

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING

ELECTIONS, UNIT: U-11

(herein "Subject Drilling Unit")

DOCKET NUMBER VGOB-91/05/21-0125

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 June 6, 1991 and recorded at Deed Book 375, Page 794 in the Office of the Clerk of Buchanan County, Virginia on June 6, 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 June 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 5, 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.

DONE AND EXECUTED this <sup>7th</sup> ~~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 T. 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 U-11,  
VGOB Docket No. 0521-125 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 to give this Affidavit in its behalf;
2. That the Order entered on June 6, 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 June 6, 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:
 

Columbia Natural Resources, Inc. 900 Pennsylvania Ave. P.O. Box 6070 Charleston, WV 25362-0070	<u>Election:</u> Paragraph 2B (Carried Interest)
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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 Big Axe 30 (23) W. W. Baldwin Successors or Assigns

Grace Looney Lutes 3710, 3rd. Ave., East Tuscaloosa, AL 35405	1/8 X 27.40/80 = 4.28125 %
William Robert Looney, Jr. 1742 Crouson Street Montgomery, AL 36110	1/8 X 27.40/80 = 4.28125 %
James Earl Looney 1624 Crouson Street Montgomery, AL 36110	1/8 X 27.40/80 = 4.28125 %
Brenda L. Young 1676 Yarbrough Street Montgomery, AL 36110	1/8 X 27.40/80 = 4.28125 %
Rebecca L. Sloan N 8, 500 Eastdale Road, South Montgomery, AL 36110	1/8 X 27.40/80 = 4.28125 %
Patricia L. Hagerman 533 Briarcliff Selma, AL 36700	1/8 X 27.40/80 = 4.28125 %
Orie Dell Looney 300 Old Marion Injunction Selma, AL 36700	1/8 X 27.40/80 = 4.28125 %
Harvey Honaker Looney 19341 County Road 10 Foley, AL 36535	1/8 X 27.40/80 = 4.28125 %
Jennie Blus 2666 Chery Lane Sarasota, FL 34237	1/8 X 27.40/80 = 4.28125 %
Edith Ratliff Rt. 3, Box 329 Abingdon, VA 24210	1/8 X 27.40/80 = 4.28125 %
Janie Mundie 5804 Burr Drive Mechanicsville, VA 23111	1/8 X 27.40/80 = 4.28125 %
Sarah Ann Baldwin Corsky 3120 Eden Mills Drive Sarasota, FL 34237	1/8 X 27.40/80 = 4.28125 %
William J. Baldwin Address Unknown	1/8 X 27.40/80 = 4.28125 %

Hobart M. Baldwin Address Unknown	1/8 X 27.40/80 = 4.28125 %
Edward O. Baldwin Address Unknown	1/8 X 27.40/80 = 4.28125 %
Lenore Baldwin Box 145, Spruce Street Welch, WV 24801	1/8 X 27.40/80 = 4.28125 %
Ruth B. Mihall Address Unknown	1/8 X 27.40/80 = 4.28125 %
Mary E. Shoemaker 4829 Caldwell Mill Birmingham, AL 35234	1/8 X 27.40/80 = 4.28125 %
W. W. Baldwin Heirs, Successors or Assigns Address Unknown	1/8 X 27.40/80 = 4.28125 %
W. Clyde Dennis Tract	
Columbia Gas Transmission P.O. Box 1273 Charleston, WV 25325	Carried Interest
Consolidated Coal Company 1800 Washington Road Pittsburgh, PA 15241	Farmin
Island Creek Coal Company Drawer L Oakwood, VA 24631	Assigned to OXY USA Inc.
Garden Realty Corp. c/o Betty Boyd King 2370 Lyndhurst Ave. Winston-Salem, NC 27103	Leased

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:

Consolidated Coal Company  
1800 Washington Road  
Pittsburgh, PA 15241

Island Creek Coal Company  
Drawer L  
Oakwood, VA 24631

BOOK 409 PAGE 403

Garden Realty Corp.  
c/o Betty Boyd King  
2370 Lyndhurst Ave.  
Winston-Salem, NC 27103

- 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 5 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 5 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 10<sup>th</sup> day of June, 1993 at 11:53A P. M.  
Deed Book No. 409 and Page No. 397

TESTE: [Signature] Clerk

# 1517

CLERK'S OFFICE CIRCUIT COURT  
BUCHANAN COUNTY, VIRGINIA

Filed and admitted to record,

this 10<sup>th</sup> day of July 1943  
at 11:58 o'clock AM M.

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

039 State Tax \_\_\_\_\_

213 County Tax \_\_\_\_\_

212 Transfer 16.00

301 Recording \_\_\_\_\_

038 State Tax \_\_\_\_\_

220 Local Tax 1.00

145 VSLF \_\_\_\_\_

Total 17.00

By \_\_\_\_\_  
Tastle James M. Bevins, Jr., Clerk  
D.C.

State of Virginia  
County of Washington

Acknowledged on this 10<sup>th</sup> day of June, 1991, personally before me a notary public in and for the State 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.

Diane J. Davis

Diane Davis  
Notary Public  
My commission expires 9/23/92

State of Virginia  
County of Washington

Acknowledged on this 10<sup>th</sup> day of June, 1991, personally before me a notary public in and for the State 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 Davis  
Notary Public  
My commission expires 9/23/92

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 6th day of June, 1991 at 11:35 A.M. Deed Book No. 375 Page No. 794.

TESTE: Russell V. Presley, Clerk

BY: Beverly S. Tiller, DEPUTY CLERK

# 1486

CLERK'S OFFICE CIRCUIT COURT  
BUCHANAN COUNTY, VIRGINIA  
Filed and admitted to record,  
this 27th day of June, 1991  
at 1:35 o'clock PM.

Recorded Deed Book	Page
101 State Tax	\$ _____
204A County Tax	\$ _____
204 Transfer	\$ _____
301 Recording	\$ <u>27.00</u>
1 Plats	\$ _____
120 State Tax	\$ _____
Sec. 58-54 (b)	\$ _____
220A Local Tax	\$ _____
Sec. 58-54 (b)	\$ _____
14S-220B-Local Tax	\$ <u>1.00</u>
VSLF Sec-58-54 (b)	\$ _____
Total	\$ <u>28.00</u>

Teste Russell V. Presley, Clerk  
By \_\_\_\_\_ D. C.

Dept. of Mines, Minerals  
& Energy  
P.O. Box 1416  
Abingdon, Va. 24210