

INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE  
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NO. VGOB-04-1214-1376  
ELECTIONS: CBM Unit C-46  
(hereinafter "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992 at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirements of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on March 11, 2005 and recorded in Deed Book 614, Page 172 in the Office of the Clerk of the Circuit Court for Buchanan County, Virginia on March 14, 2005 (herein "Board Order") and (2) to complete the record regarding elections. The Board Order established a drilling unit and pooled all interests in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 *et seq.*, Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
  - (a) The Board Order directed GeoMet Operating Company, Inc. (herein the "Designated Operator"), to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by said Board Order;
  - (b) The Designated Operator, through its agent Timothy E. Scott, Esquire, filed its affidavit of mailing dated March 24, 2005, disclosing that it had mailed a correct copy of the Board's Order to

all Respondents whose interests, if any, were pooled by said Board Order;

- (c) The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated May 10, 2015, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.7C (herein "Affidavit of Elections" annexed hereto), wherein it has, for each Respondent whose interests, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election(s) made, if any; and (iii) whether, by reason of failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Designated Operator;
- (d) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, The First Bank and Trust Company, 38 East Valley Street, Bristol, Virginia 24201; Telephone: (276) 466-9222 Attn: Kenneth Lovelace, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated July 18, 2006. The Affidavit of Elections indicates that the escrow of funds is **required** with regard to Well No. C-46 CBM Unit.
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at Paragraph 2 above, to the extent escrow was required and to the extent it pertained to the elections and interests of the Respondents who have entered into a royalty split agreement and no longer require escrow of any funds, the Applicant is hereby directed to provide the Board with reconciliation of its and the Escrow Agent's records so that any funds affected by this Order may be disbursed in an appropriate manner.
4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Supplemental Order stating that a true and correct copy of this Supplemental Order was mailed within seven (7) days from the date of

receipt of this Supplemental Order to each Respondent whose address is known.

5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and **IT IS SO ORDERED**.
6. Effective Date: This Amended Supplemental Order shall be effective as of the date of the Board's approval of this Application, which is set forth at Paragraph 1 above.

150001050

DONE AND EXECUTED this 12 day of June, 2015 by a majority of the Virginia Gas and Oil Board.

*Bradley C. Lambert*

Chairman, Bradley C. Lambert

DONE AND PERFORMED this 12 day of June, 2015 by Order of the Virginia Gas and Oil Board.

*Rick Cooper*

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

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 12<sup>th</sup> day of June, 2015, 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 Principal Executive to the staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.

*Sally Settle Ketron*  
Sally Settle Ketron, Notary Public  
7623162

My Commission expires: January 31, 2019



**VIRGINIA:**

***BEFORE THE VIRGINIA GAS AND OIL BOARD***

IN RE: Application of GeoMet Operating Company, Inc. for the Forced Pooling of Interests in CBM Unit C-46, Docket No. VGOB-04-1214-1376 in the Garden District, Bradshaw Quadrangle, Buchanan County, Virginia.

AFFIDAVIT OF MCKINNIS & SCOTT, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

Timothy E. Scott (herein Affiant), being duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of MCKINNIS & SCOTT, the Agent for the Designated Operator, with offices located at 135 W. Main Street, Suite 200, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on March 11, 2005, by the Virginia Gas and Oil Board regarding the captioned coalbed methane gas unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed and recorded copy of the Order referred to at Paragraph 2, above, Designated Operator was directed to cause a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who are added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender written notice of their election of the option selected under Paragraph 9 of the Order to the Designated Operator within thirty (30) days from the date of receipt of a copy of the recorded Order;
5. That the Designated Operator has established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any,

made with regard to Subject Drilling Unit; that the following persons or entities delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day elections period:

NONE

6. That the interest and/or claims of the following persons or entities (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, as unknown or unlocatable:

See Exhibit E

7. That after the pooling hearing held in the captioned matter, the following persons or entities have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims:

