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VIRGINIA:

BOOK 550 PAGE 68

INSTRUMENT PREPARED BY VIRGINIA GAS AND OIL BOARD

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB 01-0918-0921

ELECTIONS: UNIT DD-28 (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 18, 2001 which was recorded at Deed Book 537, Page 705 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on January 11, 2002, (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 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 DD-28;

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.

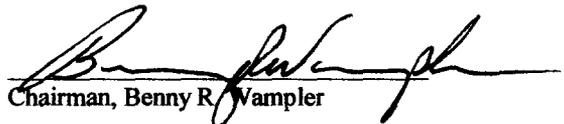
ENTERED

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.

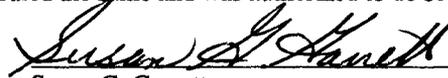
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 24<sup>th</sup> day of June, 2002, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

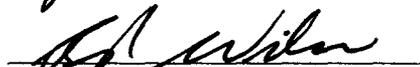
STATE OF VIRGINIA  
COUNTY OF WISE

Acknowledged on this 24<sup>th</sup> day of June, 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

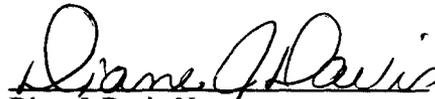
My commission expires: 7/31/02.

DONE AND PERFORMED THIS 1<sup>st</sup> day of July, 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 1<sup>st</sup> day of July, 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 Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit DD-28  
VGOB 01-0918-0921 in the Hurricane District of Buchanan County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (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 POCAHONTAS GAS PARTNERSHIP, the designated operator,

That the Order entered on December 18, 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 January 11, 2002;

That the designated operator POCAHONTAS GAS PARTNERSHIP 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 18, 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:

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:

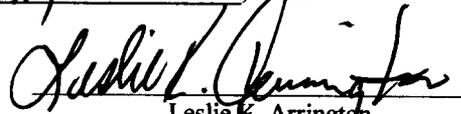
None

That 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.

See attached Exhibit EE; Coal Mountain Mining Company / Pocahontas Gas Partnership

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 31<sup>ST</sup> day of May, 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 31<sup>ST</sup> day of May, 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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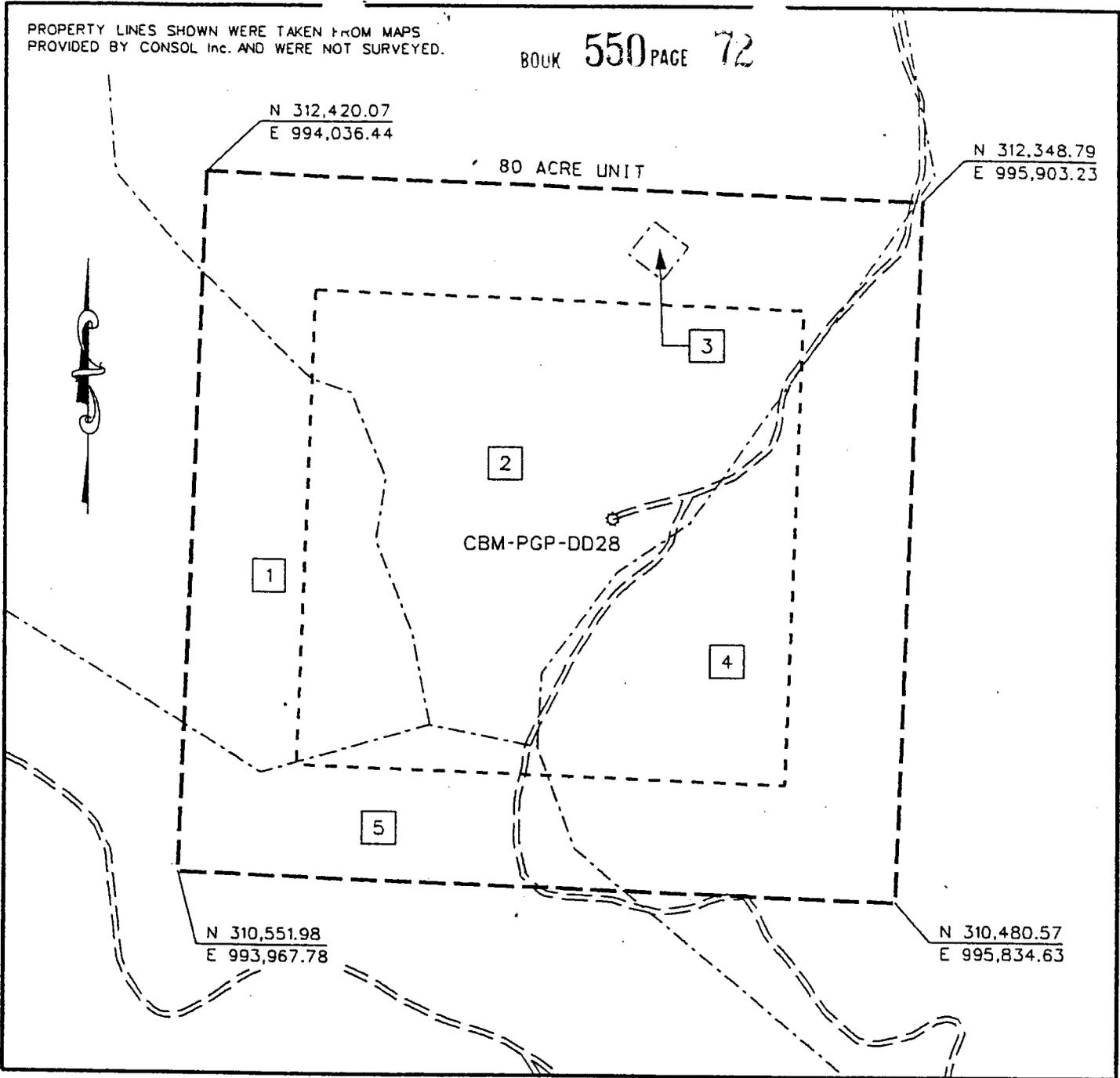
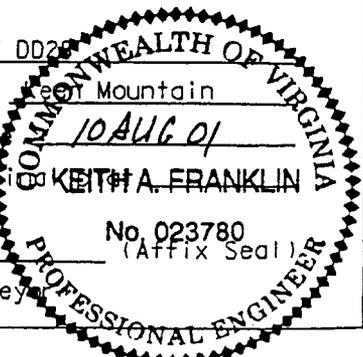


