

723

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 02-0521-1026

ELECTIONS: UNIT N-20
(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 742 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 N-20;

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.

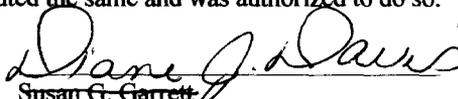
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 18th day of February, 2003, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 18th day of February, 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.


Susan G. Garrett
Notary

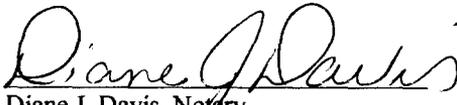
My commission expires: 9/30/05.

DONE AND PERFORMED THIS 19th day of February, 2003, 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 19th day of February, 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 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

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Buchanan Production Company for Forced Pooling of Interests in CBM Unit N-20
VGOB 02-0521-1026 in the South Grundy 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:

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:

Charles Kincaid Brooks Heirs, Devisees, Successors or Assigns, Mary Ellen Kincaid, Adam Kincaid and Anthony Lee Pennington Heirs, Devisees, Successors or Assigns, Norman Thorne

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.

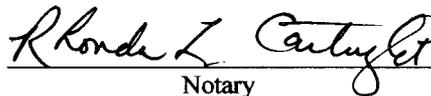
None

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 17th day of February, 2003.


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 4th day of February, 2003.


Notary

My commission expires: 10/31/05.

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

BOOK 563 PAGE 340

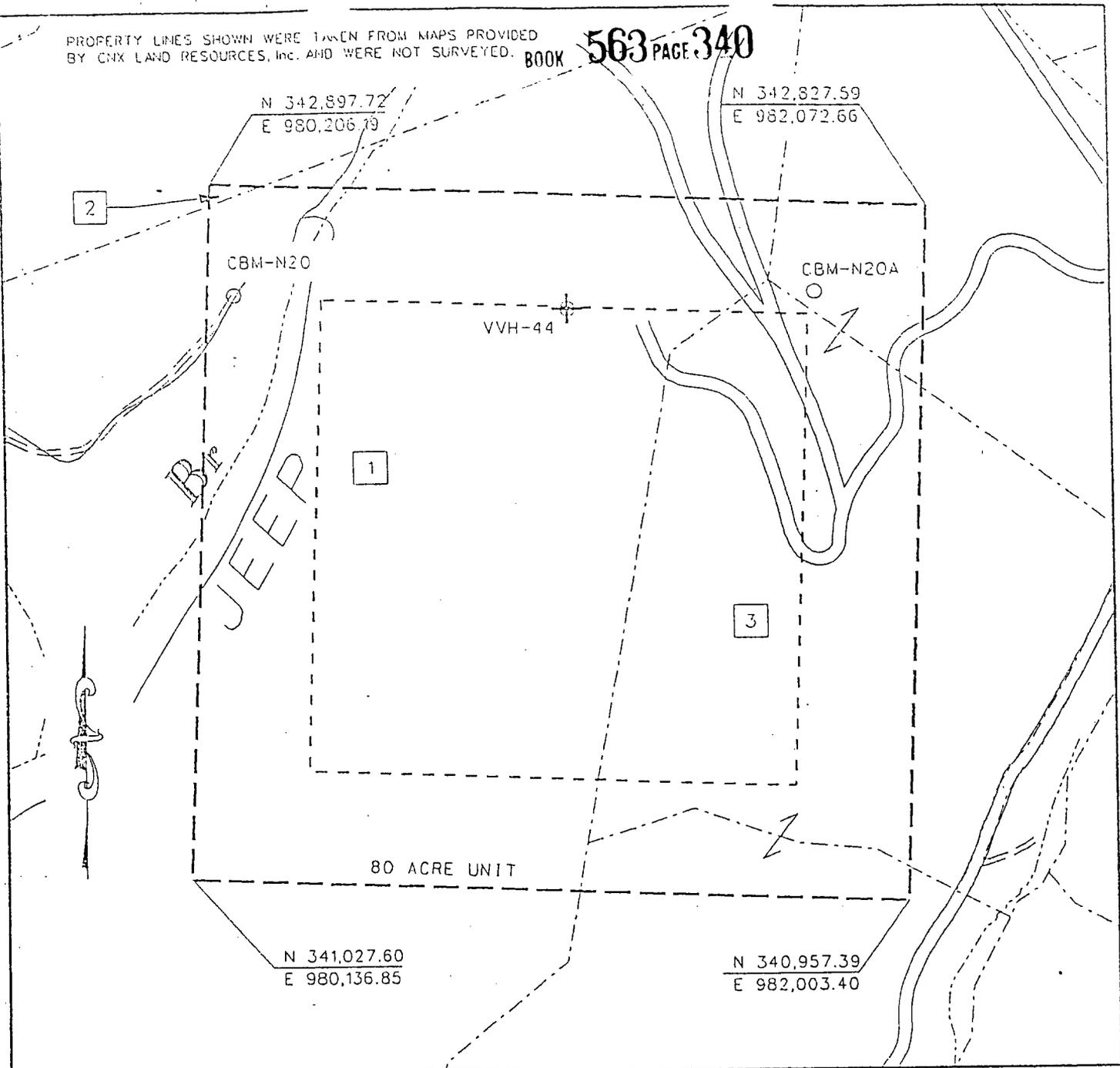
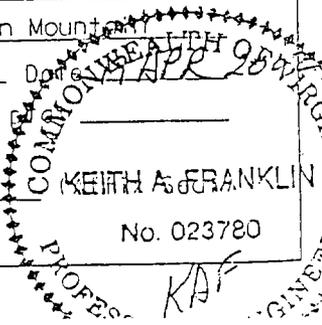


EXHIBIT A
 OAKWOOD FIELD UNIT N-20
 FORCE POOLING
 VGOB-02-0521-1026

Company CONSOL Energy Inc. Well Name and Number UNIT N20
 Tract No. _____ Elevation _____ Quadrangle Keen Mountain
 County Buchanan District South Grundy Scale: 1" = 400' Date APR 25 2002
 This plat is a new plat ; an updated plat _____ ; or a final plat _____

Form DGO-60-7 Keith A. Franklin
 Rev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor No. 023780



CONSOL Energy Inc.
UNIT N - 20
Tract Identifications

1. Yukon Pocahontas Coal Company, LLP, et al. - Tr. 105 - Coal
Jewell Smokeless Coal Corp. - Tiller and Above Coal Leased
Island Creek Coal Company/Consolidation Coal Company - