

6019

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 01-0515-0890

ELECTIONS: UNIT J-38
(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 October 2, 2001 which was recorded at Deed Book 531, Page 464 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on October 4, 2001, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed Consol Energy 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 J-38;

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 therefore. The respondents listed in Exhibit B-2 to the Affidavit of Elections are dismissed.

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 or who is hereby dismissed 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.

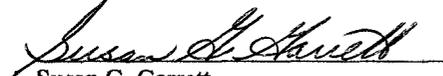
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 26th day of February, 2002, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 26th day of February, 2002, 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

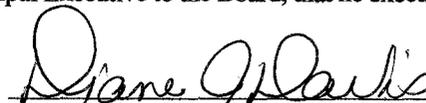
My commission expires: July 31, 2002

DONE AND PERFORMED THIS 6th day of March, 2002, by Order of the Board.


B. R. Wilson,
Director of the Division of Gas & Oil Board and
Principal Executive to the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 6th day of March, 2002, 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 Director of the Division of Gas & Oil Board and Principal Executive to the Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/05

Order Recorded Under Code of
Virginia Section 45.1-361.26

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Buchanan Production Company for Forced Pooling of Interests in CBM Unit J-38
VGOB 01-0515-0890 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF Consol Energy 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 Energy Inc., as a Gas Engineer and is duly authorized to make this affidavit on behalf of Consol Energy Inc., the designated operator,

That the Order entered on October 2, 2001, 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 October 4, 2001;

That the designated operator Consol Energy 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 October 2, 2001;

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:

See attached Exhibit B-2

That to the extent any of said persons listed in Exhibit B-2 have rights, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

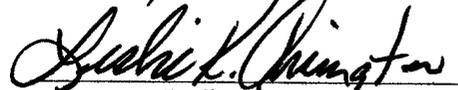
Virginia Gas Distributing Company, Caroline Cole Heirs, Devises, Successors or Assigns including Harold G. Cole, Donald T. Cole, Norma Cole & Ulvert Dotson, Lena McDonald, James W. Burress, Margaret M. Davis, Lucille Cooper Christian, Karen C. & Brian Rowe, Sharon Cooper & William Daniels, Rebecca Cooper, Caroline C. & Claude V. Keen, Nancy Cole, Edith G. Street, Frederick H. & Elaine Combs, III, Martha E. Combs and Carol & John Ervin

That the persons identified in Exhibit EE attached hereto have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict.

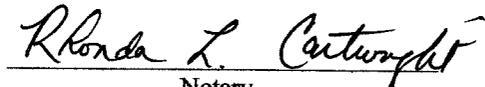
None

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 21st day of February, 2002.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Gas Engineer of Consol Energy Inc., on behalf of the corporate Designated Operator, this 21st day of February, 2002.


Notary

My commission expires: 10/31/05.