EXHIBIT A  
 OAKWOOD FIELD UNIT DD-28  
 FORCE POOLING  
 VGOB-01-0918-0921

Company Pocahontas Gas Partnership Well Name and Number UNIT DD28  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Foot Mountain  
 County Buchanan District Hurricane Scale: 1" = 400' Date 10 AUG 01  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a \_\_\_\_\_



Form DGO-GO-7  
 Rev. 9/91

*Keith A. Franklin*  
 Licensed Professional Engineer or Licensed Land Surveyor

**POCAHONTAS GAS PARTNERSHIP**  
**, UNIT DD-28**  
 Tract Identifications

1. Hugh MacRae Land Trust - TR 20 - Coal  
 Coal Lessees  
 Consolidation Coal Company  
 Pocahontas Gas Partnership - CBM Lessee  
 Pocahontas Gas Partnership - Oil & Gas Lessee  
 Catherine Hylton Heirs, Devisees, Successors or Assigns - Surface, Gas  
 12.92 acres                      16.1500%
  
2. Hugh MacRae Land Trust - TR 20 - Coal  
 Coal Lessees  
 Consolidation Coal Company  
 Pocahontas Gas Partnership - CBM Lessee  
 Pocahontas Gas Partnership - Oil & Gas Lessee  
 Hugh MacRae Land Trust - TR 20 - Surface, Oil & Gas  
 33.44 acres                      41.8000%
  
3. Hugh MacRae Land Trust - TR 20 - Coal  
 Coal Lessees  
 Consolidation Coal Company  
 Pocahontas Gas Partnership - CBM Lessee  
 Pocahontas Gas Partnership - Oil & Gas Lessee  
 Ellis Family Cemetery - Surface, Oil & Gas  
 0.25 acres                      0.3125%
  
4. Coal Mountain Mining - TR 1 - Coal  
 Coal Lessees  
 Consolidation Coal Company  
 Pocahontas Gas Partnership - CBM Lessee  
 Pocahontas Gas Partnership - Oil & Gas Lessee  
 G. J. Sisk Heirs, Devisees, Successors or Assigns, et al. - Surface, Oil & Gas  
 25.01 acres                      31.2625%
  
5. J. S. & A.P. Gillespie Estates Corporation, et al. - Fee  
 Coal Lessees  
 Consolidation Coal Company  
 8.38 acres                      10.4750%

