

727

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB 02-0416-1018

ELECTIONS: UNIT X-3 (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 July 8, 2002 which was recorded at Deed Book 550, Page 628 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on July 15, 2002, (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 whether or not the escrow of funds is required with regard to Unit X-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 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.

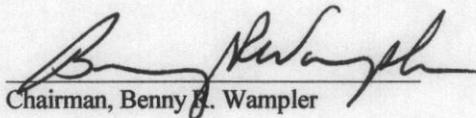
ENTERED

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 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.

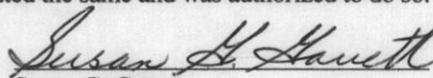
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 12th day of March, 200~~2~~³, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 12th day of March, 200~~2~~³, 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

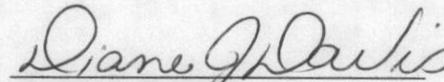
My commission expires: July 31, 2006.

DONE AND PERFORMED THIS 14th day of March, 200~~2~~³, 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 14th day of March, 200~~2~~³, 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 X-3
VGOB 02-0416-1018 in the Prater 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 July 8, 2002, 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 July 15, 2002;

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 July 8, 2002;

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:

None

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:

Laura Myrtle Baldwin, Walter Boyd, Lizzie Trula Greenwood, William P. Boyd, Jennings E. Boyd, Ernest Boyd, Bryan Boyd, Francis Lockhart, Irene G. Lockhart and Roger Jay Lockhart

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:

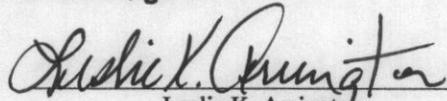
See attached Exhibit B-2

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.

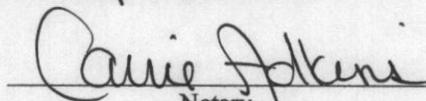
None

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 16th day of SEPTEMBER, 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 16th day of September, 2002.


Notary

My commission expires: 12/31/04.

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

BOOK 564 PAGE 791

N 325,334.03
E 949,664.45

N 325,404.74
E 947,799.73

80 ACRE UNIT

LOONEY

FORK

3

2

4

CBM-3

N 323,465.63
E 949,593.47

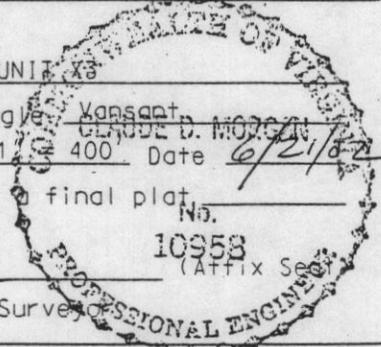
N 323,536.39
E 947,728.68

EXHIBIT A
OAKWOOD FIELD UNIT X-3
FORCE POOLING
VGOB-02-0416-1018

Company CONSOL Energy Inc. Well Name and Number UNIT X3
Tract No. _____ Elevation _____ Quadrangle Vansant
County Buchanan District Prater Scale: 1" = 400' Date 6/21/02
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles C. May
Licensed Professional Engineer or Licensed Land Surveyor



CONSOL Energy Inc.
UNIT X-3
Tract Identifications

1. Levisa Coal Company Tr. 37 - Coal
 Island Creek Coal Co./Consolidation Coal Company - Below Drainage Coal Leased
 Jewell Smokeless Coal Corp. - Above Drainage Coal Leased
 John W. Pobst, Jr., et al. - Oil and Gas
 Buchanan Production Company - Oil, Gas and CBM Leased
 Buchanan Production Company - Surface
 37.31 acres 46.6375 %

2. Levisa Coal Company Tr. 38 - Coal
 Jewell Smokeless Coal Corp. - Tiller and Above Coal Leased
 John W. Pobst, Jr., et al. - Oil and Gas
 Buchanan Production Company - Oil, Gas and CBM Leased
 Buchanan Production Company - Surface
 12.04 acres 15.0500 %

