

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING

DOCKET NO. VGOB 00/11/21-0848

ELECTIONS, UNIT: VC-4527

(hereinafter "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on October 2, 2001 and recorded at Book 531, Page 409 in the Office of the Clerk of Circuit Court, Buchanan County, Virginia on October 4, 2001 (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
  - (a) The Board Order directed Equitable Production Company, (herein the Designated Operator"), to mail copies of the Board Order to all respondents whose interest, if any, were pooled by said Board Order;
  - (b) The designated operator filed its affidavit of mailing dated October 17, 2001, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;
  - (c) The Board Order required each Respondent whose interest, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated November 4, 2001, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4

- VAC 25-160.70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (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, interest, estates and claims in Subject Drilling Unit to the Designated Operator;
- (d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B;
- (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, First Union National Bank, Corporate Trust, PA 1328, 123 Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Rachel Rafferty, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
3. 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 Affidavits, any funds subject to escrow and instructs the Escrow Agent, First Union National Bank, Corporate Trust, PA 1328, 123 Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Rachel Rafferty, 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 said affidavits to receive such funds and account to the Board therefore.
4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that true and correct copy of this Order to each person whose interest or claim is subject to escrow and whose address is known.
5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.
6. Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 16<sup>th</sup> day of June, 2003 by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

DONE AND PERFORMED THIS 15<sup>th</sup> day of July, 2003 by Order of this Board.

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

STATE OF VIRGINIA     )  
COUNTY OF WISE     )

Acknowledged on this 16<sup>th</sup> day of June, 2003, 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.

  
Notary Public

My commission expires: 7-31-06.

STATE OF VIRGINIA     )  
COUNTY OF WISE     )

Acknowledged on this 15<sup>th</sup> day of July, 2003, 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 Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Diane J. Davis  
Notary Public

My commission expires: 9-30-05.

**VIRGINIA:**

***BEFORE THE VIRGINIA GAS AND OIL BOARD***

IN RE: Application of Equitable Production Company, for Forced Pooling of Interests in Unit Number VC-4527 VGOB Docket No. VGOB-00/11/21-0848 in the Hurricane Magisterial District of Buchanan County, Virginia.

AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on October 2, 2001, by the Virginia Gas and Oil Board regarding the captioned coalbed methane Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, the Affiant was directed to cause 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 are added as Respondents at the hearing held in the captioned matter;
4. That the Order of the Virginia Gas and Oil 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 said Order was recorded in the county above named; that said Order was recorded on October 4, 2001.
5. That the Designated Operator, by and through their agent, Wilhoit & Kaiser, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest 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 Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election periods:

NONE

6. That the interest and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia; that opposite the name of each person named as a Respondent listed below is set forth:

<p>Tract 3 <b>Oil and Gas Estate</b></p>	<p>Clyde Boyd, Single PO Box 403 Clinchco VA 24226</p>	<p>0.00047857 RI</p>
	<p><u>Johnnie Boyd Heirs</u> Scott Boyd Rt. 20, Box 127B Haysi, VA 24256</p>	<p>0.00011964 RI</p>
	<p>Larry Boyd &amp; Joyce Boyd, H/W PO Box 327 Haysi, VA 24256</p>	<p>0.00011964 RI</p>
	<p>Michael Boyd &amp; Adele Boyd, H/W Route 2, Box 127</p>	<p>0.00011964 RI</p>
	<p>James Boyd Address Unknown</p>	<p>0.00011964 RI</p>
	<p>Kilbie Boyd, single c/o Clyde Boyd PO Box 403 Clinchco, VA 24226</p>	<p>0.00047857 RI</p>
	<p><u>Henry Boyd Heirs</u>  Hazel Neely &amp; Kenneth Neely, W/H Route 1, Box 149 Davenport, VA 24239</p>	<p>0.00015952 RI</p>

<p><b>Tract 3</b> <b>Oil and Gas Estate</b></p>	<p>Jeanette James &amp; Darrell E. James, W/H Route 2, Box 586 Honaker, VA 24260</p>	<p>0.00015952 RI</p>
	<p>Judy Boyd &amp; Jennings Boyd, W/H route 1, Box 297 Vansant, VA 24656</p>	<p>0.00015952 RI</p>
	<p>Brenda Sue Duty &amp; Rodney R. Duty, W/H Route 1, Box 278 Vansant, VA 24656</p>	<p>0.00015952 RI</p>
	<p>Ralph Boyd, Single PO Box 122 Maxie, VA 24628</p>	<p>0.00015952 RI</p>
	<p>Margie Wenner, Single PO Box 313 Davenport, VA 24239</p>	<p>0.00015952 RI</p>
	<p>Evelyn Coleman &amp; William Coleman, W/H 504 New Beason Well Road Kingsport, TN 37660</p>	<p>0.00015952 RI</p>
	<p>Juanita Maddox &amp; Garcia L. Maddox, W/H 1226 Calla Circle Fayetteville, VC 28303</p>	<p>0.00015952 RI</p>