Docket No. VGOB 01-0918-0921  
List of Unleased Owners/Claimants

Net Acres  
in Unit

Interest in  
Unit

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II. OIL & GAS FEE OWNERSHIP

Tract #3 - 0.25 acres

(1) Ellis Family Cemetery  
*Address unknown*

0.25 acres

0.31250%

## List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
<b><u>Tract #1 - 12.92 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hugh Macrae Land Trust, Tr. 20 P. O. Box 29 Tazewell, VA 24651	12.92 acres	16.15000%
(2) Torch Operating Co. (CBM Royalty Owner) P. O. Box 200722 Houston, TX 77216-0122		
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Catherine Hylton Heirs, Devises Successors or Assigns	12.92 acres	16.15000%
(a) Narcie Smith Star Route Box 189 Jewell Ridge, VA 24622	1.62 1/8 of 12.92 acres	2.01875%
(b) Essie C. & James Hamric 3802 Sugar Lane Bloomington, IN 47404	1.62 1/8 of 12.92 acres	2.01875%
(c) Nora B. Church 801 Wilson Road Oliver Springs, TN 37840	1.62 1/8 of 12.92 acres	2.01875%
(d) Ted & Kathleen Hylton 213 Clyde Street Beckley, WV 25801	1.62 1/8 of 12.92 acres	2.01875%
(e) Naomi Ethel Hylton Heirs		
(e.1) Ervin R. Meadows Box 155 Jewell Ridge, VA 24622	0.40 1/32 of 12.92 acres	0.50469%
(e.2) Leroy Jennelle Box 155 Jewell Ridge, VA 24622	0.40 1/32 of 12.92 acres	0.50469%
(e.3) Margaret A. & Burton Vandyke P.O. Box 274 Doran, VA 24612	0.40 1/32 of 12.92 acres	0.50469%
(e.4) Chapman E. & Fannie Jennelle Box 98 Jewell Ridge, VA 24622	Life Estate	
(e.5) Deland E. & Patricia Jennelle Rt.1 Box 169B Pounding Mill, VA 24637	0.40 1/32 of 12.92 acres	0.50469%

Docket No. VGOB 01-0918-0921  
 List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(f) Isaac Hylton Sr. Heirs		
(f.1) Isaac W. & Sarah Hylton 629 Montford Avenue Concord, NC 28027	0.27 1/48 of 12.92 acres	0.33646%
(f.2) Michael J. & Rhonda Hylton 29 Helen Drive Concord, NC 28027	0.27 1/48 of 12.92 acres	0.33646%
(f.3) Raymond L. & Linda Hylton P.O. Box 7900 Sonford, FL 32772	0.27 1/48 of 12.92 acres	0.33646%
(f.4) Cynthia D. & Roger Wampler P.O. Box 1502 Sophia, WV 25921	0.27 1/48 of 12.92 acres	0.33646%
(f.5) Patton C. & Mary Hylton 306 Summit Drive Beckley, WV 25801	0.27 1/48 of 12.92 acres	0.33646%
(f.6) Margaret A. & James Byrge P.O. Box 87 Sophia, WV 25921	0.27 1/48 of 12.92 acres	0.33646%
(g) Laura Elizabeth Hylton		
(g.1) Jane Sisk 189th 8th Street, NW Barberton, OH 44203	0.12 1/104 of 12.92 acres	0.15529%
(g.2) William M. & Letty Hylton 1258 Central Barberton, OH 44203	0.12 1/104 of 12.92 acres	0.15529%
(g.3) Pauline & Earnest Stewart 923 S. Hinde Street Washington Court House, OH 43160	0.12 1/104 of 12.92 acres	0.15529%
(g.4) Lucy L. & Homer Farmer P.O. Box 1413 Morgan City, LA 70380	0.12 1/104 of 12.92 acres	0.15529%
(g.5) Faye H. & Dr. Robert Abernathy P.O. Box 1107 Cedar Bluff, VA 24604	0.12 1/104 of 12.92 acres	0.15529%
(g.6) Roby A. Hylton 2514 Mayfair Road Akron, OH 44312	0.12 1/104 of 12.92 acres	0.15529%
(g.7) Larry R. & Mary L. Hylton 533 Star Route 224 Sullivan, OH 44880	0.12 1/104 of 12.92 acres	0.15529%