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

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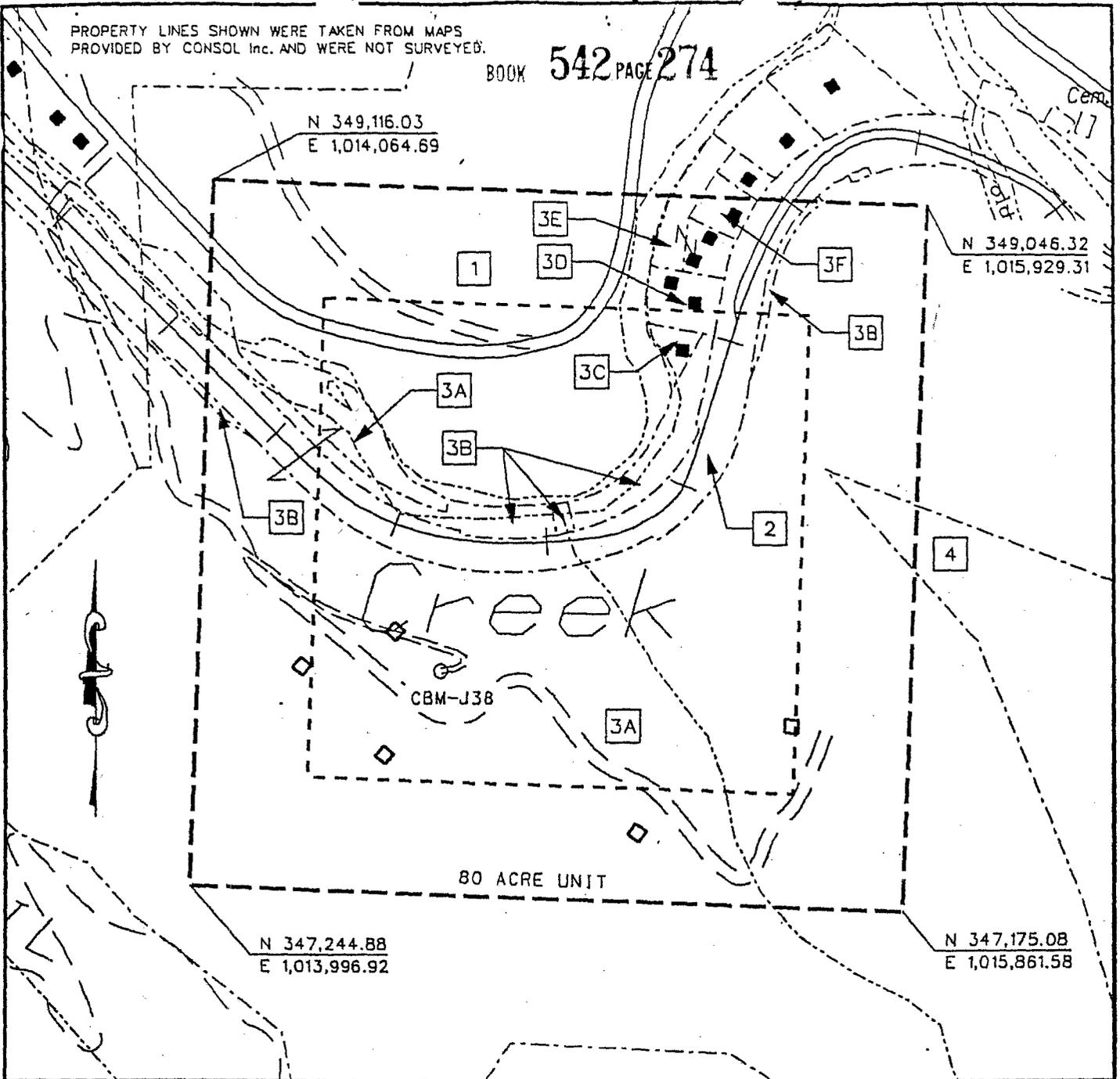


EXHIBIT A
 OAKWOOD FIELD UNIT J-38
 FORCE POOLING
 VGOB-01-0515-0890

Company CONSOL Energy Inc. Well Name and Number UNIT J38
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Buchanan District Garden Scale: 1" = 400' Date 4/9/01
 This plat is a new plat X; an updated plat _____; or a final plat _____

Form DGO-GO-7
 Rev. 9/91

Charles D. Noyes (Affix Seal)
 Licensed Professional Engineer or Licensed Land Surveyor

CONSOL ENERGY INC.**UNIT J-38****Tract Identifications**

1. Claude V. Keen, et al. - Coal (Except 1/9th Int in P-3 Seam and Jawbone Seam)
 Island Creek Coal Company/Consolidation Coal Company - 1/9th Int in P-3 Seam
 Jewell Smokeless Coal Corp - Jawbone Seam
 Island Creek Coal Company/Consolidation Coal Company - Below Drainage Coal Leased
 Jewell Smokeless Coal Corp. - Above Drainage Coal Leased (Except Jawbone Seam)
 Virginia Gas Exploration Company - CBM Leased (98.7654 % Except 1/9th of P-3 Seam)
 Buchanan Production Company - CBM Assignee
 Claude V. Keen, et al. - Oil & Gas
 Virginia Gas Exploration Company - Oil, Gas and CBM Leased (98.7654 %)
 Buchanan Production Company - CBM Assignee
 17.68 acres 22.1000%

2. Norfolk Southern Corp. - Fee (Except Coal Below 800')
 Yukon Pocahontas Coal Company, et al. Tr 32 - Coal below 800'
 Reserve Coal Properties Company - Coal below 800' Leased
 Buchanan Production Company - CBM Leased Below 800'
 5.34 acres 6.6750%

