

VIRGINIA DEPARTMENT OF MINES, MINERALS AND ENERGY

VIRGINIA GAS AND OIL BOARD HEARING

Tuesday, July 21, 2015

Lebanon, Virginia

BOARD MEMBERS:

Bill Harris—Public Member

Bruce Prather—Oil and Gas Industry Representative

Donnie Ratliff—Coal Industry Representative

Donnie Rife— Public Member

Mary Quillen—Public Member

Rita Surratt— Public Member

APPEARANCES:

Bradley Lambert—Chairman of the Virginia Gas & Oil Board

Rick Cooper—Director of the Division of Gas & Oil and
Principal Executive to the Staff of the Board

Paul Kugelman, Jr.—Senior Assistant Attorney General

Sarah Gilmer—Staff Member of the Division of Gas & Oil

Sally Ketron—Staff Member of the Division of Gas & Oil

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1 **Bradley Lambert:** Good morning, ladies and gentlemen. It's now after 9:00. It's time to begin
2 our proceedings this morning. If you have cell phones or other communication devices, I would
3 ask you to please turn those off or put them on vibrate. These proceedings are being recorded
4 and we don't need to be hearing outside conversations from cell phones. We'll begin this
5 morning by asking the Board to please introduce themselves. I'll begin with Ms. Surratt.

6 **Rita Surratt:** I'm Rita Surratt. I'm a public member from Dickenson County.

7 **Paul Kugelman:** Paul Kugelman, representing the Board from the Virginia Attorney General's
8 Office.

9 **Bradley Lambert:** I'm Butch Lambert, with the Department of Mines, Minerals and Energy.

10 **Donnie Ratliff:** I'm Donnie Ratliff, representing coal.

11 **Donnie Rife:** Donnie Rife, Dickenson County.

12 **Bill Harris:** I'm Bill Harris, a public member from Wise County.

13 **Bruce Prather:** I'm Bruce Prather. I represent the oil and gas industry on the Board.

14 **Mary Quillen:** Mary Quillen, public member.

15 **Bradley Lambert:** Thank you.

16 **Item Number 1**

17 **Bradley Lambert:** Now, we'll enter into our public comment period. I have, signed up this
18 morning, Peter Glubiak. Mr. Glubiak, could you come up here, please? It's been a while. Good
19 to see you, Mr. Glubiak.

20 **Peter Glubiak:** Thank you, Mr. Chairman, members of the Board. My name is Peter Glubiak.
21 I've been coming here a lot longer than I care to talk about. Many of the members are still here.
22 I was involved in the Harrison Wyatt case, which involved the original ownership case, the later
23 Swords Creek, Belcher case, which happened last year. As you all probably know, I am
24 currently involved with the class actions, which are pending in District Court in Abingdon. With
25 the passage and signing of House Bill 2058, you have a historic opportunity to resolve an issue
26 which dragged on for almost 25 years. Does the coal claimant or the gas claimant own the
27 coalbed methane produced in Virginia and, thus, is the owner of the royalties in escrow in
28 suspense accounts? At long last, the ownership issue is being resolved and this is the significant
29 part, on an across-the-board basis. Under the terms of the existing statute, there were only three
30 ways to, essentially, petition the Board to disburse the money: a split agreement, arbitration or a
31 final judicial determination. Now, subject to title confirmation and notice to the coal owners, the
32 gas owners are ordered to file petitions seeking the distribution of royalties to the gas claimants.

1 There is a deadline, imposed by the statute, of January 1, 2016. Once again, subject to title
2 issues or challenges from coal companies, money will finally begin to flow to the proper parties.
3 I am sure thousands of gas claimants from Southwest Virginia and throughout the
4 Commonwealth are relying on the abilities of DGO and the Board to make sure the requirements
5 of the statute are followed. And, indeed, by January 1, 2016, petitions are filed and this Board
6 starts, at least, the process of paying folks what they are due. Once again, the legislation is in
7 place to resolve this vital ownership issue and millions of dollars, which will be distributed from
8 the escrow and suspense accounts, will help immeasurably the lives of thousands of our fellow
9 citizens. I came here with the express intent of being very positive and I am. I'm excited about
10 the opportunity you have to move this forward. I hope that the gas operators, at least a couple of
11 whom are here, will understand that these petitions have to be filed, that we will not be facing a
12 situation where petitions are not filed and work is not done and we're not ready to go forward on
13 January 1. Obviously, things are not going to be finished on that date, but my hope is that we've
14 made a good start. I have one item I was going to discuss, which is something of a problem. I've
15 spoken with Mr. Cooper and Mr. Lambert. There is in both Jen Shaver, who is here, and myself,
16 as well as our colleagues represent the Poulos Rogers folks, who are the subject of most of the
17 disbursements today. I want to point out, for your information, and Mr. Cooper has been
18 working on this, that when GeoMet transferred its assets last year, it's been almost exactly a year,
19 to Atlas Energy, they were put on notice of these accounts and trying to straighten them out. It's
20 turned out to be something more of a mess than anybody thought. Given the fact that, in April,
21 we received a final judicial determination pursuant to the refusal of the Supreme Court to
22 overturn or hear the summary judgment issued back last year, we are ready to get the
23 disbursement. Atlas, apparently, is not ready. I'm not sure where GeoMet fits in this. My hope
24 is, Mr. Cooper informs me, that Atlas is going to take a good stab at getting some of this in front
25 of the Board in August and, hopefully, polish off the rest of it in September. In the absence of
26 that, there's some other alternatives we have. Obviously, going to court, and those kinds of
27 things are time-consuming and expensive. The best solution would be, hopefully, if GeoMet and
28 Atlas continue to cooperate with Mr. Cooper and this Board. Finally, I thank you for your
29 service on this Board. I look forward to the day, soon, I hope, that this money will start changing
30 the lives of our fellow citizens throughout Virginia. Thank you.

31 **Bradley Lambert:** Thank you, Mr. Glubiak.

32 **Item Number 2**

33 **Bradley Lambert:** The next item on our agenda is the First Bank and Trust Company, Escrow
34 Agent, for the Virginia Gas and Oil Board, will appear to address the Board on its Quarterly
35 Report. Good morning.

36 **Kenneth Lovelace:** Good morning. How are you? I should have gotten me one of those ear
37 bobs. I could have heard a lot of what's going on. It's kind of quiet back there, so I apologize.

1 Next time, I'll make sure I get one. Thank you very much for having us this morning. I've given
2 all of you a Second Quarter review document. I'm just going to go through that. Please do, if
3 you have any questions at all while I'm doing this, stop me. I'll be glad to address any questions,
4 at all. Also, at the end, I'll be glad to do that, too. This is for the ending of the report for the
5 Second Quarter. I'm going to go down the agenda. We'll start with the Summary. The first page
6 is about the beginning balance. I don't want to read to you, but I want to give this information to
7 you, so we'll have it down...\$28,788,833.50. We did receive deposits during that Second Quarter
8 of \$474,626.59. Interest was earned on that money, during that period, of \$14,234.95. There
9 was \$7,151.10 in fees. Distributions during the Second Quarter total \$1,271,957.72. There were
10 no audit expenses. There were some adjustments during that period of time of \$2,661.74. That
11 left our ending balance, at the end of June, at \$27,995,924.48. Our next item is the outstanding
12 check list. It's pretty self-explanatory. These are checks that have been distributed to customers
13 that they have not, for whatever reason, cashed. They have not been returned to anyone. Our
14 assumption is, since they were mailed and they were not returned, that they are in the possession
15 of those people and, for whatever reason, they haven't cashed them. This is a list, by name and
16 by amount, of how many are out there. There's a pretty good amount of checks that are out
17 there. We talked a little bit about this last time, as to why somebody would not want to cash the
18 check. I'm not real sure as to that reason, but this is an accounting of what's out there. We do
19 watch that very closely.

20 **Donnie Rife:** I'm sure these people understand why the check is there, don't they?

21 **Kenneth Lovelace:** I'm sorry. Say that again.

22 **Donnie Rife:** I'm sure the people do understand why they have the check?

23 **Kenneth Lovelace:** I would think they do. I would think, if I received a check, and I knew I
24 was either an owner or partial owner or a descendant was owner of a well, what it was for. I
25 can't speculate as to why they would not cash a check. Some of these checks have been out there
26 a long time.

27 **Mary Quillen:** These are the same people that we've been dealing with for several years.

28 **Kenneth Lovelace:** Yes, ma'am.

29 **Mary Quillen:** So, there's no new additions on this.

30 **Kenneth Lovelace:** The names appear every month. Every time we make this presentation, for
31 the most part. Some do appear, as the list starts out, it's not ordered by date. There are some out
32 there that are quite old. That kind of leads us to the next list, which is outstanding checks, the 5-
33 year Escheatment, as they call it. Escheatment is just a term that says that after something has
34 been out there for a certain length of time, the State of Tennessee can take that money and they
35 can use it. They can grab it. So, we watch that. We watch the State of Tennessee...or

1 Virginia...I apologize, Virginia and Tennessee. We watch those sites and this is a list of some of
2 the ones that have been out there a while. That doesn't mean, because they reach the five-year
3 mark that they will act on them, but we're constantly watching that site. If one of those checks
4 appear, that we've written out.... Here's a check, this first item that's \$0.37. So, it's not a matter
5 of whether it's a penny or a pound. It's the fact that it's a check, that it was written to this person.
6 If we see it appear, we go and we make application to the State. We bring that money back in
7 and then we'll contact the oil company that it belongs to and they can dispose of it how they want
8 to or they can put it before the court and they'll redistribute those funds how they're supposed to
9 be redistributed. So, we watch to make sure that those funds aren't gone away or absorbed by a
10 State.

11 **Bruce Prather:** Are any of the checks that you send out, do they have a time period when
12 you've got to endorse a check? In other words, I've seen checks where you have a six-month
13 period to endorse them and then the check is...

14 **Kenneth Lovelace:** Is void.

15 **Bruce Prather:** Yes.

16 **Kenneth Lovelace:** No, sir. These particular checks, we know what they are. We send them
17 out. We're watching them. They are live checks. If someone wants to bring in a check from
18 2011, they're going to be able to cash that check.

19 **Bruce Prather:** Okay.

20 **Rick Cooper:** Mr. Chairman, if I could. I was saving this for the end, but it's a good time to
21 interject. On the Board's request last time, they had requested that we write a letter to these
22 particular people on this list and give them notice that these checks will be escheated. We have
23 done that. We have sent those letters out. We did that on return receipt. They've not all picked
24 them up, yet. But, we have addressed all these people on this list and told them the terms and
25 conditions and the bank's position, that they would escheat the funds. So, we have conducted
26 that.

27 **Bradley Lambert:** Okay.

28 **Rick Cooper:** Ms. Gilmer sent those out late last week. So, we have that process in place.

29 **Bradley Lambert:** Thank you, Rick.

30 **Kenneth Lovelace:** I will mention one other thing that's not on the agenda, but it's related to
31 this. It is related to checks. Recently, VGOB established a process where, if we get checks
32 returned back and, as we know we're going into a period where quite a few checks are going to
33 be going out, we do our best for everyone to have a good address and to have good information.
34 But, if a check happens to return to us and it was undeliverable or whatever the challenge is, at

1 that point, the bank will go back to the oil company that belongs to that account. We'll ask for an
2 alternate address. If there's not an alternate address, at that time, the VGOB will go to the oil
3 company and ask them to have those funds put back through the process. So, the money doesn't
4 get ignored. It doesn't get lost. We can't, arbitrarily, just put it back into the fund because it will
5 disrupt the accurate balance of where the account is at that time. It has to go back through the
6 process. We are watching that. There's a process in place for that. The next report is the
7 account detail report. Actually, this is a copy of the report for June. It is very lengthy. I
8 apologize for the font. We're going to try to make some changes next time, to where we'll
9 change this to landscape and also increase the size of this so you can see it. If you look at the
10 very first one, it's account number 4. Then, you can go across the top and it shows where money
11 has come in, where money has gone out, where fees have been applied and interest has been
12 applied. Then, it has a beginning and ending balance. You can really just get the gist of this
13 whole report by looking at the very first one. It's in numeric order, not so much by oil company.
14 Every month when the money comes in and it goes out, this is how we take care of it and watch
15 after it. If you'll notice on the very last page of that report, there is a balance. That balance is the
16 very same balance that is on the summary. That is the \$27,995,924.48. That's where that
17 number comes from. The next document is unfunded units. This is just a report that's showing
18 what units are out there that have not been funded, yet. We do maintain a list for those. That's
19 what that one is. The next document is for annual distributions. It's a summary. It goes back a
20 few years. We'll talk about year-to-date 2015. Under Royalty & Working Income column, for
21 the year 2015, so far, there has been \$1,131,140.93 come in. But, you see the distributions have
22 ticked up quite a bit this year to \$1,915,413.72. More money's gone out than come in this year.
23 We expect that to continue for the last few months, drastically. The next page is the investment
24 of funds. I'll go over this, but this is pretty much a detail of where the money is and how it's
25 being invested and how much is there. There were some requests last time for me to cover
26 something specific relating to where it was, when these items would mature and how much
27 money would be available for distribution. If you look at that first item, actually, it's the third
28 item down where it says, "CDARS." A CDAR is a CD, basically. You'll notice the due date on
29 these. Almost all of these are maturing very quickly. There is one that goes out to October
30 2015. These monies will mature. When they do mature, they'll be put into a money market and
31 make available for distribution. I was asked last time if there was a penalty involved if we had to
32 get into that account and break one, in order for the distributions to happen. I can address that,
33 but at this point, there's quite a bit of money in the regular money market that should handle that,
34 unless the distributions get real fast, real hard. We can see, as of July 30, 2.6 million is going
35 into it. September 4, 1.4 million. Then, October, another \$980,000. Specific to penalties, early
36 withdrawal penalty for a CDAR that is 13 weeks or shorter, is 100% of the interest. I don't think
37 we'll have to address that because, again, there's plenty of money in there. If the length of time
38 on the CDAR is longer than 13 weeks, then it's 50% of the interest. So, the penalty is significant.
39 That's why we're very careful about where we put these funds, in connection to when they're
40 going to be needed and used.

