

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING  
ELECTIONS, UNIT: O-42  
(herein "Subject Drilling Unit")

DOCKET NUMBER VGOB-93/03/16-0340

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 23, 1993 and recorded at Deed Book 410, Page 623 in the Office of the Clerk of the Circuit Court, Buchanan County, Virginia on July 1, 1993 (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 Pocahontas Gas Partnership (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 mailings dated August 27, 1993 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 October 7, 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.

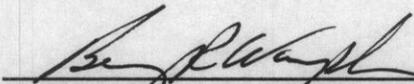
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Tazewell National Bank, P. O. Box 909, Tazewell, Virginia 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 6<sup>th</sup> day of December 1993, by a majority of the Virginia Gas and Oil Board.

  
Chairman Benny R. Wampler

STATE OF VIRGINIA)  
COUNTY OF WISE )

Acknowledged on this 6th day of December, 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 6th day of December 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 6th day of December, 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:

## BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for the board order in Unit Number O-42, VGOB Docket No. 93/03/16-0340 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF Pocahontas Gas Partnership (herein "Designated Operator") REGARDING ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington (herein Affiant), being first duly sworn on oath, deposes and says:

1. That our Affiant is employed by Consol, Inc., a partner in Pocahontas Gas Partnership, the Designated Operator, at its office located at P.O. Box 947 Bluefield, VA 24605, that your Affiant is the Designated Operator's Permit Specialist, and is authorized for give this Affidavit in its behalf;
2. That the Order entered on June 23, 1993, by the Virginia Gas and Oil Board regarding the captioned CBM 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 July 1, 1993.
5. That the Designated Operator, Pocahontas Gas Partnership, 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 interest and/or claims of the following person (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; that opposite the name of each person named as a Respondent listed below is set forth:

for all of the information requested below, see Exhibit 6

name;

the type of election made, or deemed to have been made, or the lease or other agreement entered into;

the bonus amount subject to escrow, if any;

the royalty division of interest in the Unit, if any;

the working interest percentage, if any, resulting from an election of participate;

the working interest percentage, if any, resulting from an election to share in the operation of the unit as a nonparticipant on a carried basis subject to escrow only after the Designated Operator has recovered its costs as provided in the Board's Order;

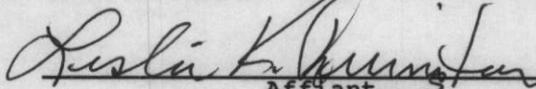
whether the interest or claim subject to escrow is an undivided common interest, and in that event, all amounts and percentages stated below represent the total amounts attributable to all common owners, including the person named, of an undivided interest or claim subject to escrow;

- 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.

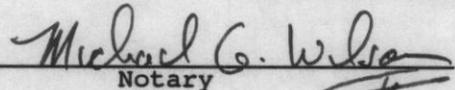
- 8. That pursuant to the provisions of VR 480-05-22.27C and VR 480-05-22.2.8, annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth and identifies the conflicting claims and/or 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 Bluefield, Virginia, this 7th day of October, 1993.

  
 \_\_\_\_\_  
 Affiant

Taken, subscribed and sworn to before me by Leslie K. Arrington, the Permit Specialist of Pocahontas Gas Partnership, a corporation, on behalf of the corporation, this 7th day of October, 1993.

My commission expires: 12-31-95

  
 \_\_\_\_\_  
 Notary

07-04-93

\* Total to be approved in-house due to conflicting claims: 0.000 acres @ 0.00%  
 \*\* Total to be paid (no conflicting claim) - 80 acres - 100%  
 #1042.WK1

TRACT OWNER/LESSEE NAME	MAP TRACT ID.	ACRES	% UNIT	OWNED		LEASED		ADVERSE		CONSOI DOCKET #	CONDOA DOCKET #	TYPE INTEREST
				PERCENT	ACRES	PERCENT	ACRES	PERCENT	ACRES			
P.J. Brown Heirs		80	100									
John R. Motters		13.53336	16.6667	13.53336	16.6667					180-134	264-712-006	X
Neal W. Thomson		2.22224	2.7778	2.22224	2.7778					180-152, 180-153	264-714-001	X
Beryl T. Scott		2.22224	2.7778	2.22224	2.7778					180-152, 180-153	264-714-001	X
Edith Mae Vanhook		2.22224	2.7778	2.22224	2.7778					180-152, 180-153	264-714-001	X
Ballard W. Cassady, MD		2.22224	2.7778	2.22224	2.7778					180-152, 180-153	264-714-001	X
Michael C. Ramsey, Jr.		0.74072	0.9259	0.74072	0.9259					180-152, 180-153	264-714-001	X
James P. Ramsey, Jr.		0.74072	0.9259	0.74072	0.9259					180-152, 180-153	264-714-001	X
Susan Joyce Ramsey		0.48984	0.6173	0.48984	0.6173					180-152, 180-153	264-714-001	X
Joe B. Ramsey, Sr.		1.48152	1.8519	1.48152	1.8519					180-152, 180-153	264-714-001	X
William H. Ramsey, Jr.		0.48984	0.6173	0.48984	0.6173					180-152, 180-153	264-714-001	X
G. Frank Ramsey		6.66664	8.3333	6.66664	8.3333					180-152, 180-153	264-714-001	X
Sue Carter Stolar		3.33336	4.1667	3.33336	4.1667					180-152, 180-153	264-691-001	X
John W. Gillespie		3.33336	4.1667	3.33336	4.1667					180-152, 180-153	264-712-006	X
Johnnie H. Hunter		13.23808	16.5476	13.23808	16.5476					180-131	264-712-007	X
Eldridge Brown		13.33336	16.6667	13.33336	16.6667					180-131	264-712-006	X
James R. McKinny		2.22224	2.7778	2.22224	2.7778					180-131	264-712-006	X
G.I. Brown Estate		0.74072	0.9259	0.74072	0.9259					180-250	264-712-006	X
Clyde S. Groves		0.74072	0.9259	0.74072	0.9259					180-132	264-712-003	X
Doris L. Singhas		2.22224	2.7778	2.22224	2.7778					180-132	264-712-006	X
Martha Brown Short		0.19872	0.2512	0.19872	0.2512					180-131	264-712-006	X
James M. Brown		0.02688	0.0336	0.02688	0.0336					180-131	264-712-001	X
Virginia Brown Palmer		0.021164	0.026455	0.021164	0.026455					180-250	264-712-004	X
Benjamin Patton Brown		0.021164	0.026455	0.021164	0.026455					180-250	264-712-004	X
Charles Henry Brown		0.021164	0.026455	0.021164	0.026455					180-250	264-712-006	X
William David Brown		0.021164	0.026455	0.021164	0.026455					180-131	264-712-006	X
Eugene L. Brown, Jr.		0.021164	0.026455	0.021164	0.026455					180-131	264-712-006	X
Ruth Martin		0.74072	0.9259	0.74072	0.9259					180-240	264-712-006	X
Catherine Lee Estelle		0.74072	0.9259	0.74072	0.9259					180-131	264-712-006	X
Hannah Ascus Taylor		2.96296	3.7037	2.96296	3.7037					180-131	264-712-006	X
Burton E. Steele		0.37036	0.46295	0.37036	0.46295					180-240	264-712-006	X
Mary Francis Carter		0.37036	0.46295	0.37036	0.46295					180-240	264-712-006	X
TOTAL		80.000068	100.00008	78.894248	99.86781	0.10582	0.132275					

