

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING  
ELECTIONS, UNIT: VC-2846  
(herein "Subject Drilling Unit")

DOCKET NUMBER VGOB-93/02/16-0343

REPORT OF BOARDFINDINGS 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 April 16, 1993 and recorded in Deed Book 291 Page 446 in the Office of the Clerk of the Circuit Court, Dickenson County, Virginia on April 23, 1993. 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 Equitable Resources Exploration, (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 May 5, 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 June 8, 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 20<sup>th</sup> day of October 1993, by a majority of the Virginia Gas and Oil Board.

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

STATE OF VIRGINIA)  
 COUNTY OF WISE )

Acknowledged on this 20th day of October, 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 20th day of October 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 20th day of October, 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

V I R G I N I A:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Equitable Resources Exploration for Forced Pooling of Interests in Unit Number VC-2846, VGOB Docket No. VGOB-93/03/16-0343 in the Ervinton Magisterial District of Dickenson County, Virginia

AFFIDAVIT OF HUNTER, SMITH & DAVIS, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

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

1. That the Affiant is a partner in the law firm of Hunter, Smith & Davis, the Agent for the Designated Operator, with offices located at 1212 North Eastman Road, Kingsport, Tennessee 37664, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on April 16, 1993, 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, the Affiant was directed to cause 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 captioned matter;
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 April 23, 1993;
5. That the Designated Operator, by and through their agent, HUNTER, SMITH & DAVIS, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest 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 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; that opposite the name of each person named as a Respondent listed below is set forth:

- 1) Madeline Presley and Harold Presley  
 Conflicting claimants to coalbed methane  
 \$198.55 bonus cash consideration (\$5.00 per net mineral acre)  
 .0844625 royalty interest (12.5% X 67.57%)
- 2) Clinchfield Coal Company  
 Conflicting claimants to coalbed methane  
 \$198.55 bonus cash consideration (\$5.00 per net mineral acre)  
 .0844625 royalty interest (12.5% X 67.57%)
- 3) Channe R. Barton and Peggy R. Barton  
 Conflicting claimants to coalbed methane  
 \$54.80 bonus cash consideration (\$5.00 per net mineral acre)  
 .0233125 royalty interest (12.5% X 18.65%)
- 4) Clinchfield Coal Company  
 Conflicting claimants to coalbed methane  
 \$54.80 bonus cash consideration (\$5.00 per net mineral acre)  
 .0233125 royalty interest (12.5% X 18.65%)
- 5) Darrell O'Quinn and Jean O'Quinn  
 Conflicting claimants to coalbed methane  
 \$16.95 bonus cash consideration (\$5.00 per net mineral acre)  
 .0072125 royalty interest (12.5% X 5.77%)
- 6) Clinchfield Coal Company  
 Conflicting claimants to coalbed methane  
 \$16.95 bonus cash consideration (\$5.00 per net mineral acre)  
 .0072125 royalty interest (12.5% X 5.77%)

- 7) Vernie Bowman - Life Estate Only  
Conflicting claimant to coalbed methane
- 8) Bonnie B. Sedler and Peter P. Sedler  
Conflicting claimants to coalbed methane  
\$3.65 bonus cash consideration (\$5.00 per net mineral acre)  
.00155209 royalty interest (1/6 X 12.5% X 7.45%)
- 9) Edwin G. Bowman and Janice G. Bowman  
Conflicting claimants to coalbed methane  
\$3.65 bonus cash consideration (\$5.00 per net mineral acre)  
.00155209 royalty interest (1/6 X 12.5% X 7.45%)
- 10) Mabel A. Taylor and Phillip E. Taylor  
Conflicting claimants to coalbed methane  
\$3.65 bonus cash consideration (\$5.00 per net mineral acre)  
.00155208 royalty interest (1/6 X 12.5% X 7.45%)
- 11) Elmer L. Bowman  
Conflicting claimants to coalbed methane  
\$3.65 bonus cash consideration (\$5.00 per net mineral acre)  
.00155208 royalty interest (1/6 X 12.5% X 7.45%)
- 12) Eugene W. Bowman and Jean O. Bowman  
Conflicting claimants to coalbed methane  
\$3.65 bonus cash consideration (\$5.00 per net mineral acre)  
.00155208 royalty interest (1/6 X 12.5% X 7.45%)
- 13) Zinnia L. Combs and James T. Combs  
Conflicting claimants to coalbed methane  
\$3.65 bonus cash consideration (\$5.00 per net mineral acre)  
.00155208 royalty interest (1/6 X 12.5% X 7.45%)
- 14) Clinchfield Coal Company  
Conflicting claimants to coalbed methane  
\$21.90 bonus cash consideration (\$5.00 per net mineral acre)  
.0093125 royalty interest (12.5% X 7.45%)
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 interest and/or claims which are not subject to escrow:

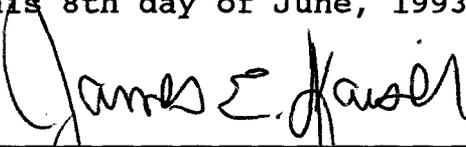
None.