1 **Mary Quillen:** I have just one question on that. As they mature, none of them are going to be
2 reinvested in CDARS, right?

3 **Kenneth Lovelace:** No, ma'am. Not at this point. We recommend no new investments be
4 made in the CD's until the distributions are finalized. We're looking on a time, right now, that
5 we think that there's going to be a lot of distributions, based on everything that we've been told.
6 The money market does earn a little bit of money, but it's a balance between making money and
7 having it available.

8 **Mary Quillen:** After this initial period of these distributions, if we see that we do have some
9 money to reinvest, we can reinvest in the CDARS, right?

10 **Kenneth Lovelace:** Yes, ma'am. That will be at your discretion, once we get to a point where
11 those distributions have happened and there's a good, normalized, sum that's there, based on
12 people who either can't receive a check or we couldn't get the money out and it's leveled.
13 Then, that's a point of discussion for you guys to say, "We want you to put it in one of multiple
14 investments to get one of multiple returns."

15 **Mary Quillen:** Okay.

16 **Kenneth Lovelace:** We can do that at that time.

17 **Mary Quillen:** I feel like our return on investment has been really excellent with the CDARS
18 and, of course, it's certainly a secure investment. Just to be sure that we would have that
19 opportunity down the road when we see some normalcy in the levels of distributions, that we
20 would know what we were going to have and we could reinvest in that.

21 **Kenneth Lovelace:** This is the money that everyone is totally managing. We are taking your
22 direction. We're just watching it for you. We have investment officers that have a very, very
23 wide range of experience. They can go from a matchbox to something very aggressive. Of
24 course, that's not something you want to do, but there will be plenty of opportunity to discuss
25 where you want to go and how you want to invest that.

26 **Mary Quillen:** We've been extremely satisfied with the direction that we have gotten from your
27 group. It has been unbelievable.

28 **Kenneth Lovelace:** Thank you very much. I appreciate that. The second section, here, is the
29 brokered CD's. You can see out beside those, there are several dates and those are maturity
30 dates. All remaining CDARS will mature and be reinvested in the investment money market.
31 By August 1, only 3.9 million will be left in CD's. Very shortly after that, the rest of it will go to
32 the money market, in preparation for this distribution. A little bit lower, down at the bottom,
33 there are three items here. It talks about weighted average and yield, but the big number is total
34 weighted average yield between these investment tools. You're getting about .23%, not the best
35 in the world, but along with being conservative times right now, it's not a bad return on your

1 money, considering that we're trying to distribute it here, pretty soon. The next page is rate
2 comparisons. It's, basically, just a page that compares different rates, the CDARS rates against
3 the treasury rates and the DTC rates, which is Deposit Trust Company rates. If you look down at
4 those, of course, obviously, you can put an investment in for one month up to five years and you
5 have to dial in what you want, how long you want to put it out there and how much risk you want
6 to be exposed to or none, or how long you want to tie the money up, keeping in mind that there
7 are penalties if you put it out there too long. This is something we can talk about after the
8 distributions are done, as far as how to put this out there. The last page is the Federal Reserve
9 Economic Data Report and it just talks about the 5-Year Treasury maturity rate, the 1-2 Year
10 Maturity rate. It's just a visual for where the rates are trending. Anyone have any questions?

11 **Bradley Lambert:** So, based upon this report and the report from the last time, we're still going
12 to have, between now and the end of December, when we're hoping that we'll see a lot of
13 disbursements, we still have around 19 or 20 million available right now.

14 **Kenneth Lovelace:** That's right now. As we get closer and these CD's go away, it's going to go
15 up.

16 **Bradley Lambert:** We'll be able to take those that are in CDARS now and will be available.

17 **Kenneth Lovelace:** Exactly. That total number will bump.

18 **Bradley Lambert:** Okay.

19 **Kenneth Lovelace:** With the goal being, as we get into the fall of the year, all of that money
20 being available. Then, it's up to the companies to distribute it and for us to get as much of it out
21 there as we can or show good effort that we tried to get it out there.

22 **Bradley Lambert:** Okay.

23 **Donnie Ratliff:** Mr. Chairman.

24 **Bradley Lambert:** Mr. Ratliff.

25 **Donnie Ratliff:** It's not big numbers, but this column of corrections, it don't balance. You
26 would think that, if you took money from one well to put it on the other to make it correct. At
27 the end of the day, it's only like \$2,600 to the negative. Why would that not balance?

28 **Kenneth Lovelace:** What was the question, again, sir?

29 **Donnie Ratliff:** On corrections, on the individual wells...

30 **Kenneth Lovelace:** On the adjustment part?

31 **Donnie Ratliff:** Yes.

1 **Kenneth Lovelace:** The adjustment is just reflecting that, over the course of the quarter, there
2 has been additions and there has been subtractions on this report in the corrections column.
3 Those are for different reasons. They could be either for a mis-posting, which has happened.
4 They could be for a well or an oil company coming in saying, "This should have been on this
5 account and really it should have been on this account." So, we have to go back and make that
6 adjustment.

7 **Donnie Ratliff:** But, if you're moving it from one well to another well, the net at the end of the
8 day is zero. We're negative, here.

9 **Kenneth Lovelace:** Or, the money could have been one amount and it should have been a
10 different amount. That's the reason for that. That has occurred.

11 **Donnie Ratliff:** I echo what Ms. Quillen said. You guys have been wonderful to work with.
12 You've been very open with your communication with the Board. We certainly appreciate your
13 presence and your due diligence because it's not a simple task.

14 **Kenneth Lovelace:** We appreciate that. We enjoy working on it. We're...I don't want to use the
15 term "number-crunchers," but we are and we have people on this project that enjoy doing that so
16 that's a good thing. Any questions?

17 **Bradley Lambert:** Any other questions from the Board? [No response] Thank you.

18 **Kenneth Lovelace:** Thank you.

19 **Bradley Lambert:** We appreciate your time, this morning.

20 **Item Number 3**

21 **Bradley Lambert:** Our next item on our docket is Item Number 3. A petition from CNX Gas
22 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
23 Board's Escrow Agent, attributable to Tracts 4 & 5 as depicted upon the annexed table; and (2)
24 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. This is
25 Docket Number VGOB-01-0515-0889-01. All parties wishing to testify please come forward.

26 **Mark Swartz:** Mark Swartz and Anita Duty.

27 **Jen Shaver:** Jen Shaver, on behalf of T.G. Rogers, Derek Rogers, Kevin Rogers, Shaun Rogers,
28 Greg Poulos, Jason Poulos, and Pamela Poulos.

29 **Mark Swartz:** Hereinafter, known as "the cousins."

30 **Bradley Lambert:** That should make it easy.

1 **Sarah Gilmer:** Do you swear or affirm that your testimony is the truth, the whole truth and
2 nothing but the truth?

3 **Anita Duty:** Yes.

4 **Bradley Lambert:** You may proceed, Mr. Swartz.

5 **Mark Swartz:** Thank you. Anita, would you state your name for us?

6 **Anita Duty:** Anita Duty.

7 **Mark Swartz:** Who do you work for?

8 **Anita Duty:** CNX Land, LLC.

9 **Mark Swartz:** We're going to be dealing with, I think, 19 petitions for disbursements today?

10 **Anita Duty:** Yes.

11 **Mark Swartz:** Did you either prepare those petitions or supervise their preparation?

12 **Anita Duty:** Yes.

13 **Mark Swartz:** I think you signed all of them.

14 **Anita Duty:** Yes.

15 **Mark Swartz:** You also signed and certified that you provided the notices. Correct?

16 **Anita Duty:** Yes.

17 **Bradley Lambert:** Mr. Swartz, can we take a break just a second? I think we're having some
18 technical difficulties up here. The Board members are having trouble getting the Dockets up.
19 Give us just a second. [Short pause] I apologize for that, Mr. Swartz. You may continue.

20 **Mark Swartz:** The question that was pending, Anita, was whether or not, with regard to the 19
21 petitions for disbursements today, did you sign all of the notices and all of the petitions?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** Some of them are going to start looking familiar. Right?

24 **Anita Duty:** Yes.

25 **Mark Swartz:** Because a number of them involve the same parties.

26 **Anita Duty:** They do.

27 **Mark Swartz:** Docket Item Number 3, which is C-32, is a request for disbursement. Correct?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** It pertains to what tract or tracts?

3 **Anita Duty:** Tracts 4 & 5.

4 **Mark Swartz:** The reason for this petition is what?

5 **Anita Duty:** We have a court order.

6 **Mark Swartz:** This was a court order between the people that we're going to be calling, "the
7 cousins," and LBR Holdings. Correct?

8 **Anita Duty:** Yes.

9 **Mark Swartz:** And it was decided in a Circuit Court case that was assigned Number 550-13.
10 Correct?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** And you've attached a copy of that final order in that case to this particular
13 application and, also, some others. Right?

14 **Anita Duty:** Yes.

15 **Mark Swartz:** The outcome of that case pertained to a 25% interest in a collection of tracts of
16 land. Correct?

17 **Anita Duty:** Yes.

18 **Mark Swartz:** The dispute was between LBR Holdings and the cousins.

19 **Anita Duty:** Yes.

20 **Mark Swartz:** Who won?

21 **Anita Duty:** The cousins.

22 **Mark Swartz:** Okay. So, with regard to that 25% interest, to the extent there was a conflict
23 between coal and oil and gas, the cousins won that.

24 **Anita Duty:** Yes.

25 **Mark Swartz:** Okay. This first case, have you prepared a table, showing who is to receive the
26 disbursement?

27 **Anita Duty:** Yes.

1 **Mark Swartz:** You've identified that as Table 1, I think?

2 **Anita Duty:** Yes.

3 **Mark Swartz:** Okay. And you have done a list for Tract 4 and a list for Tract 5. Is that
4 correct?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** Who is it that is to receive the disbursements out of Tract 4 and what are the
7 percentages that the Escrow Agent should use?

8 **Anita Duty:** T.G. Rogers, III, should receive 4.5186%. Derek Rogers, Kevin Rogers and Shaun
9 Rogers should also receive 4.5186%. Gregory Poulos, Jason Poulos and Pamela Poulos should
10 each receive 6.0248%.

11 **Mark Swartz:** That pertains to Tract 4. Now, with regard to Tract 5, who are the people and
12 what are the relevant percentages?

13 **Anita Duty:** T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each receive
14 7.9814%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive 10.6418%.

15 **Mark Swartz:** What well has produced the revenues that we're talking about?

16 **Anita Duty:** C-32.

17 **Mark Swartz:** The Escrow Agent, when he makes these disbursements, should use these
18 percentages, apply them to the current balance and that's how the dollar amount should be
19 calculated?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** Have you provided an Exhibit E, with regard to escrow?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** That demonstrates or shows that, once these disbursements have been made,
24 escrow will not be required and that account can be closed.

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Are we also requesting that the operator be allowed to pay these people, the
27 cousins, directly, in the future, instead of escrowing the money?

28 **Anita Duty:** Yes.

1 **Mark Swartz:** In that regard, have you provided an Exhibit EE, which in the column
2 "Percentage of Unit," shows the percentages that the operator is going to be using to make the
3 direct payments, in the future?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** Have you taken an accounting or a reconciliation of this account?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** That was as of what date?

8 **Anita Duty:** April 30, 2015.

9 **Mark Swartz:** First of all, were you able to locate and find all of the deposits, all of the checks
10 that the operator wrote for royalties and match them to a deposit?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** When you compared the bank balance to the operator's total, did you find a
13 difference?

14 **Anita Duty:** It was \$1.19.

15 **Mark Swartz:** So, the bank had \$1.19 more than the operator paid in, with regard to those
16 royalty deposits?

17 **Anita Duty:** Yes.

18 **Mark Swartz:** The last bit of this file that the Board has is a copy of the order. Correct?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** I think that's all I have, with regard to this application, Mr. Chairman.

21 **Bradley Lambert:** Any questions from the Board? [No response] Mr. Swartz or Ms. Duty, on
22 your EE under coal ownership and gas and oil ownership, you're showing LBR Holdings, LLC,
23 as N/A for percent of escrow. Is that because they've already been paid out?

24 **Anita Duty:** They own a 3/4 interest on both the coal and the gas. Just for demonstration
25 purposes, yes. They would have never been escrowed. So, when you're asking me if they've
26 already been paid out, not out of escrow, but they were on direct pay from the very beginning.

27 **Paul Kugelman:** So, only 25% of the interest was in conflict?

28 **Anita Duty:** Yes.

1 **Paul Kugelman:** Which is what required to be escrowed?

2 **Anita Duty:** Yes.

3 **Paul Kugelman:** Mark's not buying this.

4 **Mark Swartz:** There are some differences. In some of the units that we get to today, LBR
5 actually had a half of the 25%. In this particular unit, the result of the court case was that the
6 25% that has been in conflict, that has caused lots of escrow, was resolved completely in favor of
7 the cousins. In this particular situation, they're receiving 100% of the royalties pertaining to that
8 25%...in this particular case.

9 **Paul Kugelman:** That's what I was driving at.

10 **Mark Swartz:** I just want to make sure...

11 **Paul Kugelman:** Are you good with that, Joan?

12 **Jen Shaver:** Yes, that's correct.

13 **Bradley Lambert:** Any other questions from the Board? [No response] Anything further, Mr.
14 Swartz?

