

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB 98-04/21-0651

ELECTIONS: UNIT U-37
(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 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 638 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 theretofore 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 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 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 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 that the escrow of funds is required with regard to Unit U-37.

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. a 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.

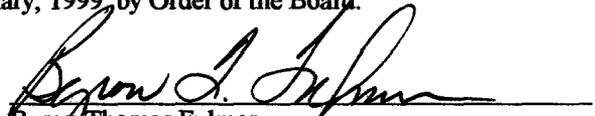
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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

DONE AND EXECUTED this 4th day of January, 1999, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

DONE AND PERFORMED this 11th day of January, 1999, by Order of the Board.


Byron Thomas Fulmer
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA)
COUNT OF WISE)

Acknowledged on this 4th day of January, 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 he executed the same and was authorized to do so.


Susan G. Garrett
Notary

My commission expires July 31, 2002

STATE OF VIRGINIA)
COUNT OF WASHINGTON) th

Acknowledged on this 11 day of January, 1999, personally appeared before me a notary public in and for the Commonwealth of Virginia, appeared Byron T. 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 the same and was authorized to do so.


Diane J. Davis
Notary

My commission expires September 30, 2001

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:

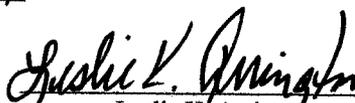
None.

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:

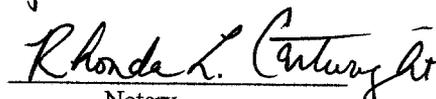
None.

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 20th 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 20th day of August, 1998.


Notary

My commission expires: 10/31/01

Exhibit B-3
Unit U-37

Docket No. VGOB-98-0421-0651
List of Unleased Owners/Claimants

	Net Acres in Unit	Interest in Unit	Election
I. <u>OIL & GAS FEE OWNERSHIP</u>			
<u>TRACT #3A - 0.12 acres</u>			
(1) Samuel Glenn Sproles Star Route, Box 100 Raven, VA 24639	0.12 acres	0.15000%	Deemed Leased

Exhibit E
Unit U-37
Docket No. VGOB-98-0421-0651
List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<u>TRACT #3A - 0.12 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt & McGuire Heirs c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	0.12 acres	0.15000%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Samuel Glenn Sproles Star Route, Box 100 Raven, VA 24639	0.12 acres	0.15000%
<u>TRACT #3B - 0.02 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt & McGuire Heirs c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	0.02 acres	0.02500%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Virginia Stillwell HC 61, Box 97 Raven, VA 24639	0.02 acres	0.02500%

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 18th day of January, 1999 at 1:31 P: M.
Deed Book No. 181 and Page No. 112
Returned this date to: James M. Bevins, Jr. Clerk
Jessie S. Jeller Deputy Clerk
Abingdon, VA 24212

INSTRUMENT #990000136
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
14 JANUARY 14, 1999 AT 01:31PM
JAMES W. BEVINS JR., CLERK

BY: _____



Department of Mines, Minerals and Energy
DIVISION OF GAS & OIL
POST OFFICE BOX 1416
ABINGDON, VIRGINIA 24212