

VIRGINIA:

BOOK 519 PAGE 378

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

REVISED SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 93-0420-0361

ELECTIONS: CBM UNIT O-40
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on April 25, 1994 which was recorded at Deed Book 422, Page 496 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on May 20, 1994, (herein "Board Order") and the Supplemental Order(s) entered on April 25, 1994 which was/were recorded at Deed Book 422, Page 461 in the said Clerk's Office on May 20, 1994.

Findings: The Board finds that:

1. The Board Order and previous Supplemental Order(s) directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to escrow bonus and royalty payments attributable to conflicting claims of ownership by paying the same to the Board's Escrow Agent for deposit in the Escrow Account pursuant to the provisions and requirements of § 45.1-361.4, Va. Code Ann.
2. The Designated Operator has filed a Supplemental Affidavit dated January 12, 2001 disclosing that Ronald Clyborne and Reserve Coal Properties have entered into a royalty split agreement.
3. By reason of the aforementioned royalty split agreement, it is no longer necessary for the Designated Operator to tender royalty payments to the Escrow Agent attributable to the conflicting claims of Ronald Clyborne and Reserve Coal Properties.
4. The revised Exhibit E annexed hereto and submitted to the Board by the Designated Operator with its Supplemental Affidavit identifies those persons whose conflicting claims of ownership continue to require escrow.
5. The Supplemental Affidavit further indicates that the Designated Operator has heretofore filed or will forthwith file its petition seeking a further Board Order disbursing escrowed bonus and royalty payments now on deposit in the Escrow Account subject to the aforementioned split agreement.

Order:

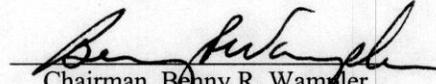
6. By this order, the Board vacates those portions of its prior Order(s), and/or Supplemental Orders(s), which required the Designated Operator to deposit funds pertaining to the conflicting claims of Ronald Clyborne and Reserve Coal Properties and orders the Designated Operator after entry of this Supplemental Order to pay such funds, which would otherwise have been payable to the Escrow Agent under the Board's prior Orders, directly to the parties to the said split agreement as provided in their agreement.
7. The Board, in the event the Designated Operator has not already done so, directs the Designated Operator to forthwith file its petition seeking disbursement of all funds on deposit in the Escrow Account attributable to the conflicting claims of Ronald Clyborne and Reserve Coal Properties.

Mailing of Order and Filing of Affidavit: The Designated Operator 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 to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

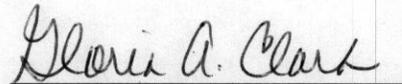
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 6th day of February, 2001 by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

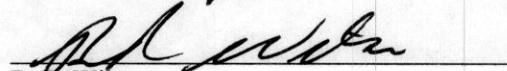
STATE OF VIRGINIA)
COUNTY OF WISE)

Acknowledged on this 6th day of February, 2001, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. 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.


Gloria A. Clark, Notary

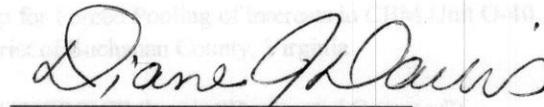
My commission expires: 12/31/03

DONE AND PERFORMED this 9th day of February, 2001 by Order of the Board.


B. R. Wilson
Director of the Virginia Gas and oil Board
And Principal Executive to the Board

STATE OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 9th day of February, 2001, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, 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, Notary Public

My commission expires: 09/30/01

VIRGINIA:

SUPPLEMENTAL AFFIDAVIT RE CBM UNIT O-40
BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE: Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit O-40
VGOB-93-0420-0361 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator")
REGARDING ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by Consol Energy Inc. as a Permit Specialist and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the Designated Operator;

That the Order entered on April 25, 1994, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to tender to the Escrow Agents funds attributable to the rights, interests and claims of the persons identified in the annexed Exhibit E as subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia;

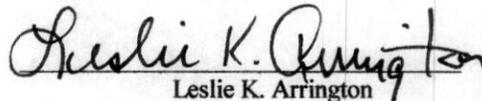
That after the pooling hearing held in the captioned matter, Ronald Clyborne and Reserve Coal Properties entered into a royalty split agreement; that by the terms of said agreement escrow regarding the conflicting claims of Ronald Clyborne and Reserve Coal Properties is no longer required;