15 **Mark Swartz:** Just to point out, because we're going to continue to see this, if you'll look at
16 Exhibit EE under oil and gas ownership and the 2.91 acres. That's the acreage in the tract that
17 we then apply the 75% to, which comes to 2.1 acres. Do you see the next entry? Then, the total
18 of the cousins. The reason it's got an "N/A" next to that is they've been receiving that 75% on
19 direct pay. It's not in escrow. You're going to see this, repetitively. That's why I'm trying to
20 point it out, now. Then, if you total the cousins interest below that, that would be the 25%, in
21 this particular case. Is that clear as mud or do I need to...?

22 **Anita Duty:** We were trying to show 100% of the oil and gas side. We were showing you the
23 3/4 that LBR owned and, then, if you add all the cousins together, that's the other 1/4. So, we're
24 giving you the total on the gas side.

25 **Mark Swartz:** The reason you're going to see "N/A" repeatedly in some of these.... All that
26 means, in this context, is they've been on direct pay. It's not coming out of escrow. That's all I
27 have.

28 **Bradley Lambert:** Okay. I understand. Ms. Shaver?

29 **Jen Shaver:** I have signed, executed, affidavits from the cousins, requesting that the
30 disbursements from escrow be paid to their attorneys. I provided those to Anita Duty. I have
31 originals, if you all need them. The affidavits apply to all operators. These cousins have wells
32 with multiple, different operators. I'm happy to hang on to the originals, unless you all really

1 need them. If you would like the originals to keep on file, I can give them to you. Anita has a
2 copy.

3 **Bradley Lambert:** We'll, at least, need a copy for our records.

4 **Rick Cooper:** I think we have copies. We don't need the originals.

5 **Anita Duty:** I sent them to Sarah and, I think, we also uploaded those into the e-forms,
6 yesterday.

7 **Sarah Gilmer:** That's correct. I do have that in each petition.

8 **Bradley Lambert:** Does that affidavit say that the money is to be paid directly to the counsel?

9 **Mark Swartz:** Yes.

10 **Sarah Gilmer:** Payable to Don Barrett, yes.

11 **Rick Cooper:** It's just two or three lines.

12 **Bradley Lambert:** Could you please read it for us, Sarah?

13 **Sarah Gilmer:** This is just a generic....

14 **Jen Shaver:** I have copies here, for you guys.

15 **Sarah Gilmer:** There are several. It just has the person's name. "I, Talmage Rogers, request all
16 royalties attributable to my gas interest, which are held in the Virginia Gas and Oil Board's
17 escrow accounts and all royalties withheld, internally, by any operator, be released to my
18 Attorney, Don Barrett, with all checks being made payable to Don Barrett, P.A. Trust Account
19 and mailed to the following address: Don Barrett, P.A.; P.O. Box 927; Lexington, MS 39095."

20 **Bradley Lambert:** Thank you. Anything further?

21 **Jen Shaver:** No, that's all.

22 **Bradley Lambert:** Any questions from the Board? [No response] Do I have a motion?

23 **Donnie Ratliff:** Motion to approve, Mr. Chairman.

24 **Donnie Rife:** Second, Mr. Chairman.

25 **Bradley Lambert:** I have a motion and I have a second. Is there any further discussion? [No
26 response] All in favor signify by saying yes.

27 **Board:** Yes.

28 **Bradley Lambert:** Opposed, no. [No response] Thank you, Mr. Swartz.

1 **Item Number 4**

2 **Bradley Lambert:** We're calling Docket Item Number 4. A petition from CNX Gas Company,
3 LLC, for (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow
4 Agents, attributable to Tract 4 as depicted upon the annexed table; and (2) authorization to begin
5 paying royalties directly to the parties to the prevailing plaintiffs. This is Docket Number
6 VGOB-01-1016-0963-01. All parties wishing to testify please come forward.

7 **Mark Swartz:** Mark Swartz and Anita Duty.

8 **Jen Shaver:** Jen Shaver, on behalf of the Poulos and Rogers cousins.

9 **Bradley Lambert:** You may proceed, Mr. Swartz.

10 **Mark Swartz:** Thank you. I'd like to incorporate the testimony, the questions and answers from
11 the prior hearing.

12 **Bradley Lambert:** Incorporated.

13 **Mark Swartz:** Thank you. Anita, state your name for us, again.

14 **Anita Duty:** Anita Duty.

15 **Mark Swartz:** Are you still under oath?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** Does this petition for disbursement, with regard to G-44, also pertain to LBR
18 Holdings and the cousins?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** This pertains to what tract?

21 **Anita Duty:** Tract 4.

22 **Mark Swartz:** It's predicated upon the same judgment order?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** If we go to Table 1 pertaining to this unit, this is one of the two varieties of cases
25 we're going to see today, where LBR Holdings actually gets a disbursement. Correct?

26 **Anita Duty:** Yes.

1 **Mark Swartz:** In Table 1, with regard to Tract 4, would you identify the people whose interests
2 are to be disbursed and the percentage that the Escrow Agent should apply to the balance in the
3 account at the time the disbursement is made, to generate the dollar amount?

4 **Anita Duty:** LBR Holdings should receive 50%. T.G. Rogers, Derek Rogers, Kevin Rogers and
5 Shaun Rogers should each receive 6.25%. Gregory Poulos, Jason Poulos and Pamela Poulos
6 should each receive 8.333%.

7 **Mark Swartz:** What's the well that's been contributing, here?

8 **Anita Duty:** G-44.

9 **Mark Swartz:** Do we have affidavits, again, requesting that the payments for these folks, with
10 the exception of LBR Holdings, actually go to Don Barrett?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** After these disbursements are made, can the Board direct the Escrow Agent to
13 close the account?

14 **Anita Duty:** Yes.

15 **Mark Swartz:** And, you've provided an Exhibit E that shows that?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** Going forward, in terms of making payments, direct pay, going forward after the
18 hearing today, have you provided the Board with an exhibit that sets forth the percentages that
19 the operator is going to use to do that?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** And that's Exhibit EE.

22 **Anita Duty:** Yes.

23 **Mark Swartz:** That shows the percentages in the "Percent of Unit" column, that the operator
24 will be using with regard to Tract 4 to put all of these folks on direct pay?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** We've talked about what the "Not applicable" means, concerning the 3/4 interest
27 in this Exhibit?

28 **Anita Duty:** Yes.

1 **Mark Swartz:** In this instance, the difference between this and the first petition, today, is that
2 LBR Holdings actually has a 50% interest in the 25%.

3 **Anita Duty:** Yes, we were escrowing that incorrectly. We should not....

4 **Mark Swartz:** I understand, but they have that interest and it's coming out of escrow to LBR
5 Holdings?

6 **Anita Duty:** Yes.

7 **Bradley Lambert:** Mr. Swartz, could you go over that one more time because I think you might
8 have answered a question I was going to ask.

9 **Mark Swartz:** Okay. In this G-44 situation, LBR Holdings actually has a 50% interest in the
10 25% that we are talking about?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** And their money should not have been escrowed, but it was and that's why it's
13 coming out here?

14 **Anita Duty:** And we're correcting it, now.

15 **Mark Swartz:** And we're correcting it, now. And, so the net effect of the judgment and final
16 order in this particular unit is that the cousins received 1/8 or 12.5%...half of the 25%...in this
17 particular unit.

18 **Anita Duty:** Yes.

19 **Bradley Lambert:** I'm going to ask my question again.

20 **Mark Swartz:** Go ahead, as long as we're on the topic.

21 **Bradley Lambert:** In your petition, there's a statement that says, "It was brought to the attention
22 of the operator that the interest shown for LBR Holdings for the 1,027 acre tract was incorrect."
23 I thought you were trying to explain that, but I'm not so sure if you explained what was not
24 correct about it and how we get to where we are today, showing in EE that there is no percent of
25 escrow. Then, you just now talked about we're going to pay them out, but there's no percent in
26 escrow. So, I'm totally confused.

27 **Jen Shaver:** Can I help you, Mark?

28 **Mark Swartz:** Joan wants to take a shot.

29 **Bradley Lambert:** Okay. There are multiple, large tracts of property that's involved in these
30 individuals' ownership. There's this one tract, 1,027-acre tract, that my clients only own a 12.5%

1 interest in versus the rest of the properties they own 25% interest in. So, this is the tract where
2 my clients own 12.5% interest. CNX had, erroneously, escrowed 25%.

3 **Mark Swartz:** The mistake was that in all of the other tracts it was 25% and it carried forward
4 into this 1,000-acre tract. That was the genesis of this thing.

5 **Bradley Lambert:** Okay. Thank you, Ms. Shaver.

6 **Mary Quillen:** That was just a mistake that was made in the escrow.

7 **Anita Duty:** We were going to have to correct that, anyway. It just so happened, we could
8 correct both things at the same time.

9 **Mary Quillen:** And confuse us.

10 **Bradley Lambert:** Ms. Shaver, I thank you. It made it more clear for me. Thank you.

11 **Mary Quillen:** This was court-ordered. Right?

12 **Jen Shaver:** All of this property is involved in the same court order.

13 **Mary Quillen:** Okay.

14 **Mark Swartz:** There was one case that, you're going to see it repeat. It's the same 550-13
15 order, resolving all of these issues on all these tracts.

16 **Bradley Lambert:** I know you couldn't put all that in this order. Thank you.

17 **Mark Swartz:** I'm not suggesting you do this, but if you do the math on this. If you take the
18 acres and you start doing the calculations, you will see it is 75/25/12.5%. The math does work
19 out. The genesis of the mistake on this.... It's a 1,000-acre tract, so it's going to affect multiple
20 units. There's an assumption that they were all 75/25. In this situation, it was actually....

21 **Anita Duty:** 7/8.

22 **Mark Swartz:** 7/8.

23 **Bradley Lambert:** We see this same language in a few others.

24 **Mark Swartz:** You're going to see a bunch.

25 **Mary Quillen:** There are others that have this same....

26 **Anita Duty:** Just to make it clear, LBR is not receiving funds because of the court order.
27 They're only receiving funds because we escrowed too much of their interest.

28 **Mary Quillen:** You did this in more than one unit. Correct?

1 **Mark Swartz:** Right. That were affected by the 1,000-acre tract. Correct.

2 **Mary Quillen:** Okay.

3 **Anita Duty:** It will show over here, on the side. We put a note on here that the total interest is
4 7/8 for LBR, for those ones. You'll see that on there. Then, LBR receives 50%. You'll know
5 that those are the tracts that we incorrectly escrowed.

6 **Bradley Lambert:** I hate to stop us right in the middle of this, but can we take just a couple
7 minute break. Apparently, we're having some technical difficulties with sound.

8 **Mark Swartz:** Okay.

9 **Bradley Lambert:** We don't have to get up and leave, but let's just take a break for a second.
10 [Short pause] Again, Mr. Swartz, Ms. Shaver, I apologize. You may continue, Mr. Swartz.

11 **Mark Swartz:** Just to re-cap and move off of EE, the column, "Percent of Unit," sets forth the
12 percentages the operator is going to use, going forward, to make royalty payments.

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Did you do an Exhibit J?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** What date did you do it through?

17 **Anita Duty:** March 31, 2015.

18 **Mark Swartz:** Did you attempt to determine whether or not the Escrow Agent booked as a
19 deposit, all of the checks that the operator sent?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** Were you able to locate a deposit for each check that was sent?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** Then, did you undertake to compare the total of the amount of money you
24 deposited to the total that's currently on hand?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** When you made that comparison, what did you find?

27 **Anita Duty:** There was \$20.67 additional, in the account.

28 **Mark Swartz:** Again, you've attached a copy of the same order?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** That's all I have, Mr. Chairman.

3 **Bradley Lambert:** Any questions from the Board? [No response] I apologize. I'm so sorry for
4 all this. Any questions from the Board? [No response] Ms. Shaver?

5 **Jen Shaver:** No, just that we request that the same payment from escrow provisions, pursuant to
6 the affidavit, be followed.

7 **Bradley Lambert:** Okay. Thank you. Do I have a motion?

8 **Donnie Ratliff:** Motion to approve, Mr. Chairman.

9 **Donnie Rife:** Second, Mr. Chairman.

10 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
11 response] All in favor signify by saying yes.

12 **Board:** Yes.

13 **Bradley Lambert:** Opposed, no. [No response] Thank you, Mr. Swartz.

14 **Mark Swartz:** Thank you.

15

16

Item Number 5

17 **Bradley Lambert:** We're calling Docket Item Number 5. A petition from CNX Gas Company,
18 LLC, for (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow
19 Agent, attributable to Tract 4 as depicted upon the annexed table; and (2) authorization to begin
20 paying royalties directly to the parties to the prevailing plaintiffs. This is Docket Number
21 VGOB-01-1016-0964-01. All parties wishing to testify please come forward.

22 **Mark Swartz:** Mark Swartz and Anita Duty.

23 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

24 **Bradley Lambert:** You may proceed, Mr. Swartz.

25 **Mark Swartz:** Thank you. I'd like to incorporate Anita's testimony from Docket Item 3, today.

26 **Bradley Lambert:** Accepted.

27 **Mark Swartz:** As well as the Board's questions and answers to those questions.

28 **Bradley Lambert:** Accepted.

1 **Mark Swartz:** Thank you. Anita, this pertains to a disbursement request, concerning H-44.
2 Right?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** Which tract?

5 **Anita Duty:** 4.

6 **Mark Swartz:** Are we talking about the same judgment order?

7 **Anita Duty:** Yes.

8 **Mark Swartz:** Did you prepare a Table 1?

9 **Anita Duty:** Yes.

10 **Mark Swartz:** It looks like this had the same mistake, based on an assumption that there was
11 25% interest in dispute, as opposed to the 12.5%. Correct?

