beach VA 23464	1/45	0.3631	100.00%	0.3631	1.2469%		\$742.13
41	1B	Carolyn Harris Briggs\68 Claret Drive Rancho Mirage CA 92270	1/90	0.1816	100.00%	0.1816	0.6235%		\$371.06
42	1B	James Rodney Harris\27601 Buckpasser Drive Tehachapi CA 93561	1/90	0.1816	100.00%	0.1816	0.6235%		\$371.06
43	1B	Dorothy Harris\c/o Victor Breeding 1042 Howard Flat Rd Davenport VA 24239	1/15	1.0893	100.00%	1.0893	3.7408%		\$2,226.38
44	1B	James Herron\12651 Tunstall St Garden Grove CA 92845	1/15	1.0893	100.00%	1.0893	3.7408%		\$2,226.38

1B Tract 1B (total acreage)

16.3400

45	1B	Sandra Murdock\142 Azalea Avenue Brevard NC 28712	1/30	0.5447	100.00%	0.5447	1.8704%		\$1,113.19
46	1B	Sandra Murdock\142 Azalea Avenue Brevard NC 28712	1/30	0.5447	100.00%	0.5447	1.8704%		\$1,113.19
47	1B	Jackie Harris\1943 Jewell Ridge Road Richlands VA 24641-9606	1/30	0.5447	100.00%	0.5447	1.8704%		\$1,113.19
48	1B	Ricky Harris\4120 Maynors MHP Lot 4 Hudson NC 28638	1/60	0.2723	100.00%	0.2723	0.9352%		\$556.60
49	1B	Donna Rash\2698 Collettsville Road Lenoir NC 28645	1/60	0.2723	100.00%	0.2723	0.9352%		\$556.60

1D Tract 1D (total acreage)

0.8700

1	1D	Dawyer Mitchell\52 Don Stevens Drive Honaker VA 24260	1/5	0.1740	50.00%	0.0870	0.2988%		\$177.81
2	1D	Harrison-Wyatt LLC\PO Box 11000 Danville VA 24543	1/5	0.1740	50.00%	0.0870	0.2988%		\$177.81
3	1D	Phillis Wilson\1660 Old Grissom Creek Road Honaker VA 24260	1/5	0.1740	50.00%	0.0870	0.2988%		\$177.81
4	1D	Harrison-Wyatt LLC\PO Box 11000 Danville VA 24543	1/5	0.1740	50.00%	0.0870	0.2988%		\$177.81
5	1D	Mildred Baldwin\1703 Old Grissom Creek Road Honaker VA 24260	1/5	0.1740	50.00%	0.0870	0.2988%		\$177.81
6	1D	Harrison-Wyatt LLC\PO Box 11000 Danville VA 24543	1/5	0.1740	50.00%	0.0870	0.2988%		\$177.81
7	1D	Deborah Barton\1809 Old Grissom Creek Road Honaker VA 24260	1/5	0.1740	50.00%	0.0870	0.2988%		\$177.81
8	1D	Harrison-Wyatt LLC\PO Box 11000 Danville VA 24543	1/5	0.1740	50.00%	0.0870	0.2988%		\$177.81

1J Tract 1J (total acreage)

0.5800

1	1J	Pocahontas Gas LLC\PO Box 643830 Pittsburgh PA 15264		0.5800	50.00%	0.2900	0.9959%		\$592.70
2	1J	Harrison-Wyatt LLC\PO Box 11000 Danville VA 24543		0.5800	50.00%	0.2900	0.9959%		\$592.70

2 Tract 2 (total acreage)

11.3300

1	2	Mary Elizabeth Wingold\202 S Autumn Crest Place Taylors SC 29687		11.3300	100.00%	11.3300	38.9080%	18923.84	\$4,232.42
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**Adjustment Comments: Escrow agent will deduct amount paid above to Logan Hale Estate from current balance due for Tract 2 to arrive at the correct amount due to Mary Elizabeth Wingold**

**Wells contributing to the escrow account: CBM BG98 W/PL**

Exhibit E  
Unit BG-98  
Docket #VGOB 06-0919-1714-03  
List of Respondents that require escrow

	Acres in Unit	Percent of Unit
<b><u>Tract #1D - 0.87 acres</u></b>		
<i>Tract previously escrowed as a title conflict, there is no title conflict</i>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	0.87 acres	1.4801%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
<b><i>Outstanding W-9's</i></b>		
(1) Ruby Mitchell Heirs, Devisees, Successors, or Assigns	0.87 acres	1.4801%
<i>** NOTE: In order to resolve the CBM conflict, by Deed dated 1/25/05, Ruby Mae Mitchell conveys an undivided one-half (1/2) interest in the CBM Estate to Harrison-Wyatt, LLC. (DB 613-76)</i>		
(a) Harold Mitchell	<i>Pre-Deceased</i>	
(a.1) Tenita Mitchell 100 Laura Lane Garner, NC 27529	0.087 acres 1/10 of 0.87 acres	0.1480%
(a.2) Tracy Puckett 2320 Solomons Pass Hope Mills, NC 28348	0.087 acres 1/10 of 0.87 acres	0.1480%
<b>Total Tract Acres</b>	0.17	
<b>Total Tract Percentage</b>	0.2960%	
<b><u>Escrow Totals</u></b>		
<b>Acres 0.17</b>		
<b>Percentage 0.2960%</b>		

Exhibit EE  
Unit BG-98  
Docket #VGOB 06-0919-1714-03  
List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #1A - 6.56 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	6.56 acres	11.1603%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Pocahontas Gas LLC 1000 Consol Energy Drive Canonsburg, PA 15317-6506	6.56 acres	11.1603%	<i>n/a</i>
<b><u>Tract #1B - 16.34 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	16.34 acres	27.7986%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Mary Alice Hurt Leftwich Heirs, Devisees, Successors or Assigns <i>(Escrow has been corrected with 10/2021 accounting and correct owners may be paid)</i>	16.34 acres	27.7986%	
<i>Mary A. Leftwich Heirs are Prevailing Defendants under Case No 16-254 Awarded ownership of Gas Estate</i>			
(a) W.O. Leftwich Heirs, Devisees, Successors or Assigns			
(a.1) Margaret Leftwich Hallat Heirs, Devisees, Successors, or Assigns			
(a.1.1) Richard Lyle Leftwich	<i>Pre-Deceased (a.1)</i>		
(a.1.1.1) Richard Leftwich 22834 Goldsborough Terrace Ashburn, VA 20148	0.454 acres 1/36 of 16.34 acres	0.7722%	<b>1.5587%</b> Court Order
(a.1.1.2) Robert Leftwich 1 Ivanhoe Avenue Asheville, NC 28806	0.454 acres 1/36 of 16.34 acres	0.7722%	<b>1.5587%</b> Court Order
(a.1.1.3) Elizabeth Leftwich 2910 Seminary Avenue Richmond, VA 23220	0.454 acres 1/36 of 16.34 acres	0.7722%	<b>1.5587%</b> Court Order
(a.1.2) Marie Leftwich Hnarakis Heirs, Devisees, Successors, or Assigns			
(a.1.2.1) Alexander B. Hnarakis Heirs, Devisees, Successors, or Assigns			
(a.1.2.1.1) Hnarakis Family 2004 Revocable c/o Joette Hnarakis, Trustee PO Box 165 Moorpark, CA 93020	0.681 acres 1/24 of 16.34 acres	1.1583%	<b>2.3380%</b> Court Order
<i>Represented by Jennifer S. Friedel</i>			
(a.1.2.2) Dennis Hnarakis 13129 Pennerview Lane Fairfax, VA 22033	0.681 acres 1/24 of 16.34 acres	1.1583%	<b>2.3380%</b> Court Order
<i>Represented by Jennifer S. Friedel</i>			
(a.1.3) William O. Leftwich	<i>Pre-Deceased (a.1)</i>		

**Exhibit EE**  
**Unit BG-98**  
**Docket #VGOB 06-0919-1714-03**  
**List of Respondents with Royalty Split Agreements/Court Orders/HB2058**