NONE

8. That the Designated Operator with regard to persons previously requiring the services of the Escrow Agent have now reached an agreement regarding their interests or claims that allows Applicant/Designated Operator to make royalty distribution without the need to escrow funds which would otherwise be in conflict:

NONE

9. That the Respondents identified in Exhibit B-3 hereto have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective coalbed methane rights, interests and claims shall be deemed to have leased to Applicant/Designated Operator pursuant to and in accordance with Paragraph 10 of the Board Order dated March 11, 2005:

See Exhibit B-3

10. The Designated Operator requests that the following persons be dismissed as Respondents:

NONE

That pursuant to the provisions of 4VAC 25-160.70.A.10 and .C and VAC 25-160-80, annexed hereto and incorporated herein is a proposed supplemental order to

150001050

be entered to complete the record regarding elections; that said annexed amended supplemental order sets forth that the services of the Escrow Agent **are required** in this matter pursuant to the terms of §§ 45.1-361.21.D and 45.1-361.22.A.3 and .4.

Dated at Kingsport, Tennessee, this 10<sup>th</sup> day of May.

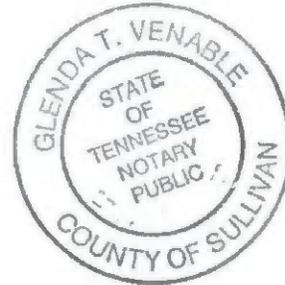
  
\_\_\_\_\_  
Timothy E. Scott, Affiant

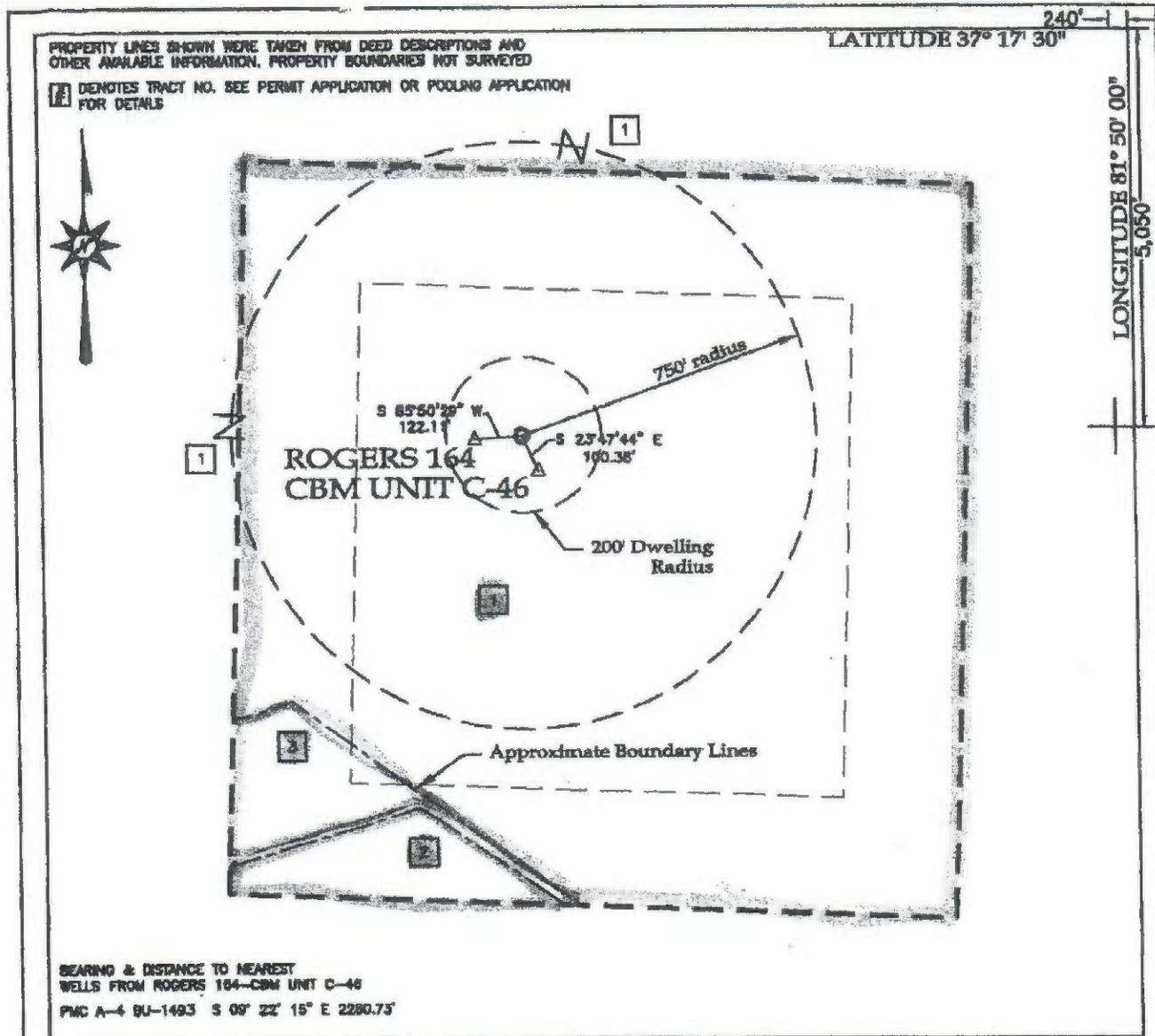
Taken, subscribed and sworn to before me by Timothy E. Scott, the Agent for GeoMet Operating Company, Inc., on behalf of the corporation, this 10<sup>th</sup> day of May, 2015.