12 **Anita Duty:** Yes.

13 **Mark Swartz:** Is this one of the instances, today, where LBR Holdings actually receives a
14 disbursement?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** With regard to Tract 4 in Table 1, could you put into the record the names of the
17 people who are to receive disbursements or for whose benefit the disbursements are being made
18 and the percentage that the Escrow Agent should use when making the disbursement to apply
19 against the balance to generate the dollars?

20 **Anita Duty:** LBR Holdings should receive 50%. T.G. Rogers, Derek Rogers, Kevin Rogers and
21 Shaun Rogers should each receive 6.25%. Gregory Poulos, Jason Poulos and Pamela Poulos
22 should each receive 8.333%.

23 **Mark Swartz:** The well or wells that have produced these monies?

24 **Anita Duty:** H-44 and H-44A

25 **Mark Swartz:** Again, are you requesting that the checks for the cousins actually be made
26 payable to and sent to Don Barrett, P.A., according to the affidavits on file?

27 **Anita Duty:** Yes.

28 **Mark Swartz:** After those disbursements are made, is it true that there will no longer be a need
29 for an escrow account?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** Have you provided the Board with a revised Exhibit E that says that?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** Have you also provided the Board with an Exhibit EE, which shows the
5 percentages that the operator will be using to make payments in the future to the cousins?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** Lastly, did you prepare an Exhibit J?

8 **Anita Duty:** Yes.

9 **Mark Swartz:** In Exhibit J, or in the process of creating Exhibit J, did you attempt to locate a
10 deposit for every payment that the operator made?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** When you did that, did they agree?

13 **Anita Duty:** They did.

14 **Mark Swartz:** Then, did you compare the total that the operator had paid in to the current
15 balance?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** When you did that, what was the difference?

18 **Anita Duty:** There was \$0.10 additional in the account.

19 **Mark Swartz:** That's all I have, Mr. Chairman.

20 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver.

21 **Jen Shaver:** No, sir.

22 **Bradley Lambert:** Do I have a motion?

23 **Donnie Ratliff:** Motion to approve, Mr. Chairman.

24 **Donnie Rife:** Second, Mr. Chairman.

25 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
26 response] All in favor signify by saying yes.

27 **Board:** Yes.

1 **Bradley Lambert:** Opposed, no. [No response] Thank you, Mr. Swartz. That's approved.

2 **Mark Swartz:** Thank you.

3 **Item Number 6**

4 **Bradley Lambert:** We're calling Docket Item Number 6. A petition from CNX Gas Company,
5 LLC, for (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow
6 Agent, attributable to Tracts 2C & 2D as depicted upon the annexed table; and (2) authorization
7 to begin paying royalties directly to the parties to the prevailing plaintiff. This is Docket
8 Number VGOB-05-1018-1507-02. All parties wishing to testify please come forward.

9 **Mark Swartz:** Mark Swartz and Anita Duty.

10 **Bradley Lambert:** The cousins aren't on this one, so we're okay. You may proceed, Mr.
11 Swartz.

12 **Mark Swartz:** Anita, would you state your name for us, again?

13 **Anita Duty:** Anita Duty.

14 **Mark Swartz:** I'll remind you that you're still under oath.

15 **Anita Duty:** Yes.

16 **Mark Swartz:** Did you prepare or supervise the preparation of this petition and notice?

17 **Anita Duty:** Yes.

18 **Mark Swartz:** This petition pertains to which drilling unit?

19 **Anita Duty:** BF-101.

20 **Mark Swartz:** What tracts in that unit?

21 **Anita Duty:** Tracts 2C & 2D.

22 **Mark Swartz:** The reason for this request for disbursement is what?

23 **Anita Duty:** A court order.

24 **Mark Swartz:** In that court order, which I believe you attached, Mr. Carson D. Austin prevailed
25 in a court case, CL-12,388. Correct?

26 **Anita Duty:** Yes.

27 **Mark Swartz:** And that awarded him 100% of the interest in dispute?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** Have you prepared a Table 1, consistent with that court decision?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** Who is to receive the disbursement and what percentage should the Escrow
5 Agent use in calculating the dollars?

6 **Anita Duty:** For Tract 2C, Carson Austin should receive 2.0874%. For Tract 2D, Carson
7 Austin should receive 16.4219%.

8 **Mark Swartz:** Have you provided the Board with a revised Exhibit E escrow exhibit?

9 **Anita Duty:** Yes.

10 **Mark Swartz:** This account is going to need to continue for a whole bunch of reasons.

11 **Anita Duty:** Yes.

12 **Mark Swartz:** Have you provided the Board with an Exhibit EE?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** In Exhibit EE, have you set forth the percentage, I think we already know what it
15 is, that the operator is going to use to pay Mr. Austin in the future?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** And you're asking for the ability to pay him directly, rather than continuing to
18 escrow funds for him.

19 **Anita Duty:** Yes.

20 **Mark Swartz:** Exhibit EE begins at page 37. Correct?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** Did you also prepare an Exhibit J?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** You did that exhibit through what date?

25 **Anita Duty:** April 30, 2015.

26 **Mark Swartz:** In preparing that exhibit, did you attempt to compare and locate a deposit for
27 every check the operator sent in to escrow?

1 **Anita Duty:** We did.

2 **Mark Swartz:** When you made that comparison, what did you determine?

3 **Anita Duty:** They were all accounted for.

4 **Mark Swartz:** Then, did you compare what you paid in to what the bank balance was, as of the
5 date of comparison?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** Was there a difference?

8 **Anita Duty:** No.

9 **Mark Swartz:** That's all I have, Mr. Chairman.

10 **Bradley Lambert:** Any questions from the Board? [No response]

11 **Mark Swartz:** Actually, I do need to add one thing. Why don't you tell us that, on the record.

12 **Anita Duty:** The payment for Carson Austin goes to Shea Cook.

13 **Bradley Lambert:** Do we have record of that?

14 **Anita Duty:** We have affidavits we loaded to the....

15 **Paul Kugelman:** Who does it say it goes to?

16 **Mark Swartz:** It's mailed to him, but payable to the people, I think.

17 **Anita Duty:** Right.

18 **Mark Swartz:** Yes.

19 **Paul Kugelman:** Okay.

20 **Anita Duty:** I'll double check, Sarah.

21 **Sarah Gilmer:** It's probably up. I just can't check right now.

22 **Bradley Lambert:** Do I have a motion?

23 **Bill Harris:** Motion for approval.

24 **Donnie Rife:** Second, Mr. Chairman.

25 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
26 response] All in favor signify by saying yes.

1 **Board:** Yes.

2 **Bradley Lambert:** Opposed, no. [No response] Thank you, Mr. Swartz. That's approved.

3 **Mark Swartz:** Thank you.

4 **Item Number 7**

5 **Bradley Lambert:** We're calling Docket Item Number 7. A petition from CNX Gas Company,
6 LLC, for (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow
7 Agent, attributable to Tract 4 as depicted upon the annexed table; and (2) authorization to begin
8 paying royalties to the parties to the prevailing plaintiffs. This is Docket Number VGOB-06-
9 0117-1556-01. All parties wishing to testify please come forward.

10 **Mark Swartz:** Mark Swartz and Anita Duty.

11 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

12 **Bradley Lambert:** You may proceed, Mr. Swartz.

13 **Mark Swartz:** I'd like to incorporate the testimony from Docket Item 3.

14 **Bradley Lambert:** Accepted.

15 **Mark Swartz:** Thank you. Anita, you need to state your name, again, for us.

16 **Anita Duty:** Anita Duty.

17 **Mark Swartz:** What drilling unit does this pertain to?

18 **Anita Duty:** C-50.

19 **Mark Swartz:** What tract?

20 **Anita Duty:** Tract 4

21 **Mark Swartz:** What's the reason?

22 **Anita Duty:** A court order.

23 **Mark Swartz:** The same one we talked about earlier?

24 **Anita Duty:** Yes.

25 **Mark Swartz:** Have you prepared a Table 1?

26 **Anita Duty:** Yes.

1 **Mark Swartz:** This is one of the situations where LBR Holdings does not receive a
2 disbursement. Correct?

3 **Anita Duty:** Correct.

4 **Mark Swartz:** With regard to Tract 4, would you put into the record the names of the people for
5 whose benefit disbursements should be made and the percentages that the Escrow Agent should
6 use when calculating the dollar amount?

7 **Anita Duty:** T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each receive
8 12.5%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive 16.6667%.

9 **Mark Swartz:** What were the wells that were contributing to this account?

10 **Anita Duty:** C-50 and C-50A.

11 **Mark Swartz:** Is this a situation where these checks, for the benefit of the people you've just
12 identified, should actually be made payable to Don Barrett, P.A.?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Once these disbursements are made, is it true that there will no longer be a need
15 for an escrow account?

16 **Anita Duty:** Correct.

17 **Mark Swartz:** And you've provided an Exhibit E that says that?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** Have you also provided an Exhibit EE, which reports the percentages the
20 operator is going to use to pay the cousins, directly, in the future?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** And those percentages are in the "Interest in Unit" column. Correct?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** Did you prepare an Exhibit J?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Through what date?

27 **Anita Duty:** April 30, 2015.

28 **Mark Swartz:** Were you able to account for all royalty checks and find a deposit for each one?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** When you compared the total that the operator deposited, or sent, to the current
3 balance on hand, what did you find?

4 **Anita Duty:** There was no difference.

5 **Mark Swartz:** It was the same.

6 **Anita Duty:** Exact balance, yes.

7 **Mark Swartz:** That's all I have, Mr. Chairman.

8 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver?

9 **Jen Shaver:** No questions, Mr. Chairman.

10 **Bradley Lambert:** Do I have a motion?

11 **Donnie Rife:** Motion made, for approval, Mr. Chairman.

12 **Bill Harris:** Second.

13 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
14 response] All in favor signify by saying yes.

15 **Board:** Yes.

16 **Bradley Lambert:** Opposed, no. [No response] Thank you, Mr. Swartz. I hate to interrupt us,
17 again, but it's time for about a ten-minute break.

18 **Item Number 8**

19 **Bradley Lambert:** Ladies and gentlemen, it's time to reconvene our proceedings. We're calling
20 Docket Item Number 8. A petition from CNX Gas Company, LLC, for (1) the disbursement of
21 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tract 4 as
22 depicted upon the annexed table; and (2) authorization to begin paying royalties directly to the
23 parties to the prevailing plaintiffs. This is Docket Number VGOB-06-0221-1576-01. All parties
24 wishing to testify please come forward.

25 **Mark Swartz:** Mark Swartz and Anita Duty.

26 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins

27 **Bradley Lambert:** You may proceed, Mr. Swartz.

1 **Mark Swartz:** I'd like to incorporate the testimony, questions and answers and discussions,
2 from Docket Item 3.

3 **Bradley Lambert:** Accepted.

4 **Mark Swartz:** Thank you. Anita, would you state your name for us, again?

5 **Anita Duty:** Anita Duty.

6 **Mark Swartz:** I'll remind you that you're still under oath.

7 **Anita Duty:** Yes.

8 **Mark Swartz:** This pertains to what unit?

9 **Anita Duty:** B-51.

10 **Mark Swartz:** It's a disbursement request. Correct?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** And, also a request to pay certain people, directly, in the future?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** It pertains to what tract?

15 **Anita Duty:** Tract 4.

16 **Mark Swartz:** Again, this is the same case, 550-13, and the final order in that case is the reason
17 for this request?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** Have you prepared a Table 1?

20 **Anita Duty:** I have.

21 **Mark Swartz:** In that table, you'll notice that this particular disbursement does not involve LBR
22 Holding. Correct?

23 **Anita Duty:** It doesn't.

24 **Mark Swartz:** It's only the cousins.

25 **Anita Duty:** Yes.

1 **Mark Swartz:** Could you, with regard to Tract 4, identify the people for whose benefit the
2 disbursements are going to be made and the percentages that the Escrow Agent should use in
3 calculating the dollar amount?

4 **Anita Duty:** T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each receive
5 12.5%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive 16.6667%.

6 **Mark Swartz:** The well that has produced these monies is?

7 **Anita Duty:** B-51

8 **Mark Swartz:** Again, are there affidavits on file authorizing the Escrow Agent to make the
9 checks payable to Don Barrett, P.A. and mail it to him, for the benefit of the people that you've
10 identified?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** Once those disbursements are made, is it true that an escrow account will no
13 longer be required for B-51?

14 **Anita Duty:** Correct.

15 **Mark Swartz:** Have you provided the Board with an Exhibit E that says that?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** Have you also provided an Exhibit EE which, in the "Percent of Unit," lists the
18 percentages that the operator is going to be using to pay the cousins, directly, in the future?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** Have you prepared an Exhibit J?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** That's on page 14 of their PDF?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** It's through what date?

25 **Anita Duty:** April 30, 2015.

26 **Mark Swartz:** When you did that exhibit, did you identify the royalty payments that the
27 operator had made and, then, try to locate a deposit for each one into the escrow account?

28 **Anita Duty:** Yes.

1 **Mark Swartz:** Did you find a deposit for each royalty check?

2 **Anita Duty:** Yes.

3 **Mark Swartz:** Did you compare the amount paid to the balance currently on hand?

4 **Anita Duty:** Yes, they were the same.

5 **Mark Swartz:** Zero difference?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** That's all I have, Mr. Chairman.

8 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver?

9 **Jen Shaver:** No questions, Mr. Chairman.

10 **Bradley Lambert:** Do I have a motion?

11 **Donnie Rife:** Motion made for approval, Mr. Chairman.

12 **Bill Harris:** Second.

13 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No

14 response] All in favor signify by saying yes.

15 **Board:** Yes.