3. Yukon Pocahontas Coal Company, et al. Tr 32 - Coal, Oil & Gas
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Jewell Smokeless Coal Corp. - Above Drainage Coal Leased
 Buchanan Production Company - CBM Leased
 Cabot Oil and Gas Corp. - Oil & Gas Leased
 56.54 acres 70.6750%

- 3A. Milfred Maxwell, et al. - Surface
- 3B. Norfolk Southern Corp. - Surface
- 3C. Bernard Maxwell - Surface
- 3D. Robert H. White - Surface
- 3E. Bernard Maxwell - Surface
- 3F. Raymond Compton - Surface

4. C. L. Ritter Lumber Company - Tr. 41 - Coal, Oil & Gas
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Jewell Smokeless Coal Corp. - Above Drainage Coal Leased
 Buchanan Production Company - CBM Leased (Coal Seams Below Tiller Seam)
 Bucky McConnell, et al. - Surface
 0.44 Acres 0.5500%

Docket # VGOB-01-0515-0890
List of Respondents to be Dismissed

	Acres in Unit	Percent of Unit	Reason for Dismissal
<u>Tract #1, 17.68 Acres</u>			
<u>CBM LEASEHOLD OWNERSHIP</u>			
(1) Virginia Gas Distributing Company P.O. Box 2407 Abingdon, VA 24212			Assignment of Lease to BPC
<u>COAL FEE OWNERSHIP</u>			
Caroline Cole Heirs, Devisees, Successors or Assigns et al.	17.68 acres	22.100%	
(1) Caroline Cole Heirs, Devisees, Successors or Assigns (exc. 1/9 P3 & JB seams)	15.72 acres 8/9 of 17.68 acres	19.644%	
(a) Gallie Cole Heirs, Devisees, Successors or Assigns			
(a.1) Harold G. Cole * 1436 Betana Avenue Akron, OH 44310	1.16 acres 2/27 of 15.72 acres	1.455%	Assignment of Lease to BPC
(a.2) Donald T. Cole * P.O. Box 162 Grundy, VA 24614	1.16 acres 2/27 of 15.72 acres	1.455%	Assignment of Lease to BPC
(a.3) Norma Cole & Ulvert Dotson * P.O. Box 226 Rosedale, VA 24280	1.16 acres 2/27 of 15.72 acres	1.455%	Assignment of Lease to BPC
(b) Leonard P. Cole Heirs, Devisees, Successors or Assigns			
(b.1) Lena McDonald * P.O. Box 323 Roaring Gap, NC 28668	1.75 acres 1/9 of 15.72 acres	2.183%	Assignment of Lease to BPC
(c) Trula Burress Heirs, Devisees, Successors or Assigns			
(c.1) James W. Burress * 22638 Aven Lane Abingdon, VA 24211	0.87 acres 1/18 of 15.72 acres	1.091%	Assignment of Lease to BPC
(c.2) Margaret M. Davis * P.O. Box 10 Richlands, VA 24641	0.87 acres 1/18 of 15.72 acres	1.091%	Assignment of Lease to BPC
(d) Gamett Cole Cooper Heirs, Devisees, Successors or Assigns			
(d.2) Lucille Cooper Christian * P.O. Box 51 Raysal, WV 24879	0.06 acres 1/243 of 15.72 acres	0.0808%	Assignment of Lease to BPC
(d.3) Karen C. & Brian Rowe * P.O. Box 781 Hanover, WV 24839	0.06 acres 1/243 of 15.72 acres	0.0808%	Assignment of Lease to BPC

Exhibit B-2
UNIT J-38
Docket # VGOB-01-0515-0890
List of Respondents to be Dismissed

