

17115

120000117

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER - VACATE ORDER  
VGOB 97-0916-0602

ELECTIONS: UNIT AA-35  
(herein Subject Drilling Unit)

TAX MAP IDENTIFICATION NUMBERS:

Tax map identification numbers for all parcels affected by this order are shown on Exhibit marked "Tract Identifications" which is attached to and a part of this order.

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 November 6, 1997 which was recorded in Deed Book 470 Page 55 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on November 13, 1997, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections 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;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (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 Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit AA-35;

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 affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company PO Box 3860 Kingsport, TN 37664, Attn: Debbie Davis 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 the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or 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 19 day of Dec, 2011, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 19<sup>th</sup> day of Dec, 2011, by Order of the Board.

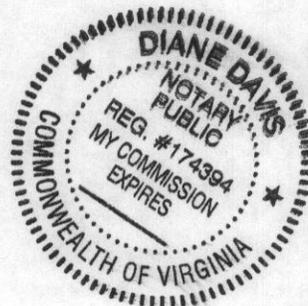
Rick Cooper  
Rick Cooper  
(Acting) Principal Executive to the Staff, Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 19<sup>th</sup> day of Dec, 2011, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared Rick Cooper, being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane Davis  
Diane Davis, Notary Public  
174394

My commission expires: September 30, 2013



VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit AA-35  
VGOB 97-0916-0602 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING  
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Anita D. Duty, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Land Resources, Inc., as a Pooling Supervisor and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on November 6, 1997, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of 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 proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Lebanon, Virginia;

That the Order of the 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 the Order was recorded in the counties identified above; that said Order was recorded on November 13, 1997;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received 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 the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That all of the Respondents identified in Exhibit B-3 hereto have entered into voluntary agreements whereby they have leased and/or otherwise agreed with Applicant to a plan to develop their interests and claims within the unit to CBM. Hence, said unit may be voluntarily pooled.

See attached Exhibit B-2 and B-3 (Unit is 100% under Lease and/or Agreement).

That in light of the Agreement(s) described above, it is no longer necessary for the Board to maintain an escrow account/sub accounts pertaining to the above referenced CBM Unit, if applicable.

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 29<sup>th</sup> day of July, 2010.

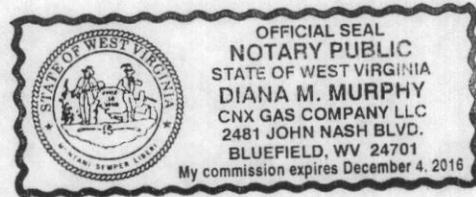
Anita D. Duty  
Anita D. Duty

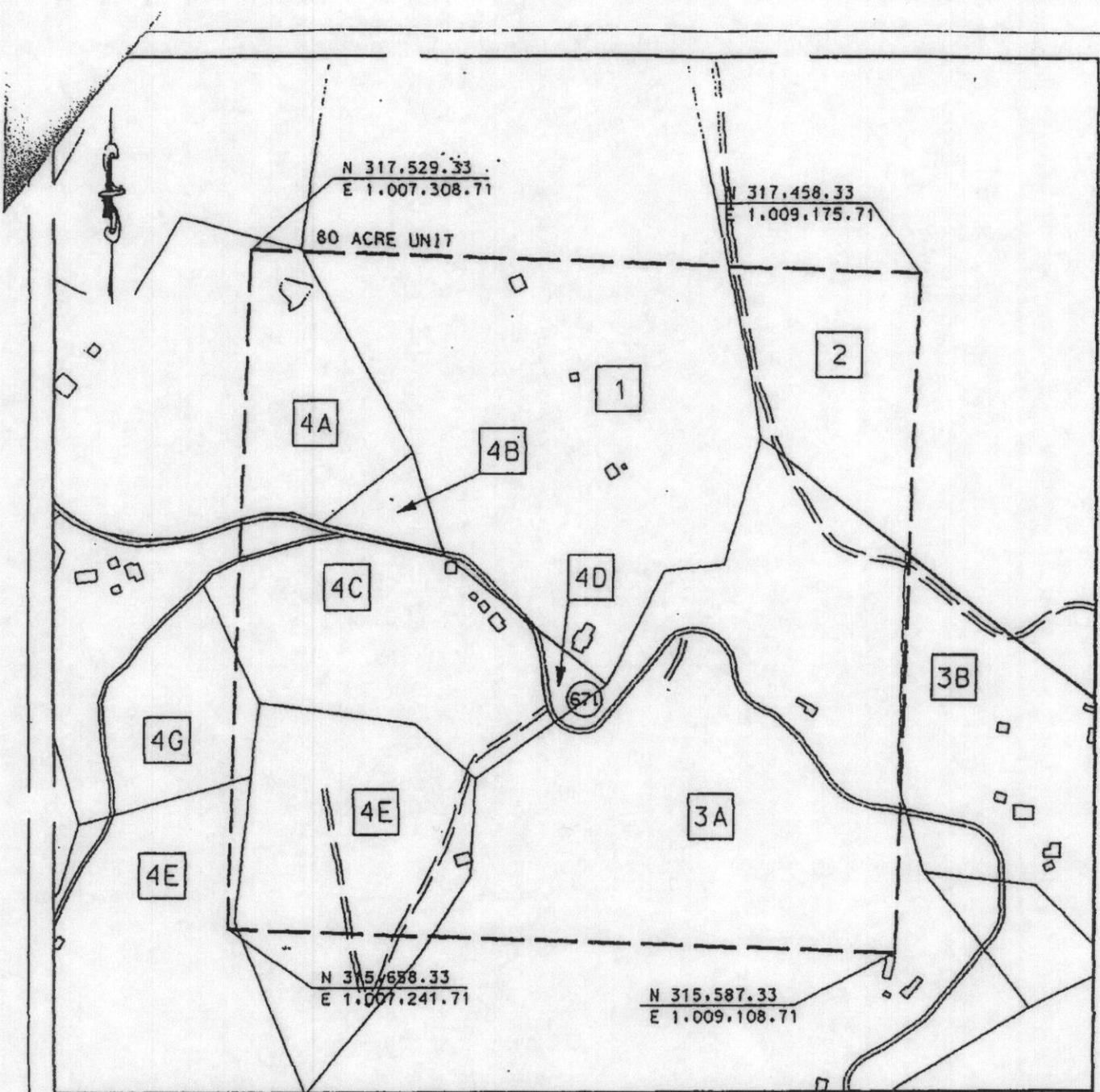
STATE OF WEST VIRGINIA  
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land Resources, Inc., on behalf of the corporate Designated Operator, this 29<sup>th</sup> day of July, 2010.