16 **Bradley Lambert:** Opposed, no.

17 **Donnie Ratliff:** I'll abstain, Mr. Chairman.

18 **Bradley Lambert:** One abstention. Mr. Ratliff. Thank you, Mr. Swartz. That is approved.

19 **Item Number 9**

20 **Bradley Lambert:** We're calling Docket Item Number 9. A petition from CNX Gas Company,

21 LLC, for (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow

22 Agent, attributable to Tracts 1C & 1D as depicted upon the annexed table; and (2) authorization

23 to begin paying royalties directly to the parties to the prevailing plaintiff. This is Docket

24 Number VGOB-07-0320-1898-01. All parties wishing to testify please come forward.

25 **Mark Swartz:** Mark Swartz and Anita Duty.

26 **Bradley Lambert:** You may proceed, Mr. Swartz.

1 **Mark Swartz:** I'd like to incorporate the testimony from Docket Item Number 6, which also
2 pertained to Mr. Austin.

3 **Bradley Lambert:** Accepted.

4 **Mark Swartz:** Thank you. Anita, this is a request for disbursement. Correct?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** Pertaining to what unit?

7 **Anita Duty:** BG-99.

8 **Mark Swartz:** What tracts?

9 **Anita Duty:** 1C & 1D.

10 **Mark Swartz:** We've already talked about a court order for him. Right?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** Did you do a Table1?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** With regard to the two tracts, 1C & 1D, would you put in the record who is to
15 receive the payment and the percentages that the Escrow Agent should use when calculating the
16 dollar amounts?

17 **Anita Duty:** For Tract 1C, Carson Austin should receive 81.35%. For Tract 1D, he should
18 receive an additional 10.575%.

19 **Mark Swartz:** What well has been producing this revenue?

20 **Anita Duty:** BG-99.

21 **Mark Swartz:** Have you provided an updated Exhibit E?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** And that discloses that the escrow account will need to be maintained, pending
24 further action?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** For a number of reasons, including a title defect or title issues?

27 **Anita Duty:** Yes.

1 **Mark Swartz:** And, you provided an Exhibit EE?

2 **Anita Duty:** Yes.

3 **Mark Swartz:** And that shows the "Percent of Unit" column, which the operator is going to use
4 to make direct payments, to the extent that you can at this point?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** And there's a specific listing for Mr. Austin?

7 **Anita Duty:** Yes.

8 **Mark Swartz:** Lastly, did you do an Exhibit J?

9 **Anita Duty:** Yes.

10 **Mark Swartz:** You did that through what date?

11 **Anita Duty:** April 30, 2015.

12 **Mark Swartz:** Did you identify all of the royalty payment checks that the operator has made?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Did you try to locate a deposit for each one?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** Were you able to do that?

17 **Anita Duty:** Yes.

18 **Mark Swartz:** Then, did you compare the total of the deposits that the operator made to the
19 total balance on hand at the bank?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** When you did that, what was the difference, if any?

22 **Anita Duty:** They were the same.

23 **Mark Swartz:** That's all I have, Mr. Chairman.

24 **Bradley Lambert:** Any questions from the Board? [No response] Do I have a motion?

25 **Donnie Rife:** Motion made for approval, Mr. Chairman.

26 **Bill Harris:** Second.

1 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
2 response] All in favor signify by saying yes.

3 **Board:** Yes.

4 **Bradley Lambert:** Opposed, no. [No response] Thank you, Mr. Swartz. Approved.

5 **Item Number 10**

6 **Bradley Lambert:** We're calling Docket Item Number 10. A petition from CNX Gas
7 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
8 Board's Escrow Agent, attributable to Tract 4 as depicted upon the annexed table; and (2)
9 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. Docket
10 Number VGOB-11-0920-2987-01. All parties wishing to testify please come forward.

11 **Mark Swartz:** Mark Swartz and Anita Duty.

12 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

13 **Bradley Lambert:** You may proceed, Mr. Swartz.

14 **Mark Swartz:** Thank you. I'd like to incorporate the questions, answers and discussions from
15 Docket Item 3, today.

16 **Bradley Lambert:** Accepted.

17 **Mark Swartz:** Thank you. Anita, would you state your name for us, again?

18 **Anita Duty:** Anita Duty.

19 **Mark Swartz:** I'll remind you that you're under oath.

20 **Anita Duty:** Yes.

21 **Mark Swartz:** This is another disbursement request. Correct?

22 **Anita Duty:** It is.

23 **Mark Swartz:** Pertaining to what unit?

24 **Anita Duty:** B-52.

25 **Mark Swartz:** What tract?

26 **Anita Duty:** Tract 4.

27 **Mark Swartz:** Did you prepare a Table 1 with regard to this petition?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** This is another situation where the disbursements are made only for the benefit
3 of the cousins. Correct?

4 **Anita Duty:** Correct.

5 **Mark Swartz:** With regard to Tract 4, would you identify the people for whose benefit the
6 disbursements are sought and the percentage for each person that the Escrow Agent should use in
7 calculating the dollar amounts.

8 **Anita Duty:** T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each receive
9 12.5%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive 16.6667%.

10 **Mark Swartz:** The wells that have produced this revenue?

11 **Anita Duty:** B-52 and B-52A.

12 **Mark Swartz:** Is this another instance where we have affidavits on file, where the Rogers
13 cousins have authorized the Board and Escrow Agent to pay these checks, directly, to their
14 lawyer, Don Barrett, and mail them to him at his address?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** After the disbursement is made, will it be true that we will no longer require an
17 escrow account for B-52?

18 **Anita Duty:** Correct.

19 **Mark Swartz:** Did you supply a revised Exhibit E that says that?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** Did you also supply a revised Exhibit EE?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** On that, do you show percentages that the operator will be using to pay the
24 Rogers cousins, directly, in the future?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Lastly, did you prepare an Exhibit J?

27 **Anita Duty:** We did.

28 **Mark Swartz:** Through what date?

1 **Anita Duty:** April 30, 2015.

2 **Mark Swartz:** Did you determine what checks the operator paid into the account?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** Were you able to find a deposit for every one of those?

5 **Anita Duty:** We did.

6 **Mark Swartz:** Did you total that and, then, compare the total paid in by the operator to the
7 amount currently on hand at the bank?

8 **Anita Duty:** Yes.

9 **Mark Swartz:** When you made the comparison, what did you determine?

10 **Anita Duty:** There was \$24.03 overage on bank's side.

11 **Mark Swartz:** You have \$24.03 more?

12 **Anita Duty:** Yes.

13 **Mark Swartz:** That's all I have, Mr. Chairman.

14 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver?

15 **Jen Shaver:** No questions, Mr. Chairman.

16 **Bradley Lambert:** Do I have a motion?

17 **Donnie Rife:** Motion made for approval, Mr. Chairman.

18 **Bill Harris:** Second.

19 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
20 response] All in favor signify by saying yes.

21 **Board:** Yes.

22 **Bradley Lambert:** Opposed no.

23 **Donnie Ratliff:** I'll abstain, Mr. Chairman.

24 **Bradley Lambert:** One abstention. Mr. Ratliff.

1 **Item Number 11**

2 **Bradley Lambert:** We're calling Docket Item Number 11. A petition from CNX Gas
3 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
4 Board's Escrow Agent, attributable to Tract 1 as depicted upon the annexed table; and (2)
5 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. This is
6 Docket Number VGOB-11-1115-2999-01. All parties wishing to testify please come forward.

7 **Mark Swartz:** Mark Swartz and Anita Duty.

8 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins

9 **Bradley Lambert:** You may proceed, Mr. Swartz.

10 **Mark Swartz:** Thank you. I'd like to incorporate the questions, answers and discussion from
11 Docket Item 3, today.

12 **Bradley Lambert:** Accepted.

13 **Mark Swartz:** Thank you. Anita, would you state your name for us, again?

14 **Anita Duty:** Anita Duty

15 **Mark Swartz:** I'll remind you that you're still under oath.

16 **Anita Duty:** Yes.

17 **Mark Swartz:** This is another disbursement petition or a request. What unit does this pertain
18 to?

19 **Anita Duty:** A-31.

20 **Mark Swartz:** What tract?

21 **Anita Duty:** One.

22 **Mark Swartz:** Did you prepare a Table 1?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** This is another instance where the cousins receive disbursements, for their
25 benefit, but LBR Holding does not.

26 **Anita Duty:** Yes.

1 **Mark Swartz:** With regard to Tract 1, would you identify the names of the people for whose
2 benefit the disbursements will be made and the percentages that the Escrow Agent should use in
3 calculating the dollar amounts?

4 **Anita Duty:** T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each receive
5 12.5%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive 16.6667%.

6 **Mark Swartz:** The well that's produced this revenue?

7 **Anita Duty:** A-31.

8 **Mark Swartz:** Is this a situation where we have affidavits on file that provide that the Board
9 should authorize the Escrow Agent to pay a lawyer, Don Barrett, P.A., with the money due these
10 folks?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** After these disbursements are made, is it true that there will no longer be a need
13 for an escrow account pertaining to A-31?

14 **Anita Duty:** Correct.

15 **Mark Swartz:** Have you provided a revised Exhibit E that says that?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** Have you also provided a revised Exhibit EE, which shows the percentages that
18 the operator should use or is going to use to pay the cousins directly, in the future?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** Lastly, have you prepared an Exhibit J?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** Did you attempt to identify all deposits the operator had made into this account?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** And did you compare those to the bank's records to determine whether or not the
25 bank had, indeed, received and credited the account with all of those checks?

26 **Anita Duty:** We did.

27 **Mark Swartz:** Did that happen?

28 **Anita Duty:** Yes.

1 **Mark Swartz:** When you total the amount that the operator paid and compare it to the balance
2 on hand, as of April 30, 2015, what difference, if any, did you find?

3 **Anita Duty:** No difference.

4 **Mark Swartz:** That's all I have, Mr. Chairman.

5 **Bradley Lambert:** Questions from the Board?

6 **Bill Harris:** Mr. Chairman.

7 **Bradley Lambert:** Mr. Harris.

8 **Bill Harris:** Quick question that just came into mind with all of these. I think most of these, the
9 payments are made to an attorney, on behalf of these folks. Going forward, after this initial pay-
10 out, do those also go to the attorney? I'm not sure that I was clear on that? When you say pay
11 directly to the folks listed, do we literally mean that, pay directly to them?

12 **Anita Duty:** The escrowed payment goes to Don Barrett, but the payments after that go to
13 individuals.

14 **Bill Harris:** Okay. Thank you. I just wanted to make sure.

15 **Jen Shaver:** That's correct, yes. That's our intent.

16 **Bill Harris:** Yes. Thank you.

17 **Bradley Lambert:** Any other questions from the Board? [No response] Ms. Shaver?

18 **Jen Shaver:** No questions, Mr. Chairman.

19 **Bradley Lambert:** Do I have a motion?

20 **Donnie Rife:** Motion made for approval, Mr. Chairman.

21 **Bill Harris:** Second.

22 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
23 response] All in favor signify by saying yes.

24 **Board:** Yes.

25 **Bradley Lambert:** Opposed no.

26 **Donnie Ratliff:** I'll abstain, Mr. Chairman.

27 **Bradley Lambert:** One abstention. Mr. Ratliff.

1 **Item Number 12**

2 **Bradley Lambert:** We're calling Docket Item Number 12. A petition from CNX Gas
3 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
4 Board's Escrow Agent, attributable to Tract 2 as depicted upon the annexed table; and (2)
5 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. Docket
6 Number VGOB-11-1115-3000-01. All parties wishing to testify please come forward.

7 **Mark Swartz:** Mark Swartz and Anita Duty.

8 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

9 **Bradley Lambert:** You may proceed, Mr. Swartz.

10 **Mark Swartz:** Thank you. I would like to incorporate the testimony from Docket Items 3 and
11 4, today.

12 **Bradley Lambert:** Accepted.

13 **Mark Swartz:** Thank you. Anita, would you state your name, again?

14 **Anita Duty:** Anita Duty.

15 **Mark Swartz:** I'll remind you that you're still under oath.

16 **Anita Duty:** Yes.

17 **Mark Swartz:** This is another case. This one involves LBR Holdings and the cousins.
18 Correct?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** This pertains to what unit?

21 **Anita Duty:** D-47.

22 **Mark Swartz:** What tract in that unit?

23 **Anita Duty:** 2.

24 **Mark Swartz:** Did you prepare a Table 1?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Does your Table 1, with regard to Tract 2, indicate that Lon B. Rogers is going
27 to receive half of the disbursement. Again, it's because of the error, right?

28 **Anita Duty:** Yes.

1 **Mark Swartz:** Could you tell the Board, put on the record, the names of the people who are
2 going to receive the check or for whose benefit they are to be paid, with regard to Tract 2 and the
3 percentages that the Escrow Agent should use for each of these folks, when calculating the dollar
4 amount?

5 **Anita Duty:** LBR Holdings should receive 50%. T.G. Rogers, Derek Rogers, Kevin Rogers and
6 Shaun Rogers should each receive 6.25%. Gregory Poulos, Jason Poulos and Pamela Poulos
7 should each receive 8.333%.

8 **Mark Swartz:** In this case, again, Don Barrett should be the payee on the checks pertaining to
9 the cousins. Correct?

10 **Anita Duty:** Yes.

11 **Mark Swartz:** They should be mailed to him, but LBR Holdings should be the payee on its
12 50% share. It should be mailed, as indicated on the table.

13 **Anita Duty:** Yes.

14 **Mark Swartz:** What is the name of the well or identification of the well that produced this
15 revenue?

16 **Anita Duty:** D-47B.

17 **Mark Swartz:** After these disbursements are made, is it true that we will no longer require an
18 escrow account?