	Acres in Unit	Percent of Unit	Percent of Escrow
(a.1.3.1) Bettina Crosby 7625 Sun Island Drive S #107 South Pasadena, FL 33707 <i>Represented by Jennifer S. Friedel</i>	0.454 acres 1/36 of 16.34 acres	0.7722%	1.5587% Court Order
(a.1.3.2) Robert Blake Leftwich 11013 Pondwoods Drive Alexandria, KY 41001 <i>Represented by Jennifer S. Friedel</i>	0.454 acres 1/36 of 16.34 acres	0.7722%	1.5587% Court Order
(a.1.3.3) Melvin E. Leftwich 4318 Great Lakes Drive N Clearwater, FL 33762 <i>Represented by Jennifer S. Friedel</i>	0.454 acres 1/36 of 16.34 acres	0.7722%	1.5587% Court Order
(a.1.4) Shirley Acey McDonald	<i>Conveyed interest by Instrument # 18-1959, dated November 29, 2018</i>		
(a.1.4.1) McDonald Asset Trust dated July 25, c/o Shirley Acey McDonald, Trustee 404 Henry Clay Road Ashland, VA 23005 <i>Represented by Jennifer S. Friedel</i>	1.362 acres 1/12 of 16.34 acres	2.3165%	4.6761% Court Order
(b) Clifford C. Leftwich Heirs, Devisees, Successors, and Assigns			
(b.1) W.O. Leftwich	<i>Pre-Deceased (b)</i>		
(b.1.1) Margaret Leftwich Hallat Heirs, Devisees, Successors, or Assigns			
(b.1.1.1) Richard Lyle Leftwich	<i>Pre-Deceased (b.1.1)</i>		
(b.1.1.1.1) Richard Leftwich 22834 Goldsborough Terrace Ashburn, VA 20148	0.045 acres 1/360 of 16.34 acres	0.0772%	0.1559% Court Order
(b.1.1.1.2) Robert Leftwich 1 Ivanhoe Avenue Asheville, NC 28806	0.045 acres 1/360 of 16.34 acres	0.0772%	0.1559% Court Order
(b.1.1.1.3) Elizabeth Leftwich 2910 Seminary Avenue Richmond, VA 23220	0.045 acres 1/360 of 16.34 acres	0.0772%	0.1559% Court Order
(b.1.1.2) Marie Leftwich Hnarakis Heirs, Devisees, Successors, or Assigns			
(b.1.1.2.1) Alexander B. Hnarakis Heirs, Devisees, Successors, or Assigns			
(b.1.1.2.1.1) Hnarakis Family 2004 Revoc c/o Joette Hnarakis, Trustee PO Box 165 Moorpark, CA 93020 <i>Represented by Jennifer S. Friedel</i>	0.068 acres 1/240 of 16.34 acres	0.1158%	0.2338% Court Order
(b.1.1.2.2) Dennis Hnarakis 13129 Pennerview Lane Fairfax, VA 22033 <i>Represented by Jennifer S. Friedel</i>	0.068 acres 1/240 of 16.34 acres	0.1158%	0.2338% Court Order
(b.1.1.3) William O. Leftwich	<i>Pre-Deceased (b.1.1)</i>		
(b.1.1.3.1) Bettina Crosby 7625 Sun Island Drive S #107 South Pasadena, FL 33707 <i>Represented by Jennifer S. Friedel</i>	0.045 acres 1/360 of 16.34 acres	0.0772%	0.1559% Court Order

**Exhibit EE**  
**Unit BG-98**  
**Docket #VGOB 06-0919-1714-03**  
**List of Respondents with Royalty Split Agreements/Court Orders/HB2058**

	Acres in Unit	Percent of Unit	Percent of Escrow
(b.1.1.3.2) Robert Blake Leftwich 11013 Pondwoods Drive Alexandria, KY 41001 <i>Represented by Jennifer S. Friedel</i>	0.045 acres 1/360 of 16.34 acres	0.0772%	<b>0.1559%</b> Court Order
(b.1.1.3.3) Melvin E. Leftwich 4318 Great Lakes Drive N Clearwater, FL 33762 <i>Represented by Jennifer S. Friedel</i>	0.045 acres 1/360 of 16.34 acres	0.0772%	<b>0.1559%</b> Court Order
(b.1.1.4) Shirley Acey McDonald	<i>Conveyed interest by Instrument # 18-1959, dated November 29, 2018</i>		
(b.1.1.4.1) McDonald Asset Trust dated July c/o Shirley Acey McDonald, Trus 404 Henry Clay Road Ashland, VA 23005 <i>Represented by Jennifer S. Friedel</i>	0.136 acres 1/120 of 16.34 acres	0.2317%	<b>0.4676%</b> Court Order
(b.1.2) Richard Lyle Leftwich Heirs, Devisees, Successors, or Assigns			
(b.1.2.1) Martha Summerford 11903 Sawhill Blvd Spotsylvania, VA 22553 <i>Represented by Jennifer S. Friedel</i>	0.545 acres 1/30 of 16.34 acres	0.9266%	<b>1.8704%</b> Court Order
(b.1.3) Marie Leftwich Hnarakis Heirs, Devisees, Successors, or Assigns			
(b.1.3.1) Alexander B. Hnarakis Heirs, Devisees, Successors, or Assigns			
(b.1.3.1.1) Hnarakis Family 2004 Revocable c/o Joette Hnarakis, Trustee PO Box 165 Moorpark, CA 93020 <i>Represented by Jennifer S. Friedel</i>	0.272 acres 1/60 of 16.34 acres	0.4633%	<b>0.9352%</b> Court Order
(b.1.3.2) Dennis Hnarakis 13129 Pennerview Lane Fairfax, VA 22033 <i>Represented by Jennifer S. Friedel</i>	0.272 acres 1/60 of 16.34 acres	0.4633%	<b>0.9352%</b> Court Order
(b.1.4) William O. Leftwich Heirs, Devisees, Successors, or Assigns			
(b.1.4.1) Juanita Leftwich Heirs, Devisees, Successors, or Assigns			
(b.1.4.1.1) Bettina Crosby 7625 Sun Island Drive S #107 South Pasadena, FL 33707 <i>Represented by Jennifer S. Friedel</i>	0.109 acres 1/150 of 16.34 acres	0.1853%	<b>0.3741%</b> Court Order
(b.1.4.1.2) Robert Blake Leftwich 11013 Pondwoods Drive Alexandria, KY 41001 <i>Represented by Jennifer S. Friedel</i>	0.109 acres 1/150 of 16.34 acres	0.1853%	<b>0.3741%</b> Court Order
(b.1.4.1.3) Melvin E. Leftwich 4318 Great Lakes Drive N Clearwater, FL 33762 <i>Represented by Jennifer S. Friedel</i>	0.109 acres 1/150 of 16.34 acres	0.1853%	<b>0.3741%</b> Court Order
(b.1.4.1.4) Aubry Hall 415 Denice Drive Seminole, FL 33772 <i>Represented by Jennifer S. Friedel</i>	0.109 acres 1/150 of 16.34 acres	0.1853%	<b>0.3741%</b> Court Order
(b.1.4.1.5) Karen McManus Heirs, Devisees <i>Pre-Deceased (b.1.4.1)</i> Successors, or Assigns			

**Exhibit EE**  
**Unit BG-98**  
**Docket #VGOB 06-0919-1714-03**  
**List of Respondents with Royalty Split Agreements/Court Orders/HB2058**

	Acres in Unit	Percent of Unit	Percent of Escrow
(b.1.4.1.5.1) Michael McManus 4535 Beth Ann Drive Indianapolis, IN 46221	0.109 acres 1/150 of 16.34 acres	0.1853%	<b>0.3741%</b> Court Order
(b.1.5) Shirley Acey McDonald	<i>Conveyed interest by Instrument # 18-1959, dated November 29, 2018</i>		
(b.1.5.1) McDonald Asset Trust dated July 25, c/o Shirley Acey McDonald, Trustee 404 Henry Clay Road Ashland, VA 23005	0.545 acres 1/30 of 16.34 acres	0.9266%	<b>1.8704%</b> Court Order
<i>Represented by Jennifer S. Friedel</i>			
(b.2) Minnie Leftwich Heirs, Devisees, Successors, or Assigns			
(b.2.1) Jacob (J.B.) Harris Heirs, Devisees, Successors, or Assigns			
(b.2.1.1) Barbara Compton 19337 Stone Mountain Road Abingdon, VA 24210	0.182 acres 1/90 of 16.34 acres	0.3089%	<b>0.6235%</b> Court Order
<i>Represented by Jennifer S. Friedel</i>			
(b.2.1.2) George B. Harris 1017 Hobbs Road Virginia Beach, VA 23464	0.182 acres 1/90 of 16.34 acres	0.3089%	<b>0.6235%</b> Court Order
(b.2.1.3) James B. Harris Heirs	<i>Pre-deceased (b.2.1)</i>		
(b.2.1.3.1) Carolyn S. Harris Briggs 68 Claret Drive Rancho Mirage, CA 92270	0.091 acres 1/180 of 16.34 acres	0.1544%	<b>0.3117%</b> Court Order
(b.2.1.3.2) James Rodney Harris 27601 Buckpasser Dr. Tehachapi, CA 93561	0.091 acres 1/180 of 16.34 acres	0.1544%	<b>0.3117%</b> Court Order
(b.2.2) Willie C. Harris Heirs, Devisees, Successors or Assigns			
(b.2.2.1) Rusha Harris Heirs, Devisees, Successors, or Assigns			
(b.2.2.1.1) Billy K. Harris Heirs, Devisees, Successors, or Assigns			
(b.2.2.1.1.1) Dorothy Harris 4048 Helen Henderson High Davenport, VA 24239	0.545 acres 1/30 of 16.34 acres	0.9266%	<b>1.8704%</b> Court Order
c/o Victor Breeding, co-conservator 1042 Howard Flat Rd Davenport, VA 24239			
<i>Conservator represented by Russell Vern Presley, II</i>			
(b.2.3) Mary Lena Garrison Heirs, Devisees, Successors or Assigns			
(b.2.3.1) James Herron 12651 Tunstall St. Garden Grove, CA 92845	0.545 acres 1/30 of 16.34 acres	0.9266%	<b>1.8704%</b> Court Order
(b.2.4) Eula H. Fulcher Heirs, Devisees, Successors or Assigns			
(b.2.4.1) Billie Eldridge	<i>Pre-Deceased (b.2.4)</i>		

**Exhibit EE**  
**Unit BG-98**  
**Docket #VGOB 06-0919-1714-03**  
**List of Respondents with Royalty Split Agreements/Court Orders/HB2058**

	Acres in Unit	Percent of Unit	Percent of Escrow
(b.2.4.1.1) Sandra Christine Murdock 142 Azalea Ave. Brevard, NC 28712	0.272 acres 1/60 of 16.34 acres	0.4633%	<b>0.9352%</b> Court Order
(b.2.4.2) Gail Patricia Dunn Heirs, Devisees, Successors, or Assigns			
(b.2.4.2.1) Sandra Christine Murdock 142 Azalea Ave. Brevard, NC 28712	0.272 acres 1/60 of 16.34 acres	0.4633%	<b>0.9352%</b> Court Order
(b.2.5) Clarence Harris	<i>Pre-Deceased (b.2)</i>		
(b.2.5.1) Jackie Harris 1943 Jewell Ridge Rd Richlands, VA 24641-9606	0.272 acres 1/60 of 16.34 acres	0.4633%	<b>0.9352%</b> Court Order
(b.2.5.2) Don Harris Heirs, Devisees, Successors or Assigns			
(b.2.5.2.1) Ricky Harris 4120 Maynors MHP Lot 4 Hudson, NC 28638	0.136 acres 1/120 of 16.34 acres	0.2317%	<b>0.4676%</b> Court Order
(b.2.5.2.2) Donna Rash 2698 Collettsville Road Lenoir, NC 28645	0.136 acres 1/120 of 16.34 acres	0.2317%	<b>0.4676%</b> Court Order
(c) Minnie Leftwich Heirs, Devisees, Successors, or Assigns			
(c.1) Jacob (J.B.) Harris Heirs, Devisees, Successors, or Assigns			
(c.1.1) Barbara Compton 19337 Stone Mountain Road Abingdon, VA 24210	0.363 acres 1/45 of 16.34 acres	0.6177%	<b>1.2469%</b> Court Order
<i>Represented by Jennifer S. Friedel</i>			
(c.1.2) George B. Harris 1017 Hobbs Road Virginia Beach, VA 23464	0.363 acres 1/45 of 16.34 acres	0.6177%	<b>1.2469%</b> Court Order
(c.1.3) James B. Harris Heirs	<i>Pre-deceased (c.1)</i>		
(c.1.3.1) Carolyn S. Harris Briggs 68 Claret Drive Rancho Mirage, CA 92270	0.182 acres 1/90 of 16.34 acres	0.3089%	<b>0.6235%</b> Court Order
(c.1.3.2) James Rodney Harris 27601 Buckpasser Dr. Tehachapi, CA 93561	0.182 acres 1/90 of 16.34 acres	0.3089%	<b>0.6235%</b> Court Order
(c.2) Willie C. Harris Heirs, Devisees, Successors or Assigns			
(c.2.1) Rusha Harris Heirs, Devisees, Successors, or Assigns			
(c.2.1.1) Billy K. Harris Heirs, Devisees, Successors, or Assigns			
(c.2.1.1.1) Dorothy Harris 4048 Helen Henderson Highway Davenport, VA 24239	1.089 acres 1/15 of 16.34 acres	1.8532%	<b>3.7408%</b> Court Order
c/o Victor Breeding, co-conservator 1042 Howard Flat Rd Davenport, VA 24239			

*Conservator represented by Russell Vern Presley, II*

**Exhibit EE**  
**Unit BG-98**  
**Docket #VGOB 06-0919-1714-03**  
**List of Respondents with Royalty Split Agreements/Court Orders/HB2058**

	Acres in Unit	Percent of Unit	Percent of Escrow
(c.3) Mary Lena Garrison Heirs, Devisees, Successors or Assigns			
(c.3.1) James Herron 12651 Tunstall St. Garden Grove, CA 92845	1.089 acres 1/15 of 16.34 acres	1.8532%	3.7408% Court Order
(c.4) Eula H. Fulcher Heirs, Devisees, Successors or Assigns			
(c.4.1) Billie Eldridge	<i>Pre-Deceased (c.4)</i>		
(c.4.1.1) Sandra Christine Murdock 142 Azalea Ave. Brevard, NC 28712	0.545 acres 1/30 of 16.34 acres	0.9266%	1.8704% Court Order
(c.4.2) Gail Patricia Dunn Heirs, Devisees, Successors, or Assigns			
(c.4.2.1) Sandra Christine Murdock 142 Azalea Ave. Brevard, NC 28712	0.545 acres 1/30 of 16.34 acres	0.9266%	1.8704% Court Order
(c.5) Clarence Harris			
(c.5.1) Jackie Harris 1943 Jewell Ridge Rd Richlands, VA 24641-9606	0.545 acres 1/30 of 16.34 acres	0.9266%	1.8704% Court Order
(c.5.2) Don Harris Heirs, Devisees, Successors or Assigns			
(c.5.2.1) Ricky Harris 4120 Maynors MHP Lot 4 Hudson, NC 28638	0.272 acres 1/60 of 16.34 acres	0.4633%	0.9352% Court Order
(c.5.2.2) Donna Rash 2698 Collettsville Road Lenoir, NC 28645	0.272 acres 1/60 of 16.34 acres	0.4633%	0.9352% Court Order
<b>Total Tract Acres</b>		16.34	
<b>Total Tract Percentage</b>		27.7986%	

**Tract #1C - 19.46 acres**

**COAL OWNERSHIP**

(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	19.46 acres	33.1065%	<i>n/a</i>
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**OIL & GAS OWNERSHIP**

(1) Harold B. and Joyce Mitchell, TE  Harold B. Mitchell DOD 10/12/2006	19.46 acres	33.1065%	<i>n/a</i>
(a) Joyce Mitchell 1708 Old Grissom Creek Road Honaker, VA 24260	19.46 acres	33.1065%	<i>n/a</i>

**\*\* NOTE:** In order to resolve the CBM conflict, by Deed dated 1/25/05, Harold B. and Joyce Mitchell conveys an undivided one-half (1/2) interest in the CBM Estate to Harrison-Wyatt, LLC. (DB 613-81)

Exhibit EE  
Unit BG-98  
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List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #1D - 0.87 acres</u></b>			
<i>Tract previously escrowed as a title conflict, there is no title conflict</i>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	0.87 acres	1.4801%	1.1951% Royalty Division Agreement
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Ruby Mitchell Heirs, Devisees, Successors, or Assigns	0.87 acres	1.4801%	
<i>** NOTE: In order to resolve the CBM conflict, by Deed dated 1/25/05, Ruby Mae Mitchell conveys an undivided one-half (1/2) interest in the CBM Estate to Harrison-Wyatt, LLC. (DB 613-76)</i>			
(b) Dawyer Mitchell 52 Don Stevens Drive Honaker, VA 24260	0.174 acres 1/5 of 0.87 acres	0.2960%	0.2988% Royalty Division Agreement
(c) Phillis Wilson 1660 Old Grissom Creek Road Honaker, VA 24260	0.174 acres 1/5 of 0.87 acres	0.2960%	0.2988% Royalty Division Agreement
(d) Mildred Baldwin 1703 Old Grissom Creek Road Honaker, VA 24260	0.174 acres 1/5 of 0.87 acres	0.2960%	0.2988% Royalty Division Agreement
(e) Deborah Barton 1809 Old Grissom Creek Road Honaker, VA 24260	0.174 acres 1/5 of 0.87 acres	0.2960%	0.2988% Royalty Division Agreement
<b>Total Tract Acres</b>	0.70		
<b>Total Tract Percentage</b>	1.1841%		

**Tract #1E - 1.11 acres**

**COAL OWNERSHIP**

(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	1.11 acres	1.8884%	n/a
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**OIL & GAS OWNERSHIP**

(1) Avery Barton and Deborah Barton, TE 1809 Old Grissom Creek Road Honaker, VA 24260	1.11 acres	1.8884%	n/a
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*\*\* NOTE: In order to resolve the CBM conflict, by Deed dated 1/13/05, Avery and Deborah Barton convey an undivided one-half (1/2) interest in the CBM Estate to Harrison-Wyatt, LLC. (DB 613-97)*

*\*\* NOTE: In order to resolve the CBM conflict, by Deed dated 1/25/05, Ruby Mae Mitchell conveys an undivided one-half (1/2) interest in the CBM Estate to Harrison-Wyatt, LLC. (DB 613-76)*

*(This tract derived from 2 separate tracts, one owned by Ruby Mae Mitchell, one owned by Avery and Deborah Barton)*

**Tract #1F - 1.33 acres**

**COAL OWNERSHIP**

(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	1.33 acres	2.2627%	n/a
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Exhibit EE  
Unit BG-98  
Docket #VGOB 06-0919-1714-03  
List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Avery Deshannon Barton 1859 Old Grissom Creek Rd. Honaker, VA 24649	1.33 acres	2.2627%	n/a
<i>** NOTE: In order to resolve the CBM conflict, by Deed dated 1/13/05, Avery and Deborah Barton convey an undivided one-half (1/2) interest in the CBM Estate to Harrison-Wyatt, LLC. (DB 613-97)</i>			
<b><u>Tract #1G - 0.98 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	0.98 acres	1.6672%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Harold B. and Joyce Mitchell, TE  Harold B. Mitchell DOD 10/12/2006	0.98 acres	1.6672%	n/a
(a) Joyce Mitchell 1708 Old Grissom Creek Road Honaker, VA 24260	0.98 acres	1.6672%	n/a
<i>** NOTE: In order to resolve the CBM conflict, by Deed dated 1/25/05, Harold B. and Joyce Mitchell conveys an undivided one-half (1/2) interest in the CBM Estate to Harrison-Wyatt, LLC. (DB 613-81)</i>			
<b><u>Tract #1H- 0.15 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	0.15 acres	0.2552%	n/a
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Avery Barton and Deborah Barton, TE 1809 Old Grissom Creek Road Honaker, VA 24260	0.15 acres	0.2552%	n/a
<i>** NOTE: In order to resolve the CBM conflict, by Deed dated 1/25/05, Ruby Mae Mitchell conveys an undivided one-half (1/2) interest in the CBM Estate to Harrison-Wyatt, LLC. (DB 613-76)</i>			
<b><u>Tract #1J- 0.58 acres</u></b>			
<i>Tract previously escrowed as a title conflict, there is no title conflict</i>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(416 Acre Tract)</i>	0.58 acres	0.9867%	0.9959% Royalty Division Agreement
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Pocahontas Gas LLC 1000 Consol Energy Drive Canonsburg, PA 15317-6506	0.58 acres	0.9867%	0.9959% Royalty Division Agreement
<i>** NOTE: In order to resolve the CBM conflict, by Deed dated 5/18/12, CNX Gas Company LLC conveys an undivided one-half (1/2) interest in the CBM Estate to Harrison-Wyatt, LLC. (Instr# 120001064)</i>			

Exhibit EE  
Unit BG-98  
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List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit	Percent of Escrow
<b><u>Tract #2 - 11.33 acres</u></b>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Harrison-Wyatt, LLC P.O. Box 11000 Danville, VA 24543 <i>(951 Acre Tract)</i>	11.33 acres	19.2753%	<i>n/a</i>
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Logan Hurley Hale (DOD 1/31/2019) <i>Prevailing plaintiff under Case No. 397-15</i>			
<i>By Instrument# 180000087, dated January 10, 2018, Logan Hale granted to Mary Elizabeth Wingold property containing 45.58 acres, being a portion of the lands owned by Logan Hale and identified as Lot A on plat entitled "A Family Division Survey For: Logan Hale, etc., dated 12/20/2017</i>			
(1) Mary Elizabeth Wingold 202 S. Autumn Crest Place Taylors, SC 29687 <i>Represented by T. Shea Cook</i>	11.33 acres	19.2753%	<b>38.9080%</b> Court Order
<i>Final Order under Case No. 19-585, entered September 19, 2019, declared Logan Hale to have been sole owner of the subject tract in fee simple, eliminating a prior cloud on title regarding the heirs of Ira and Electa Hale. Mary Wingold became sole owner of the property contained in unit BG-98 in 2018 by the instrument referenced above. All funds held in escrow prior to the conveyance to Mary Wingold are due to the Estate of Logan Hale.</i>			
	<b>Total Acreage Resolved</b>	58.5360	
	<b>Total Percentage Resolved</b>	99.5849%	

**Exhibit J**  
**Unit BG98 Escrow Account Reconciliation Summary**  
**VGOB 06-0919-1714**

CNX Deposit Information		
Check Date	Check Number	Total
12/10/2014	E000040316	\$37,645.46
12/22/2014	E000040678	\$494.90
1/20/2015	E000042496	\$456.80
2/19/2015	E000044523	\$441.11
3/19/2015	E000046325	\$359.19
4/21/2015	E000048241	\$333.39
5/20/2015	E000051037	\$314.04
6/23/2015	E000053029	\$210.67
7/20/2015	E000054982	\$231.03
8/24/2015	E000056971	\$273.65
9/22/2015	E000058889	\$292.52
11/24/2015	E000064809	\$230.52
12/21/2015	E000066698	\$94.87
1/21/2016	E000068463	\$61.30
2/22/2016	E000070373	\$82.28
3/22/2016	E000072357	\$102.21
4/20/2016	E000074315	\$81.42
5/23/2016	E000075971	\$47.46
6/22/2016	E000077793	\$40.13
7/21/2016	E000079516	\$56.89
8/23/2016	E000081322	\$54.11
9/22/2016	E000083262	\$120.39
10/24/2016	E000085130	\$101.50
11/21/2016	E000089299	\$108.98
12/21/2016	E000091007	\$117.65
1/24/2017	E000092823	\$115.96
2/22/2017	E000094750	\$167.66
3/22/2017	E000096366	\$225.82
4/24/2017	E000098038	\$154.54
5/23/2017	E000099669	\$134.98
6/21/2017	E000101314	\$126.28
7/21/2017	E000102961	\$130.58
8/24/2017	E000104654	\$127.35
9/20/2017	E000106265	\$122.45
10/23/2017	E000110654	\$115.91
11/21/2017	E000112089	\$111.94
12/21/2017	E000113610	\$112.55
1/23/2018	E000115277	\$128.09
2/21/2018	E000117153	\$168.07
3/21/2018	E000118997	\$198.04
4/20/2018	E000120893	\$187.01
5/21/2018	E000123815	\$217.86
6/21/2018	E000127820	\$19.40
7/20/2018	E000129092	\$124.72
8/23/2018	E000130400	\$126.64
9/21/2018	E000131751	\$137.91
10/23/2018	E000133840	\$129.30
11/21/2018	E000135141	\$126.25

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
													\$37,645.46	-\$37,645.46
12/31/2014	\$38,140.36		\$6.58								\$6.58	\$38,146.94	\$38,146.94	\$0.00
1/31/2015	\$456.80		\$9.35		(\$3.18)						\$6.17	\$38,609.91	\$38,609.91	\$0.00
2/28/2015	\$441.11		\$5.95		(\$3.22)						\$2.73	\$39,053.75	\$39,053.75	\$0.00
3/31/2015	\$359.19		\$6.50		(\$3.25)						\$3.25	\$39,416.19	\$39,416.19	\$0.00
4/30/2015	\$333.39		\$6.41		(\$3.28)						\$3.13	\$39,752.71	\$39,752.71	\$0.00
5/31/2015	\$314.04		\$6.64		(\$3.31)						\$3.33	\$40,070.08	\$40,070.08	\$0.00
6/30/2015	\$210.67		\$6.51		(\$3.34)						\$3.17	\$40,283.92	\$40,283.92	\$0.00
7/31/2015	\$231.03		\$6.76	\$0.00	(\$3.36)						\$3.40	\$40,518.35	\$40,518.35	\$0.00
8/31/2015	\$273.65		\$6.42		(\$3.38)	\$0.00	\$0.00	\$0.00			\$3.04	\$40,795.04	\$40,795.04	\$0.00
9/30/2015	\$292.52		\$9.57	\$1.99	(\$3.40)	\$0.00	\$0.00	\$0.00			\$8.16	\$41,095.72	\$41,095.72	\$0.00
10/31/2015	\$0.00		\$3.69	\$0.00	(\$3.42)	(\$23,059.88)	\$0.00	\$0.00			\$0.27	\$18,036.11	\$18,036.11	\$0.00
11/30/2015	\$230.52		\$2.96	\$0.00	(\$1.50)	\$0.00	\$0.00	\$0.00			\$1.46	\$18,268.09	\$18,268.09	\$0.00
12/31/2015	\$94.87		\$3.05	\$0.00	(\$1.52)	\$0.00	\$0.00	\$0.00			\$1.53	\$18,364.49	\$18,364.49	\$0.00
1/31/2016	\$61.30		\$3.05	\$0.00	(\$1.53)	\$0.00	\$0.00	\$0.00			\$1.52	\$18,427.31	\$18,427.31	\$0.00
2/28/2016	\$82.28		\$2.90	\$0.00	(\$1.54)	\$0.00	\$0.00	\$0.00			\$1.36	\$18,510.95	\$18,510.95	\$0.00
3/31/2016	\$102.21		\$3.06	\$0.00	(\$1.54)	\$0.00	\$0.00	\$0.00			\$1.52	\$18,614.68	\$18,614.68	\$0.00
4/30/2016	\$81.42		\$2.98	\$0.00	(\$1.55)	\$0.00	\$0.00	\$0.00			\$1.43	\$18,697.53	\$18,697.53	\$0.00
5/31/2016	\$47.46		\$3.12	\$0.00	(\$1.56)	\$0.00	\$0.00	\$0.00			\$1.66	\$18,746.55	\$18,746.55	\$0.00
6/30/2016	\$40.13		\$2.97	\$0.00	(\$1.56)	\$0.00	\$0.00	\$0.00			\$1.41	\$18,788.09	\$18,788.09	\$0.00
7/31/2016	\$56.89		\$3.10	\$0.00	(\$1.57)	\$0.00	\$0.00	\$0.00			\$1.53	\$18,846.51	\$18,846.51	\$0.00
8/31/2016	\$54.11		\$3.14	\$0.00	(\$1.57)	\$0.00	\$0.00	\$0.00			\$1.57	\$18,902.19	\$18,902.19	\$0.00
9/30/2016	\$120.39		\$3.08	\$0.00	(\$1.58)	\$0.00	\$0.00	\$0.00			\$1.50	\$19,024.08	\$19,024.08	\$0.00
10/31/2016	\$101.50		\$3.07	\$0.00	(\$1.59)	\$0.00	\$0.00	\$0.00			\$1.48	\$19,127.06	\$19,127.06	\$0.00
11/30/2016	\$108.98		\$3.07	\$0.00	(\$1.59)	\$0.00	\$0.00	\$0.00			\$1.48	\$19,237.52	\$19,237.52	\$0.00
12/31/2016	\$117.65		\$3.23	\$0.00	(\$1.60)	\$0.00	\$0.00	\$0.00			\$1.63	\$19,356.80	\$19,356.80	\$0.00
1/31/2017	\$115.96		\$3.12	\$0.00	(\$1.61)	\$0.00	\$0.00	\$0.00			\$1.51	\$19,474.27	\$19,474.27	\$0.00
2/28/2017	\$167.66		\$2.83	\$0.00	(\$1.62)	\$0.00	\$0.00	\$0.00			\$1.21	\$19,643.14	\$19,643.14	\$0.00
3/31/2017	\$225.82		\$3.20	\$0.00	(\$1.64)	\$0.00	\$0.00	\$0.00			\$1.56	\$19,870.52	\$19,870.52	\$0.00
4/30/2017	\$154.54		\$3.14	\$0.00	(\$1.66)	\$0.00	\$0.00	\$0.00			\$1.48	\$20,026.54	\$20,026.54	\$0.00
5/31/2017	\$134.98		\$3.31	\$0.00	(\$1.67)	\$0.00	\$0.00	\$0.00			\$1.64	\$20,163.16	\$20,163.16	\$0.00
6/30/2017	\$126.28		\$3.29	\$0.00	(\$1.68)	\$0.00	\$0.00	\$0.00			\$1.61	\$20,291.05	\$20,291.05	\$0.00
7/31/2017	\$130.58		\$3.35	\$0.00	(\$1.69)	\$0.00	\$0.00	\$0.00			\$1.66	\$20,423.29	\$20,423.29	\$0.00
8/31/2017	\$127.35		\$3.38	\$0.00	(\$1.70)	\$0.00	\$0.00	\$0.00			\$1.68	\$20,552.32	\$20,552.32	\$0.00
9/30/2017	\$122.45		\$3.30	\$0.00	(\$1.71)	\$0.00	\$0.00	\$0.00			\$1.59	\$20,676.36	\$20,676.36	\$0.00
10/31/2017	\$115.91		\$3.29	\$0.00	(\$1.72)	\$0.00	\$0.00	\$0.00			\$1.57	\$20,793.84	\$20,793.84	\$0.00
11/30/2017	\$111.94		\$3.29	\$0.00	(\$1.73)	\$0.00	\$0.00	\$0.00			\$1.56	\$20,907.34	\$20,907.34	\$0.00
12/31/2017	\$112.55		\$13.11	\$0.00	(\$1.74)	\$0.00	\$0.00	\$0.00			\$11.37	\$21,031.26	\$21,031.26	\$0.00
1/31/2018	\$128.09		\$21.86	\$0.00	(\$1.75)	\$0.00	\$0.00	\$0.00			\$20.11	\$21,179.46	\$21,179.46	\$0.00
2/28/2018	\$168.07		\$21.90	\$0.00	(\$1.76)	\$0.00	\$0.00	\$0.00			\$20.14	\$21,367.67	\$21,367.67	\$0.00
3/31/2018	\$198.04		\$27.53	\$0.00	(\$1.78)	\$0.00	\$0.00	\$0.00			\$25.75	\$21,591.46	\$21,591.46	\$0.00
4/30/2018	\$187.01		\$27.64	\$0.00	(\$1.80)	\$0.00	\$0.00	\$0.00			\$25.84	\$21,804.31	\$21,804.31	\$0.00
5/31/2018	\$217.86		\$31.57	\$0.00	(\$1.82)	\$0.00	\$0.00	\$0.00			\$29.75	\$22,051.92	\$22,051.92	\$0.00
6/30/2018	\$19.40		\$30.98	\$0.00	(\$1.84)	\$0.00	\$0.00	\$0.00			\$29.14	\$22,100.46	\$22,100.46	\$0.00
7/31/2018	\$124.72		\$34.10	\$0.00	(\$1.84)	\$0.00	\$0.00	\$0.00			\$32.26	\$22,257.44	\$22,257.44	\$0.00
8/31/2018	\$126.64		\$36.15	\$0.00	(\$1.85)	\$0.00	\$0.00	\$0.00			\$34.30	\$22,418.38	\$22,418.38	\$0.00
9/30/2018	\$137.91		\$36.34	\$0.00	(\$1.87)	\$0.00	\$0.00	\$0.00			\$34.47	\$22,590.76	\$22,590.76	\$0.00
10/31/2018	\$129.30		\$39.46	\$0.00	(\$1.88)	\$0.00	\$0.00	\$0.00			\$37.58	\$22,757.64	\$22,757.64	\$0.00
11/30/2018	\$126.25		\$41.27	\$0.00	(\$1.90)	\$0.00	\$0.00	\$0.00			\$39.37	\$22,923.26	\$22,923.26	\$0.00

**Exhibit J**  
**Unit BG98 Escrow Account Reconciliation Summary**  
**VGOB 06-0919-1714**

CNX Deposit Information		
Check Date	Check Number	Total
12/19/2018	E000136487	\$136.40
1/24/2019	E000137850	\$151.40
2/22/2019	E000139346	\$241.78
3/21/2019	E000140816	\$185.26
4/24/2019	E000142248	\$118.78
5/22/2019	E000143638	\$121.38
6/21/2019	E000145079	\$100.75
7/22/2019	E000146481	\$99.58
8/22/2019	E000148006	\$98.14
9/23/2019	E000149427	\$82.56
10/21/2019	E000150888	\$72.85
11/21/2019	E000152753	\$78.60
12/17/2019	E000154133	\$85.25
1/24/2020	3180000249	\$103.11
2/25/2020	318001368	\$96.07
3/25/2020	318002627	\$70.22
4/24/2020	318003956	\$58.16
5/22/2020	318005525	\$52.73
6/25/2020	318006723	\$24.27
7/24/2020	318007528	\$33.44
8/25/2020	318008589	\$28.78
9/25/2020	318009402	\$22.12
10/23/2020	318010254	\$44.40
11/25/2020	318014996	\$70.76
12/23/2020	318015917	\$50.88
1/25/2021	318017037	\$97.77
2/25/2021	318018343	\$109.50
3/25/2021	318019833	\$104.45
4/23/2021	318021194	\$111.40
5/25/2021	318022577	\$99.53
6/25/2021	318024170	\$83.05
7/23/2021	318025350	\$109.82
8/25/2021	318026952	\$112.93
9/24/2021	318028171	\$156.76
10/25/2021	318029861	\$33,113.56

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
12/31/2018	\$136.40		\$43.81	\$0.00	(\$1.91)	\$0.00	\$0.00	\$0.00			\$41.90	\$23,101.56	\$23,101.56	\$0.00
1/31/2019	\$151.40		\$45.49	\$0.00	(\$1.93)	\$0.00	\$0.00	\$0.00			\$43.56	\$23,296.52	\$23,296.52	\$0.00
2/28/2019	\$241.78		\$57.13	\$0.00	(\$1.94)	\$0.00	\$0.00	\$0.00			\$55.19	\$23,593.49	\$23,593.49	\$0.00
3/31/2019	\$185.26		\$46.53	\$0.00	(\$1.97)	\$0.00	\$0.00	\$0.00			\$44.56	\$23,823.31	\$23,823.31	\$0.00
4/30/2019	\$118.78		\$12.48	\$0.00	(\$1.99)	\$0.00	\$0.00	\$0.00			\$10.49	\$23,952.58	\$23,952.58	\$0.00
5/31/2019	\$121.38		\$12.05	\$0.00	(\$2.00)	\$0.00	\$0.00	\$0.00			\$10.05	\$24,084.01	\$24,084.01	\$0.00
6/30/2019	\$100.75		\$11.87	\$0.00	(\$2.00)	\$0.00	\$0.00	\$0.00			\$9.87	\$24,194.63	\$24,194.63	\$0.00
7/31/2019	\$99.58		\$11.30	\$0.00	(\$2.02)	\$0.00	\$0.00	\$0.00			\$9.28	\$24,303.49	\$24,303.49	\$0.00
8/31/2019	\$98.14		\$10.06	\$0.00	(\$2.03)	\$0.00	\$0.00	\$0.00			\$8.03	\$24,409.66	\$24,409.66	\$0.00
9/30/2019	\$82.56		\$9.02	\$0.00	(\$2.03)	\$0.00	\$0.00	\$0.00			\$6.99	\$24,499.21	\$24,499.21	\$0.00
10/31/2019	\$72.85		\$9.59	\$0.00	(\$2.04)	\$0.00	\$0.00	\$0.00			\$7.55	\$24,579.61	\$24,579.61	\$0.00
11/30/2019	\$78.60		\$8.19	\$0.00	(\$2.05)	\$0.00	\$0.00	\$0.00			\$6.14	\$24,664.35	\$24,664.35	\$0.00
12/31/2019	\$85.25		\$9.29	\$0.00	(\$2.06)	\$0.00	\$0.00	\$0.00			\$7.23	\$24,756.83	\$24,756.83	\$0.00
1/31/2020	\$103.11	\$9.49	\$0.00	(\$2.06)	\$0.00	\$0.00	\$0.00	\$0.00			\$7.43	\$24,867.37	\$24,867.37	\$0.00
2/28/2020	\$96.07	\$8.77	\$0.00	(\$8.29)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.48	\$24,963.92	\$24,963.92	\$0.00
3/31/2020	\$70.22	\$6.35	\$0.00	(\$8.32)	\$0.00	\$0.00	\$0.00	\$0.00			(\$1.97)	\$25,032.17	\$25,032.17	\$0.00
4/30/2020	\$58.16	\$4.11	\$0.00	(\$8.34)	\$0.00	\$0.00	\$0.00	\$0.00			(\$4.23)	\$25,086.10	\$25,086.10	\$0.00
5/31/2020	\$52.73	\$3.18	\$0.60	(\$8.36)	\$0.00	\$0.00	\$0.00	\$0.00			(\$4.58)	\$25,134.25	\$25,134.25	\$0.00
6/30/2020	\$24.27	\$3.29	\$1.22	(\$8.36)	\$0.00	\$0.00	\$0.00	\$0.00			(\$3.85)	\$25,154.67	\$25,154.67	\$0.00
7/31/2020	\$33.44	\$3.49	\$0.66	(\$3.92)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.23	\$25,188.34	\$25,188.34	\$0.00
8/31/2020	\$28.78	\$3.50	\$2.49	(\$3.44)	\$0.00	\$0.00	\$0.00	\$0.00			\$2.55	\$25,219.67	\$25,219.67	\$0.00
9/30/2020	\$22.12	\$3.52	\$0.73	(\$3.99)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.26	\$25,242.05	\$25,242.05	\$0.00
10/31/2020	\$44.40	\$3.60	\$0.71	(\$4.20)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.11	\$25,286.56	\$25,286.56	\$0.00
11/30/2020	\$70.76	\$3.50	\$3.13	(\$6.32)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.31	\$25,357.63	\$25,357.63	\$0.00
12/31/2020	\$50.88	\$3.66	\$0.71	(\$4.22)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.15	\$25,408.66	\$25,408.66	\$0.00
1/31/2021	\$97.77	\$3.67	\$0.74	(\$4.40)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.01	\$25,506.44	\$25,506.44	\$0.00
2/28/2021	\$109.50	\$3.52	\$0.34	(\$3.40)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.46	\$25,616.40	\$25,616.40	\$0.00
3/31/2021	\$104.45	\$3.86	\$1.19	(\$3.84)	\$0.00	\$0.00	\$0.00	\$0.00			\$1.21	\$25,722.06	\$25,722.06	\$0.00
4/30/2021	\$111.40	\$3.64	\$0.81	(\$4.46)	\$0.00	\$0.00	\$0.00	\$0.00			(\$0.01)	\$25,833.45	\$25,833.45	\$0.00
5/31/2021	\$99.53	\$3.89	\$0.74	(\$4.56)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.07	\$25,933.05	\$25,933.05	\$0.00
6/30/2021	\$83.05	\$4.08	\$1.64	(\$5.53)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.19	\$26,016.29	\$26,016.29	\$0.00
7/31/2021	\$109.82	\$4.14	\$0.00	(\$4.16)	\$0.00	\$0.00	\$0.00	\$0.00			(\$0.02)	\$26,126.09	\$26,126.09	\$0.00
8/31/2021	\$112.93	\$4.22	\$0.00	(\$4.18)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.04	\$26,239.06	\$26,239.06	\$0.00
9/30/2021	\$156.76	\$4.12	\$0.00	(\$4.03)	\$0.00	\$0.00	\$0.00	\$0.00			\$0.09	\$26,395.91	\$26,395.91	\$0.00
10/31/2021	\$33,113.56	\$9.82	\$0.00	(\$3.81)	\$0.00	\$0.00	\$0.00	\$0.00			\$6.01	\$59,515.48	\$59,515.48	\$0.00
<b>Total</b>											<b>\$687.14</b>			

<b>Total Deposited</b>	<b>\$81,888.22</b>
<b>Interest and Fees</b>	<b>\$687.14</b>
<b>01 Disbursement</b>	<b>-\$23,059.88</b>
<b>Total</b>	<b>\$59,515.48</b>
<b>October 2021 First Bank and Trust balance</b>	<b>\$59,515.48</b>
<b>FB&amp;T Difference</b>	<b>\$0.00</b>

VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

CARSON AUSTIN

Plaintiff,

v.

MARTHA SUMMERFORD, *et al.*

Defendants.

Case No. 16-254

**ORDER**

This matter having come before the Court on a Motion for Summary Judgment by Martha Summerford, Barbara Compton, Alexander B. Hnarakis, Dennis Hnarakis, Aubry Hall, Bettina Crosby, Robert Leftwich, Melvin Leftwich, Shirley McDonald, by and through counsel, and joined by the conservators for Dorothy Harris, by and through counsel, (collectively, the “Leftwich Heirs”) and the Court having reviewed the written submissions of the parties and heard oral arguments of counsel, and for good cause shown, hereby **GRANTS** the Leftwich Heirs’ Motion for Summary Judgment and **ORDERS**:

1. Plaintiff Carson Austin (“Mr. Austin”) filed an Amended Complaint on January 30, 2017, seeking a declaratory judgment that he is the owner of certain gas rights on the property at issue and is the owner of all associated royalties held in escrow with the Virginia Gas and Oil Board (“VGOB”).
2. The Leftwich Heirs filed counterclaims seeking a declaratory judgment that they are the true and rightful owners of the gas estate at issue and all associated royalties whether held in the VGOB escrow account or held internally by gas operators. The Leftwich Heirs also

seek a final legal determination of ownership in accordance with § 45.1-361.22(5)(i) of the Code of Virginia.

3. The Leftwich Heirs filed a Motion for Summary Judgment seeking judgment in favor of their counterclaims and against Mr. Austin's claims.
4. Venue and jurisdiction are both proper in this Court.
5. The following facts are undisputed among the parties:

- a. The gas interests at issue were derived from William O. Leftwich.
- b. The Leftwich Heirs are the successors-in-interest to Mary A. Leftwich.
- c. Mr. Austin is the successor-in-interest to Mona Leftwich.
- d. The ownership dispute between Mr. Austin and the Leftwich Heirs is derived from a deed dated December 24, 1937 by and between Roland E. Chase as Special Commissioner and Mona Leftwich, recorded in the Clerk's Office of Buchanan County, Virginia in Deed Book 81, Page 582 (the "Deed").

6. The Deed conveyed property of Mary A. Leftwich to Mona Leftwich so described as:

FIRST: A tract of 200 acres of surface on the head waters of Russell Fork river, which was conveyed by William O. Leftwich, to said defendant, Mary A. Leftwich, by deed dated the 16<sup>th</sup> day of August, 1890...


SECOND: Three tracts of surface, containing 55 acres, 28 acres, 2 and 21 acres respectively, which is the same land assigned and allotted to said Mary A. Leftwich in the chancery cause of Jacob B. Hurt... the interest of said Mary A. Leftwich in and to the said two lots, tracts or parcels of land herein before described, being conveyed by this deed.

7. Mr. Austin alleges that the Deed contains a latent ambiguity, and/or that a mistake was made in the description of the property belonging to Mary A. Leftwich and that the parties to the Deed intended to convey all the property belonging to Mary A. Leftwich to Mona Leftwich, including the gas estate.


8. The Leftwich Heirs allege that the Deed is unambiguous and conveyed the surface only to Mona Leftwich.
9. There are no genuine issues of material fact between the parties' competing claims for ownership of the gas estate at issue.
10. The Court concludes that the arguments and authorities presented by the Leftwich Heirs are well founded and correct. The term "surface" can only be viewed as conveying the surface portion of the land. Accordingly, the Court finds that no ambiguity exists in the Deed and the Court must apply the plain language of the instrument.
11. The Leftwich Heirs further argue that if a mistake was made in the description of the property belonging to Mary A. Leftwich, such mistake was unilateral in nature and it is therefore improper for the Court to re-write the instrument.
12. The Court agrees and concludes that it is improper to re-write the Deed due to an alleged unilateral mistake.
13. The Deed is clear and unambiguous and it is therefore improper for the Court to look beyond the four corners of the Deed.
14. The Court holds that the Deed conveyed only the surface to Mona Leftwich and the Leftwich Heirs are the true and rightful owners of the gas interests issue.
15. The Leftwich Heirs are entitled to judgment in their favor as a matter of law.
16. The Court grants the Leftwich Heirs' Motion for Summary Judgment in full. This Order constitutes a judicial determination of ownership as between the parties pursuant to Virginia Code § 45.1-361.22(5)(i) and resolves in the Leftwich Heirs' favor all conflicting claims of ownership of the gas estate, including coalbed methane gas, between the parties.

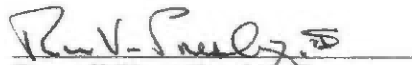
17. The Leftwich Heirs are entitled to receive all gas royalties held in the VGOB's escrow account or otherwise being withheld due to conflicting claims of ownership between the parties. The Leftwich Heirs are further entitled to receive all future gas royalties or other proceeds attributable to their gas interests in the property at issue.
18. There being nothing further at issue in this matter, the Court DISMISSES the above-captioned case, and it shall be stricken from the docket.
19. The Clerk is directed to forward a copy of this Order to all counsel of record.

SO ORDERED, this the 25<sup>th</sup> day of July, 2018.

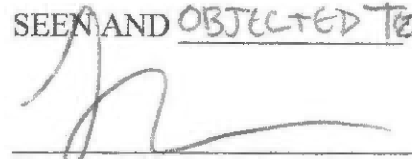
  
 Honorable Patrick R. Johnson

SEEN AND AGREED:

  
 Jennifer Shaver Friedel  
 Shaver Law Officer, PLLC  
 P.O. Box 11732  
 Blacksburg, Virginia 24062

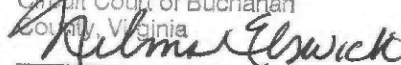
  
 Russell Vern Presley II  
 Street Law Firm, LLP  
 P.O. Box 2100  
 Grundy, Virginia 24614

SEEN AND OBJECTED TO.

  
 Terrence Shea Cook  
 T. Shea Cook, P.C.  
 P.O. Box 507  
 Richlands, Virginia 24641

Trial Court ended as follows:

1. A question of fact remains as to the intent of the deed found at DB 81, P 582 based upon the surrounding circumstances
2. A latent ambiguity as to what was intended to be conveyed in DB 81, P 58 (surface or fee, less coal)

A Copy  
 Teste Beverly S. Tiller, Clerk  
 Circuit Court of Buchanan  
 County, Virginia  
  
 Deputy Clerk

VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

THE ESTATE OF LOGAN HALE,  
BY JOHN HALE AND MARY WINGOLD, CO-ADMR.,

MARY WINGOLD,

JOHN HALE,

AND

JAMES HALE,

Plaintiffs,

v.

Civil Law No.: 19-585

BARRY KENT HALE,  
Defendants.

#### FINAL ORDER

CAME ON THIS DATE, the Plaintiffs, by counsel, upon the Complaint previously filed herein requesting reformation, specific performance, and to quiet title; upon unsuccessful service of the Defendant at his last known address, subsequent duly advertised Order of Publication, the Defendant not appearing as noticed in the aforementioned advertised order of publication rendering him in default.