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

My commission expires: 10/21/2015

[f:\msword2000\atlas 2015\pooling.C-46.supporder&aff]





THE ACTUAL WELL LOCATION WILL BE WITHIN 10 FEET OF THE PROPOSED LOCATION ACCORDING TO 4 VAC 25-150-220 AND 45.1-381.30.

### WELL LOCATION PLAT

COMPANY: GEOMET OPERATING COMPANY WELL NAME OR NUMBER: ROGERS 164-CBM UNIT C-46  
 TRACT NUMBER: LBR HOLDINGS, LLC NO. 2 SCALE: 1" = 400' DATE: 10/15/04  
 COUNTY: BUCHANAN DISTRICT: GARDEN QUADRANGLE: BRADSHAW  
 ELEVATION: 2,188.97' METHOD USED TO DETERMINE ELEVATION: G.P.S. CONTROL LOOP  
 FROM JEWELL SMOKELESS COAL CO. & TEE ENGINEERING CO. CONTROL POINTS

WELL COORDINATES: (VIRGINIA STATE PLANE - SOUTH ZONE - NAD' 27)

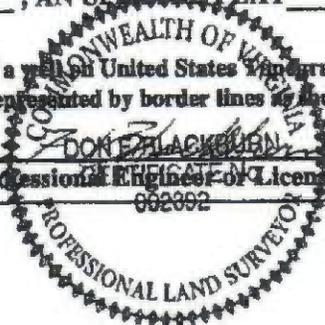
NORTHING - 360,956.77 EASTING - 1,030,126.56

THIS IS A NEW PLAT  ; AN UPDATED PLAT  ; OR A FINAL LOCATION PLAT   
 POOLING PLAT

+ Denotes the location of a well on United States Topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

Form DGO-60-7  
Rev. 1/98

Don Blackburn  
 Licensed Professional Engineer of Licensed Land Surveyor (Affix Seal)



150001050

EXHIBIT A-2  
TRACT IDENTIFICATION  
80-acre Unit

**Rogers Well No. 164  
Drilling Unit C-46**

**Tract 1 - LBR Holdings, LLC et al. - Tract No. 2**

Natural Gas Owners:	Interest:
LBR Holdings, LLC Fon Rogers, II, Manager P.O. Box 22427 Lexington, KY 40522-2427	87.500000%
Jason Poulos 10870 SW 95 <sup>th</sup> Street Miami, FL 33176	2.083333%
Gregory Poulos 48 Azalee Avenue Inglis, FL 34449	2.083333%
Pamela Poulos 1444 Mendavia Avenue Coral Gables, FL 33146	2.083334%
T. G. Rogers, III 14229 Ballantyne Country Club Dr. Charlotte, NC 28277	1.562500%
Shaun Rogers 121 NE 100 <sup>th</sup> Street Miami Shores, FL 33128	1.562500%
Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	1.562500%
Derek Browning Rogers 2001 Sablewood Drive Charlotte, NC 28205	1.562500%