19 **Anita Duty:** Correct.

20 **Mark Swartz:** Have you submitted a revised Exhibit E that says that?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** Have you also submitted a revised Exhibit EE, which sets forth the percentages
23 that the operator will be using to pay the cousins directly, in the future?

24 **Anita Duty:** Yes.

25 **Mark Swartz:** Lastly, did you do an Exhibit J?

26 **Anita Duty:** Yes.

27 **Mark Swartz:** Through what date?

28 **Anita Duty:** March 31, 2015

29 **Mark Swartz:** Were you able to find all royalty payments, as deposited?

1 **Anita Duty:** We did.

2 **Mark Swartz:** And when you compared what you paid to the bank balance, what did you
3 determine?

4 **Anita Duty:** The bank has \$6.85 more.

5 **Mark Swartz:** As of the date that you made the comparison.

6 **Anita Duty:** Yes.

7 **Mark Swartz:** That's all I have, Mr. Chairman.

8 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver.

9 **Jen Shaver:** No questions, Mr. Chairman.

10 **Bradley Lambert:** Do I have a motion?

11 **Donnie Ratliff:** Motion to approve, Mr. Chairman.

12 **Bill Harris:** Second.

13 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
14 response] All in favor signify by saying yes.

15 **Board:** Yes.

16 **Bradley Lambert:** Opposed, no. [No response] Thank you, Mr. Swartz. That is approved.

17 **Item Number 13**

18 **Bradley Lambert:** We're calling Docket Item Number 13. A petition from CNX Gas
19 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
20 Board's Escrow Agent, attributable to Tract 3 as depicted upon the annexed table; and (2)
21 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. This is
22 Docket Number VGOB-11-1220-3008-01. All parties wishing to testify please come forward.

23 **Mark Swartz:** Mark Swartz and Anita Duty.

24 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

25 **Bradley Lambert:** You may proceed, Mr. Swartz.

26 **Mark Swartz:** Thank you. I'd like to incorporate the testimony, questions and discussion from
27 Docket Item 3, today.

1 **Bradley Lambert:** Accepted.

2 **Mark Swartz:** Thank you. Anita, state your name, again.

3 **Anita Duty:** Anita Duty.

4 **Mark Swartz:** I'll remind you that you're under oath.

5 **Anita Duty:** Yes.

6 **Mark Swartz:** Did you prepare a Table 1, with regard to this case?

7 **Anita Duty:** Yes.

8 **Mark Swartz:** This petition pertains to what unit?

9 **Anita Duty:** C-33.

10 **Mark Swartz:** What tract in that unit?

11 **Anita Duty:** 3

12 **Mark Swartz:** Referring to Table 1 and Tract 3, would you identify the names of the folks for
13 whose benefit disbursements should be made and the percentages that the Escrow Agent should
14 use in calculating the dollars?

15 **Anita Duty:** T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each receive
16 12.5%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive 16.6667%.

17 **Mark Swartz:** The wells that contributed to this account?

18 **Anita Duty:** C-33 and C-33A.

19 **Mark Swartz:** Should the checks for each of these folks that you've named actually be made
20 payable to Don Barrett, P.A., and mailed to him at the address provided in the affidavits?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** After those disbursements are made, is it true that there will no longer be a need
23 for an escrow account to be maintained, pertaining to C-33?

24 **Anita Duty:** Correct.

25 **Mark Swartz:** Have you provided a revised Exhibit E that says that?

26 **Anita Duty:** Yes.

27 **Mark Swartz:** Have you also provided a revised Exhibit EE?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** On that, has the operator reported the percentages in the "Percentage of Unit"
3 column, that it intends to use to pay the cousins directly, in the future?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** Did you prepare an Exhibit J?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** As of what date?

8 **Anita Duty:** April 30, 2015.

9 **Mark Swartz:** Were you able to identify all royalty checks made payable by the operator to the
10 Escrow Agent?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** Then, were you able to identify or locate a deposit for each one of them?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Did you total the royalties paid by the operator and compare that to the bank
15 balance on hand, as of April 30?

16 **Anita Duty:** We did.

17 **Mark Swartz:** When you did that, what was the difference, if any?

18 **Anita Duty:** The bank has \$30.50 more.

19 **Mark Swartz:** That's all I have, Mr. Chairman.

20 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver?

21 **Jen Shaver:** No questions, Mr. Chairman.

22 **Bradley Lambert:** Do I have a motion?

23 **Donnie Rife:** Motion made for approval, Mr. Chairman.

24 **Bill Harris:** I'll second that.

25 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
26 response] All in favor signify by saying yes.

27 **Board:** Yes.

1 **Bradley Lambert:** Opposed no. [No response] Thank you, Mr. Swartz. That one is approved.

2 **Item Number 14**

3 **Bradley Lambert:** We're calling Docket Item Number 14. A petition from CNX Gas
4 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
5 Board's Escrow Agent, attributable to Tract 2 as depicted upon the annexed table; and (2)
6 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. This is
7 Docket Number VGOB-11-1220-3009-01. All parties wishing to testify please come forward.

8 **Mark Swartz:** Mark Swartz and Anita Duty.

9 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

10 **Bradley Lambert:** You may proceed, Mr. Swartz.

11 **Mark Swartz:** I'd like to incorporate the testimony and discussion from Docket Item 3, today.

12 **Bradley Lambert:** Accepted.

13 **Mark Swartz:** Thank you. Anita, state your name for us, again.

14 **Anita Duty:** Anita Duty.

15 **Mark Swartz:** I'll remind you that you're still under oath.

16 **Anita Duty:** Yes.

17 **Mark Swartz:** This is a petition for disbursement?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** Pertaining to what unit?

20 **Anita Duty:** G-45.

21 **Mark Swartz:** What tract in that unit?

22 **Anita Duty:** 2.

23 **Mark Swartz:** Have you prepared a Table 1?

24 **Anita Duty:** Yes.

25 **Mark Swartz:** On this Table 1, it's only the cousins for whose benefit the disbursements are
26 made. Correct?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** Would you identify, by name, the people for whose benefit the disbursements
3 are to be made and the percentage the Escrow Agent should use for each of them, to calculate the
4 respective dollar amount?

5 **Anita Duty:** T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each receive
6 12.5%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive 16.6667%.

7 **Mark Swartz:** The well that generated this revenue?

8 **Anita Duty:** G-45B.

9 **Mark Swartz:** Is this a situation, again, where, although these disbursements are for the benefit
10 of the people you identified, those checks should actually be made payable to Don Barrett, P.A.,
11 and mailed to him at the address that you provided to the Board and the DGO?

12 **Anita Duty:** Yes.

13 **Mark Swartz:** After the disbursements are made, is it true that an escrow account will no longer
14 be required for Unit G-45?

15 **Anita Duty:** Correct.

16 **Mark Swartz:** Have you provided a revised Exhibit E that says that?

17 **Anita Duty:** Yes.

18 **Mark Swartz:** Have you also provided a revised Exhibit EE that sets forth the percentages that
19 the operator will be using to pay the cousins directly, in the future?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** Lastly, did you prepare an Exhibit J?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** When you compared the list of royalty checks to the deposits booked, what did
24 you determine?

25 **Anita Duty:** They were all accounted for.

26 **Mark Swartz:** When you compared the total amount that the operator paid into the escrow
27 account to the balance on hand, what did you determine?

28 **Anita Duty:** The bank had \$15.25 additional.

1 **Mark Swartz:** That's all I have, Mr. Chairman.

2 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver?

3 **Jen Shaver:** No questions, Mr. Chairman.

4 **Bradley Lambert:** Do I have a motion?

5 **Donnie Rife:** Motion made, Mr. Chairman, for approval.

6 **Bill Harris:** I'll second.

7 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
8 response] All in favor signify by saying yes.

9 **Board:** Yes.

10 **Bradley Lambert:** Opposed no. [No response] Thank you, Mr. Swartz. That is approved.

11 **Item Number 15**

12 **Bradley Lambert:** We're calling Docket Item Number 15. A petition from CNX Gas
13 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
14 Board's Escrow Agent, attributable to Tract 2 as depicted upon the annexed table; and (2)
15 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. This is
16 Docket Number VGOB-12-0117-3023-02. All parties wishing to testify please come forward.

17 **Mark Swartz:** Mark Swartz and Anita Duty.

18 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

19 **Bradley Lambert:** You may proceed, Mr. Swartz.

20 **Mark Swartz:** I would like to incorporate the questions and answers and discussion from
21 Docket Item 3, today.

22 **Bradley Lambert:** Accepted.

23 **Mark Swartz:** Thank you. Anita, state your name for us, again.

24 **Anita Duty:** Anita Duty.

25 **Mark Swartz:** You're still under oath.

26 **Anita Duty:** Yes.

27 **Mark Swartz:** This pertains to a disbursement request for monies owed regarding what unit?

1 **Anita Duty:** C-39.

2 **Mark Swartz:** Involving what tract in that unit?

3 **Anita Duty:** 2.

4 **Mark Swartz:** Did you prepare a Table 1?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** In this instance, is it again true that only the cousins receive the benefit of the
7 disbursement?

8 **Anita Duty:** Yes.

9 **Mark Swartz:** Would you identify the people for whose benefit the disbursements are going to
10 be made and the percentage the Escrow Agent should use in calculating the respective amounts?

11 **Anita Duty:** T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each receive
12 12.5%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive 16.6667%.

13 **Mark Swartz:** What well is contributing to this account?

14 **Anita Duty:** C-39 and C-39A.

15 **Mark Swartz:** In this instance, is there again a fact that the Escrow Agent should actually make
16 the checks payable, for the benefit of these folks, to their Attorney Don Barrett, and mail the
17 checks to him?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** After the disbursements are made, is it true that an escrow account will not be
20 required?

21 **Anita Duty:** Correct.

22 **Mark Swartz:** Have you provided the Board with a revised Exhibit E that says that?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** Have you also provided the Board with a revised Exhibit EE?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** On that EE, have you indicated the percentages that the operator is going to be
27 using to pay the cousins directly, in the future, as opposed to escrowing their funds?

28 **Anita Duty:** Yes.

1 **Mark Swartz:** Lastly, did you prepare an Exhibit J?

2 **Anita Duty:** Yes.

3 **Mark Swartz:** When you compared the royalty checks that the operator sent to the various
4 Escrow Agents, were you able to find a deposit for each one of them?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** When you compared the total the operator paid into the accounts to the total on
7 hand, what did you determine?

8 **Anita Duty:** They were the same.

9 **Mark Swartz:** Nothing further.

10 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver?

11 **Jen Shaver:** No questions, Mr. Chairman.

12 **Bradley Lambert:** Do I have a motion?

13 **Donnie Ratliff:** Motion to approve, Mr. Chairman.

14 **Donnie Rife:** Second, Mr. Chairman.

15 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
16 response] All in favor signify by saying yes.

17 **Board:** Yes.

18 **Bradley Lambert:** Opposed no. [No response] Thank you, Mr. Swartz. That one is approved.

19 **Item Number 16**

20 **Bradley Lambert:** We're calling Docket Item Number 16. A petition from CNX Gas
21 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
22 Board's Escrow Agent, attributable to Tracts 2 & 3 as depicted upon the annexed table; and (2)
23 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. This is
24 Docket Number VGOB-12-0417-3048-01. All parties wishing to testify please come forward.

25 **Mark Swartz:** Mark Swartz and Anita Duty.

26 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

27 **Bradley Lambert:** You may proceed, Mr. Swartz.

1 **Mark Swartz:** Thank you. I'd like to incorporate the testimony and discussions had in regard to
2 Docket Item 3, today.

3 **Bradley Lambert:** Accepted.

4 **Mark Swartz:** Thank you. Anita, state your name for us, again.

5 **Anita Duty:** Anita Duty

6 **Mark Swartz:** I'll remind you that you're under oath.

7 **Anita Duty:** Yes.

8 **Mark Swartz:** What unit does this disbursement petition pertain to?

9 **Anita Duty:** C-49.

10 **Mark Swartz:** What tracts in that unit?

11 **Anita Duty:** 2 & 3.

12 **Mark Swartz:** Did you prepare a Table 1?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** With regard to that table, does it indicate, pertaining to Tracts 2 & 3, that only
15 the cousins are going to be benefited by the disbursements?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** With regard to Tract 2 and, then, Tract 3 could you identify the people for whose
18 benefit the disbursements are to made and, for each, give the percentage the Escrow Agent
19 should use in calculating the dollar amount.

20 **Anita Duty:** For Tract 2, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should
21 each receive 0.8529%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
22 1.1372%. For Tract 3, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each
23 receive 11.6471%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
24 15.5295%.

25 **Mark Swartz:** The well or wells contributing to this account?

26 **Anita Duty:** C-49 & C-49A.

27 **Mark Swartz:** After these disbursements are made, is it true that we will no longer need an
28 escrow account for C-49?

1 **Anita Duty:** Correct.

2 **Mark Swartz:** Did you provide a revised Exhibit E that says that?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** Did you also provide a revised Exhibit EE, which gives the percentages that the
5 operator is going to use to pay the cousins, in the future?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** Lastly, did you prepare an Exhibit J?

8 **Anita Duty:** Yes.

9 **Mark Swartz:** As of what date?

10 **Anita Duty:** April 30, 2015.

11 **Mark Swartz:** Did you identify all of the operator checks and, then, try to locate a
12 corresponding deposit for each one?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Were you able to do that?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** When you total the amount the operator paid into the account and compare it to
17 the balance on hand, as of April 30, 2015, what did you determine?

18 **Anita Duty:** They were the same.

19 **Mark Swartz:** That's all I have, Mr. Chairman.

20 **Bradley Lambert:** Questions from the Board? [No response] Ms. Shaver?

