

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB 98/04/21-0648

ELECTIONS: UNIT U-36  
(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 the Supplemental Order is being recorded pursuant to 4 VAC 25-160-70, Virginia Gas and oil Board regulations, for the purpose of supplementing the Order previously entered in the captioned matter on June 10, 1998, which was recorded at Deed Book 477, Page 619 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia on June 16, 1998 (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to mail copies of the Board Order to all persons whose interests were pooled by the said Board Order (herein "Respondents");

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;

The Board Order required each Respondent who has not heretofore reached a voluntary agreement with the Designated Operator to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of election 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 or 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 interests and claims which require escrow pursuant to the requirements of Va. Code §§ 45.1-361.21 and 45.1-

361.22; and identifies the Respondent(s), 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 that the escrow of funds is required with regard to Unit U-36.

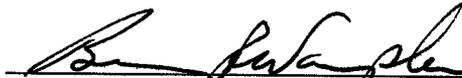
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2 above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Virginia Bank-Mountain Empire, c/o Trust Department, P.O. Box 1038, Abingdon, VA 24210, 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 therefor.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order 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 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 8<sup>th</sup> day of November, 1999, by a majority of the Virginia Gas and Oil Board.

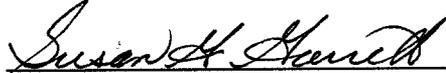
  
Chairman, Benny R. Wampler

DONE AND PERFORMED this 15<sup>th</sup> day of November, 1999, by Order of the Board.

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

STATE OF VIRGINIA )  
COUNTY OF WISE )

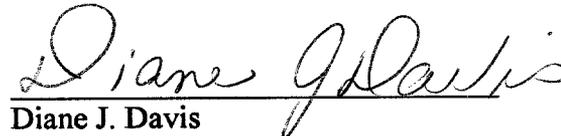
Acknowledged on this 7<sup>th</sup> day of November, 1999,  
personally appeared before me a notary public in and for the Commonwealth of Virginia,  
appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman  
of the Virginia Gas and Oil Board, that executed the same and was authorized to do so.

  
\_\_\_\_\_  
Susan G. Garrett  
Notary Public

My commission expires July 31, 2002

STATE OF VIRGINIA )  
COUNTY OF WASHINGTON )

Acknowledged on this 15<sup>th</sup> day of November, 1999,  
personally appeared 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 Acting Principal  
Executive to the Staff of the Virginia Gas and Oil Board, that 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 Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit U-36 VGOB-98-04/21-0648 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (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 POCAHONTAS GAS PARTNERSHIP, the designated operator,

That the Order entered on June 10, 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 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 Abingdon, 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 county identified above; that said Order was recorded on June 16, 1998;

That the designated operator POCAHONTAS GAS PARTNERSHIP 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 Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of June 10, 1998;

See Attached Exhibit B-3

That the rights, interests and claims of the following persons are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia:

See attached Exhibit E.

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:

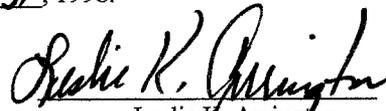
None.

that to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are not subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

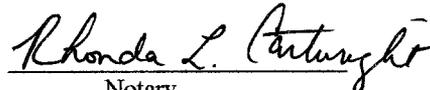
None.

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 Tazewell, Virginia, this 20<sup>th</sup> day of August, 1998.

  
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 20<sup>th</sup> day of August, 1998.

  
Notary

My commission expires: 10/31/01.

UNIT U-36  
Docket # VGOB-98-0421-0648  
Exhibit B-3  
List of Unleased Owners/Claimants

BOOK 498 PAGE 583

Revised	09/21/99	Acres in Unit	Percent of Unit	Election
<b>I. OIL &amp; GAS FEE OWNERSHIP</b>				
<b>Tract #1B, 1.81 acres</b>				
(1)	Thomas Stilwell Heirs	1.81 acres	2.26250%	Deemed Leased
(a)	Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.075 acres 1/24 of 1.81 acres	0.09427%	Deemed Leased
(b)	Gladys E. Pollert 702 21st South, Apt. 2 Fargo, ND 58103	0.025 acres 1/72 of 1.81 acres	0.03142%	Deemed Leased
(c)	David W. Stilwell 2107 7th Avenue Apt. 15 Belle Fourche, SD	0.025 acres 1/72 of 1.81 acres	0.03142%	Deemed Leased
(d)	Quentin A. Stilwell P. O. Box 1013 Rhame, ND 56525	0.025 acres 1/72 of 1.81 acres	0.03142%	Deemed Leased
<b>Tract #1D, 2.01 acres</b>				
(1)	Donald Nipper P. O. Box 655 Raven, VA 24639	2.01 acres	2.51250%	Deemed Leased
<b>Tract #4A, 8.82 acres</b>				
(1)	Jewell Smokeless Coal Corp P. O. Box 70 Vansant, VA 24656	8.82 acres	11.02500%	Deemed Leased
<b>Tract #4B, 1.75 acres</b>				
(1)	Samuel Glenn Sproles Star Rt., Box 100 Raven, VA 24639	1.75 acres	2.18750%	Deemed Leased
<b>Tract #4C, 6.05 acres</b>				
(1)	Wilderness Tabernacle Church c/o Trustees Star Rt., Box 113 Raven, VA 24639	6.05 acres	7.56250%	Deemed Leased

