

1419  
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-09-0120-2459  
ELECTIONS: V-530046  
(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 August 31, 2009, and recorded in Deed Book 471, Page 184 in the Office of the Clerk of the Circuit Court for Dickenson County, Virginia on September 28, 2009, (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 Range Resources-Pine Mountain, 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 filed its affidavit of mailing dated December 10, 2009, 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 December 10, 2009, 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, Wachovia Bank, N.A., VA7515, P. O. Box 14061, Roanoke, VA 24038; Tel: (540) 563-7764; Attn: Judy Barger, 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 not** required with regard to V-530046.
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 Order shall be effective as of the date of the Board's approval of this Application, which is set forth at Paragraph 1 above.

DONE AND EXECUTED this 8 day of April, 2010, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 8 day of April, 2010, by the Order of this Board.

David E. Asbury  
David E. Asbury  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA     )  
COUNTY OF RUSSELL    )

Acknowledged on this 8<sup>th</sup> day of April, 2010, 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 Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury, 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 were authorized to do so.

Diane J. Davis  
Diane J. Davis, Notary  
174394

My commission expires: 9/30/13



**VIRGINIA:**

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

IN RE: Application of Range Resources-Pine Mountain, Inc, for Establishment of a Drilling Unit and the Forced Pooling of Interests in V-530046, Docket No. VGOB-09-0120-22459 in the Ervinton District, Duty Quadrangle, Dickenson 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 August 31, 2009, by the Virginia Gas and Oil Board regarding the captioned conventional 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, the Affiant 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 Lebanon, 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, by and through its agent, McKinnis & Scott, Attorneys-at-Law, 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:

None

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:

Stephen Mullins (Tract 1)  
Donnie Lee Presley (Tract 2)

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 August 31, 2009:

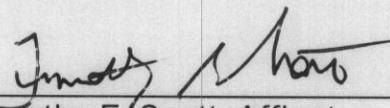
See Exhibit B-3

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

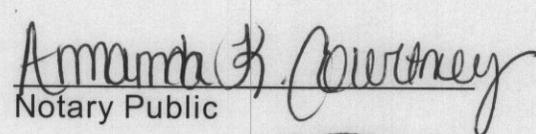
Stephen Mullins (Tract 1)  
Donnie Lee Presley (Tract 2)

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 be entered to complete the record regarding elections; that said annexed 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 14<sup>th</sup> day of December, 2009.

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

Taken, subscribed and sworn to before me by Timothy E. Scott, the Agent for Range Resources-Pine Mountain, Inc., a corporation, on behalf of the corporation, this 14<sup>th</sup> day of December, 2009.

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

My commission expires: 11/16/10



**Exhibit "B-3" - Unleased Owners**  
**V-530046 Revised 12/14/09**

Tract	Lessor	Lease Status	Interest Within Unit	Gross Acreage in Unit
	<b>Gas Estate Only</b>			
1	<b><u>Eivens Tiller Heirs:</u></b> Tax Card ID - Minerals Only			
	Chad & Patsy Barton, H/W P.O. Box T Haysi, VA 24256	Unleased	0.75800000	0.85433333
	Peggy Barton P.O. Box 175 Bee, VA 24217	Unleased	0.15160000	0.17086667
	Steve R. Barton P.O. Box 234 Haysi, VA 24256	Unleased	0.15160000	0.17086667
	Chandra Cheryl Bostic & Kenny Bostic, W/H HC 4 Box 278 Bee, VA 24217	Unleased	0.15160000	0.17086667
	Ricky Lane Barton & Pam Agnus Barton, H/W Box 242 Mack's Hollow Haysi, VA 24256	Unleased	0.15160000	0.17086667
	Terry Lorenzen Barton and Barbara Gayle Barton, H/W P.O. Box 499 Haysi, VA 24256	Unleased	0.15160000	0.17086667
	Louise B. Compton and James I. Compton, W/H 118 Graham Robinson Rd. Max Meadows, VA 24360	Unleased	0.75800000	0.85433333
	Mickey W. Barton and Becky Barton, H/W HC 4 Box 273 Bee, VA 24217-9603	Unleased	0.37900000	0.42716667