21 **Jen Shaver:** No questions, Mr. Chairman.

22 **Bradley Lambert:** Do I have a motion?

23 **Donnie Ratliff:** Motion to approve, Mr. Chairman.

24 **Bill Harris:** Second.

25 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
26 response] All in favor signify by saying yes.

27 **Board:** Yes.

1 **Bradley Lambert:** Opposed no. [No response] Thank you, Mr. Swartz. That one is approved.

2 **Item Number 17**

3 **Bradley Lambert:** We're calling Docket Item Number 17. A petition from CNX Gas
4 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
5 Board's Escrow Agent, attributable to Tract 3 as depicted upon the annexed table; and (2)
6 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. This is
7 Docket Number VGOB-12-0417-3051-02. All parties wishing to testify please come forward.

8 **Mark Swartz:** Mark Swartz and Anita Duty.

9 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

10 **Bradley Lambert:** You may proceed, Mr. Swartz.

11 **Mark Swartz:** Thank you. I'd like to incorporate the questions and answers and discussion had
12 in the course of hearing Docket Item 3, today.

13 **Bradley Lambert:** Accepted.

14 **Mark Swartz:** Thank you. State your name for us, again.

15 **Anita Duty:** Anita Duty.

16 **Mark Swartz:** You're still under oath.

17 **Anita Duty:** Yes.

18 **Mark Swartz:** This is another petition for disbursement?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** It pertains to what unit?

21 **Anita Duty:** B-41.

22 **Mark Swartz:** What tract or tracts in that unit?

23 **Anita Duty:** 3.

24 **Mark Swartz:** Did you prepare Table 1?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** This Table 1, again, pertains only to disbursements for the benefit of the cousins.

1 **Anita Duty:** Yes.

2 **Mark Swartz:** Would you identify them, by name, and the respective percentage that the
3 Escrow Agent should use in calculating the dollar amount attributable to their interest?

4 **Anita Duty:** T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each receive
5 12.5%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive 16.6667%.

6 **Mark Swartz:** The well that provided this revenue?

7 **Anita Duty:** B-41A.

8 **Mark Swartz:** Again, is this a situation where we have affidavits on file from each of the
9 cousins, authorizing the Board and the Escrow Agent to pay their lawyer, Don Barrett, with the
10 funds that are due them?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** Is it true that, after these disbursements are made, we won't need to maintain an
13 escrow account for B-41?

14 **Anita Duty:** Correct.

15 **Mark Swartz:** Did you provide a revised Exhibit E that says that?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** Have you also provided a revised Exhibit EE, which lists the percentages that
18 the operator is going to use to pay the cousins, directly, in the future?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** Lastly, Exhibit J was calculated through what date?

21 **Anita Duty:** April 30, 2015.

22 **Mark Swartz:** Did you identify the royalty check or checks and find deposits that corresponded
23 with those?

24 **Anita Duty:** Yes.

25 **Mark Swartz:** When you total the amount the operator deposited and compared it to what was
26 on hand, what did you determine?

27 **Anita Duty:** They were the same.

28 **Mark Swartz:** That's all I have, Mr. Chairman.

1 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver?
2 **Jen Shaver:** No questions, Mr. Chairman.
3 **Bradley Lambert:** Do I have a motion?
4 **Donnie Ratliff:** Motion to approve, Mr. Chairman.
5 **Bill Harris:** Second.
6 **Bradley Lambert:** I have a motion and I have a second. All in favor signify by saying yes.
7 **Board:** Yes.
8 **Bradley Lambert:** Opposed no. [No response] Thank you, Mr. Swartz. Approved.

9 **Item Number 18**

10 **Bradley Lambert:** We're calling Docket Item Number 18. A petition from CNX Gas
11 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
12 Board's Escrow Agent, attributable to Tracts 3 & 4 as depicted upon the annexed table; and (2)
13 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. Docket
14 Number VGOB-12-0417-3052-01. All parties wishing to testify please come forward.
15 **Mark Swartz:** Mark Swartz and Anita Duty.
16 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins
17 **Bradley Lambert:** You may proceed, Mr. Swartz.
18 **Mark Swartz:** Thank you. I'd like to incorporate the questions, answers and discussion had
19 with regard to Docket Item Number 3, today.
20 **Bradley Lambert:** Accepted.
21 **Mark Swartz:** Thank you. Is your name Anita Duty?
22 **Anita Duty:** Yes.
23 **Mark Swartz:** And you're still under oath?
24 **Anita Duty:** Yes.
25 **Mark Swartz:** This petition for disbursement pertains to what unit?
26 **Anita Duty:** B-42.

1 **Mark Swartz:** What tracts?

2 **Anita Duty:** 3 & 4.

3 **Mark Swartz:** Did you prepare a Table 1?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** With regard to disbursements we're seeking here, is it true that just the cousins
6 are benefited by those, not LBR Holdings?

7 **Anita Duty:** Correct.

8 **Mark Swartz:** With regard to, first, Tract 3 and, then, Tract 4, would you identify the parties
9 for whose benefit these disbursements are being made and the percentage the Escrow Agent
10 should use for each, in calculating the dollar amount?

11 **Anita Duty:** For Tract 3, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should
12 each receive 7.9035%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
13 10.538%. For Tract 4, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each
14 receive 4.5961%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
15 6.1282%.

16 **Mark Swartz:** The well contributing to these revenues?

17 **Anita Duty:** B-42.

18 **Mark Swartz:** Again, is this a situation where the cousins have provided affidavits, authorizing
19 the Board and the Escrow Agent to pay their attorney, Don Barrett, and mail the checks to him?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** After these disbursements are made, is it true that we won't need an escrow
22 account?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** Have you provided a revised Exhibit E that says that?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Have you provided a revised EE that specifies the percentages that the operator
27 is going to use to pay the cousins, going forward?

28 **Anita Duty:** Yes.

29 **Mark Swartz:** Lastly, we have an Exhibit J?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** Through?

3 **Anita Duty:** April 30, 2015

4 **Mark Swartz:** Were you able to find a deposit for each royalty check?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** When you totaled the royalties paid and compared it to the balance on hand,
7 what did you determine?

8 **Anita Duty:** They were the same.

9 **Mark Swartz:** That's all I have, Mr. Chairman.

10 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver?

11 **Jen Shaver:** No questions, Mr. Chairman.

12 **Bradley Lambert:** Do I have a motion?

13 **Donnie Rife:** Motion made for approval, Mr. Chairman.

14 **Bill Harris:** Second.

15 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
16 response] All in favor signify by saying yes.

17 **Board:** Yes.

18 **Bradley Lambert:** Opposed no. [No response] Thank you, Mr. Swartz. Approved.

19 **Item Number 19**

20 **Bradley Lambert:** We're calling Docket Item Number 19. A petition from CNX Gas
21 Company, LLC, for (1) the distribution of escrowed funds heretofore deposited with the Board's
22 Escrow Agent, attributable to Tracts 3 & 4 as depicted upon the annexed table; and (2)
23 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. This is
24 Docket Number VGOB-12-0515-3060-01. All parties wishing to testify please come forward.

25 **Mark Swartz:** Mark Swartz and Anita Duty.

26 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

27 **Bradley Lambert:** You may proceed, Mr. Swartz.

1 **Mark Swartz:** Thank you. I'd like to incorporate the testimony and discussions had with regard
2 to Docket Item 3, today.

3 **Bradley Lambert:** Accepted.

4 **Mark Swartz:** Thank you. Anita, I'm going to remind you that you're still under oath.

5 **Anita Duty:** Yes.

6 **Mark Swartz:** Did you prepare a Table 1, with regard to this disbursement request?

7 **Anita Duty:** Yes.

8 **Mark Swartz:** It pertains to what unit?

9 **Anita Duty:** D-32.

10 **Mark Swartz:** And, what tracts in that unit?

11 **Anita Duty:** Tracts 3 & 4.

12 **Mark Swartz:** Starting with Tract 3 and continuing on to 4, would you identify the people for
13 whose benefit the disbursements are to be made and, for each, give the percentage that the
14 Escrow Agent should use in calculating dollars due?

15 **Anita Duty:** For Tract 3, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should
16 each receive 2.2855%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
17 3.0473%. For Tract 4, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each
18 receive 10.2145%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
19 13.6193%.

20 **Mark Swartz:** The well that produced this revenue?

21 **Anita Duty:** D-32.

22 **Mark Swartz:** Again, this is a situation where we have affidavits on file from the cousins,
23 indicating that the checks should be made payable to Don Barrett, P.A., and mailed to him at his
24 address?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Once these disbursements are made, is it true we won't need an escrow account
27 for D-32?

28 **Anita Duty:** Correct.

29 **Mark Swartz:** Did you provide a revised Exhibit E that says that?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** Have you also provided a revised Exhibit EE, which lists the percentages the
3 operator is going to use to pay the cousins directly, in the future?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** You have an Exhibit J. Correct?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** Through what date?

8 **Anita Duty:** April 30, 2015.

9 **Mark Swartz:** When you compared the royalty payments, checks that the operator issued, to
10 the deposits booked by the various Escrow Agents, were you able to identify deposits with each
11 check?

12 **Anita Duty:** Yes.

13 **Mark Swartz:** When you totaled the royalty checks paid and compared it to the balance on
14 hand, as of April 30, what did you determine?

15 **Anita Duty:** They were the same.

16 **Mark Swartz:** That's all I have, Mr. Chairman.

17 **Bradley Lambert:** Questions from the Board? [No response] Ms. Shaver?

18 **Jen Shaver:** No questions, Mr. Chairman.

19 **Bradley Lambert:** Do I have a motion?

20 **Donnie Ratliff:** Motion to approve, Mr. Chairman.

21 **Bill Harris:** I'll second that.

22 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
23 response] All in favor signify by saying yes.

24 **Board:** Yes.

25 **Bradley Lambert:** Opposed no. [No response] Thank you, Mr. Swartz. That is approved.

1 **Item Number 20**

2 **Bradley Lambert:** We're calling Docket Item Number 20. A petition from CNX Gas
3 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
4 Board's Escrow Agent, attributable to Tracts 2 & 3 as depicted upon the annexed table; and (2)
5 authorization to begin paying royalties directly to the parties to the prevailing plaintiffs. This is
6 Docket Number VGOB-12-0515-3061-01. All parties wishing to testify please come forward.

7 **Mark Swartz:** Mark Swartz and Anita Duty.

8 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

9 **Bradley Lambert:** You may proceed, Mr. Swartz.

10 **Mark Swartz:** Thank you. I'd like to incorporate the questions and answers and discussion had
11 with regard to Docket Item 3, today.

12 **Bradley Lambert:** Accepted.

13 **Mark Swartz:** Anita, I'll remind you that you're still under oath.

14 **Anita Duty:** Yes.

15 **Mark Swartz:** This pertains to what unit?

16 **Anita Duty:** E-32.

17 **Mark Swartz:** It's another disbursement request. Correct?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** What tracts are we talking about?

20 **Anita Duty:** 2 & 3.

21 **Mark Swartz:** Have you prepared a Table 1?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** Again, this is a situation where only the cousins are receiving the disbursements.
24 Correct?

25 **Anita Duty:** Correct.

26 **Mark Swartz:** Starting with Tract 2, would you identify, by name, each person for whose
27 benefit a disbursement is sought and, then, the percentage for each person that the Escrow Agent
28 should use in calculating their respective dollar amounts?

1 **Anita Duty:** For Tract 2, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should
2 each receive 3.6704%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
3 4.8938%. For Tract 3, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each
4 receive 8.8296%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
5 11.7729%.

6 **Mark Swartz:** The well contributing to this revenue?

7 **Anita Duty:** E-32.

8 **Mark Swartz:** After these disbursements are made, is it true that we will no longer need to have
9 an escrow account for Unit E-32?

10 **Anita Duty:** That's correct.

11 **Mark Swartz:** Have you provided the Board with an Exhibit E that says that?

12 **Anita Duty:** Yes.

13 **Mark Swartz:** Have you also provided an Exhibit EE that specifies the percentages that the
14 operator is going to use to pay the Rogers cousins, going forward?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** With regard to the Exhibit J in this part of the petition, that comparison or those
17 calculations were done through what date?

18 **Anita Duty:** April 30, 2015.

19 **Mark Swartz:** Were you able to find a deposit for every royalty check?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** When you totaled the royalty checks paid in and compared it to the bank balance
22 as of April 30, what did you determine?

23 **Anita Duty:** They were the same.

24 **Mark Swartz:** That's all I have, Mr. Chairman.

25 **Bradley Lambert:** Any questions from the Board? [No response] Ms. Shaver?

26 **Jen Shaver:** No questions, Mr. Chairman.

27 **Bradley Lambert:** Do I have a motion?

28 **Donnie Rife:** Motion made for approval, Mr. Chairman.

1 **Bill Harris:** Second.

2 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
3 response] All in favor signify by saying yes.

4 **Board:** Yes.

5 **Bradley Lambert:** Opposed no. [No response] Thank you, Mr. Swartz. That one is approved.

6 **Item Number 21**

7 **Bradley Lambert:** We're calling Docket Item Number 21. A petition from CNX Gas
8 Company, LLC, for (1) the disbursement of escrowed funds heretofore deposited with the
9 Board's Escrow Agent, attributable to Tracts 3 & 4 as depicted upon the annexed table; and (2)
10 authorization to being paying royalties directly to the parties to the prevailing plaintiffs. This is
11 VGOB-14-0715-4050-01. All parties wishing to testify please come forward.

12 **Mark Swartz:** Mark Swartz and Anita Duty.

13 **Jen Shaver:** Jen Shaver, on behalf of the Poulos/Rogers cousins.

14 **Bradley Lambert:** You may proceed, Mr. Swartz.