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(g.8) Charles W. & Virginia Hylton 330 Third Avenue Lexington, SC 29072	0.12 1/104 of 12.92 acres	0.15529%
(g.9) Frazier B. & Mary Hylton P.O. Box 54 Lexington, SC 29072	0.12 1/104 of 12.92 acres	0.15529%
(g.10) Cleo E. & Ted Moreland 208 Richmond Avenue S Leehigh Acres, FL 33936	0.12 1/104 of 12.92 acres	0.15529%
(g.11) Peggy L. & Kenneth B. Dixon 1006 Hardy Place Wilmington, NC 28405	0.12 1/104 of 12.92 acres	0.15529%
(g.12) John P. Hylton P.O. Box 386 Randolph, OH 44265	0.12 1/104 of 12.92 acres	0.15529%
(g.13) James F. Hylton 10495 Boylston Court Apt. 2B Overland, MO 63114	0.12 1/104 of 12.92 acres	0.15529%
(h) Artie Hylton Heirs		
(h.1) Hazel B. Bucklin Rt.66 Box 105 Daniels, WV 25832	0.32 1/40 of 12.92 acres	0.40375%
(h.2) Atholine Payne 155 Madison Drive Newark, DE 19711	0.32 1/40 of 12.92 acres	0.40375%
(h.3) James G. & Betty Christian Box 571 Glenn White, WV 25849	0.32 1/40 of 12.92 acres	0.40375%
(h.4) Clarence E. & Ann Christian 35 Choucer Drive Newark, DE 19713	0.32 1/40 of 12.92 acres	0.40375%
(h.5) Juanita Hylton Walker Heirs		
(h.5.1) Betty P. & Jack Goolsby 409 Orchard Avenue Beckley, WV 25801	0.08 1/160 of 12.92 acres	0.10094%
(h.5.2) Donald C. & Shirley Walker Rt.9 Box 347 Beaver, WV 25813	0.08 1/160 of 12.92 acres	0.10094%
(h.5.3) David K. & Twila Walker P.O. Box 959 Crab Orchard, WV 25827	0.08 1/160 of 12.92 acres	0.10094%

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(h.5.4) Diana Y. & Ernest Calfee, Jr. Star Route Box 93AA Cool Ridge, WV 25825	0.08 1/160 of 12.92 acres	0.10094%

Tract #3 - 0.25 acres

COAL FEE OWNERSHIP

(1) Hugh Macrae Land Trust, Tr. 20 P. O. Box 29 Tazewell, VA 24651	0.25 acres	0.31250%
(2) Torch Operating Co. (CBM Royalty Owner) P. O. Box 200722 Houston, TX 77216-0122		

OIL & GAS FEE OWNERSHIP

(1) Ellis Family Cemetery Address unknown	0.25 acres	0.31250%
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Tract #4 - 25.01 acres

COAL FEE OWNERSHIP

(1) Coal Mountain Mining Company, Tr.1 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	25.01 acres	31.26250%
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OIL & GAS FEE OWNERSHIP

(1) G. J. Sisk Heirs, Devisees, Successors or Assigns, et al.	25.01 acres	31.263%
(a) Oliver & Manda Sisk Rt.1 Box 62 Raven, VA 24639	0.89 1/28 of 25.01 acres	1.117%
(b) Maria Sisk Rt.1 Box 31A Raven, VA 24639	0.89 1/28 of 25.01 acres	1.117%
(c) Pearlie & John Rose Rt.1 Box 194 Raven, VA 24639	0.89 1/28 of 25.01 acres	1.117%
(d) Ocie & Ted P. Davis Rt. 1 Box 31A Raven, VA 24639	0.89 1/28 of 25.01 acres	1.117%
(e) James Parrot Sisk Rt.1 Box 39 Raven, VA 24639	0.89 1/28 of 25.01 acres	1.117%

