

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER – VACATE ORDER
VGOB 99-0518-0722

ELECTIONS: UNIT P-46
(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 June 28, 1999 which was recorded at Deed Book 494, Page 49 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on July 2, 1999, (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 P-46;

Order: By this Order, the Board orders that its prior pooling order entered herein be vacated for the reason that all owners and claimants to CBM in the Unit have agreed with the Applicant to develop same and that any and all funds escrowed with the Board’s escrow agent be disbursed to the Board’s Designated Operator to pay or suspend as the terms of the agreements by and between the Applicant and the owners and claimants may require and allow.

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.

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 P-46
VGOB 99-0518-0722 in the Garden Magisterial 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 Gas Company LLC, 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 June 28, 1999, 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 counties identified above; that said Order was recorded on July 2, 1999;

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).

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 ____ day of _____, 2009, by a majority of the Virginia Gas and Oil Board.

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS ____ day of _____, 2009, by Order of the Board.

David E. Asbury, Jr.,
Principal Executive to the Staff of the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this ____ day of _____, 2009, 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 David E. Asbury Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane J. Davis, Notary
174394

My commission expires: September 30, 2013

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 18th day of November, 2009.

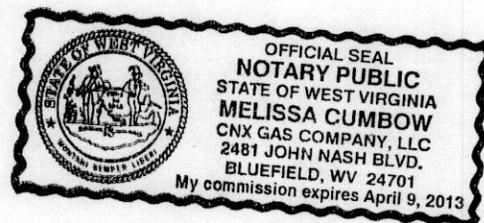
Anita D. Duty
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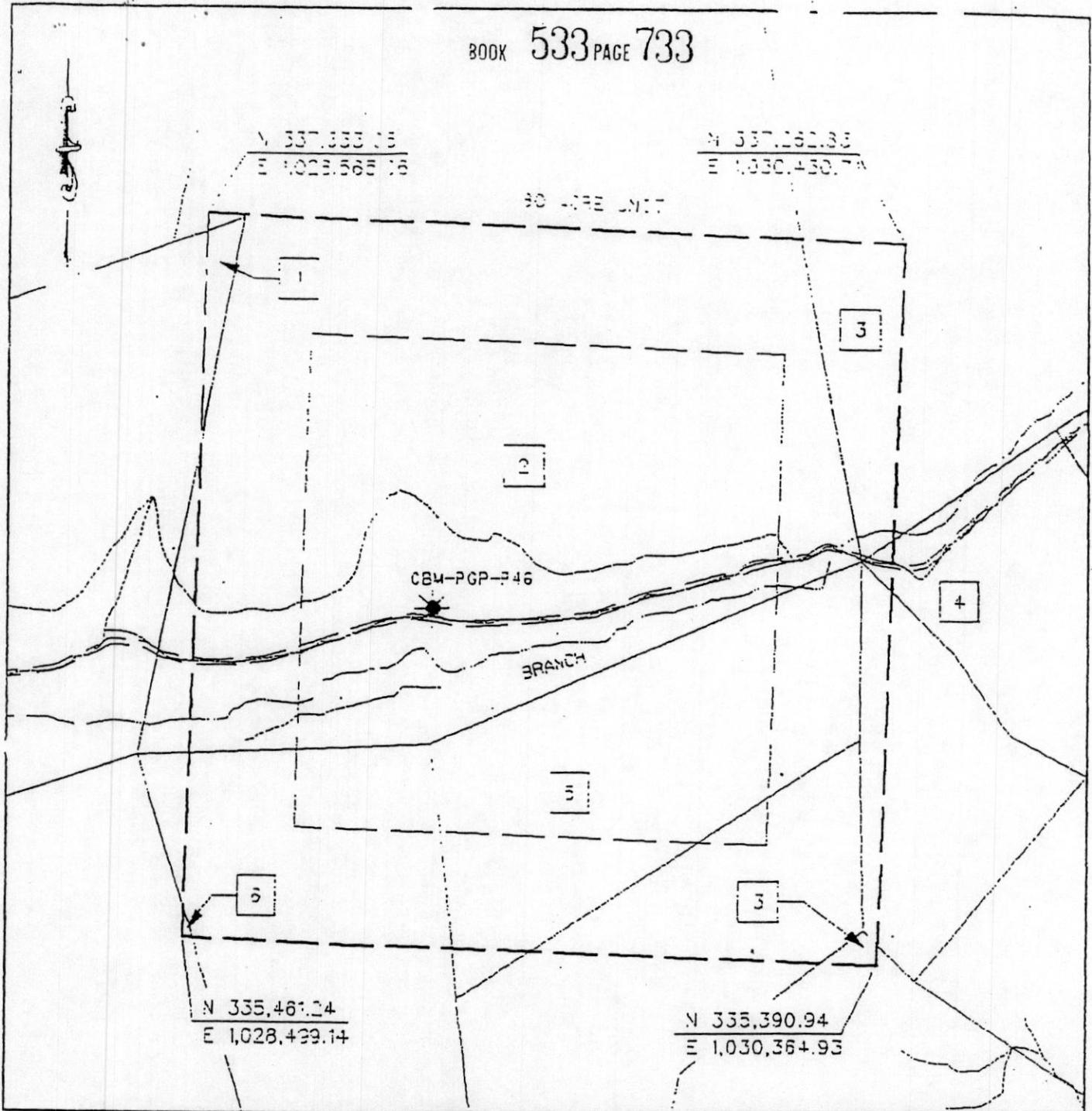
STATE OF WEST VIRGINIA
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 18th day of November, 2009.