It appearing that the Plaintiffs, by counsel, filed with this court, on June 18, 2019 a Complaint requesting reformation of a deed dated October 15, 1975, and recorded at Deed Book 231, Page 289, and attached to the Complaint as Exhibit 3; that the heirs of Logan Hale and Electa Hale should have also joined in the aforementioned deed; that on November 26, 1975, each of the heirs, including the Defendant, with the exception of

Logan Hale was given a check in the amount of \$1,111.11 for their interest in the previously referenced land, a copy of each transacted check being attached to the complaint as Exhibit 4; that by deed recorded in the Buchanan County Circuit Court clerks office as the instrument number 180000088, Logan Hale conveyed a portion of the subject property to John Hale; by deed recorded in the Buchanan County Circuit Court Clerk's office as instrument number 180000087 a portion to Mary Wingold and a portion by deed recorded in the Buchanan County Circuit Court Clerk's office as instrument number 180000094 to James Hale, a copy of each having been attached to the Complaint as Exhibit 5; despite receiving payment for their "share in land" the heirs of Logan and Electa Hale, including the Defendant, were not requested to endorse the October 15, 1975, conveyance to Plaintiff's predecessor in title, Logan Hale; that when Plaintiffs brought this issue to the attention of the children, and/or heirs at law, of Ira and Electa Hale in 2018, all of them, except for Defendant, signed a quit claim deed conveying any and all interest they may have in the property to Plaintiffs, a copy of each quit claim deed having been attached to the Complaint as Exhibit 6; that the refusal of Defendant to execute a like quit claim deed has created a cloud on the title to the subject land conveyed to the Plaintiffs as previously referenced; that based upon consideration of the circumstances described in the Complaint, taken as true by virtue of the Defendant being in default, the deed of conveyance dated October 15, 1975, and attached to the Complaint as Exhibit 3, should be reformed to reflect defendants, predecessor entitled to have signed said agreement in order to have given clear title to the same to Plaintiffs, predecessor and title, Logan Hale; that the omission of the Defendant from signing the previously referenced October 15, 1975, deed was a mutual mistake; that the Defendant, on October

15, 1975, entered into an agreement whereby Defendant was to convey his interest in the property to the Plaintiff's predecessor and title, Logan Hale, in exchange for the previously referenced cash payment; that Defendant failed to comply with their obligations under the agreement in that there was a failure to convey their interest in the property to Plaintiffs predecessor and title, Logan Hale; that because Defendant's performance involves the conveyance of real estate, Plaintiffs have no adequate remedy at law; and Plaintiff's predecessor and title have fully complied with their obligations under the agreement, and thus, all prerequisites for Defendant's performance under the agreement have been satisfied; that each Plaintiff is the owner in fee, including the gas estate, of each tract conveyed to them in those previously referenced deeds recorded in the Buchanan County Circuit Court; that Plaintiff Wingold's predecessor and title, Logan Hale, had previously been adjudged to be the owner of the gas estate, as well as an accumulated production royalties presently escrowed by the Virginia Oil and Gas Board, and on deposit with the boards escrow agent, by Order entered by this Court in Hale v. Harrison-Wyatt, LLC, civil case number 397-15 said Order being entered July 20, 2015; that the portion of land conveyed to Plaintiff Wingold by the previously referenced deed of conveyance recorded as instrument number 180000087 is that portion of land referenced in the previously referenced Order.

WHEREFORE, it appearing proper so to do, it is ADJUDGED, ORDERED and DECREED as follows:

1. The Defendant, Barry Kent Hale, is in default, resulting all factual allegations contained in the Complaint being taken as true.

2. The deed dated October 15, 1975, and recorded in the Buchanan County Circuit Court Clerk's office at Deed Book 231, page 289, and attached as Exhibit 3 to the Complaint, is to be taken as reformed so as to include Defendant as a grantor resulting in Logan Hale having been the sole owner of the subject tract and fee sample, and who's heirs and assigns are, thus, entitled to the quiet and peaceful possession of the same.

3. The Plaintiffs are granted specific performance of the previously referenced reformed deed of conveyance based upon Defendant's failure to comply with the terms of the agreement relative to the previously referenced deed.

4. Plaintiffs are the sole owners of the property referenced and conveyed in the instrument numbers 18000088, 18000087 and 18000094, in fee simple, and are thus entitled to the quiet and peaceful possession of the same.

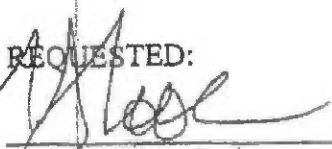
5. Plaintiff Wingold' tract is contained and located within Unit BG-98, and is the same tract of land referenced in the final order entered by this Court on July 20, 2015, in *Logan Hale v. Harrison-Wyatt, LLC*, Civil Case No.397-15.

It appearing nothing else to be done in this matter, the clerk is directed to strike the same from the active docket of the court.

Given under my hand this 18<sup>th</sup> day of September, 2019.

  
JUDGE

REQUESTED:

  
Terrence Shea Cook  
Counsel for Plaintiffs

**CERTIFICATION OF OFFICIAL RECORD**

Court File No. CL19000585-00

VA. CODE §§ 8.01-389, 8.01-391;  
U.S. Const. art. IV, Sec. 1;  
28 U.S.C. § 1738

BUCHANAN COUNTY

Virginia, Circuit Court

**Clerk's Attestation**

I, the Clerk of this Court, attest that the annexed

COPY OF AN ORDER ENTERED IN THE CASE OF: ESTATE OF LOGAN HALE BY JOHN HALE AND MARY WINGOLD, CO-ADMIR., ET ALS VS BARRY KENT HALE DATED SEPTEMBER 18, 2019.

DESCRIPTION OF ORIGINAL RECORD OR COPY

is an official record of this Court in my custody.

is a true, correct and complete copy of an official record of this Court in my custody and I am the custodian of that record.

Given under my hand the seal of this Court on

SEPTEMBER 19, 2019

DATE

By: 

CLERK

DEPUTY CLERK

(Seal)

BEVERLY S. TILLER

TYPED NAME OF CLERK

**Judge's Certification**

I, (a) (the) Judge of this Court, certify that the above attestation of the duly qualified Clerk of this Court, is in proper form, and that the signature thereto is genuine.

DATE

\_\_\_\_\_, Judge

TYPED NAME OF JUDGE

**Clerks of Virginia Courts:** When an original record or copy of a record is transmitted to another Va. Court, only the clerk's attestation is required. When either an original record or copy is transmitted to a court outside Virginia, both the clerk's attestation and the judge's certification are required.

**Clerks of Other Courts:** The above attestation, the affixing of the Court's seal, and the certificate meet the requirements of 28 U.S.C. § 1738, entitling the record so attested and certified to full faith and credit.

VIRGINIA: IN THE CIRCUIT COURT OF BUCHANAN COUNTY

LOGAN HALE,

Plaintiff

vs.

HARRISON-WYATT, LLC,

Defendant

Case No. 397-15

**ORDER ENTERING JUDGMENT**

Upon the joint motion of Plaintiff, Logan Hale and 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 BG-98, Forced Pooling Supplemental Order, Entered March 29, 2013, Regarding Docket No. VGOB-06-0919-1714, Tract 2 of Exhibit A (pg. 6) to the order, 11.33 acres.

The above described tract within the named unit is referred to in this Order as the ("Subject Property").


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 Property, 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 Property.

All other claims asserted by either party against the other are denied, and Defendant Harrison-Wyatt, LLC is dismissed from this action.

This matter is continued.

The Clerk is directed to mail copies of this Order to counsel of record for Harrison-Wyatt, LLC and Plaintiff.


ENTER: This, the 20<sup>th</sup> day JULY, 2015.

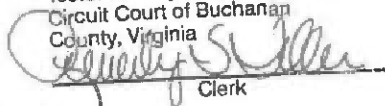
  
MICHAEL L. MOORE, JUDGE

REQUESTED:

  
Counsel for Defendant, HARRISON-WYATT, LLC

SEEN AND AGREED:

  
Counsel for Plaintiffs, T. SHEA COOK, ESQ.

A Copy  
Teste: Beverly S. Tiller, Clerk  
Circuit Court of Buchanan  
County, Virginia  
  
Clerk