8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraphs 3 and 2(c) of the Order.

1) Channe R. Barton and Peggy R. Barton

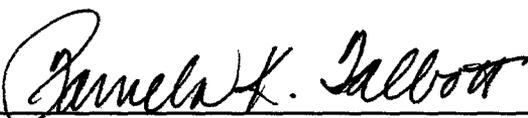
9. That pursuant to the provision of VR 480-05-22.27.C and VR 480-05-22.2.8, annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth and identifies the conflicting claims and/or interest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

  
\_\_\_\_\_  
Affiant

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of Equitable Resources Exploration, a corporation, on behalf of the corporation, this 8th day of June, 1993.

My commission expires: March 12, 1996

  
\_\_\_\_\_  
Notary

[regulat\erex\vc-2846.aff]

**EXHIBIT "B"**

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VGOB-93-0316-0343

| <u>LESSOR</u>   | <u>LEASE STATUS</u>    | <u>INTEREST WITHIN UNIT</u> | <u>GROSS ACREAGE IN UNIT</u> | <u>NET REVENUE INTERESTS</u> |
|---|------------------------|-----------------------------|------------------------------|------------------------------|
| <b><u>TRACT 1</u></b>   |                        |                             |                              |                              |
| *Madaline Presley<br>Harold Presley<br>Route #A, Box 11-C<br>Bee, VA 24217  | Lsd-EREX<br>243342L-01 | 67.57%                      | 39.71                        | .0844625 RI                  |
| *Clinchfield Coal Company<br>Paul Guild, Chief Engineer<br>P. O. Box 7<br>Dante, VA 24237<br>and<br>Pyxis Resources Company<br>Larry Cline, Property Manager<br>P. O. Box 5100<br>Lebanon, VA 24266 | Lsd-EREX<br>T2(C)242   |                             |                              | .0844625 RI                  |
| Pine Mountain Oil & Gas, Inc.<br>Attn: Richard Brillhart<br>P. O. Box 4000<br>Lebanon, VA 24266   |                        |                             |                              | .1182475 WI                  |
| Equitable Resources Exploration   |                        |                             |                              | .47299 WI                    |
| <b>Tract 1 Totals</b>   |                        | 67.57                       | 39.71                        | 67.57                        |
| <b><u>TRACT 2</u></b>   |                        |                             |                              |                              |
| *Channe R. Barton<br>Peggy R. Barton<br>Box 175<br>Bee, VA 24217  | Unleased               | 18.65%                      | 10.96                        | .0233125 RI                  |
| *Clinchfield Coal Company<br>Paul Guild, Chief Engineer<br>P. O. Box 7<br>Dante, VA 24237<br>and<br>Pyxis Resources Company<br>Larry Cline, Property Manager<br>P. O. Box 5100<br>Lebanon, VA 24266 | Lsd-EREX<br>T2(C)242   |                             |                              | .0233125 RI                  |

**\*INDICATES CONFLICTING CLAIMANTS AS TO COALBED METHANE**

**EXHIBIT "B"**  
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| <u>LESSOR</u>   | <u>LEASE STATUS</u> | <u>INTEREST WITHIN UNIT</u> | <u>GROSS ACREAGE IN UNIT</u> | <u>NET REVENUE INTERESTS</u> |
|---|---------------------|-----------------------------|------------------------------|------------------------------|
| Pine Mountain Oil & Gas, Inc.<br>Attn: Richard Brillhart<br>P. O. Box 4000<br>Lebanon, VA 24266 |                     |                             |                              | .0326375 WI                  |
| Equitable Resources Exploration   |                     |                             |                              | .13055 WI                    |
| <b>Tract 2 Totals</b>   |                     | 18.65                       | 10.96                        | 18.65%                       |

**TRACT 3**

|   |                        |       |      |             |
|---|------------------------|-------|------|-------------|
| *Darrell O'Quinn<br>Jean O'Quinn<br>Route #A, Box 13<br>Bee, VA 24217   | Lsd-EREX<br>243355L-01 | 5.77% | 3.39 | .0072125 RI |
| *Clinchfield Coal Company<br>Paul Guild, Chief Engineer<br>P. O. Box 7<br>Dante, VA 24237<br>and<br>Pyxis Resources Company<br>Larry Cline, Property Manager<br>P. O. Box 5100<br>Lebanon, VA 24266 | Lsd-EREX<br>T2(C)242   |       |      | .0072125 RI |
| Pine Mountain Oil & Gas, Inc.<br>Attn: Richard Brillhart<br>P. O. Box 4000<br>Lebanon, VA 24266   |                        |       |      | .0100975 WI |
| Equitable Resources Exploration   |                        |       |      | .04039 WI   |
| <b>Tract 3 Totals</b>   |                        | 5.77  | 3.39 | 5.77%       |

