

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING
ELECTIONS, UNIT: W-10
(herein "Subject Drilling Unit")

DOCKET NUMBER VGOB-91/04/30-0109

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirements of § 7.c of the Virginia Gas and Oil Board Regulations, VR 480-05-22.2 by supplementing the Order previously issued by the Board for the subject Docket on May 31, 1991 and recorded at Deed Book 375, Page 422 in the Office of the Clerk of Buchanan County, Virginia on May 31, 1991 (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interests in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.

2. Findings: The Board finds that:

(a) The Board Order directed Oxy USA, Inc., (herein the "Designated Operator"), to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by said Board Order;

(b) The Designated Operator filed its affidavit of mailing dated August 15, 1991 disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

(c) The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated May 4, 1993 in accordance with 7.c of the Virginia Gas and Oil Board Regulations and VR 480-05-22.2 (herein "Affidavit of Election"), wherein it has, for each Respondent whose interests, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii)

whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Designated Operator;

(d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator {filed said Statement of Interest dated December 23, 1992} or {furnished said Statement of Interests as part of its Affidavit of Election.} A copy of which is attached hereto as Exhibit (A);

(e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Tazewell National Bank, P. O. Box 909, Tazewell, Virginia 24651, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow.

3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Tazewell National Bank, P. O. Box 909, Tazewell, Virginia 24651, or any successor named by the Board to establish interest-bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in said Affidavits to receive such funds and account to the Board therefore.

4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed within seven (7) days from the date of receipt of this Order to each person whose interest or claim is subject to escrow and whose address is known.

5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

6. Effective Date: This Order shall be effective on the date of its execution.

^{7R}
DONE AND EXECUTED this First day of June 1993, by a majority of the Virginia Gas and Oil Board.


 Chairman, Benny R. Wampler

STATE OF VIRGINIA)
 COUNTY OF WISE)

Acknowledged on this 7th day of June, 1993, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Susan G. Garrett
Susan G. Garrett
Notary Public

My commission expires 7/31/94

DONE AND PERFORMED this 8th day of June 1993 by Order of this Board.

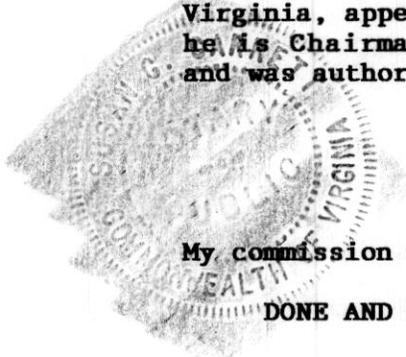
Byron J. Fulmer
Byron Thomas Fulmer
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 8th day of June, 1993, personally before me a notary public in and for the Commonwealth of Virginia, appeared Byron Thomas Fulmer, being duly sworn did depose and say that he is Principal Executive to the staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Notary Public

My commission expires 9/30/97



VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Buchanan Production Company for Forced Pooling of Interests in Unit Number W-10, VGOB Docket No. 0430-109 in the South Grundy District of Buchanan County, Virginia

AFFIDAVIT OF OXY USA Inc. (herein "Designated Operator") REGARDING ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Samuel E. Gordin (herein Affiant), being first duly sworn on oath, deposes and says:

1. That your Affiant is employed by OXY USA Inc., the Designated Operator, at its office located at 1600 Front Street, Suite 200, P.O. Drawer Q, Richlands, Virginia 24641, that your Affiant is the Designated Operator's Regulatory Affairs Coordinator, and is authorized for give this Affidavit in its behalf;
2. That the Order entered on May 31, 1991, by the Virginia Gas and Oil Board regarding the captioned (CBM or conventional) Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, your Affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that annexed hereto and incorporated herein are copies of the letters of transmittal, receipts for certified mail, and return receipts pertaining to said mailing;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named; that said Order was recorded on May 31, 1991.
5. That the Designated Operator, OXY USA Inc., has established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election period:

None.
6. That the interests and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia;

Tract 29(31-E)

Delmer Kyle Meadows and
Janis Meadows
P.O. Box 49
Mavisdale, VA 24627

1/8 X 0.294/80 = 0.04593%

- 7. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interests and/or claims which are not subject to escrow and should, therefore, be dismissed as Respondents: None
- 8. That pursuant to the provisions of VR 480-05-22.27.C and VR 480-05-22.2.8, annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth and identifies the conflicting claims and/or interests which require escrow of funds pursuant to the terms of §§ 45.1-361.21.D, 45.1-361.22.A.3 and 4.;

Dated at Richlands, Virginia, this 4 day of May, 1993.

Samuel E. Gordin
Affiant

Taken, subscribed and sworn to before me by Samuel E. Gordin, the Regulatory Affairs Coordinator, of OXY USA Inc., a corporation, on behalf of the corporation, this 4 day of May 1993.

