

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

AMENDMENT TO SUPPLEMENTAL ORDER REGARDING
ELECTIONS, UNIT: V-1829
(herein "Subject Drilling Unit")

DOCKET NO.
VGOB 93-0316-0346/
and 93-0316-0347

OPERATOR: EQUITABLE RESOURCES EXPLORATION

AMENDMENT TO REPORT OF
THE BOARD

FINDINGS AND ORDER

1. This Amendment to Supplemental Order is entered by the Board for the purpose of complying with the requirements of § 7.c. of the Virginia Gas and Oil Board Regulations, VR 480-05-22.2 (herein "VGOB Regulations") by amending Exhibit A to the Board's Supplemental Order Regarding Elections for Subject Drilling Unit entered on August 23, 1993 and filed with the Clerk's Office of Dickenson County Circuit Court in Deed Book 294 at Page 382 (herein "Supplemental Order").

2. Findings:

- 2.1 By Order entered in the above-styled cause on April 16, 1993 and filed April 23, 1993 with the Clerk's Office of Dickenson Circuit Court in Deed Book 291 at Pages 458-470, the Board has heretofore established Subject Drilling Unit pursuant to § 45.1-361.20, Code of Virginia, and has pooled all gas interests in Subject Drilling Unit pursuant to § 45.1-361.21, Code of Virginia, for the production of conventional natural gas (herein "Pooling Order").
- 2.2 On August 23, 1993 the Board entered the Supplemental Order which had attached thereto and made a part thereof (1) Operator's Affidavit Regarding Elections, Escrow Accounts and Supplemental Order as Exhibit A and (2) a schedule of interests and percentages as Exhibit B.
- 2.3 Exhibit A to the Supplemental Order contained mathematical errors in Paragraph 6 pertaining to the cash bonus amounts to be escrowed for the interests of Stephen H. Brinkley and for the unknown heirs of Frank Allen Kilgore.

3. Conclusion: Exhibit A of the Board's Supplemental Order is deleted in toto and replaced with Exhibit A attached hereto. The Exhibit A attached hereto reflects the corrections of the mathematical errors contained in Paragraph 6 of the Exhibit A attached to the Supplemental Order. Except as specifically modified and amended in this Paragraph 3, the Supplemental Order remains in full force and effect and otherwise unchanged.

4. Mailing of Amendment to Supplemental Order and Filing of Affidavit: The Operator or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Amendment to Supplemental 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 was affected by this Amendment.

DONE AND EXECUTED this 30th day of December, 1993, by a majority of the Virginia Gas and Oil Board.

Benny R. Wampler
Chairman Benny R. Wampler

DONE AND PERFORMED this 30th day of December, 1993, by Order of this Board.

Byron Thomas Fulmer
Byron Thomas Fulmer
Principal Executive To The Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA)
COUNTY OF WISE)

Acknowledged on this 30th 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: 07/31/94

STATE OF VIRGINIA)
COUNTY OF WISE)

Acknowledged on this 30th 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 same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Notary Public

My Commission Expires: 09/30/97

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 V-1829, VGOB Docket No. VGOB-93-0316-0346 in the Willis 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 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. No parties were added as Respondents and the unleased parties pooled were unknown and unlocatable rendering the Board's directive for mailing said Order impossible.
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 inapplicable in that all unleased parties were unknown and unlocatable 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) Stephen H. Brinkley
deemed to have leased (unknown or unlocatable)
\$8.85 bonus cash consideration (\$5.00 per net mineral acre)
.00176517 royalty interest (12.5% X 1/14 X 19.77%)
- 2) Unknown Heirs of Frank Allen Kilgore
deemed to have leased (unknown or unlocatable)
\$17.75 bonus cash consideration (\$5.00 per net mineral acre)
.00353035 royalty interest (12.5% X 1/7 X 19.77%)

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 10 of the Order.
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.

James E. Kaiser
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

Pamela K. Salbot
Notary

[regulat\erex\election\march\v-1829so.aff]

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF DICKENSON COUNTY, Jan 6, 1994. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 12:44 o'clock PM, after payment of \$ _____ tax imposed by Sec. 58.1-802.

Original returned this date to Diane Davis

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

Clerk's Office, Court Clerk

DeKalb County, Virginia

Filed and acknowledged record.

this 6 day of Jan., 1994.

at Richmond, M

Recorded: Dead Book _____ P _____

039 State Tax \$ _____

215 County Tax \$ _____

212 Transfer \$ _____

301 Recording \$ 14.00

142 SCLP \$ 1.00

028 201 - FOX \$ _____

\$ _____

200 1000 - FOX \$ _____

\$ _____

201 FOX Tax \$ _____

\$ (60.00/yr) 15.00

Total: _____, Clerk

By Richard H. Hanger, C.O.