150001050

Coal Owner:	Interest:
LBR Holdings, LLC	100%

**Tract 2 - Pocahontas Mining Limited Liability Company -  
Tract No. 67**

Natural Gas Owner:	Interest:
Pocahontas Mining Limited Liability Company P.O. Box 1339 Bluefield, WV 24701	100%

Coal Owner:	Interest:
Pocahontas Mining Limited Liability Company	100%

**Tract 3 - Pocahontas Mining Limited Liability Company  
(Josh White Tract)/Hobert Day Heirs Tract**

Natural Gas Owners:	Interest:
Pocahontas Mining Limited Liability Company	66.67%

**Hobert Day Heirs**

<u>Hazel D. Mathews Heir</u> Sharon Baucom 4221 Twin Pines Rd. Portsmouth, VA 23703	4.76%
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Sybil D. Baldwin 15616 Carrollton Blvd. Carrollton, VA 23314-2310	4.76%
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Edith D. Ratliff 17030 Old Jonesboro Rd. Bristol, VA 24202	4.76%
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Ola Gay D. Jordan 15281 Turner Drive Smithfield, VA 23430	4.76%
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King David Day 15562 Carrollton Blvd. Carrollton, VA 23314	4.76%
<u>Naaman W. Day Heirs</u> Thelma F. Day Lovelace 22801 Rein Street East Detroit, MI 48201	1.60%
Debra D. Williamson c/o Thelma F. Day Lovelace 28801 Rein Street East Detroit, MI 48201	0.79%
Glen A. Day 6017 Jefferson Avenue Newport News, VA 23605	0.79%
Hobert W. Day 15578 Carrollton Blvd. Carrollton, VA 23314	0.79%
Pernell A. Day 420 Court St., Apt. #7 Portsmouth, VA 23704	0.79%
<u>Garrett Day Heir</u> Allie S. Gillespie 20307 Cleveland Rd. Abingdon, VA 24211	4.77%
Coal Owner:	Interest:
Pocahontas Mining Limited Liability Company	100%
	Jawbone & Jewell Seams
	66.67%
	All Remaining Seams
 <b>Hobert Day Heirs - 1/3 interest All Coal Except Jawbone &amp; Jewell Seams</b>	
<u>Hazel D. Mathews Heir</u> Sharon Baucom 4221 Twin Pines Rd. Portsmouth, VA 23703	4.76%

150001050

Sybil D. Baldwin 15616 Carrollton Blvd. Carrollton, VA 23314-2310	4.76%
Edith D. Ratliff 17030 Old Jonesboro Rd. Bristol, VA 24202	4.76%
Ola Gay D. Jordan 15281 Turner Drive Smithfield, VA 23430	4.76%
King David Day 15562 Carrollton Blvd. Carrollton, VA 23314	4.76%
<u>Naaman W. Day Heirs</u> Thelma F. Day Lovelace 22801 Rein Street East Detroit, MI 48201	1.60%
Debra D. Williamson c/o Thelma F. Day Lovelace 28801 Rein Street East Detroit, MI 48201	0.79%
Glen A. Day 6017 Jefferson Avenue Newport News, VA 23605	0.79%
Hobert W. Day 15578 Carrollton Blvd. Carrollton, VA 23314	0.79%
Pernell A. Day 420 Court St., Apt. #7 Portsmouth, VA 23704	0.79%
<u>Garrett Day Heir</u> Allie S. Gillespie 20307 Cleveland Rd. Abingdon, VA 24211	4.77%