Melissa Cumbow
Notary

My commission expires: April 9, 2013





LEGEND

- TRACT LAND HOOK
- TRACT LAND ID'S

EXHIBIT A
 OAKWOOD FIELD UNIT P-46
 FORCE POOLING
 VGOB-99-0518-0722

Company Pocahontas Gas Partnership #1: Name and Number UNIT P46
 Tract No. _____ Elevation _____ Quadrangle Jewell Ridge
 County Buchanan District Garden Scale: 1" = 400' Date: 4/14/99
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form 300-30-7
 Rev. 3.91

 Licensed Professional Engineer or Licensed Land Surveyor
 No. _____
 100003x Seal

POCAHONTAS GAS PARTNERSHIP

UNIT P-46

Tract Identifications

1. Mary McNeil - Fee
Coal Lessee
None of Record
1.01 acres 1.2625%
2. Ron Clyborne Tr 2 - Coal Above Jawbone Seam, Oil & Gas
Reserve Coal Properties - Coal Jawbone Seam and Below
Coal Lessees
Jewell Ridge Coal Corp.- Jawbone Seam and above
Pocahontas Gas Partnership - Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Leased
Reserve Coal Properties - Surface
41.97 acres 52.4625%
3. James M. McGuire Trust - Coal, Oil & Gas
Coal Lessees
Reserve Coal Properties - Below drainage coal Lessee
Jewell Ridge Coal Corp.- Jawbone and Tiller Seams
Pocahontas Gas Partnership - CBM Leased
3.10 acres 3.8750%
4. James M. McGuire Trust - Coal, Oil & Gas
Coal Lessees
Reserve Coal Properties - Below drainage coal Lessee
Jewell Ridge Coal Corp.- Jawbone and Tiller Seams
Pocahontas Gas Partnership - CBM Leased
0.13 acres 0.1625%
5. Southern Region Industrial Realty Corp. Et al. Tr. 1 - Coal, Oil & Gas (except P-3 seam)
Reserve Coal Properties - (Owner P-3 Seam)
Coal Lessees
Anker Virginia Mining Company Inc. - All seams except P-3, Raven, Tiller and Lower Seaboard
Jewell Ridge Coal Corporation - Raven, Tiller and Lower Seaboard
Pocahontas Gas Partnership - Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
33.64 acres 42.0500%
6. C. L. Ritter Lumber Company Tr. 27 - Coal, Oil & Gas
Coal Lessees
Reserve Coal Properties - Below drainage coal Lessee
Jewell Ridge Coal Corp.- Jawbone and Tiller Seams
Pocahontas Gas Partnership - CBM Leased
0.15 acres 0.1875%

Exhibit B-2
UNIT P-46
Docket # VGOB - 99-0518-0722
List of Respondents to be Dismissed

	Acres in Unit	Percent of Unit	Reason for Dismissal
I. <u>COAL, OIL & GAS OWNERSHIP</u>			
<u>Tract #1, 1.01 acres</u>			
(1) Mary McNeil Heirs, Devisees, Successors of Assigns	1.01 acres	1.26250%	
(a) Daris Clifton 3825 Griffith Place Alexandria, VA 22304	0.084 acres 1/12 of 1.01 acres	0.10521%	Leased
(b) Kyle Clifton 7319 Craftown Rd. Fairfax Station, VA 22039	0.084 acres 1/12 of 1.01 acres	0.10521%	Leased

Exhibit B-3
UNIT P-46
Docket # VGOB-99-0518-0722
List of Unleased Owners/Claimants

Acres in Unit

Percent of
Unit

This unit is 100% Leased and/or has an Agreement in place.