That annexed hereto are revised Exhibits E and EE;

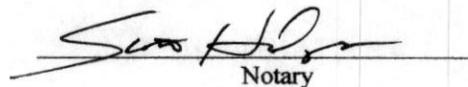
That the Designated Operator has heretofore filed its petition seeking the disbursement from escrow of all funds on deposit attributable to the conflicting claims of Ronald Clyborne and Reserve Coal Properties or the Designated Operator is preparing its petition seeking disbursement from escrow of all funds on deposit attributable to the conflicting claims of said respondents and will file same at its earliest opportunity; and

That the annexed supplemental order provides that the payment of funds subject to the annexed royalty split agreement shall be made to the said parties thereto rather than to the Escrow Agent.

Dated at Tazewell, Virginia, this 12th day of January, 2001.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Permit Specialist of Consol Energy Inc., on behalf of the corporate Designated Operator, this 12 day of January, 2001


Notary

My commission expires: July 31, 2004.

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
TRACT #1 - 32.34 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Ruth Culbertson, et al., Tr 7A	32.34 acres	40.42500%
(a) Ruth Culbertson Box 217 Raven, VA 24639	8.085 acres 1/4 of 32.34 acres	10.10625%
(a) Metcalf Estate c/o J. C. Franks 621 Peavler Street Marion, VA 24641	8.085 acres 1/4 of 32.34 acres	10.10625%
(b) Reserve Coal Properties (1/2 coal below jawbone) P. O. Box 947 Bluefield, VA 24605	16.17 acres 1/2 of 32.34 acres	20.21250%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Clyborne, Inc. 11201 Whitcomb Place Woodway, WA 98020	16.17 acres 1/2 of 32.34 acres	20.21250%
(2) Reserve Coal Properties (Oil & Gas Claimant) P. O. Box 947 Bluefield, VA 24605	16.17 acres 1/2 of 32.34 acres	20.21250%
TRACT #5 - 0.38 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt McGuire Heirs c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	0.38 acres	0.47500%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Major Kidd General Delivery Whitewood, VA 24657	0.38 acres	0.47500%
TRACT #6 - 19.53 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt McGuire Heirs c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	19.53 acres	24.41250%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Reserve Coal Properties P. O. Box 947 Bluefield, VA 24605	19.53 acres	24.41250%

Docket No. VGOB-93-0420-0361
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
TRACT #8 - 1.72 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt McGuire Heirs c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	1.72 acres	2.15000%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Reserve Coal Properties P. O. Box 947 Bluefield, VA 24605	1.72 acres	2.15000%
TRACT #9 - 1.32 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt McGuire Heirs c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	1.32 acres	1.65000%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Roberta S. Ritchie P. O. Box 475 Doran, VA 24612	0.33 acres 1/4 of 1.32 acres	0.41250%
(2) Gay Nell Lawson Box 96 Whitewood, VA 24657	0.33 acres 1/4 of 1.32 acres	0.41250%
(3) Arizona Cook 310 Grove Street Richlands, VA 24641	0.33 acres 1/4 of 1.32 acres	0.41250%
(4) Venice Mullins Rt. 1, Box 656 East Palatka, FL 32131	0.33 acres 1/4 of 1.32 acres	0.41250%

Docket No. VGOB-93-0420-0361
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Net Acres in Unit	Interest in Unit
TRACT #2 - 15.04 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Reserve Coal Properties (1/2 coal below jawbone) P. O. Box 947 Bluefield, VA 24605	7.52 acres 1/2 of 15.04 acres	9.40000%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Clyborne, Inc. 11201 Whitcomb Place Woodway, WA 98020	7.52 acres 1/2 of 15.04 acres	9.40000%

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 15th day of February, 2001.
 Deed Book No. 519/378 and Page No. 378.
 Returned this date to: Alan Adams
 TESTE: Alfred Shel James M. Bevins, Jr., Clerk
 TESTE: Alfred Shel Deputy Clerk