**TRACT 4**

|   |   |  |  |  |
|---|---|--|--|--|
| *Vernie Bowman<br>7771 St. Andrews Road<br>Lake Worth, FL 33467 | Lsd-EREX<br>244409L-03<br>(Life Estate) |  |  |  |
|---|---|--|--|--|

**\*INDICATES CONFLICTING CLAIMANTS AS TO THE COALBED METHANE**

**EXHIBIT "B"**  
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| <u>LESSOR</u>   | <u>LEASE STATUS</u>                    | <u>INTEREST WITHIN UNIT</u> | <u>GROSS ACREAGE IN UNIT</u> | <u>NET REVENUE INTERESTS</u> |
|---|--|-----------------------------|------------------------------|------------------------------|
| *Bonnie B. Sedler<br>Peter P. Sedler<br>7771 St. Andrews Road<br>Lake Worth, FL 33467   | Lsd-EREX<br>244409L-03<br>Remainderman | 1.24%                       | .73                          | .00155209 RI                 |
| *Edwin G. Bowman<br>Janice G. Bowman<br>#40 24th Street<br>Bristol, TN 37620  | Lsd-EREX<br>244409L-02<br>Remainderman | 1.24%                       | .73                          | .00155209 RI                 |
| *Mabel A. Taylor<br>Phillip E. Taylor<br>3090 Patch Drive<br>Bloomfield Hills, MI 48304   | Lsd-EREX<br>244409L-04<br>Remainderman | 1.24%                       | .73                          | .00155208 RI                 |
| *Elmer L. Bowman<br>4501 East Route 40<br>Lewisburg, OH 45338   | Lsd-EREX<br>244409L-06                 | 1.24%                       | .73                          | .00155208 RI                 |
| *Eugene W. Bowman<br>Jean O. Bowman<br>1196 Evansdale<br>Newark, OH 43055   | Lsd-EREX<br>244409L-05                 | 1.24%                       | .73                          | .00155208 RI                 |
| *Zinnia L. Combs<br>James T. Combs<br>1125 Sharon Avenue<br>Kettering, OH 45429   | Lsd-EREX<br>244409L-01<br>Remainderman | 1.25%                       | .73                          | .00155208 RI                 |
| *Clinchfield Coal Company<br>Paul Guild, Chief Engineer<br>P. O. Box 7<br>Dante, VA 24237<br>and<br>Pyxis Resources Company<br>Larry Cline, Property Manager<br>P. O. Box 5100<br>Lebanon, VA 24266 | Lsd-EREX<br>T2(C)242                   |                             |                              | .0093125 RI                  |

**\*INDICATES CONFLICTING CLAIMANTS AS TO THE COALBED METHANE**

| <u>LESSOR</u>   | <u>LEASE STATUS</u>                    | <u>INTEREST WITHIN UNIT</u> | <u>GROSS ACREAGE IN UNIT</u> | <u>NET REVENUE INTERESTS</u> |
|---|--|-----------------------------|------------------------------|------------------------------|
| Pine Mountain Oil & Gas, Inc.<br>Attn: Richard Brillhart<br>P. O. Box 4000<br>Lebanon, VA 24266 |  |                             |                              | .0130375 WI                  |
| Equitable Resources Exploration   |  |                             |                              | .05215 WI                    |
| <b>Tract 4 Totals</b>   |  | 7.45                        | 4.38                         | 7.45%                        |
| <b>TRACT 5</b>  |  |                             |                              |                              |
| Pine Mountain Oil & Gas, Inc.<br>Attn: Richard Brillhart<br>P. O. Box 4000<br>Lebanon, VA 24266 | Lsd-EREX<br>241490L-01<br>T-367/PO-148 | .56%                        | .33                          | .0007 RI                     |
| Pine Mountain Oil & Gas, Inc.<br>Attn: Richard Brillhart<br>P. O. Box 4000<br>Lebanon, VA 24266 |  |                             |                              | .00098 WI                    |
| Equitable Resources Exploration   |  |                             |                              | .00392 WI                    |
| <b>Tract 5 Totals</b>   |  | .56                         | .33                          | .56%                         |
| <b>TOTALS</b>   |  | 100.0%                      | 58.77                        | 100.0%                       |

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF DICKENSON COUNTY, Nov 17 1993. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:30 o'clock P.M., after payment of \$            tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: JOE TATE, CLERK  
 BY: Lulu Large D. CLERK

mailed  
AT gen  
ESC. agrm  
opn 11/1

Clerk's Office Circuit Court  
Dickenson County, Virginia

Filed and admitted to record

this 1st day of Nov. 1993  
at 2:20 P. M

Recorded: Deed Book \_\_\_\_\_ P \_\_\_\_\_

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

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

212 Transfer \$ \_\_\_\_\_

301 Recording \$ 20.00

145 VSLF \$ 1.00

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

\$ 58-54(b) \_\_\_\_\_

220 Local Tax \$ \_\_\_\_\_

\$ 58-54(b) \_\_\_\_\_

229 Local Tax \$ 21.00

Teste: \_\_\_\_\_, Clerk

By Julia Sorensen, c.