Exhibit E
UNIT P-46
Docket # VGOB-99-0518-0722
List of Conflicting Owners/Claimants that require escrow

Acres in Unit

Percent of
Unit

There are no further conflicts, account closed.

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

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VGOB 99-0518-0722

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Findings: The Board finds that:

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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 P-46;

Order: By this Order, the Board orders that its prior pooling order entered herein be vacated for the reason that all owners and claimants to CBM in the Unit have agreed with the Applicant to develop same and that any and all funds escrowed with the Board’s escrow agent be disbursed to the Board’s Designated Operator to pay or suspend as the terms of the agreements by and between the Applicant and the owners and claimants may require and allow.

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.

VIRGINIA:

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BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM P-46
VGOB 99-0518-0722 in the Garden Magisterial 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 Gas Company LLC, 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 June 28, 1999, 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 counties identified above; that said Order was recorded on July 2, 1999;

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).

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 ____ day of _____, 2009, by a majority of the Virginia Gas and Oil Board.

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS ____ day of _____, 2009, by Order of the Board.

David E. Asbury, Jr.,
Principal Executive to the Staff of the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this ____ day of _____, 2009, 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 David E. Asbury Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane J. Davis, Notary
174394

My commission expires: September 30, 2013

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 18th day of November, 2009.

Anita D. Duty
Anita D. Duty

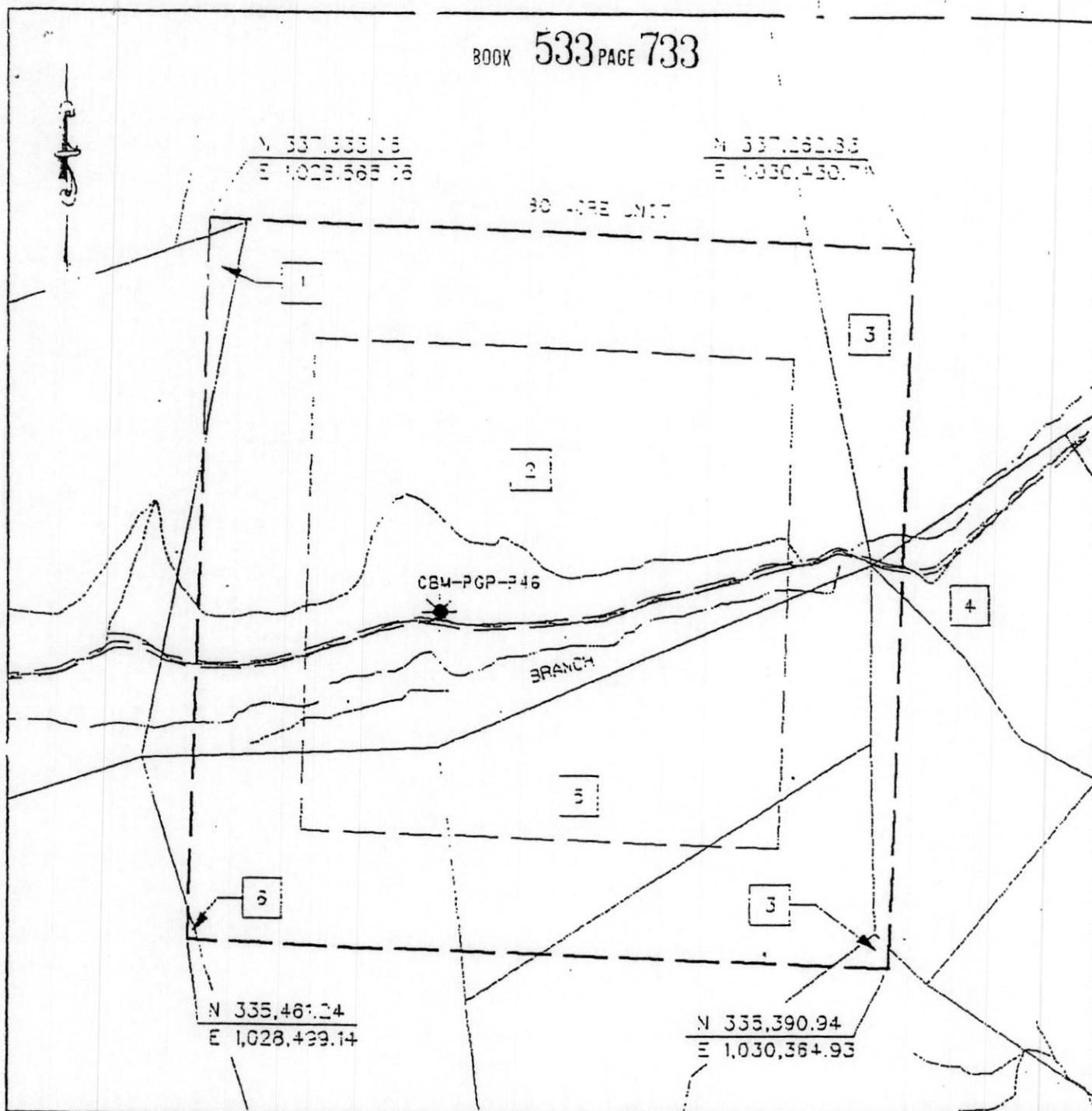
STATE OF WEST VIRGINIA
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 18th day of November, 2009.