3. F. M. F. Boyd Heirs, et al. - Coal (Except % of Widow Kennedy and Above Coal Seams)
 Rual Fuller/National Energy Corp. - (%) of Widow Kennedy and Above Coal Seams
 F. M. F. Boyd Heirs, et al. - Oil and Gas (%) Ownership)
 Buchanan Production Company - Oil and Gas (%) Ownership)
 Island Creek Coal Co./Consolidation Coal Company - Coal Below Tiller Seam Leased
 Buchanan Production Company - (%) Oil, Gas and CBM Leased
 Unknown Surface Owner
 18.01 acres 22.5125 %

4. Harrison – Wyatt, LLC (Big Axe) Tr. 26 - Coal, Oil & Gas
 Island Creek Coal Co./Consolidation Coal Company - Coal Below Tiller Seam Leased
 Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
 Wellmore Coal Company - Jawbone and Tiller Seams Leased
 Buchanan Production Company - Oil, Gas and CBM Leased
 Buchanan Production Company - Surface
 12.64 acres 15.8000 %

Exhibit B-2
 Unit X-3
 VGOB 02-0416-1018
 List of Respondents to be Added or Dismissed

	Acres in Unit	Percent of Unit	Reason for Addition	Reason for Dismissal
I. COAL FEE OWNERSHIP				
<u>Tract #3 - 18.01 acres</u>				
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	18.01 acres	22.513%		
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns				
(a) Laura Myrtle Baldwin Rt.2 Box 465 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.313%		Leased
(b) Walter Boyd Rt.2 Box 499 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.313%		Leased
(d) Lizzie Trula Greenwood 4518 Maple Grove Road Hampstead, MD 21074	0.2502 acres 1.389% of 18.01 acres	0.313%		Leased
(l) Ardue Guy Boyd Heirs, Devisees, Successors or Assigns				
(l.8) William P. Boyd Rt.2 Box 464 Vansant, VA 24656	0.0209 acres 0.116% of 18.01 acres	0.026%		Leased
(8) F.M.F. Boyd, Jr. Heirs, Devisees, Successors or Assigns				
(d) Jennings E. Boyd P.O. Box 47 Bishop, VA 24604	0.3267 acres 1.814% of 18.01 acres	0.408%		Leased
(f) Hazel Madeline Boyd Heirs, Devisees, Successors or Assigns				
(f.2) Ernest Boyd P.O. Box 5 Freeburn, KY 41528	<i>*Deeded interest to Bryan Boyd</i>			Not an owner
(f.2.1) Bryan Boyd P.O. Box 554 Big Rock, VA 24603	0.0409 acres 0.227% of 18.01 acres	0.051%	Interest from Ernest Boyd	Leased
(g) David F. Boyd Heirs, Devisees, Successors or Assigns				
(g.1) Francis Lockhart P.O. Box 942 Vansant, VA 24656	<i>*Deeded interest to Kathleen Lockhart</i>			Not an owner
(g.2) Irene G. Lockhart Box 473 Grundy, VA 24614	<i>*Deeded interest to Kathleen Lockhart</i>			Not an owner
(g.3) Roger Jay Lockhart P.O. Box 942 Vansant, VA 24656	<i>*Deeded interest to Kathleen Lockhart</i>			Not an owner

