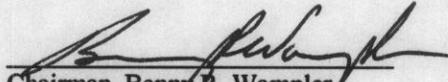




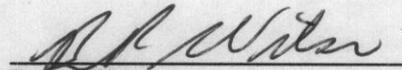
- 4.3. The Pooling Order identifies the Heirs as the coal, gas and oil fee owners of 40.05 acres known as Tract 4 of Subject Drilling Unit, representing 50.06250% of the Subject Drilling Unit with a net revenue interest of 4.65832%.
- 4.4. Pursuant to Va. Code § 45.1-361.22, to the extent there were unknown or unlocatable Heirs and/or to the extent the claims of the Heirs to the coalbed methane gas constituted conflicting claims, payments attributable to their interests in Tract 4 were ordered deposited by the Unit Operator in an escrow account established by the Pooling Order for their benefit (herein "Escrow Account").
- 4.5. The Board's Escrow Agent established an Escrow Account for Subject Drilling Unit (herein "Escrow Account"), and thereafter the Escrow Agent periodically received from the Unit Operator for deposit into the Escrow Account proceeds which were designated by the Operator through its royalty statements as being attributable to the Heirs' interest in said Tract 4.
- 4.6. On November 30, 1999, the Unit Operator filed with the Board an Amended Affidavit Regarding Elections, Escrow and Supplemental Order ("Amended Affidavit"), the original of which is attached hereto and made a part hereof, seeking to amend the exhibits attached to the Pooling Order.
- 4.7. On its own motion, the Board set for hearing on March 21, 2000 the Unit Operator's Amended Affidavit which requested the disbursement of all funds on deposit in the Escrow Account to Baird, as attorney-in-fact for the Heirs; requested the Board close the escrow account upon said disbursement; requested that the Board dismiss the Heirs as respondents to the Pooling Order; and requested that the Board terminate the Pooling Order thereby converting the Subject Drilling Unit to a voluntarily pooled unit. The Board gave notice of said hearing to the Heirs, John H. Baird, the Unit Operator and the Escrow Agent.
5. **Findings:** According to the Pooling Order, the Amended Affidavit, and testimony given by the Unit Operator at the hearing of this matter, the Board finds that: (1) all the funds deposited by Unit Operator into the Escrow Account for Subject Drilling Unit consists of payments calculated by Unit Operator to be due the Heirs by virtue of their coal, oil and gas interests in Tract 4 of Subject Drilling Unit; (2) that Buchanan Production Company entered into a lease with the Heirs which requires and allows the payment of all royalties to Baird, as attorney-in-fact for the Heirs, (3) that upon disbursement of all funds on deposit in the Escrow Account to Baird, there will be no further need for an Escrow Account for Subject Drilling Unit; and (4) that upon dismissal of the Heirs as Respondents to the Pooling Order, all interests in the drilling unit will be subject to the terms of voluntary leases.
6. **Relief Granted:** For the reasons set forth in Paragraph 5 above:
  - 6.1 The Escrow Agent is ordered to disburse via check all funds currently on deposit in the Escrow Account (lessor proceeds deposited by Unit Operator, plus accrued interest and less escrow fees attributable to same) to John H. Baird, Attorney-in-Fact for the Green Charles Heirs, P. O. Box 351, Pikeville, KY 41501. Subsequent to said disbursement, the Escrow Agent is ordered to close the Escrow Account for Subject Drilling Unit.
  - 6.2 The Pooling Order is amended to dismiss as respondent the parties identified in Exhibit B-2 to the Amended Affidavit.
  - 6.3 The Pooling Order is terminated effective as of the date hereof, and the Subject Drilling Unit is converted to a voluntary unit.

- 7. **Conclusion:** Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.
- 8. **Appeals:** Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.
- 9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 14<sup>th</sup> day of April, 2000, by a majority of the Virginia Gas and Oil Board.

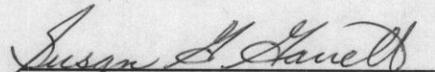
  
Chairman, Benny R. Wampler

DONE AND PERFORMED this 19<sup>th</sup> day of April, 2000, by Order of this Board.