Diana M. Murphy  
Notary

My commission expires: December 4, 2016





**LEGEND**

-  TRACT LAND HOOK
-  TRACT LAND ID'S

EXHIBIT A  
 OAKWOOD FIELD UNIT AA-35  
 FORCE POOLING  
 VGOB-97-09-16-0602

Company Pocahontas Gas Partnership Well Name and Number UNIT AA35  
 Tract No. Coal Mountain Elevation \_\_\_\_\_ Quadrangle Keen Mountain  
 County Buchanan District Garden Scale: 1" = 400' Date 7/28/97  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
 Rev. 9/91

  
 Licensed Professional Engineer or Licensed Land Surveyor

10/25/98  
 (Affix Seal)

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UNIT AA-35  
Tract Identifications

1. Coal Mountain Mining Co. Tr 11 - Coal  
Consolidation Coal Co. - Below drainage coal Leased  
United Coal Company - Above drainage coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Charles Davidson - Surface, Oil & Gas  
21.56 acres                      26.9500%
2. Commonwealth Coal Co. Tr 2 - Coal, Oil & Gas  
Consolidation Coal Co. - Below drainage coal Leased  
United Coal Company - Above drainage coal Leased  
Consolidation Coal Co. - Oil & Gas Lessee  
6.63 acres                      8.2875%
3. Coal Mountain Mining Co. Tr 33 - Coal, Oil & Gas  
Consolidation Coal Co. - Below drainage coal Leased  
United Coal Company - Above drainage coal Leased  
Pocahontas Gas Partnership - CBM Leased  
Consolidation Coal Co. - Surface Rights  
26.51 acres                      33.1375%
- 3A. Emory Horton Heirs - Surface
- 3B. Ronald Horten - Surface
4. Coal Mountain Mining Co. Tr 33 - Coal, Oil & Gas  
Consolidation Coal Co. - Below drainage coal Leased  
United Coal Company - Above drainage coal Leased  
Pocahontas Gas Partnership - CBM Leased  
25.30 acres                      31.6250%
- 4A. David Rose - Surface
- 4B. Jerry Rose - Surface
- 4C. Jimmy Davis - Surface
- 4D. Charles Davidson - Surface
- 4E. Consolidation Coal Co. - Surface
- 4F. ?
- 4G. Darrell Davis - Surface

**Exhibit B-2**  
**Unit AA-35**  
**Docket No. VGOB-97-0916-0602**  
**List of Respondents to be Added and/or Dismissed**

	Net Acres in Unit	Interest in Unit	Division of Interest in			Reason for Dismissal
			13-East 11.41126%	14-East 21.13432%	15-East 0.85424%	

**Tract #1 - 21.56 acres**

(1) Charles Davidson Heirs, Devisees,  
Successors or Assigns

(1.1) Connie Davidson (widow)	21.56 acres	26.9500%	3.36875%	5.69570%	0.23022%	Leased
2131 Sandy Gap Road Raven, VA 24639						

***Entitled to 100% of Royalties \****

\* Connie L. Davidson is entitled to 100% of the Royalties according to the final order which was entered by Judge Keary Williams on May 25, 2010, Civil action No :CL10-155, adjudicating the ownership of coalbed methane gas.

Exhibit B-3  
Unit AA-35  
Docket No. VGOB-97-09-16-0602  
List of All Owners/Claimants

Net Acres in Unit	Interest in Unit	Division of Interest in		
		13-East	14-East	15-East
		11.41126%	21.13432%	0.85424%

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This Unit is 100% Leased

Exhibit E  
Unit AA-35  
Docket #VGOB 97-0916-0602-01  
List of Conflicting Owners/Claimants that require escrow

Net Acres in Unit	Interest in Unit	Division of Interest in		
		13-East 11.41126%	14-East 21.13432%	15-East 0.85424%

*All conflicts resolved. Account should be closed after disbursement is made.*

INSTRUMENT #120000117  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
JANUARY 23, 2012 AT 02:46PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: GGB