Wrenda Joetta Barton P.O. Box 444 Davenport, VA 24239	Unleased	0.37900000	0.42716667
Stephen Mullins 767 College Ave. Apt. 300 Pittsburgh, PA 15232	Unleased	0.11843750	0.13348958
Donna Tiller Sizemore and Roger Sizemore, W/H 24107 Watauga Rd. Abingdon, VA 24211	Unleased	0.25266667	0.28477778
2 <b><u>Eivens Tiller Heirs:</u></b> Tax Card ID - Minerals Only			
Chad & Patsy Barton, H/W P.O. Box T Haysi, VA 24256	Unleased	0.20633333	0.23233333
Peggy Barton P.O. Box 175 Bee, VA 24217	Unleased	0.04126667	0.04646667
Steve R. Barton P.O. Box 234 Haysi, VA 24256	Unleased	0.04126667	0.04646667
Chandra Cheryl Bostic & Kenny Bostic, W/H HC 4 Box 278 Bee, VA 24217	Unleased	0.04126667	0.04646667
Ricky Lane Barton & Pam Agnus Barton, H/W Box 242 Mack's Hollow Haysi, VA 24256	Unleased	0.04126667	0.04646667
Terry Lorenzen Barton and Barbara Gayle Barton, H/W P.O. Box 499 Haysi, VA 24256	Unleased	0.04126667	0.04646667
Louise B. Compton and James I. Compton, W/H 118 Graham Robinson Rd. Max Meadows, VA 24360	Unleased	0.20633333	0.23233333
Mickey W. Barton and Becky Barton, H/W HC 4 Box 273 Bee, VA 24217-9603	Unleased	0.10316667	0.11616667

Wrenda Joetta Barton P.O. Box 444 Davenport, VA 24239	Unleased	0.10316667	0.11616667
Stephen Mullins 767 College Ave. Apt. 300 Pittsburgh, PA 15232	Unleased	0.03223958	0.03630208
Donna Tiller Sizemore and Roger Sizemore, W/H 24107 Watauga Rd. Abingdon, VA 24211	Unleased	0.06877778	0.07744444
3 <b><u>Eivens Tiller Heirs:</u></b> Tax Card ID - Minerals Only			
Chad & Patsy Barton, H/W P.O. Box T Haysi, VA 24256	Unleased	0.85833333	0.96733333
Peggy Barton P.O. Box 175 Bee, VA 24217	Unleased	0.17166667	0.19346667
Steve R. Barton P.O. Box 234 Haysi, VA 24256	Unleased	0.17166667	0.19346667
Chandra Cheryl Bostic & Kenny Bostic, W/H HC 4 Box 278 Bee, VA 24217	Unleased	0.17166667	0.19346667
Ricky Lane Barton & Pam Agnus Barton, H/W Box 242 Mack's Hollow Haysi, VA 24256	Unleased	0.17166667	0.19346667
Terry Lorenzen Barton and Barbara Gayle Barton, H/W P.O. Box 499 Haysi, VA 24256	Unleased	0.17166667	0.19346667
Louise B. Compton and James I. Compton, W/H 118 Graham Robinson Rd. Max Meadows, VA 24360	Unleased	0.85833333	0.96733333
Mickey W. Barton and Becky Barton, H/W	Unleased	0.42916667	0.48366667

HC 4 Box 273  
Bee, VA 24217-9603

Wrenda Joetta Barton  
P.O. Box 444  
Davenport, VA 24239

Stephen Mullins  
767 College Ave. Apt. 300  
Pittsburgh, PA 15232

Donna Tiller Sizemore and  
Roger Sizemore, W/H  
24107 Watauga Rd.  
Abingdon, VA 24211

Unleased 0.42916667 0.48366667

Unleased 0.13411458 0.15114583

Unleased 0.28611111 0.32244444

**TOTAL GAS ESTATE 8.63868056 9.73510417**

INSTRUMENT #100000712  
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DICKENSON ON  
MAY 24, 2010 AT 09:34AM  
RICHARD W. EDWARDS, CLERK  
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