List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(f) Charlie Sisk Heirs c/o Jane Sisk 189 8th Street NW Barberton, OH 44203	0.10 1/252 of 25.01 acres	0.124%
(g) Goldie V. Rose Rt.1 Box 39 Raven, VA 24639	1.34 3/56 of 25.01 acres	1.675%
(i) Paul Keene Rt.1 Box 52 Raven, VA 24639	2.08 1/12 of 25.01 acres	2.605%
(j) Ralph & Grace Ann Keen Rt.1 Box 52 Raven, VA 24639	2.08 1/12 of 25.01 acres	2.605%
(k) Virgil & Alice Rose RR2 Box 200 Pounding Mill, VA 24637	0.33 3/224 of 25.01 acres	0.419%
(l) Olbert Rose c/o Mary F. Rose Box 617 Doran, VA 24642	0.33 3/224 of 25.01 acres	0.419%
(m) Opal & Frank Tackett P.O. Box 777 Raven, VA 24639	0.33 3/224 of 25.01 acres	0.419%
(n) Alma & Roger McNulty Rt.1 Box 49B Raven, VA 24639	0.33 3/224 of 25.01 acres	0.419%
(o) Maria P. & Bobby E. Johnson Star Route Box 43 Raven, VA 24639	0.33 3/224 of 25.01 acres	0.419%
(p) Darrell W. Rose Rt.1 Box 39 Raven, VA 24639	0.33 3/224 of 25.01 acres	0.419%
(q) Nancy Rose Box 568 Keen Mountain, VA 24624	0.11 1/224 of 25.01 acres	0.140%
(r) Richard Rose Box 568 Keen Mountain, VA 24624	0.11 1/224 of 25.01 acres	0.140%
(s) Tessie Rose Box 568 Keen Mountain, VA 24624	0.11 1/224 of 25.01 acres	0.140%
(t) Janie Sisk 189 8th Street NW Barberton, OH 44203	0.30 1/84 of 25.01 acres	0.372%

Exhibit E  
Unit DD-28

Docket No. VGOB 01-0918-0921

## List of Conflicting Owners/Claimants that require escrow

	Net Acres in Unit	Interest in Unit
(u) Anna Ruth & J.C. Lambert Rt.1 Box 52 Raven, VA 24639	2.08 1/12 of 25.01 acres	2.605%
(v) Ann McCowan Rt.1 Box 52 Raven, VA 24639	2.08 1/12 of 25.01 acres	2.605%
(w) Harold & Doris Rose Rt.2 Box 203B Pearisburg, VA 24134	0.33 3/224 of 25.01 acres	0.419%
(x) Jennifer & Lovelle Friend 189 8th Street NW Barberton, OH 44203	0.10 1/252 of 25.01 acres	0.124%
(y) Charlene Thompson 189 8th Street NW Barberton, OH 44203	0.10 1/252 of 25.01 acres	0.124%
(z) Keith & Yvonne Sisk 189 8th Street NW Barberton, OH 44203	0.10 1/252 of 25.01 acres	0.124%
(aa) Linda & Billy Joe Hale 189 8th Street NW Barberton, OH 44203	0.10 1/252 of 25.01 acres	0.124%
(bb) Brenda Sisk P.O. Box 1755 Grundy, VA 24614	0.10 1/252 of 25.01 acres	0.124%
(cc) Arnold J. & Wilda Ann Keene Rt.2 Box 91 Cedar Bluff, VA 24609	2.08 1/12 of 25.01 acres	2.605%
(dd) Ruby Lee Hale P.O. Box 731 Cedar Bluff, VA 24609	2.08 1/12 of 25.01 acres	2.605%

Exhibit EE

Unit DD-28

BOOK

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Docket No. VGOB

List of Conflicting Owners/Claimants with Royalty Split Agreements

Net Acres  
in Unit

Interest in  
Unit

Tract #4 - 25.01 acres

COAL FEE OWNERSHIP

(1) Coal Mountain Mining Company, Tr.1  
Limited Partnership, L.L.P.  
P.O. Box 675  
Tazewell, VA 24651

25.01 acres

31.26250%

OIL & GAS FEE OWNERSHIP

(1) G. J. Sisk Heirs, Devises,  
Successors or Assigns, et al.

25.01 acres

31.263%

(h) Pocahontas Gas Partnership  
P.O. Box 947  
Bluefield, VA 24605

3.13  
1/8 of 25.01 acres

3.908%

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 8<sup>th</sup> day of July, 20 02 12:21 P.M.  
The tax imposed by §587.1-802 of the Code has been paid in the amount of \$           .  
Deed Book No. 550 and Page No. 28 TESTE: James M. Bevins, Jr., Clerk  
Returned to: Alan Davis TESTE: Jennifer S. Miller Deputy Clerk

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James M. Bevins Jr.

INSTRUMENT #020002606  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
JULY 8, 2002 AT 12:21PM  
JAMES M. BEVINS JR., CLERK

BY: \_\_\_\_\_