POCAHONTAS GAS PARTNERSHIP  
 0-42 Unit  
 80 Acres  
 Well Located Within this Unit: CBM - PGP - 003

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 16th day of December, 1993 12:45 M.  
 Deed Book No. 416 and Page No. 807  
 TESTE: [Signature] Clerk

3136

CLERK'S OFFICE CIRCUIT COURT  
BUCHANAN COUNTY, VIRGINIA

Filed and admitted to record,  
this 10th day of Dec 1993  
at 12:17 o'clock P M.

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

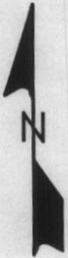
039 State Tax	_____
213 County Tax	_____
212 Transfer	_____
301 Recording	<u>15.00</u>
038 State Tax	_____
220 Local Tax	_____
145 VSLF	_____
Total	<u>16.00</u>

Teste James M. Bewins, Jr., Clerk  
By [Signature] C.E.

**Department of Mines, Minerals and Energy**  
DIVISION OF GAS & OIL  
POST OFFICE BOX 1416 • 230 CHARWOOD DRIVE  
ABINGDON, VIRGINIA 24210

N 339,482  
E 1,021,173

N 339,412  
E 1,023,039



1

\*  
CBM-PGP-603  
N 338,541.01  
E 1,022,472.96  
S 2585.10

N 337,611  
E 1,021,107

N 337,541  
E 1,022,972

**LEGEND:**



TRACT LAND HOOK



EXISTING CBM WELL



TRACT LAND I. D.



ROAD WITH RIGHT of WAY



RAILROAD RIGHT of WAY



PROPERTY LINES

EXHIBIT B1  
OAKWOOD FIELD UNIT O-42  
FORCE POOLING  
VBOB-93/03/16-0340

NOTE: SEE ATTACHMENT  
FOR TRACT I. D. INFORMATION

COMPANY POCAHONTAS GAS PARTNERSHIP WELL NAME AND NUMBER \_\_\_\_\_

TRACT NO. \_\_\_\_\_ ELEVATION \_\_\_\_\_ QUADRANGLE JEWELL RIDGE

COUNTY BUCHANAN DISTRICT GARDEN SCALE: 1" = 400' DATE 1/28/93

THIS PLAT IS A NEW PLAT x AN UPDATED PLAT \_\_\_\_\_ OR A FINAL PLAT \_\_\_\_\_

*Claude D. Morgan*  
LICENSED PROFESSIONAL ENGINEER

(AFFIX SEAL)  
10958

N 339,482  
E 1,021,173

N 339,412  
E 1,023,039



1

N 337,611  
E 1,021,107

N 337,541  
E 1,022,972

**LEGEND:**



- TRACT LAND HOOK
- TRACT LAND I. D.
- ROAD WITH RIGHT of WAY
- RAILROAD RIGHT of WAY
- PROPERTY LINES

EXHIBIT B  
OAKWOOD FIELD UNIT O-42  
FORCE POOLING  
VBOB-93/03/16-0340

NOTE: SEE ATTACHMENT  
FOR TRACT I. D. INFORMATION

COMPANY POCAHONTAS GAS PARTNERSHIP WELL NAME AND NUMBER \_\_\_\_\_  
 TRACT NO. \_\_\_\_\_ ELEVATION \_\_\_\_\_ QUADRANGLE JEWELL RIDGE  
 COUNTY BUCHANAN DISTRICT GARDEN SCALE: 1" = 400' DATE 11/28/93

THIS PLAT IS A NEW PLAT x AN UPDATED PLAT \_\_\_\_\_ OR A FINAL PLAT \_\_\_\_\_

*Claude O. Moy*  
\_\_\_\_\_  
LICENSED PROFESSIONAL ENGINEER

