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Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26**

BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF SOUGHT: An Order for Disbursement of Escrowed Funds
(and Authorization for Direct Payment of Royalties)

JURISDICTION: *Code of Virginia* § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: Y33
TRACT(S): 1 & 2
LOCATION: Buchanan County, Virginia

APPLICANTS: CNX Gas Company, LLC on behalf of Allie Davis Clowers, Buford Davis, Billy Davis, Joe Davis, Bobby Davis, Gary Davis, Larry Davis, CNX and Coal Mountain Mining, LLC

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
January 17, 2012

DOCKET NUMBER: VGOB-95-1024-0524-01

APPEARANCES: Mark Swartz, Swartz Law Offices, PLLC represented CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 02/04/97 Recorded on 02/11/97 Deed Book 458 Page 391
2. Supplemental Order Executed 08/25/97 Recorded on 09/03/97 Deed Book 466 Page 351

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the January 17, 2012 hearing and consider whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tracts 1 & 2 identified in the attached miscellaneous petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to Tract 1 & 2 relative to the interests of the Applicants identified in the attached miscellaneous petition.
- (3) Close the escrow account under this docket number.

FINDINGS: *Code of Virginia* § 45.1-361.22

Applicant has certified and represented to the Board that:

1. The owner of the coal estate for Tract 1 is Coal Mountain Mining and in Tract 2 Coal Mountain Mining for the subject drilling unit.
2. The owner of the gas estate for Tract 1 is CNX Gas Company and in Tract 2 is Allie Clowers, Buford Davis, Billy Davis, Joe Davis, Bobby Davis, Gary Davis, Larry Wayne Davis for the subject drilling unit.

3. For Tract 1 the aforementioned owners have entered into a royalty split agreement consisting of (50/50) as referenced in the attached miscellaneous petition, as shown in Table 1.
3. For Tract 2 Disbursement is required based on court order, Case Number CL11-0497-00, County of Buchanan, VA consisting of 100% of funds payable to Allie Clowers, Buford Davis, Billy Davis, Joe Davis, Bobby Davis, Gary Davis, Larry Wayne Davis which is made a part of the attached miscellaneous petition attributable and to be disbursed to Applicants, as shown in Table 1

RELIEF GRANTED:

VGOB Approved Disbursement VGOB-95-1024-0524-01 Y33				Fractional Ownership in Tract	Net Acreage Ownership in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed
Table 1								
Tract 1 & 2								
Item	Tract	Disbursement Table						
		Total acreage in escrow before disbursement					45.0400	
	1	Tract 1 total acreage		18.52				
1	1	Coal Mountain Mining Co., LLP. (Coal Owner)	P. O. Box 675, Tazewell, VA 24651	Unknown	18.5200	50.0%	9.2600	20.5595%
2	1	CNX Gas Company LLC (Oil & Gas Owner)	2481 John Nash Blvd., Bluefield, WV 24701	Unknown	18.5200	50.0%	9.2600	20.5595%
	2	Tract 2 Total Acreage		26.52				
		Loyla Edgar Davis Dampson Heirs (Oil, Gas & BM)						
1	2	Allie Davis Clowers	150 CR 161, Riceville, TN 37370	1/8	3.3200	100.0%	3.3200	7.3712%
2	2	Buford Davis	Rt. 1, Box 190, Pounding Mill, VA 24637	1/8	3.3200	100.0%	3.3200	7.3712%
3	2	Billy Davis	4407 Terrance View Road, Louisville, TN 37777	1/8	3.3200	100.0%	3.3200	7.3712%
4	2	Joe Darrell Davis	1752 Sandy Gap Road, Raven, VA 24639	1/8	3.3200	100.0%	3.3200	7.3712%
5	2	Bobby Davis	101 Able Road, Cedar Bluff, VA 24609	1/8	3.3200	100.0%	3.3200	7.3712%
6	2	Gary Davis	P. O. Box 46, Shortt Gap, VA 24647	1/8	3.3200	100.0%	3.3200	7.3712%
7	2	Wayne Davis	P. O. Box 183, Pounding Mill, VA 24637	1/4	6.6300	100.0%	6.6300	14.7202%
1	2	Coal Mountain Mining LLP (Coal)		0				

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1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.

2. The Escrow Agent is ordered to CLOSE the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and **IT IS SO ORDERED.**

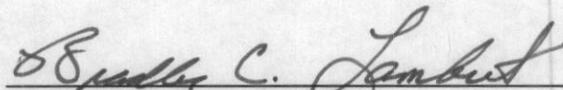
APPEALS:

Appeals of this Order are governed by the provisions of the *Code of Virginia* § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

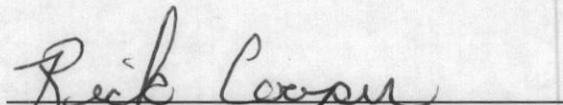
Effective Date:

This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 21 day of Feb, 2012, by a majority of the Virginia Gas and Oil Board.

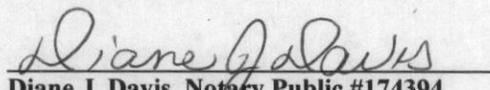

Bradley C. Lambert, Chairman
Virginia Gas and Oil Board

DONE AND PERFORMED this 21ST day of Feb., 2012 BY Order of the Virginia Gas and Oil Board.


Rick Cooper, Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL)

Acknowledged on this 21ST day of February, 2012, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and Rick Cooper, being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and were authorized to do so.


Diane J. Davis, Notary Public #174394

My commission expire: 09/30/2013