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	Acres in Unit	Percent of Unit	Reason for Dismissal
(d.4) Sharon Cooper & William Daniels * P.O. Box 1627 Gilbert, WV 25621	0.06 acres 1/243 of 15.72 acres	0.0808%	Assignment of Lease to BPC
(d.5) Rebecca Cooper * P.O. Box 314 Hurley, VA 24620	0.06 acres 1/243 of 15.72 acres	0.0808%	Assignment of Lease to BPC
(e) Carolyn Cole Jones Heirs, Devisees, Successors or Assigns			
(e.1) Caroline C. & Claude V. Keen * P.O. Box 233 Whitewood, VA 24657	4.07 acres 7/27 of 15.72 acres	5.0930%	Assignment of Lease to BPC
(g) Kermit F. & Mona McNeil Cole Heirs, Devisees, Successors or Assigns			
(g.1) Nancy J. Cole * 208 Berkley Street Beckley, WV 25802	1.75 acres 1/9 of 15.72 acres	2.1827%	Assignment of Lease to BPC
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) Caroline Cole Heirs, Devisees, Successors or Assigns	17.68 acres	22.100%	
(a) Gallie Cole Heirs, Devisees, Successors or Assigns			
(a.1) Harold G. Cole * 1436 Betana Avenue Akron, OH 44310	1.31 acres 2/27 of 17.68 acres	1.637%	Assignment of Lease to BPC
(a.2) Donald T. Cole * P.O. Box 162 Grundy, VA 24614	1.31 acres 2/27 of 17.68 acres	1.637%	Assignment of Lease to BPC
(a.3) Norma Cole & Ulvert Dotson * P.O. Box 226 Rosedale, VA 24280	1.31 acres 2/27 of 17.68 acres	1.637%	Assignment of Lease to BPC
(b) Leonard P. Cole Heirs, Devisees, Successors or Assigns			
(b.1) Lena McDonald * P.O. Box 323 Roaring Gap, NC 28668	1.96 acres 1/9 of 17.68 acres	2.456%	Assignment of Lease to BPC
(c) Trula Burress Heirs, Devisees, Successors or Assigns			
(c.1) James W. Burress * 22638 Aven Lane Abingdon, VA 24211	0.98 acres 1/18 of 17.68 acres	1.228%	Assignment of Lease to BPC
(c.2) Margaret M. Davis * P.O. Box 10 Richlands, VA 24641	0.98 acres 1/18 of 17.68 acres	1.228%	Assignment of Lease to BPC

Docket # VGOB-01-0515-0890
List of Respondents to be Dismissed

	Acres in Unit	Percent of Unit	Reason for Dismissal
(d) Garnett Cole Cooper Heirs, Devisees, Successors or Assigns			
(d.2) Lucille Cooper Christian * P.O. Box 51 Raysal, WV 24879	0.07 acres 1/243 of 17.68 acres	0.0909%	Assignment of Lease to BPC
(d.3) Karen C. & Brian Rowe * P.O. Box 781 Hanover, WV 24839	0.07 acres 1/243 of 17.68 acres	0.0909%	Assignment of Lease to BPC
(d.4) Sharon Cooper & William Daniels * P.O. Box 1627 Gilbert, WV 25621	0.07 acres 1/243 of 17.68 acres	0.0909%	Assignment of Lease to BPC
(d.5) Rebecca Cooper * P.O. Box 314 Hurley, VA 24620	0.07 acres 1/243 of 17.68 acres	0.0909%	Assignment of Lease to BPC
(e) Carolyn Cole Jones Heirs, Devisees, Successors or Assigns			
(e.1) Caroline C. & Claude V. Keen * P.O. Box 233 Whitewood, VA 24657	4.58 acres 7/27 of 17.68 acres	5.7296%	Assignment of Lease to BPC
(g) Kermit F. & Mona McNeil Cole Heirs, Devisees, Successors or Assigns			
(g.1) Nancy J. Cole * 208 Berkley Street Beckley, WV 25802	1.96 acres 1/9 of 17.68 acres	2.4556%	Assignment of Lease to BPC
(h) Hinsel Cole Heirs, Devisees, Successors or Assigns			
(h.1) Edith G. Street * P.O. Box 792 Grundy, VA 24614	0.98 acres 1/18 of 17.68 acres	1.2278%	Assignment of Lease to BPC
(h.2) Marion S. Combs Heirs, Devisees, Successors or Assigns			
(h.2.1) Frederick H. & Elaine Combs III * 318 East Fincastle Tazewell, VA 24651	0.33 acres 1/54 of 17.68 acres	0.4093%	Assignment of Lease to BPC
(h.2.2) Martha E. Combs * P.O. Box 1404 Abingdon, VA 24210	0.33 acres 1/54 of 17.68 acres	0.4093%	Assignment of Lease to BPC
(h.2.3) Carol & John Irvin * 4710 Hunterwood Circle Richmond, TX 77469	0.33 acres 1/54 of 17.68 acres	0.4093%	Assignment of Lease to BPC

* Leased to Virginia Gas Distribution Company (previously Edwards & Harding), assigned to BPC.