  
B. R. Wilson  
Principal Executive to the Staff  
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA     )  
COUNTY OF WISE                    )

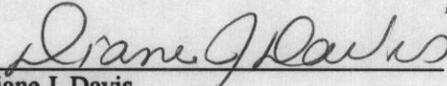
Acknowledged on this 14<sup>th</sup> day of April, 2000, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary Public

My Commission expires: July 31, 2002

COMMONWEALTH OF VIRGINIA )  
COUNTY OF WASHINGTON )

Acknowledged on this 19<sup>th</sup> day of April, 2000, 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: September 30, 2001

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Buchanan Production Company for Forced Pooling of Interests in CBM Unit O-2 VGOB-97-1021-0610 in the Prater District of Buchanan County, Virginia

AFFIDAVIT OF CONSOL Inc. (herein "Designated Operator") REGARDING ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

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

That your affiant is employed by CONSOL Inc., as a Permit Specialist and is duly authorized to make this affidavit on behalf of Buchanan Production Company, the designated operator,

That the Orders entered on January 23, 1997 and April 16, 1998, 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 Orders to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Orders referred to at paragraph 2. above, your affiant caused a true and correct copy of said Orders 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 Abingdon, Virginia;

That the January 23, 1997 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 county identified above; that said Order was recorded on January 27, 1998;

That the designated operator CONSOL Inc. 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:

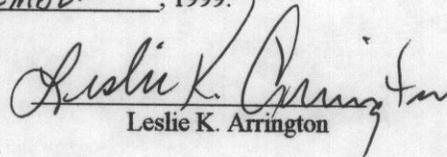
None.

That after the pooling hearing held in the captioned matter, the Designated Operator discovered that Buchanan Production Company had entered into a lease with the persons pooled by the aforementioned Order; that the said lease requires and allows the payment of all royalties, whether or not any portions thereof may be in conflict, to John H. Baird, as agent in fact for the persons identified in the annexed Exhibit B-2; but for this lease term, the interest identified in the annexed Exhibit E would be in conflict and require escrow pursuant to the Board's Order.

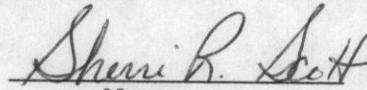
That by reason of the aforementioned lease agreement all persons listed in Exhibit B-2 hereto may and should be dismissed as parties to the captioned proceeding; that upon dismissal of said persons as parties hereto, the captioned pooling order may be vacated as moot by reason of the voluntary lease in question.

That by reason of the aforementioned lease agreement all funds and earnings thereon on deposit with the Virginia Gas and Oil Board's escrow agent should be disbursed to Respondents' agent: John H. Baird, Attorney-in-Fact, Green Charles Heirs, P. O. Box 351, Pikeville, Kentucky 41501.

Dated at Tazewell, Virginia, this 30<sup>th</sup> day of NOVEMBER, 1999.

  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Permit Specialist of CONSOL Inc., on behalf of the corporate Designated Operator, this 30<sup>th</sup> day of November, 1999.

  
Notary

My commission expires: 11/30/01.

