

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB-99-0720-0735

ELECTIONS: UNIT K-12
(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 December 1, 1999 which was recorded at Deed Book 499, Page 327 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on December 13, 1999, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CONSOL Inc. (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 that the escrow of funds is required with regard to Unit K-12;

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 Union National Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Telephone: (215) 985-3485 or (800) 664-9359, Attn: Don Ballinghoff, 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 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 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.

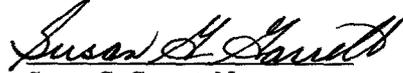
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 3rd day of February, 2000, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 3rd day of February, 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

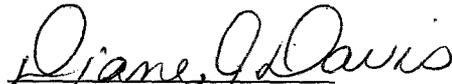
My commission expires: 7-31-02

DONE AND PERFORMED THIS 8th day of February, 2000, by Order of the Board.


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

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 8th day of February, 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 Acting Principal Executive to the Staff, Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/2001

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of BUCHANAN PRODUCTION CO. for Forced Pooling of Interests in CBM Unit K-12 VGOB-99-0720-0735 in the South Grundy 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 the designated operator,

That the Order entered on December 1, 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 county identified above; that said Order was recorded on December 13, 1999;

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 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 December 1, 1999;

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:

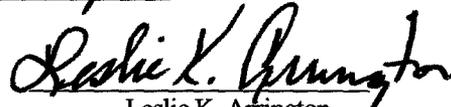
None

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 26th day of January, 2000.


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 26th day of January, 2000.


Notary

My commission expires: 1-31-2001.

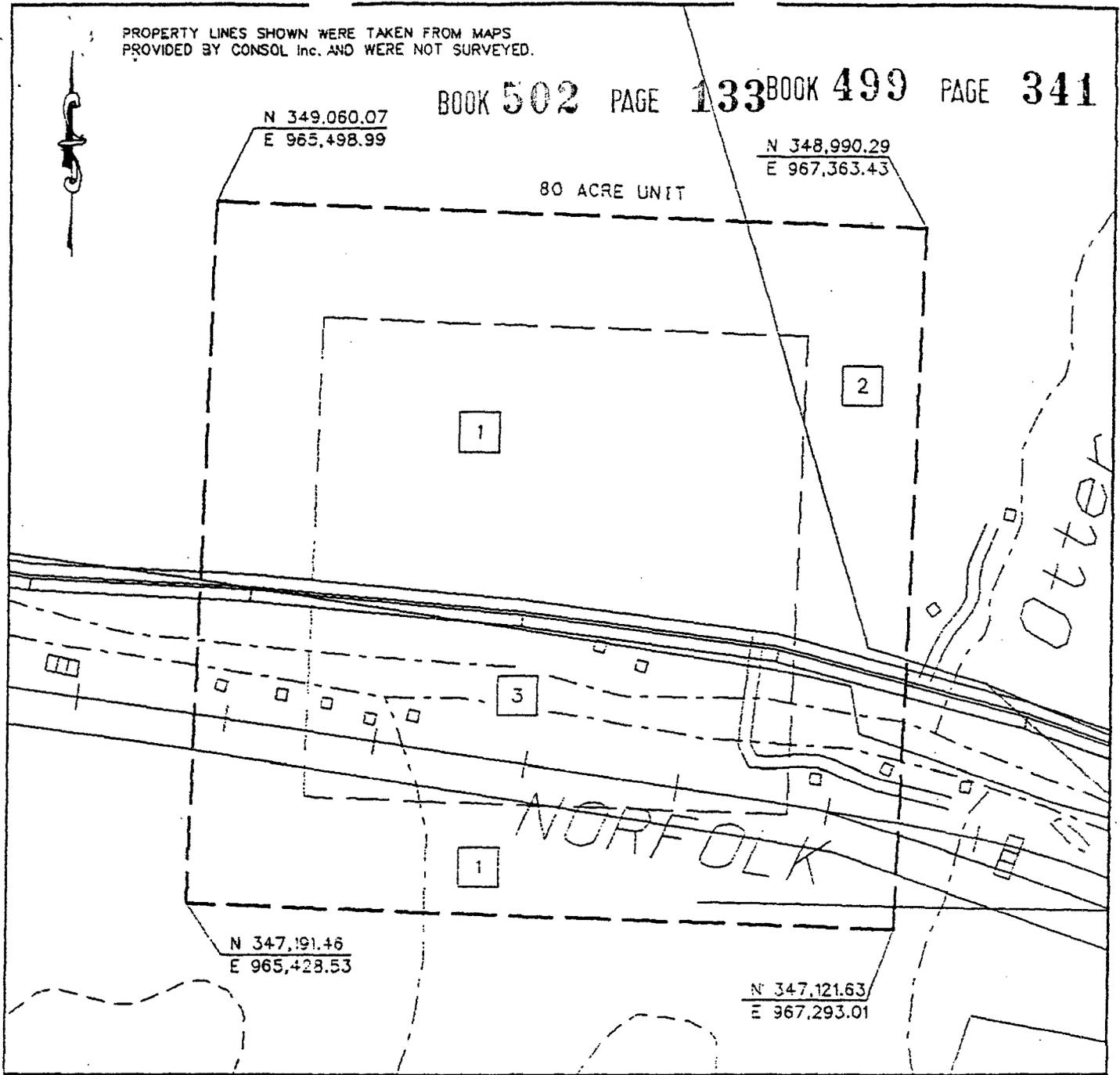
PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CONSOL Inc. AND WERE NOT SURVEYED.