15 **Mark Swartz:** Thank you. One last time, I'd like to incorporate the questions and answers and
16 discussion we had with regard to Docket Item 3, today.

17 **Bradley Lambert:** Accepted.

18 **Mark Swartz:** Anita, I'll remind you that you're still under oath.

19 **Anita Duty:** Yes.

20 **Mark Swartz:** This is the last petition under consideration today for disbursement. Right?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** It pertains to unit?

23 **Anita Duty:** Well D-32A.

24 **Mark Swartz:** It's listed on the Docket, on the application, for some reason as D-32A. It's
25 actually Unit D-32. Correct?

26 **Anita Duty:** Correct. This is one of the ones that we set up two different docket numbers under
27 David Asbury's....

28 **Mark Swartz:** Okay. That explains it. It pertains to what tracts in that unit?

1 **Anita Duty:** Tracts 3 & 4.

2 **Mark Swartz:** Did you prepare a Table 1?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** With regard to the two tracts, is it true, once again, that the only people receiving
5 the benefit of the disbursements are the cousins?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** Starting with Tract 3, would you identify the name of the person for whose
8 benefit the disbursement is going to be made, set forth their respective percentage that should be
9 used to calculate their dollar amount?

10 **Anita Duty:** For Tract 3, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should
11 each receive 2.2855%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
12 3.0473%. For Tract 4, T.G. Rogers, Derek Rogers, Kevin Rogers and Shaun Rogers should each
13 receive 10.2145%. Gregory Poulos, Jason Poulos and Pamela Poulos should each receive
14 13.6193%.

15 **Mark Swartz:** The well that generated this revenue?

16 **Anita Duty:** D-32A.

17 **Mark Swartz:** Once again, is this a situation where we have affidavits on file that the cousins
18 request that their checks be made payable to Attorney Don Barrett, P.A., and mailed to him?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** Once these disbursements have been made, is it true that we will no longer need
21 an escrow account for D-32?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** Have you provided a revised Exhibit E that says that?

24 **Anita Duty:** Yes.

25 **Mark Swartz:** Have you also provided a revised Exhibit EE, which sets forth the percentages
26 that the operator plans on using to make payments to the cousins, in the future?

27 **Anita Duty:** Yes.

28 **Mark Swartz:** Lastly, with regard to Exhibit J, is there one check?

29 **Anita Duty:** Yes.

1 **Mark Swartz:** And you found it as a deposit?

2 **Anita Duty:** Yes.

3 **Mark Swartz:** And the balance is the same as the check?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** That's all I have.

6 **Bradley Lambert:** Questions from the Board? [No response] Ms. Shaver?

7 **Jen Shaver:** No questions, Mr. Chairman.

8 **Bradley Lambert:** Do I have a motion?

9 **Donnie Rife:** Motion made for approval, Mr. Chairman.

10 **Bill Harris:** Second.

11 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
12 response] All in favor signify by saying yes.

13 **Board:** Yes.

14 **Bradley Lambert:** Opposed no. [No response] Thank you, Mr. Swartz. That is approved.

15 **Mark Swartz:** Thank you.

16 **Bradley Lambert:** Thank you, folks.

17 **Donnie Ratliff:** Mr. Chairman, what would be the timeline for what we just did today, that
18 checks are actually...? We've got to enter the order.

19 **Rick Cooper:** Actually, we would order the checks via requisition. The checks come from
20 Richmond. Once the checks arrive, we would actually file the order in a courthouse. We could
21 mail those. That's 1-3 weeks. When those get back, we would process those. So, we will say
22 that 60 days is a pretty good turnaround.

23 **Donnie Ratliff:** Okay. Thank you.

24 **Rick Cooper:** That's a pretty smooth turnaround, if we can do it in 60 days.

25 **Item Number 22**

26 **Bradley Lambert:** Next, the Board will receive an update of the Board and Division activities
27 from the staff.

1 **Rick Cooper:** We have a couple of items. I guess the Board, during the last hearing, wanted us
2 to report any potential coal dismissals that we have and try to track those and give you an idea of
3 how we're going. We have had six coal dismissals submitted since July 1. Everyone knows we
4 are looking at those to approve those, but those cannot be processed or checks written until the
5 objective timeline, which is 50 days, has expired. So, if everything is good, the earliest a check
6 would be written on these would be August 19. We have had six submitted. The other thing I
7 wanted to point out, during our last hearing, you requested that we do the letter to the escheated.
8 I just want to reiterate that Ms. Gilmer did get that letter out about the potential people that
9 would be escheated in October of this year. Those letters have been submitted. In addition to
10 that, I think Mr. Swartz had brought up and you all had echoed his sentiments that we put a link
11 on the website to some type of search program for Virginia. We have not placed this on the
12 website, but we will look for direction from you all, if you all are happy with this. Ms. Ketron
13 did do some searching. Ms. Ketron, you have tried this site out, haven't you?

14 **Sally Ketron:** Yes.

15 **Rick Cooper:** So, we're just looking for direction from you all if you want to post this on our
16 website, or not. Currently, we have no one escheated, but that's for everyone in the State of
17 Virginia. So, we would just look for direction. Should we or should we not post that?

18 **Bill Harris:** Let me ask you a question. You're saying, do folks that this applies to, are they
19 already listed?

20 **Rick Cooper:** They are not listed. The people that the bank reported this morning is not listed
21 on this account. But, potentially, they could be listed in October of this year. Ms. Gilmer has
22 sent a letter to these people, telling them that they need to respond in some form or fashion.
23 Potentially, their money could show up here. Currently, they are not.

24 **Bill Harris:** I guess my question really was how do people get on the list, here? Would we have
25 to supply that?

26 **Rick Cooper:** No, I think when they escheat that back to the State, that's an automatic generated
27 list, by the State of Virginia that maintains that and updates that list.

28 **Bill Harris:** Okay. Thank you.

29 **Rick Cooper:** So, we would just look for direction. Should we or should we not post this. But,
30 it does work. You can go and put your name on it, also. If you've got any monies, which I
31 haven't, but you can actually do that.

32 **Mary Quillen:** I think this would be an excellent idea. It's just one more tool to help reach out
33 to those people.

1 **Rick Cooper:** I guess our concern; we have other items on our website. I guess it depends on
2 who you talk to what is the most important. We do have links and things like that. Again, it's
3 your all's decision that we post that. We will try to place it. We think we can move our website
4 pretty easily, but I think everybody has a different opinion of that.

5 **Bill Harris:** Mr. Chairman, I'd like to make a motion. Is that proper to do, at this time?

6 **Bradley Lambert:** Yes.

7 **Bill Harris:** I would move that we would allow the Division to list those folks, appropriately, on
8 vamoneysearch.org and publish whatever notification would be required for that.

9 **Bruce Prather:** Rick, how many items are on this thing? How many people?

10 **Rick Cooper:** How many people? Would you have any idea? Probably hundreds, if not
11 thousands, of people on this list, isn't there, Ms. Ketron?

12 **Sally Ketron:** On the website, altogether?

13 **Bruce Prather:** On this Virginia thing.

14 **Rick Cooper:** It doesn't show a running list. What it does is you type in your name and some
15 pertinent information and it will return if you have any monies available.

16 **Sally Ketron:** Any government agency or entity that is holding money for someone, just like
17 the Escrow Agent. After a certain period of time, it's turned into the Department of Treasury and
18 they actually fund educational grants and things with that money, as it goes unclaimed. If you
19 want to know if you have money on there, you just put your name and your social in, and it will
20 bring up any kind of money that's been turned into the Department of Treasury in your name.

21 **Mary Quillen:** It doesn't necessarily mean that some money that's been escrowed. It could be
22 anything. This is, basically, the same list that is published annually. You can just go through
23 that. This would be much easier than searching through the whole thing to see if you've got
24 anything on there. This would be much easier. Just by going in and typing in your name, it
25 would automatically show if there is.

26 **Rick Cooper:** I guess what we were trying to do...the bank actually sends the check. I guess the
27 question was how much effort do we put forth to make sure these people know, before they're
28 escheated. So, we did do the letter to tell these people. We'll continue to do that, in the future.
29 This is a third level of attempt to try to tell these people that the monies are available.

30 **Mary Quillen:** I think this is a good-faith effort. I, personally, think it is good.

31 **Bradley Lambert:** I have a motion. Do I have a second?

32 **Donnie Rife:** Second, Mr. Chairman.

1 **Bradley Lambert:** I have a motion and I have a second. Any further discussion? [No
2 response] All in favor signify by saying yes.

3 **Board:** Yes.

4 **Bradley Lambert:** Opposed no. [No response] Okay. We have one more item of business that
5 I have the privilege of doing besides chairing this gas and oil board. I get to recognize one of our
6 Board members, today. This year, the Virginia Oil and Gas Association partnered with
7 DMME...and Rick and his staff, I have to give credit to those folks. We came up with a series
8 of awards that we presented to folks in the industry who have outstanding service in the
9 community and to the safety of their employees. We thought it was important to recognize those
10 efforts of our companies and the citizens. We have one, in particular, award that, along with
11 Rick and the Division of Gas and Oil and representatives of VOGA. I don't think we have
12 anyone here from VOGA, but let me read to you just a little bit about what this person has done.
13 This is the Award for Excellence in Education. This award is to acknowledge a person or
14 persons for their excellence in promoting teaching and expanding education in the gas and oil
15 industry in Virginia. For several years, Dickenson County hosted a one-day Energy Expo for
16 school children across the county. After a change in leadership for the event, this person, whom
17 I will name later, was named the Event Coordinator. This person's vision was to expand this
18 one-day event into a multi-week educational opportunity. In doing so, this person coordinated
19 with the Dickenson County school system, the teachers, community officials, state agencies and
20 leaders throughout the energy industry to develop educational materials and activities for 6th-
21 grade students throughout Dickenson County. This person developed a curriculum that was
22 provided in several different sessions. The first week included classroom activities, covering
23 topics such as regional geology, natural gas, coal, electrical generation and the energy job
24 market. This person developed a work book, with sections covering each and every topic. The
25 teachers dedicated class time each day to cover this material. The second week involved
26 utilizing regional experts as guest speakers coming into the schools to discuss the previously-
27 mentioned topics with the students. The two weeks culminated with a field trip to the Dickenson
28 County Education and Research Center for the Energy Expo 2014 Hands-On. The Energy Expo
29 operated a drill rig, demonstrated well stimulation. We had natural gas vehicles. We had wind
30 turbine generations. We had mine rescue demonstrations. Local community colleges and the
31 Virginia Workforce Investment were participating. More than 25 organizations, agencies and
32 vendors participated in making this 2014 Energy Expo a successful event. So, we would like to
33 present this award, this morning, to Mary Quillen. Folks, let me tell you, I worked side-by-side
34 with her with this event. She's a little bull dog, let me tell you. She never gave up on it.

35 **Mary Quillen:** Thank you, so much. I really appreciate this recognition. It was a labor of love.
36 I've done this over the years. It's just something I'm very passionate about and really think that
37 it's very important that our students learn as much as they can about this; it's our basis for our
38 economics here in this region. We are in the process, right now, of planning for 2015. I've been
39 a little out of the loop. We are meeting, but I can't tell you what those dates are.

1 **Bradley Lambert:** October 7th. This year, the Energy Expo will be at the new, combined
2 Ridgeview School in Dickenson County. That's going to be exciting to kick that off up there.

3 **Mary Quillen:** Because that is a STEM school, the facility is state-of-the-art. It will be the
4 benchmark for any facilities that are built in the State in coming years.

5 **Bradley Lambert:** We invite you to please make plans to come out to the Energy Expo on
6 October 7. It's probably going to be an all-day event. The things that are being planned right
7 now, I think, the kids are going to.... Last year's were great, but this year's are going to be even
8 better.

9 **Mary Quillen:** And having this facility is just a wonderful opportunity, not only to showcase
10 the school, but to bring industry and community leaders out to that campus. If you haven't seen
11 it, you'll need to see it.

12 **Donnie Rife:** Ribbon cutting on the campus is going to be August 7. I think they're going to
13 start school tours around 10:00 that morning. It's going to be a pretty impressive event. If you
14 want to be impressed, come to the ribbon cutting. I didn't work side-by-side with Mary on the
15 Energy Expo because she wore me out just watching her from a distance. I was really pleased
16 with everything you did.

17 **Mary Quillen:** Thank you. I appreciate that. I have worked with lots of communities and
18 school divisions for many, many years. I have never worked with a group of people that are more
19 committed and a tighter-knit community. All you even have to do is ask and they say, "What
20 can I do?" Believe me, they did it. Everybody followed through. Donnie was hauling ice, all
21 day, it was such a hot day. Just anything that we needed. They're amazing people! The school
22 district people could not have been any more supportive and open. They opened their schools to
23 us. Thank you so much!

24 **Donnie Rife:** You did a fantastic job with that. You were definitely the spark that lit the fire.

25 **Mary Quillen:** Thank you.

26 **Item Number 23**

27 **Bradley Lambert:** The last item on our agenda this morning is we will review the June
28 minutes. Are there any additions or corrections we need to make to those minutes?

29 **Donnie Ratliff:** Move to approve, as submitted, Mr. Chairman.

30 **Bill Harris:** Second.

31 **Bradley Lambert:** I have a motion and a second, to approve. All in favor signify by saying
32 yes.

- 1 **Board:** Yes.
- 2 **Bradley Lambert:** I need a motion to adjourn.
- 3 **Donnie Rife:** Motion made, Mr. Chairman.
- 4 **Bill Harris:** I second that.
- 5 **Bradley Lambert:** All in favor signify by saying yes.
- 6 **Board:** Yes.
- 7 **Bradley Lambert:** Thank you, ladies and gentlemen!