My commission expires: January 31, 1997

Karen D. Cole
Notary



VIRGINIA. In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 10th day of June, 1993 at 11:58 A.M.
Deed Book No. 409 and Page No. 404

TESTE: [Signature] Clerk

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

**Application of Consol, Inc.
for Pooling of Interests in the W-10 Drilling Unit,
VGOB Docket No. 91-0430-0109-01
in the Garden Magisterial District
of Buchanan County, Virginia**



AFFIDAVIT OF MAILING

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

1. That your affiant is employed by Consol, Inc., as a Permit Specialist, P.O. Box 947, Bluefield, Virginia 24605; that your affiant, as one of his duties, is required to mail notices to persons required to be notified of hearings before and decisions of the Virginia Gas and Oil Board (hereinafter the "Board"); that your affiant receives, reviews and distributes mail addressed to Consol, Inc. at its aforementioned office;

2. That paragraph eighteen (18) of a Board order made in the above-captioned matter effective as of the 3rd day of March, 1997, and recorded in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on the 19th day of March, 1997, in Deed Book 459, Page 787, directed Consol, Inc. to cause a copy of said order to be mailed to the last known address of each well operator listed in said order;

3. That your affiant mailed copies of the order referred to at paragraph "2" above; that annexed hereto and incorporated herein by reference are copies of proofs of mailing showing the parties to whom the copies were mailed and the date of mailing;

4. That paragraph thirteen (13) of the Board's order required that each potential owner to whom a copy of the Board's order was mailed as described above deliver a written election to Consol, Inc. within thirty (30) days of the date on which copies of the order were mailed by Consol, Inc.;

Dated at Bluefield, Virginia, this 16th day of July, 1997.



Leslie K. Arrington, Affiant

Taken, subscribed and sworn to before me by Leslie K. Arrington, Permit Specialist, this 16th day of July, 1997.



Notary Public

My commission expires: 1-31-2007

CERTIFICATION OF NOTICE
CONSOL Inc.

Unit W-10
Recorded Board Order

	NAME	MAILED	RECEIPT #	RECEIVED
Arms	Claude, Sr.	06-12-97	P 462 579 560	returned
Arms	Claude, Sr.-Naaman Morgan Trust	06-12-97	P 462 579 561	returned
Cook	Rachel	06-12-97	P 462 579 574	06-13-97
Cooper	James C., Jr.	06-12-97	P 462 579 564	06-16-97
Cox	Lettie M.	06-12-97	P 462 579 565	06-16-97
Feather	Hugh M.	06-12-97	P 462 579 566	06-17-97
Harrison	Faye M.	06-12-97	P 462 579 567	06-16-97
Jackson	George	06-12-97	P 462 579 575	06-20-97
Kahn	Mary Elizabeth F.	06-12-97	P 462 579 568	06-16-97
McClanahan	Glee M.	06-12-97	P 462 579 569	06-16-97
Meadows	David H.	06-12-97	P 462 579 576	06-13-97
Meadows	Delmar Kyle	06-12-97	P 462 579 577	06-16-97
Morgan	Frank E., Jr.	06-12-97	P 462 579 570	06-13-97
Morgan	Norman E.	06-12-97	P 462 579 571	06-13-97
Wyatt	Hazel M.	06-12-97	P 462 579 572	06-16-97
Wyatt	Landon R.	06-12-97	P 462 579 573	06-13-97

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and 2 for additional services.
 Print your name and address on the reverse of this form so that we can return the extra fee).
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requester" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

1. Addresser's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Faye M. Harrison
 104 Katie Lane
 Statesville, NC 28677

4a. Article Number: **P 462 579 567**

4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
 Faye M. Harrison

6. Signature: (Addresser or Agent)
 Faye M. Harrison

7. Date of Delivery
 12/10/94

8. Addressee's Address (Only if requested and fee is paid)
 V9W10

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and 2 for additional services.
 Print your name and address on the reverse of this form so that we can return the extra fee).
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requester" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

1. Addresser's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 George Jackson
 Rt. 1, Box 103
 Vansant, VA 24656

4a. Article Number: **P 462 579 575**

4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
 George Jackson

6. Signature: (Addresser or Agent)
 George Jackson

7. Date of Delivery
 12/10/94

8. Addressee's Address (Only if requested and fee is paid)
 V9W10

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and 2 for additional services.
 Print your name and address on the reverse of this form so that we can return the extra fee).
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requester" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

1. Addresser's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 James C. Cooper, Jr.
 9583 Woodfield Circle North
 Pickerington, OH 43147

4a. Article Number: **P 462 579 564**

4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
 James C. Cooper, Jr.