BOOK 502 PAGE 133 BOOK 499 PAGE 341

N 349,060.07
E 965,498.99

N 348,990.29
E 967,363.43

80 ACRE UNIT



N 347,191.46
E 965,428.53

N 347,121.63
E 967,293.01

LEGEND

↖ TRACT LAND HOOK

2 TRACT LAND ID'S

EXHIBIT A
CAKWOOD FIELD UNIT K-12
FORCE POOLING
VGDB-99-0720-0735

Company CONSOL Inc. Well Name and Number UNIT K12

Tract No. _____ Elevation _____ Quadrangle Vansant

County Buchanan District S. Grundy Scale: 1" = 400' Date 5/8/99

This plan is a new plan _____ or located a _____ on a filed plan _____

Form 110-90-7

Charles B. ...
Licensed Professional Engineer or Licensed Land Surveyor

BOOK 502 PAGE 134
CONSOL INC.
UNIT K-12
Tract Identifications

1. Yukon Pocahontas Coal Company, et al, Tr. 103 - Fee
Coal Lessees
Island Creek Coal Company - Coal Below Tiller
Jewell Smokeless Coal Corp. - Coal Above Dranage
Buchanan Production Company - CBM Lessee
53.34 acres 66.6750%
2. Georgia - Pacific Corporation - Fee
Coal Lessees
Island Creek Coal Company - Coal Below Tiller
Jewell Smokeless Coal Corp. - Coal Above Dranage
Buchanan Production Company - CBM Lessee
7.61 acres 9.5125%
3. Norfolk Southern Corp. - Coal, (surface down 800') & Oil & Gas
Yukon Pocahontas Coal Company, et al, Tr. 103 - Remainder of Coal
Coal Lessees
Island Creek Coal Company - Coal Below 800'
Jewell Smokeless Coal Corp. - Coal Above Dranage
Buchanan Production Company - CBM Lessee below 800'
19.05 acres 23.8125%

UNIT K-12
 Docket No. VG0B-99-0720-0735
 Exhibit B-3
 List of Unleased Owners/Claimants

Net Acres In Unit	Interest in Unit	Division of Interest in			Election
		5-Panel 33.60930%	6-Panel 35.54140%	7-Panel 18.51904%	

I. COAL FEE OWNERSHIP

TRACT #3 - 19.05 acres

(1)	Norfolk Southern Corp. (coal surface down 800')	19.05 acres	23.81250%	8.00321%	8.46330%	4.40985%	Deemed Leased
	Real Estate Dept. 185 Spring Street Atlanta, GA 30303						

II. OIL & GAS FEE OWNERSHIP

TRACT #3 - 19.05 acres

(1)	Norfolk Southern Corp.	19.05 acres	23.81250%	8.00321%	8.46330%	4.40985%	Deemed Leased
	Real Estate Dept. 185 Spring Street Atlanta, GA 30303						

UNIT K-12
Docket No. VGOB-99-0720-0735
Exhibit E

List of Conflicting Owners/Claimants that require escrow

Net Acres In Unit Interest in Unit Division of Interest in
5-Panel 6-Panel 7-Panel
33.60930% 35.54140% 18.51904%

TRACT #3 - 19.05 acres

COAL FEE OWNERSHIP

(1)	Yukon Pocatontas Coal Co. et al. Tr 103 (coal below 800')	19.05 acres	23.81250%	8.00321%	8.46330%	4.4098
	P. O. Box 187 Tazewell, VA 24651					

OIL & GAS FEE OWNERSHIP

(1)	Norfolk Southern Corp. Real Estate Dept. 185 Spring Street Atlanta, GA 30303	19.05 acres	23.81250%	8.00321%	8.46330%	4.4098
-----	---	-------------	-----------	----------	----------	--------



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 14th day of February, 2000, at 11:30 A M. Deed Book No. 502 and Page No. 129.
 TESTE: James M. Bevins, Jr., Clerk
 TESTE: Patricia M. [Signature], Deputy Clerk
Marked

18

INSTRUMENT #000000445
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
FEBRUARY 14, 2000 AT 11:38AM
JAMES M. BEVINS JR., CLERK

BY: _____ 

COMMONWEALTH OF VIRGINIA



OFFICIAL RECEIPT
BUCHANAN COUNTY CIRCUIT COURT
DEED RECEIPT

DATE: 02/14/00 TIME: 11:40:14 ACCOUNT: 027CLR000000446 RECEIPT: 0000000990
CASHIER: LD REG: BU01 TYPE: POOLING PAYMENT: FULL PAYMENT
INSTRUMENT : 000000446 BOOK: PAGE: RECORDED: 02/14/00 AT 11:40
GRANTOR: VIRGINIA GAS & OIL BOARD EX: N LDC: CO
GRANTEE: CONSOL INC. EX: N PCT: 100%

AND ADDRESS :
RECEIVED OF : DEPT OF MINES MINERAL ENERGY

CHECK : \$18.00
DESCRIPTION 1: REPORT OF BOARD

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 W. BEVINS JR.