[pooling.rogers164-c46.exa2]

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## EXHIBIT B-3

PARTIES WHO HAVE NOT REACHED AGREEMENT WITH OPERATOR  
 POOLING ORDER FOR UNIT C-46  
 OAKWOOD COALBED METHANE GAS FIELD I  
 DOCKET NO. 04-1214-1376

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
		<u>Gas Estate Only</u>		
1	Jason Poulos, single 10870 SW 95th Street Miami, FL 33176	Unleased	1.932500%	1.546000
	Gregory Poulos and Karen Poulos, H/W 48 Azalee Avenue Inglis, FL 34449	Unleased	1.932500%	1.546000
	Pamela Poulos, single 1444 Mendavia Avenue Coral Gables, FL 33146	Unleased	1.932500%	1.546000
	T.G. Rogers, III and Tracey Rogers, H/W 14229 Ballantyne Country Club Drive Charlotte, NC 28277	Unleased	1.4493750%	1.159500
	Shaun Rogers and Nadine Davey Rogers, H/W 121 NE 100 <sup>th</sup> Street Miami Shores, FL 33128	Unleased	1.4493750%	1.159500
	Kevin Rogers and Katherine Rogers, H/W 139 Wickham Road Garden City, NY 11530	Unleased	1.4493750%	1.159500
	Derek Browning Rogers and Anne Rogers, H/W 2001 Sablewood Drive Charlotte, NC 28205	Unleased	1.4493750%	1.159500
2	Pocahontas Gas Partnership CBM Lessee P.O. Box 947 Bluefield, VA 24605 (for: Pocahontas Mining Limited (Liability Company) (P.O. Box 1339) (Bluefield, WV 24701)	Unleased PMC Tr. 67	3.3600000%	2.688000

150001050

## EXHIBIT B-3

PARTIES WHO HAVE NOT REACHED AGREEMENT WITH OPERATOR  
 POOLING ORDER FOR UNIT C-46  
 OAKWOOD COALBED METHANE GAS FIELD I  
 DOCKET NO. 04-1214-1376

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
3	Pocahontas Mining Limited Liability Company P.O. Box 1339 Bluefield, WV 24701	Unleased PMC's-Josh White Tr.	2.586667%	2.069333
	<u>Hobert Day Heirs</u>			
	<u>Hazel D. Mathews Heirs</u> Sharon Baucom 4221 Twin Pines Rd. Portsmouth, VA 23703	Unleased	0.184762%	0.1478095
	Sybil D. Baldwin 15616 Carrollton Blvd. Carrollton, VA 23314-2310	Unleased	0.184762%	0.1478095
	Edith D. Ratliff 17030 Old Jonesboro Rd. Bristol, VA 24202	Unleased	0.184762%	0.1478095
	Ola Gay D. Jordan 15281 Turner Drive Smithfield, VA 23430	Unleased	0.184762%	0.1478095
	King David Day 15562 Carrollton Blvd. Carrollton, VA 23314	Unleased	0.184762%	0.1478095
	<u>Naaman W. Day Heirs</u> Thelma F. Day Lovelace 22801 Rein Street East Detroit, MI 48021	Unleased	0.061587%	0.0492700
	Debra D. Williamson c/o Thelma F. Day Lovelace 22801 Rein Street East Detroit, MI 48021	Unleased	0.030793%	0.0246350
	Glen A. Day 6017 Jefferson Avenue Newport News, VA 23605	Unleased	0.030793%	0.0246350
	Hobert W. Day 15578 Carrollton Blvd. Carrollton, VA 23314	Unleased	0.030794%	0.0246350

## EXHIBIT B-3

PARTIES WHO HAVE NOT REACHED AGREEMENT WITH OPERATOR  
 POOLING ORDER FOR UNIT C-46  
 OAKWOOD COALBED METHANE GAS FIELD I  
 DOCKET NO. 04-1214-1376

