

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING  
ELECTIONS, UNIT: P-35  
(herein "Subject Drilling Unit")

DOCKET NUMBER VGOB-91/05/21-0119

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 in Deed Book 375, Page 473 in the Office of the Clerk of the Circuit Court, Buchanan County, Virginia on June 19, 1991. 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 July 16, 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 6, 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 furnished said Statement of Interest as part of its Affidavit of Election. A copy of which is attached.

(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.

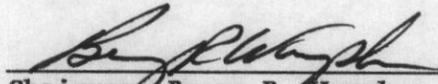
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Tazewell National Bank, P. O. Box 909, Tazewell, Virginia 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.

DONE AND EXECUTED this 23<sup>rd</sup> day of August 1993, by a majority of the Virginia Gas and Oil Board.

  
\_\_\_\_\_  
Chairman, Benny R. Wampler

STATE OF VIRGINIA)  
COUNTY OF WISE )

Acknowledged on this 23<sup>rd</sup> day of August, 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 23<sup>rd</sup> day of August 1993 by Order of this Board.

*Byron T. Fulmer*

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

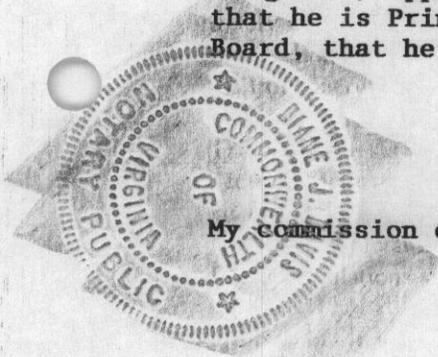
STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 23<sup>rd</sup> day of August, 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 P-35,  
VGOB Docket No. 0521-119 in the Garden 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 O, 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:
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 J. H. Franks	
J. C. Franks 621 Peavler Street Marion, VA 24354	1/8 X 3.6/80 = 0.56250%
Estil Franks, Estate c/o Bessie Franks 411 South 10th Street Livingston, Montana 59074	1/8 X 3.6/80 = 0.56250%
Garrett K. Franks P.O. Box 3054 Center Line, Michigan 48015	1/8 X 3.6/80 = 0.56250%
Ruth F. Officer 1472 Magellan Circle Berryville, VA 22611	1/8 X 3.6/80 = 0.56250%
Harvey H. Franks Rt. 1, Box 2437 Berryville, VA 22611	1/8 X 3.6/80 = 0.56250%
Dorothy Casteel Rt. 3, Box 175 Pikeville, TN 37367	1/8 X 3.6/80 = 0.56250%
Carl F. Metcalf 1115 Smith Street Bedford, VA 24523	1/8 X 3.6/80 = 0.56250%
Clell W. Metcalf Box 224 Loyall, KY 40854	1/8 X 3.6/80 = 0.56250%
Evelyn Wright RR 1, Box 490 Coeburn, VA 24230	1/8 X 3.6/80 = 0.56250%
Charles R. Arthur 1214 Oakwood Street Bedford, VA 24523	1/8 X 3.6/80 = 0.56250%
T. J. Bondurant Box 758 Lebanon, VA 24266	1/8 X 3.6/80 = 0.56250%
G. R. C. Stuart (d.b.a. Intermont Land Company) The Bank Main Street Abingdon, VA 24210	1/8 X 3.6/80 = 0.56250%

William W. Eskridge (d.b.a. Intermont Land Company) Westwood Estates Abingdon, VA 24210	1/8 X 3.6/80 = 0.56250%
James P. Jones (d.b.a. Intermont Land Company) 107 Hillside Drive Abingdon, VA 24210	1/8 X 3.6/80 = 0.56250%
John H. Hemmings (d.b.a. Intermont Land Company) Crestview Drive Abingdon, VA 24210	1/8 X 3.6/80 = 0.56250%
Stephen M. Hodges (s.b.a. Intermont Land Company) 237 Mason Place Abingdon, VA 24210	1/8 X 3.6/80 = 0.56250%
Linda Schrack, individually and Co-Executrix of the Estate of Nermal Whited 1180 West Cook Road Mansfield, OH 44906	1/8 X 3.6/80 = 0.56250%
Mary S. Snyder, individually and as Co-Executrix of the Estate of Nermal Whited 7 Tenn. Ave. St. Cloud, FL 37469	1/8 X 3.6/80 = 0.56250%
Laura L. Galvan 4935 Campbell Ave. San Jose, CA 95130	1/8 X 3.6/80 = 0.56250%
Matti J. Schmidt 2019 Bentwood Drive Champaign, IL 61821	1/8 X 3.6/80 = 0.56250%
William H. Whited 4711 4th. St. W. Lehigh Acres, FL 33936	1/8 X 3.6/80 = 0.56250%
Robert T. Whited Rt. 2, 13951 Bell Road Wisconsin Rapids, WI 54494	1/8 X 3.6/80 = 0.56250%
James W. Harman, Jr., Esq. P.O. Box 88 Tazewell, VA 24651	1/8 X 3.6/80 = 0.56250%

Reserve Coal Properties Co.            1/8 X 3.6/80 = 0.56250%  
 c/o Consolidation Coal Co.  
 Consol Plaza  
 1600 Washington Road  
 Pittsburgh, PA

Edwards & Harding Petroleum Co.            Carried Interest  
 P.O. Box 2404  
 Abingdon, VA 24210

Ronald A. Clyborne, et ux            1/8 X 3.6/80 = 0.56250%  
 11201 Whitcomb Pl.  
 Woodway, WA 98020-7212

Earl May            1/8 X 3.6/80 = 0.56250%  
 3003 Forsythia  
 Billings, MT 59102

Freda Meister            1/8 X 3.6/80 = 0.56250%  
 2111 Pueblo Drive  
 Billings, MT 59102

Wanda Rose            1/8 X 3.6/80 = 0.56250%  
 Box 7222  
 Wise, VA 24293

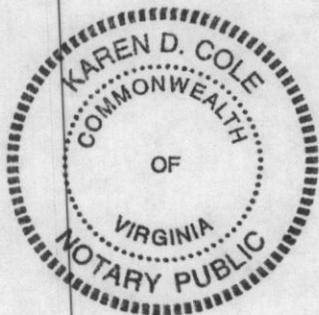
Mona Wicks            1/8 X 3.6/80 = 0.56250%  
 2810 Lyndale  
 Billings, MT 59102

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 6 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 6 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 31st day of August, 1993 1:57P M. Deed Book No. 713 and Page No. 199.

TESTE: [Signature] Clerk

2273

CLERK'S OFFICE CIRCUIT COURT  
BUCHANAN COUNTY, VIRGINIA

Filed and admitted to record.

this 5<sup>th</sup> day of Aug 19 93  
at 1:57 o'clock P. M.

Recorded Deed Book \_\_\_\_\_ Page \_\_\_\_\_

039 State Tax	_____
213 County Tax	_____
212 Transfer	_____
301 Recording	<u>17.00</u>
038 State Tax	_____
220 Local Tax	_____
145 VSFL	<u>1.00</u>
Total	<u>18.00</u>

Teste James M. Bevins, Jr., Clerk  
By JM Sec.

**Department of Mines, Minerals and Energy**

DIVISION OF GAS & OIL  
POST OFFICE BOX 1416  
230 CHARWOOD DRIVE  
ABINGDON, VIRGINIA 24210