Exhibit B-3
Unit J-38
Docket # VGOB-01-0515-0890
List of Unleased Owners/Claimants

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Acres in Unit
Percent
of Unit

I. COAL FEE OWNERSHIP

Tract #1, 17.68 Acres

Caroline Cole Heirs, Devisees, Successors or Assigns et al.	17.68 acres	22.100%
(1) Caroline Cole Heirs, Devisees, Successors or Assigns (exc. 1/9 P3 & JB seams)	15.72 acres 8/9 of 17.68 acres	19.644%
(d) Garnett Cole Cooper Heirs, Devisees, Successors or Assigns		
(d.1) Therman G. & Iris A. Cooper P.O. Box 782 Doran, VA 24612	0.22 acres 1/81 of 17.68 acres	0.2728%

Tract #2, 5.34 Acres

(1) Norfolk Southern Corporation (exc. Coal below 800') Real Estate Department 185 Spring Street Atlanta, GA 30303	5.34 acres	6.675%
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II. OIL & GAS FEE OWNERSHIP

Tract #1, 17.68 Acres

(1) Caroline Cole Heirs, Devisees, Successors or Assigns	17.68 acres	22.100%
(d) Garnett Cole Cooper Heirs, Devisees, Successors or Assigns		
(d.1) Therman G. & Iris A. Cooper P.O. Box 782 Doran, VA 24612	0.22 acres 1/81 of 17.68 acres	0.2728%

Tract #2, 5.34 Acres

(1) Norfolk Southern Corporation Real Estate Department 185 Spring Street Atlanta, GA 30303	5.34 acres	6.675%
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List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #1, 17.68 Acres</u> 1.96		
<u>COAL FEE OWNERSHIP</u>		
Caroline Cole Heirs, Devisees, Successors or Assigns et al.	17.68 acres	22.100%
(2) Island Creek Coal Company (1/9 int. P3 seam) Drawer L Oakwood, VA 24631	1.96 acres 1/9 of 17.68 acres	2.4556%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Caroline Cole Heirs, Devisees, Successors or Assigns	17.68 acres	22.100%
(h) Hinsel Cole Heirs, Devisees, Successors or Assigns		
(h.1) Edith G. Street * P.O. Box 792 Grundy, VA 24614	0.98 acres 1/18 of 17.68 acres	1.2278%
(h.2) Marion S. Combs Heirs, Devisees, Successors or Assigns		
(h.2.1) Frederick H. & Elane Combs III * 318 East Fincastle Tazewell, VA 24651	0.33 acres 1/54 of 17.68 acres	0.4093%
(h.2.2) Martha E. Combs * P.O. Box 1404 Abingdon, VA 24210	0.33 acres 1/54 of 17.68 acres	0.4093%
(h.2.3) Carol & John Irvin * 4710 Hunterwood Circle Richmond, TX 77469	0.33 acres 1/54 of 17.68 acres	0.4093%
<u>Tract #2, 5.34 Acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(2) Yukon Pocahontas Coal Company et al., Tr. 32 (Coal below 800')	5.34 acres	6.675%
(a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	2.67 acres 1/2 of 5.34 acres	3.338%
(b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651	0.59 acres 1/9 of 5.34 acres	0.742%
(c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.30 acres 1/18 of 5.34 acres	0.371%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(d) Plum Creek Timberland, L.P. Plum Creek Natural Resources Department 100 Peachtree Street NW, Suite 2650 Atlanta, Ga 30303 (previously North American Timber Corporation)	1.78 acres 1/3 of 5.34 acres	2.225%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Norfolk Southern Corporation Real Estate Department 185 Spring Street Atlanta, GA 30303	5.34 acres	6.675%

* Leased to Virginia Gas Distribution Company (previously Edwards & Harding), assigned to BPC.

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 12 day of March, 2002 12:19P M.
 Deed Book No. 542 and Page No. 279 TESTE: James M. Bevins, Jr., Clerk
 Returned this date to: Diana Davis TESTE: Jessie S. Jiles Deputy Clerk

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23

rec BU 3/13
mailed "

ENTERED

BY:

INSTRUMENT #020001051
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MARCH 8, 2002 AT 12:19PM
JAMES M. REVINS JR., CLERK