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b>Tract #1B, 1.81 acres</b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	1.81 acres	2.26250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Thomas Stilwell Heirs	1.81 acres	2.26250%
(a) Beulah V. Osborne HC 62, Box 109 Raven, VA 24639	0.226 acres 1/8 of 1.81 acres	0.28281%
(b) Martha J. Stilwell HC 62, Box 95 Raven, VA 24639	0.226 acres 1/8 of 1.81 acres	0.28281%
(c) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639	0.226 acres 1/8 of 1.81 acres	0.28281%
(d) Arthur M. Stilwell HC 62, Box 93 Raven, VA 24639	0.226 acres 1/8 of 1.81 acres	0.28281%
(e) Exie Osborne General Delivery Shortt Gap, VA 24647	0.226 acres 1/8 of 1.81 acres	0.28281%
(f) Hubbard Osborne HC 62, Box 89 Raven, VA 24639	0.025 acres 1/72 of 1.81 acres	0.03142%
(g) Linda S. Shelton P. O. Box 8 Shortt Gap, VA 24647	0.025 acres 1/72 of 1.81 acres	0.03142%
(h) Jerline Davis 10 Davis Street North Tazewell, VA 24630	0.025 acres 1/72 of 1.81 acres	0.03142%
(i) Arlin W. Osborne P. O. Box 446 Raven, VA 24639	0.025 acres 1/72 of 1.81 acres	0.03142%
(j) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639	0.025 acres 1/72 of 1.81 acres	0.03142%
(k) Daniel J. Osborne HC 62, Box 80 Raven, VA 24639	0.025 acres 1/72 of 1.81 acres	0.03142%
(l) Sylvia A. Shelton St. Rt. Box 81A Raven, VA 24639	0.025 acres 1/72 of 1.81 acres	0.03142%

**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit
(m) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.025 acres 1/72 of 1.81 acres	0.03142%
(n) Lois Casey P. O. Box 162 Raven, VA 24639	0.025 acres 1/72 of 1.81 acres	0.03142%
(o) Cora Arnold P. O. Box 626 Raven, VA 24639	0.075 acres 1/24 of 1.81 acres	0.09427%
(o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.025 acres 1/72 of 1.81 acres	0.03142%
(p) Jay C. Stilwell P. O. Box 1035 Raven, VA 24639	0.025 acres 1/72 of 1.81 acres	0.03142%
(q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641	0.025 acres 1/72 of 1.81 acres	0.03142%
(r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.025 acres 1/72 of 1.81 acres	0.03142%
(s) Theodore Stilwell P. O. Box 626 Raven, VA 24639	0.025 acres 1/72 of 1.81 acres	0.03142%
(t) Curtis Stilwell General Delivery Doran, VA 24612	0.025 acres 1/72 of 1.81 acres	0.03142%
(u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.075 acres 1/24 of 1.81 acres	0.09427%
(v) Gladys E. Pollert 702 21st South, Apt. 2 Fargo, ND 58103	0.025 acres 1/72 of 1.81 acres	0.03142%
(w) David W. Stilwell 2107 7th Avenue Apt. 15 Belle Fourche, SD	0.025 acres 1/72 of 1.81 acres	0.03142%
(x) Thomas H. Stilwell Rt. 1 Bowler, WS 54416	0.025 acres 1/72 of 1.81 acres	0.03142%
(y) Quentin A. Stilwell P. O. Box 1013 Rhame, ND 56525	0.025 acres 1/72 of 1.81 acres	0.03142%
(z) Daniel J. Stilwell 600 South 9th Street #64 Bismark, ND 58504	0.025 acres 1/72 of 1.81 acres	0.03142%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(aa) Bernice R. Lamb 3100 Vermillion Hastings, MN 55033	0.025 acres 1/72 of 1.81 acres	0.03142%
<b>Tract #1C, 2.17 acres</b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	2.17 acres	2.71250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Joe Nipper HC 62, Box 103A Raven, VA 24639	2.17 acres	2.71250%
<b>Tract #1D, 2.01 acres</b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	2.01 acres	2.51250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Donald Nipper P. O. Box 655 Raven, VA 24639	2.01 acres	2.51250%
<b>Tract #4A, 8.82 acres</b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	8.82 acres	11.02500%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Jewell Smokeless Coal Corp P. O. Box 70 Vansant, VA 24656	8.82 acres	11.02500%
<b>Tract #4B, 1.75 acres</b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	1.75 acres	2.18750%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Samuel Glenn Sproles Star Rt., Box 100 Raven, VA 24639	1.75 acres	2.18750%
<b>Tract #4C, 6.05 acres</b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	6.05 acres	7.56250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Wilderness Tabernacle Church c/o Trustees Star Rt., Box 113 Raven, VA 24639	6.05 acres	7.56250%
<b>Tract #4D, 2.13 acres</b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	2.13 acres	2.66250%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Virginia Stillwell HC 61, Box 97 Raven, VA 24639	2.13 acres	2.66250%

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 17th day of November, 1999. Deed Book No. 498 and Page No. 578.  
 Returned this date to; Diane Davis TESTE: James M. Bevins, Jr. Clerk  
 TESTE: Patricia Shel Deputy Clerk

INSTRUMENT #990002912  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY ON  
 NOVEMBER 17, 1999 AT 11:24AM  
 JAMES M. BEVINS JR., CLERK

*Handwritten initials*

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