List of Respondents to be Added or Dismissed

	Acres in Unit	Percent of Unit	Reason for Addition	Reason for Dismissal
II. OIL & GAS FEE OWNERSHIP				
<u>Tract #3 - 18.01 acres</u>				
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	18.01 acres	22.5125%		
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns				
(a) Laura Myrtle Baldwin Rt.2 Box 465 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.3127%		Leased
(b) Walter Boyd Rt.2 Box 499 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.3127%		Leased
(d) Lizzie Trula Greenwood 4518 Maple Grove Road Hampstead, MD 21074	0.2502 acres 1.389% of 18.01 acres	0.3127%		Leased
(l) Ardue Guy Boyd Heirs, Devisees, Successors or Assigns				
(l.8) William P. Boyd Rt.2 Box 464 Vansant, VA 24656	0.0209 acres 0.116% of 18.01 acres	0.0261%		Leased
(8) F.M.F. Boyd, Jr. Heirs, Devisees, Successors or Assigns				
(d) Jennings E. Boyd P.O. Box 47 Bishop, VA 24604	0.3267 acres 1.814% of 18.01 acres	0.4084%		Leased
(f) Hazel Madeline Boyd Heirs, Devisees, Successors or Assigns				
(f.2) Ernest Boyd P.O. Box 5 Freeburn, KY 41528	<i>*Deeded interest to Bryan Boyd</i>			Not an owner
(f.2.1) Bryan Boyd P.O. Box 554 Big Rock, VA 24603	0.0409 acres 0.227% of 18.01 acres	0.0511%	Interest from Ernest Boyd	Leased
(g) David F. Boyd Heirs, Devisees, Successors or Assigns				
(g.1) Francis Lockhart P.O. Box 942 Vansant, VA 24656	<i>*Deeded interest to Kathleen Lockhart</i>			Not an owner
(g.2) Irene G. Lockhart Box 473 Grundy, VA 24614	<i>*Deeded interest to Kathleen Lockhart</i>			Not an owner
(g.3) Roger Jay Lockhart P.O. Box 942 Vansant, VA 24656	<i>*Deeded interest to Kathleen Lockhart</i>			Not an owner

Exhibit B-3
Unit X-3
VGOB 02-0416-1018
List of Unleased Owners/Claimants

BOOK 564 PAGE 795

	Acres in Unit	Percent of Unit
I. COAL FEE OWNERSHIP		
<u>Tract #3 - 18.01 acres</u>		
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	18.01 acres	22.5125%
(1) Marion Boyd Heirs, Devisees, Successors or Assigns		
(a) Clyde Boyd P.O. Box 403 Clinchco, VA 24226	0.1225 acres 0.680% of 18.01 acres	0.1531%
(b) Kilby Boyd c/o Clyde Boyd P.O. Box 403 Chinchco, VA 24226	0.1225 acres 0.680% of 18.01 acres	0.1531%
(c) Johnnie Boyd Heirs, Devisees, Successors or Assigns		
(c.1) Pamela Karen Boyd Lowe Rt.2 Box 315K Cedar Bluff, VA 24609	0.0818 acres 0.454% of 18.01 acres	0.1022%
(c.2) Jimmie Earl Boyd P.O. Box 416 Haysi, VA 24256	0.0103 acres 0.057% of 18.01 acres	0.0128%
(c.3) Larry Wayne Boyd P.O. Box 327 Haysi, VA 24256	0.0103 acres 0.057% of 18.01 acres	0.0128%
(2) Henry Boyd Heirs, Devisees, Successors or Assigns		
(d) Judy C. Boyd Rt.1 Box 297 Vansant, VA 24656	0.0409 acres 0.227% of 18.01 acres	0.0511%
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns		
(c) Leah Vernie Baldwin Rt.2 Box 453 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.3127%
(e) Ada Nell Stiltner Rt.1 Box 425 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.3127%
(i) Charles Milton Boyd Heirs, Devisees, Successors or Assigns		
(i.1) Annie Boyd Rt.1 Box 422 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.3127%