List of Respondents to be Dismissed

	Net Acres in Unit	Percent of Unit	Division of Interest in 3 Dev. West 9.3050%	Reason for Dismissal	
<b>I. OIL &amp; GAS FEE OWNERSHIP</b>					
<b><u>TRACT #4 - 40.05 acres</u></b>					
(1)	Green Charles Heirs, Devisees, Successors or Assigns	40.05 acres	50.06250%	4.65832%	Leased
(a)	Nora & Willis Current 10 Wilmington Avenue, APT 142E Dayton, OH 45420	1.1125 acres 1/36 of 40.05 acres	1.39063%	0.12940%	Leased
(b)	George & Jean Charles 1653 Lawrence Ave. Ashland, KY 41102	1.1125 acres 1/36 of 40.05 acres	1.39063%	0.12940%	Leased
(c)	Luella Mason Charles 249 Hill-n-Dale Drive Lexington, KY 40512	1.1125 acres 1/36 of 40.05 acres	1.39063%	0.12940%	Leased
(d)	Edith & Charles Huber 3901 Green Haven Ln. Goshen, KY 40026	0.5563 acres 1/72 of 40.05 acres	0.69531%	0.06470%	Leased
(e)	Nancy & Douglas Justice, Jr. P. O. Box 2883 Pikeville, KY 41502	1.1125 acres 1/36 of 40.05 acres	1.39063%	0.12940%	Leased
(f)	William J. Baird, III Box 351 Pikeville, KY 41502	0.4172 acres 1/96 of 40.05 acres	0.52148%	0.04852%	Leased
(g)	John H. Baird Box 351 Pikeville, KY 41502	0.4172 acres 1/96 of 40.05 acres	0.52148%	0.04852%	Leased
(h)	Charles J. Baird Box 351 Pikeville, KY 41502	0.4172 acres 1/96 of 40.05 acres	0.52148%	0.04852%	Leased
(i)	Jane C. Baird Box 351 Pikeville, KY 41502	0.4172 acres 1/96 of 40.05 acres	0.52148%	0.04852%	Leased
(j)	Eloise & Jack May 416 Third St. Pikeville, KY 41502	3.3375 acres 1/12 of 40.05 acres	4.17188%	0.38819%	Leased
(k)	J.K. & Sadie Charles Park Street Pikeville, KY 41502	3.3375 acres 1/12 of 40.05 acres	4.17188%	0.38819%	Leased
(l)	Betty Jane & Ralph Clevinger Rt. 3 Box 320 Pikeville, KY 41502	1.1125 acres 1/36 of 40.05 acres	1.39063%	0.12940%	Leased
(m)	Emma Joe Johnson Ivel, KY 41642	1.1125 acres 1/36 of 40.05 acres	1.39063%	0.12940%	Leased

List of Respondents to be Dismissed

	Net Acres in Unit	Percent of Unit	Division of Interest in 3 Dev. West 9.3050%	Reason for Dismissal
(n) Eugene & Cherith Charles 705 Hammond Rd. York, PA 17402-1324	1.1125 acres 1/36 of 40.05 acres	1.39063%	0.12940%	Leased
(o) Thelma Charles 1619 May Flower Rd. Fort Pierce, FL 34982	1.6688 acres 1/24 of 40.05 acres	2.08594%	0.19410%	[Note]
(p) Blanche E. Charles 129 Wellington Court, Suite 109 Amherst, VA 24521	0.5563 acres 1/72 of 40.05 acres	0.69531%	0.06470%	Leased
(q) James & Carol Charles Rt. 1 Box 173D Monroe, VA 24574	0.5563 acres 1/72 of 40.05 acres	0.69531%	0.06470%	Leased
(r) John & Laura K. Charles 703 Suntree Drive Westerville, OH 43081	0.5563 acres 1/72 of 40.05 acres	0.69531%	0.06470%	Leased

[Note] Thelma Charles is deceased and her interest was divided between her heirs.

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 21st day of April 2000 3:13P M.  
 Deed Book No. 506 and Page No. 224 TESTE: James M. Bevins, Jr., Clerk  
 Returned this date to; Blanche E. Charles TESTE: Jewell S. Miller Deputy Clerk  
Blanche E. Charles

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT  
BUCHANAN COUNTY CIRCUIT COURT  
DEED RECEIPT

DATE: 04/21/00 TIME: 15:13:53 ACCOUNT: 027CLR000001221 RECEIPT: 00000002641  
CASHIER: LD REG: BU01 TYPE: POOLING PAYMENT: FULL PAYMENT  
INSTRUMENT : 000001221 BOOK: PAGE: RECORDED: 04/21/00 AT 15:13  
GRANTOR: VIRGINIA GAS & OIL BOARD EX: N LOC: CO  
GRANTEE: CONSOL INC. EX: N PCT: 100%

AND ADDRESS :  
RECEIVED OF : DEPT OF MINES MINERAL ENERGY  
CHECK : \$18.00

DESCRIPTION 1: POOLING  
2:

CONSIDERATION:	.00	ASSUME/VAL:	.00	MAP:	
CODE DESCRIPTION		PAID CODE DESCRIPTION			PAID
301 DEEDS		17.00 145 VSLF			1.00

TENDERED : 18.00  
AMOUNT PAID: 18.00  
CHANGE AMT : .00

CLERK OF COURT: JAMES M. BEVINS JR.