Melissa Cumbow
Notary

My commission expires: April 9, 2013





LEGEND

- ↖ TRACT LAND HOOK
- 2 TRACT LAND ID'S

EXHIBIT A
 OAKWOOD FIELD UNIT P-46
 FORCE POOLING
 VGOB-99-0518-0722

Company Pocahontas Gas Partnership #a: Name and Number UNIT P46

Tract No. _____ Elevation _____ Quadrangle Jewell Ridge

County Buchanan District Garden Scale: 1" = 400' Date: 4/14/99

This plat is a new plat ✓ ; an updated plat _____ ; or a find plat _____

Form 300-30-7
 Rev. 3/91

Charles S. Mays
 No. _____
 Licensed Professional Engineer or Licensed Land Surveyor

POCAHONTAS GAS PARTNERSHIP

UNIT P-46

Tract Identifications

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Coal Lessee
None of Record
1.01 acres 1.2625%
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Reserve Coal Properties - Coal Jawbone Seam and Below
Coal Lessees
Jewell Ridge Coal Corp.- Jawbone Seam and above
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Pocahontas Gas Partnership - CBM Leased
Reserve Coal Properties - Surface
41.97 acres 52.4625%
3. James M. McGuire Trust - Coal, Oil & Gas
Coal Lessees
Reserve Coal Properties - Below drainage coal Lessee
Jewell Ridge Coal Corp.- Jawbone and Tiller Seams
Pocahontas Gas Partnership - CBM Leased
3.10 acres 3.8750%
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Exhibit B-2
UNIT P-46
Docket # VGOB - 99-0518-0722
List of Respondents to be Dismissed

		Acres in Unit	Percent of Unit	Reason for Dismissal
I. <u>COAL, OIL & GAS OWNERSHIP</u>				
<u>Tract #1, 1.01 acres</u>				
(1)	Mary McNeil Heirs, Devisees, Successors of Assigns	1.01 acres	1.26250%	
(a)	Daris Clifton 3825 Griffith Place Alexandria, VA 22304	0.084 acres 1/12 of 1.01 acres	0.10521%	Leased
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Exhibit B-3
UNIT P-46
Docket # VGOB-99-0518-0722
List of Unleased Owners/Claimants

Percent of
Unit

Acres in Unit

This unit is 100% Leased and/or has an Agreement in place.

Exhibit E
UNIT P-46
Docket # VGOB-99-0518-0722
List of Conflicting Owners/Claimants that require escrow

Percent of
Unit

Acres in Unit

There are no further conflicts, account closed.



DIVISIONS
ENERGY
GAS AND OIL
GEOLOGY AND MINERAL RESOURCES
MINED LAND RECLAMATION
MINERAL MINING
MINES
ADMINISTRATION

COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

P.O. Box Drawer 159
Lebanon, VA 24266
(276) 415-9650 FAX (276) 415-9671
www.dmme.virginia.gov

November 23, 2009

Anita Duty
CNX Gas Company
2481 John Nash Blvd.
Bluefield, WV 24701

Dear Ms. Duty:

This office is in receipt of a supplemental order for docket 00-0518-0722 requesting that the order be vacated for the reason that, "... all owners and claimants to CBM in the unit have agreed with the applicant to develop same and that any and all funds escrowed with the Board's escrow agent be disbursed to the Board's designated operator to pay or suspend as the terms of the agreements by and between the Applicant and the owners and claimants may require and allow."

It is the opinion of this office that the operator, CNX Gas Company, will need to prepare a disbursement order and place the item on the Board's agenda providing testimony regarding this matter for consideration and action by the Board.

Please be advised that this matter will be placed on the January 2010 docket for consideration.

Thank you,

Diane Davis
Program Support Specialist

Attachment

c: File
Cairman, Virginia Gas and Oil Board
David Asbury

EQUAL OPPORTUNITY EMPLOYER
TDD (800) 828-1120 --- Virginia Relay Center