<p><b>Tract 3</b> <b>Oil and Gas Estate</b></p>	<p>Arville Deel, Single PO Box 144 Davenport, VA 24239</p>	<p>0.00015952 RI</p>
	<p>Ruby Perkins &amp; James W. Perkins, W/H Route 4, Box 132 Grundy VA 24614</p>	<p>0.00028714 RI</p>
	<p>Mary McGlothlin PO Box 909 Grundy VA 24614</p>	<p>0.00086143 RI</p>
	<p>Laura Deel &amp; Edward Deel, W/H 3650 Kidder Road Almont, MI 48003</p>	<p>0.00028714 RI</p>
	<p>Helen Fields &amp; Earnest Fields, W/H Route 3, Box 232 Lebanon VA 24266</p>	<p>0.00017947 RI</p>
	<p>Dillard Compton, single Address Unknown</p>	<p>0.00017947 RI</p>
	<p>Jeanette Compton, Widow 600 N. Haun Drive Morristown TN 37814</p>	<p>0.00017947 RI</p>
	<p>Fairy R. Bowman, Widower PO Box 206 Birchleaf, VA 24220</p>	<p>0.00017947 RI</p>

<b>Tract 3 Oil and Gas Estate</b>	Troy Compton & Debra Sue Compton, H/W Route 1, Box 348 Cleveland VA 24225	0.00017947 RI
	Roger Compton & Debra Compton, H/W Route 1, Box 456 Castlewood, VA 24224	0.00017947 RI
	Lottie Colyer c/o Helen Fields Route 3, Box 232 Lebanon, VA 24266	0.00017946 RI
	Ruby Bowman c/o Helen Fields Route 3, Box 232 Lebanon, VA 24266	0.00017947 RI
	Ida Boyd Fletcher, Widow Route 1, Box 149 Knox Creek Hurley, VA 24620	0.00143572 RI
	Mary L. McGlothlin PO Box 909 Grundy VA 24614	0.00287144 RI
<b>TRACT 3 Coal Estate</b>	<b>OR</b> Levisa Coal Company C/o Fred Combs PO Box 841 Tazewell, VA 24651	.01005000

7. 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 with regard to their interest and/or claims.

**Lessor's Name**

Clyde Boyd, single  
 Scott Boyd  
 Larry Boyd  
 Michael & Adele Boyd  
 James Boyd  
 Kilbie Boyd, single  
 Hazel & Kenneth Neely  
 Jeanette & Darrell James  
 Ralph Boyd, single  
 Margie Wenner, single  
 Arville Deel, single  
 Ruby & James W. Perkins  
 Laura & Edward Deel  
 Helen & Earnest Fields  
 Jeanette Compton, widow  
 Troy & Debra Sue Compton  
 Roger & Debra Compton  
 Ida Boyd Fletcher

8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

<b>Tract</b>	<b>Name</b>	<b>Cash Consideration</b>
3	Judy & Jennings Boyd	.0751 acres x \$5 = \$0.38
	Brenda Sue & Rodney R. Duty	.0751 acres x \$5 = \$0.38
	Evelyn & William Coleman	.0751 acres x \$5 = \$0.38
	Juanita & Garcia Maddox	.0751 acres x \$5 = \$0.38
	Mary McGlothlin	.4054 acres x \$5 = \$2.03

Dillard Compton (Unknown) .0845 acres x \$5 = \$.43  
**Subject to Escrow**

Fairy R. Bowman .0845 acres x \$5 = \$.43

Lottie Colyer .0845 acres x \$5 = \$.43

Ruby Bowman .0845 acres x \$5 = \$.43

Mary McGlothlin 1.3514 acres x \$5 = \$6.76

Levisa Coal Company 4.73 acres x \$5 = \$23.65

That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are required in this matter pursuant to the terms of §§ 45.1-361.21.D.

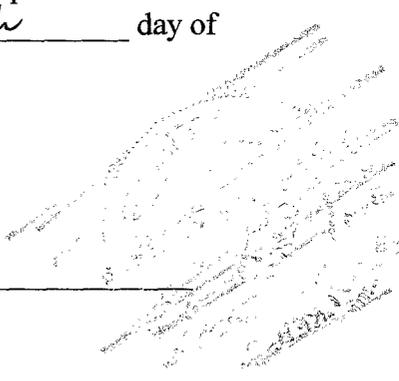
Dated at Kingsport, Tennessee, this 18<sup>th</sup> day of April 2003.

[Signature]  
Affiant

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of Equitable Production Company, a corporation, on behalf of the corporation, this 18<sup>th</sup> day of April 2003.

My commission expires: August 18, 2003

[Signature]  
Notary



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, admitted to record this 18<sup>th</sup> day of July, 2003 11:05A M.  
Deed Book No. 572 and Page No. 57 TESTE: [Signature] James M. Bevins, Jr., Clerk  
Returned to: [Signature] TESTE: [Signature] Deputy Clerk

neg. corrections  
07/24/03



BY: \_\_\_\_\_  
INSTRUMENT #03000244  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
JULY 3, 2003 AT 11:05AM  
JAMES M. BEVINS, CLERK

*DT*