Exhibit B-3
Unit X-3
VGOB 02-0416-1018
List of Unleased Owners/Claimants

BOOK 564 PAGE 796

	Acres in Unit	Percent of Unit
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns		
(j.2) Lloyd Cook Rt.5 Box 535 Grundy, VA 24614	0.0834 acres 0.463% of 18.01 acres	0.1042%
(l) Ardue Guy Boyd Heirs, Devisees, Successors or Assigns		
(l.6) Estil Boyd Heirs, Devisees, Successors or Assigns		
(l.6.1) Katherine Boyd P.O. Box 6883 Statesville, NC 28687	0.0209 acres 0.116% of 18.01 acres	0.0261%
(l.11) Robert G. Boyd Rt.1 Box 416 Vansant, VA 24656	0.0209 acres 0.116% of 18.01 acres	0.0261%
(l.12) Carlie B. Clevinger Heirs, Devisees, Successors or Assigns		
(l.12.1) Donald Clevinger Rt.1 Box 422C Vansant, VA 24656	0.0104 acres 0.058% of 18.01 acres	0.0131%
(8) F.M.F. Boyd, Jr. Heirs, Devisees, Successors or Assigns		
(f) Hazel Madeline Boyd Heirs, Devisees, Successors or Assigns		
(f.1) Myrtle Boyd P.O. Box 522 Waldo, FL 32694	0.0409 acres 0.227% of 18.01 acres	0.0511%
II. OIL & GAS FEE OWNERSHIP		
<u>Tract #3 - 18.01 acres</u>		
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	18.01 acres	22.5125%
(1) Marion Boyd Heirs, Devisees, Successors or Assigns		
(a) Clyde Boyd P.O. Box 403 Clinchco, VA 24226	0.1225 acres 0.680% of 18.01 acres	0.1531%
(b) Kilby Boyd c/o Clyde Boyd P.O. Box 403 Chinchco, VA 24226	0.1225 acres 0.680% of 18.01 acres	0.1531%
(c) Johnnie Boyd Heirs, Devisees, Successors or Assigns		

Exhibit B-3
Unit X-3
VGOB 02-0416-1018
List of Unleased Owners/Claimants

BOOK 564 PAGE 797

	Acres in Unit	Percent of Unit
(c.1) Pamela Karen Boyd Lowe Rt.2 Box 315K Cedar Bluff, VA 24609	0.0818 acres 0.454% of 18.01 acres	0.1022%
(c.2) Jimmie Earl Boyd P.O. Box 416 Haysi, VA 24256	0.0103 acres 0.057% of 18.01 acres	0.0128%
(c.3) Larry Wayne Boyd P.O. Box 327 Haysi, VA 24256	0.0103 acres 0.057% of 18.01 acres	0.0128%
(2) Henry Boyd Heirs, Devisees, Successors or Assigns		
(d) Judy C. Boyd Rt.1 Box 297 Vansant, VA 24656	0.0409 acres 0.227% of 18.01 acres	0.0511%
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns		
(c) Leah Vernie Baldwin Rt.2 Box 453 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.3127%
(e) Ada Nell Stiltner Rt.1 Box 425 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.3127%
(i) Charles Milton Boyd Heirs, Devisees, Successors or Assigns		
(i.1) Annie Boyd Rt.1 Box 422 Vansant, VA 24656	0.2502 acres 1.389% of 18.01 acres	0.3127%
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns		
(j.2) Lloyd Cook Rt.5 Box 535 Grundy, VA 24614	0.0834 acres 0.463% of 18.01 acres	0.1042%
(l) Ardue Guy Boyd Heirs, Devisees, Successors or Assigns		
(l.6) Estil Boyd Heirs, Devisees, Successors or Assigns		
(l.6.1) Katherine Boyd P.O. Box 6883 Statesville, NC 28687	0.0209 acres 0.116% of 18.01 acres	0.0261%
(l.11) Robert G. Boyd Rt.1 Box 416 Vansant, VA 24656	0.0209 acres 0.116% of 18.01 acres	0.0261%

Exhibit B-3
 Unit X-3
 VGOB 02-0416-1018
 List of Unleased Owners/Claimants

BOOK 564 PAGE 798

	Acres in Unit	Percent of Unit
(I.12) Carlie B. Clevinger Heirs, Devisees, Successors or Assigns		
(I.12.1) Donald Clevinger Rt. 1 Box 422C Vansant, VA 24656	0.0104 acres 0.058% of 18.01 acres	0.0131%
(8) F.M.F. Boyd, Jr. Heirs, Devisees, Successors or Assigns		
(f) Hazel Madeline Boyd Heirs, Devisees, Successors or Assigns		
(f.1) Myrtle Boyd P.O. Box 522 Waldo, FL 32694	0.0409 acres 0.227% of 18.01 acres	0.0511%

CIVIL & CRIMINAL DIVISION OF RECEIVED

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 11th day of March, 2003 12:51P, M.
 Deed Book No. 547 and Page No. 87
 Returned to: Jimme TESTE: James M. Bevins, Jr., Clerk
 TESTE: Shirley S. [Signature] Deputy Clerk