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
	Pernell A. Day ✓ 420 Court St., Apt. #7 Portsmouth, VA 23704	Unleased	0.030794%	0.0246350
	Garrett Day Heirs ✓ Allie S. Gillespie 20307 Cleveland Rd. Abingdon, VA 24211	Unleased	0.184762%	0.1478095
	Percentage of Unit Unleased-Gas Estate		18.835000%	-
	Acreege in Unit Unleased-Gas Estate			15.068000

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## EXHIBIT B-3

PARTIES WHO HAVE NOT REACHED AGREEMENT WITH OPERATOR  
 POOLING ORDER FOR UNIT C-46  
 OAKWOOD COALBED METHANE GAS FIELD I  
 DOCKET NO. 04-1214-1376

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Coal Estate Only</u>				
2	Pocahontas Gas Partnership CBM Lessee P.O. Box 947 Bluefield, VA 24605 (for: Pocahontas Mining Limited) (Liability Company) (P.O. Box 1339) (Bluefield, WV 24701)	Unleased PMC Tr. 67	3.3600000%	2.688000
3	Pocahontas Mining Limited Liability Company P.O. Box 1339 Bluefield, WV 24701	Unleased PMC's-Josh White Tr.	2.586667%	2.069333
	<b>Hobert Day Heirs</b>			
	<u>Hazel D. Mathews Heirs</u> Sharon Baucom 4221 Twin Pines Rd. Portsmouth, VA 23703	Unleased	0.184762%	0.1478095
	Sybil D. Baldwin 15616 Carrollton Blvd. Carrollton, VA 23314-2310	Unleased	0.184762%	0.1478095
	Edith D. Ratliff 17030 Old Jonesboro Rd. Bristol, VA 24202	Unleased	0.184762%	0.1478095
	Ola Gay D. Jordan 15281 Turner Drive Smithfield, VA 23430	Unleased	0.184762%	0.1478095
	King David Day 15562 Carrollton Blvd. Carrollton, VA 23314	Unleased	0.184762%	0.1478095
	<u>Naaman W. Day Heirs</u> Thelma F. Day Lovelace 22801 Rein Street East Detroit, MI 48021	Unleased	0.061587%	0.0492700

150001050

EXHIBIT B-3  
 PARTIES WHO HAVE NOT REACHED AGREEMENT WITH OPERATOR  
 POOLING ORDER FOR UNIT C-46  
 OAKWOOD COALBED METHANE GAS FIELD I  
 DOCKET NO. 04-1214-1376

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
	Debra D. Williamson c/o Thelma F. Day Lovelace 22801 Rein Street East Detroit, MI 48021	Unleased	0.030793%	0.0246350
	Glen A. Day 6017 Jefferson Avenue Newport News, VA 23605	Unleased	0.030793%	0.0246350
	Robert W. Day 15578 Carrollton Blvd. Carrollton, VA 23314	Unleased	0.030794%	0.0246350
	Pernell A. Day 420 Court St., Apt. #7 Portsmouth, VA 23704	Unleased	0.030794%	0.0246350
	<u>Garrett Day Heirs</u> Allie S. Gillespie 20307 Cleveland Rd. Abingdon, VA 24211	Unleased	0.184762%	0.1478095
	Percentage of Unit Unleased Coal Estate		7.240000%	
	Acreage in Unit Unleased Coal Estate			5.792000

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EXHIBIT "E"  
ROGERS 164-CBM UNIT C-46  
DOCKET #YGOB 04-1214-1376  
List of Conflicting Owners/Claimants That Require Escrow

		PERCENTAGE OWNERSHIP OF TRACT IN DISPUTE	PERCENTAGE OWNERSHIP OF UNIT IN DISPUTE
(7)	Derek Browning Rogers and Anne Rogers, H/W 2001 Sablewood Drive Charlotte, NC 28205	1/64	$1/64 \times 92.76\%$ = 1.449375%
	TOTAL	<u>1/8</u>	<u>11.595%</u>

INSTRUMENT #150001050  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
JULY 6, 2015 AT 11:14AM

BEVERLY S. TILLER, CLERK  
RECORDED BY: GGB

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