6. Signature: (Addresser or Agent)
 James C. Cooper, Jr.

7. Date of Delivery
 12/10/94

8. Addressee's Address (Only if requested and fee is paid)
 V9W10

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and 2 for additional services.
 Print your name and address on the reverse of this form so that we can return the extra fee).
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requester" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

1. Addresser's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Theresa H. Brents
 Rt. 4, Box 294
 Stuart Draft, VA 24477

4a. Article Number: **P 462 579 562**

4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
 Theresa H. Brents

6. Signature: (Addresser or Agent)
 Theresa H. Brents

7. Date of Delivery
 12/10/94

8. Addressee's Address (Only if requested and fee is paid)
 V9W10

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and 2 for additional services.
 Print your name and address on the reverse of this form so that we can return the extra fee).
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requester" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

1. Addresser's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Lonnie & Janet Brown
 Rt. 1, Box 97A
 Vansant, VA 24656

4a. Article Number: **P 462 579 563**

4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
 Lonnie & Janet Brown

6. Signature: (Addresser or Agent)
 Lonnie & Janet Brown

7. Date of Delivery
 12/10/94

8. Addressee's Address (Only if requested and fee is paid)
 V9W10

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and 2 for additional services.
 Print your name and address on the reverse of this form so that we can return the extra fee).
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requester" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

1. Addresser's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Mary Elizabeth F. Khan
 2241 Colston Street
 Petersburg, VA 23805

4a. Article Number: **P 462 579 568**

4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
 Mary Elizabeth F. Khan

6. Signature: (Addresser or Agent)
 Mary Elizabeth F. Khan

7. Date of Delivery
 12/10/94

8. Addressee's Address (Only if requested and fee is paid)
 V9W10

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
 Complete items 1 and 2 for additional services.
 Print your name and address on the reverse of this form so that we can return the extra fee).
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requester" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

1. Addresser's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
 Hugh M. Feather
 1817 Forney Drive
 Huntsville, AL 35816

4a. Article Number: **P 462 579 566**

4b. Service Type:
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
 Hugh M. Feather

6. Signature: (Addresser or Agent)
 Hugh M. Feather

7. Date of Delivery
 12/10/94

8. Addressee's Address (Only if requested and fee is paid)
 V9W10

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

CONSOL Inc.
P. O. Box 947
Bluefield, VA 24605

Thank you for using Return Receipt Service.

I also wish to receive the following services (for an extra fee):
1. Addressee's Address
2. Restricted Delivery
Consult postmaster for fee.

SENDER:
 • Complete items 1 and/or 2 for additional services.
 • Complete items 3, 4a, and 4b.
 • Print your name and address on the reverse of this form so that we can return this card to you.
 • Attach this form to the front of the mailpiece, or on the back if space does not permit.
 • Write "Return Receipt Requested" on the mailpiece below the article number.
 • The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 Claude Arms, Sr. Trustee
 Naaman E. Morgan, Trust
 P.O. Box 812
 Grundy, VA 24614

4a. Article Number
P 462 579 561

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X

8. Addressee's Address (Only if requested and fee is paid)
V9, W10

PS Form 3811, December 1994

Domestic Return Receipt

 RETURN RECEIPT REQUESTED

 RETURN AFTER 10 DAYS

CERTIFIED
 P 462 579 561
 MAIL

Fold at line over top of envelope to the right of the return address.

~~Claude Arms, Sr. Trustee
 Naaman E. Morgan, Trust
 P.O. Box 812
 Grundy, VA 24614~~

PS Form 3800, April 1995

Claude Arms, Sr. Trustee
 Naaman E. Morgan, Trust
 P.O. Box 812
 Grundy, VA 24614

P 462 579 561

Post Office, State, & ZIP Code	
Postage	\$ 1.93
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 4.38
Postmark or Date	V9, W10

RETURN AFTER 10 DAYS
RETURN RECEIPT REQUESTED

CONSOL INC.
P.O. Box 947
Bluefield, VA 24605

Thank you for using Return Receipt Service.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
Claude Arms, Sr.
P.O. Box 812
Grundy, VA 24614

4a. Article Number
P 462 579 560

4b. Service Type

<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Certified
<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured
<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> COD

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X

8. Addressee's Address (Only if requested and fee is paid)
V9 W10

PS Form 3811, December 1994

Domestic Return Receipt

Fold at line over top of envelope to the right of the return address.

CERTIFIED

MAIL

P 462 579 560

Claude Arms, Sr.
P.O. Box 812
Grundy, VA 24614

PS Form 3800, April 1995

Claude Arms, Sr.
P.O. Box 812
Grundy, VA 24614

P 462 579 560

Postage	\$ 1.93
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 4.38

Postmaster's Office

V9, W10

1578

CLERK'S OFFICE CIRCUIT COURT
BUCHANAN COUNTY, VIRGINIA

Filed and admitted to record,

this 17th day of April, 1943
at 1:58 o'clock P. M.

Recorded Used Book _____ Page _____

039 State Tax _____

213 County Tax _____

212 Transfer 14.00

301 Recording _____

038 State Tax _____

220 Local Tax 1.00

145 VSLF _____

Total 15.00

By Teste James M. Bevins, Jr., Clerk D.C.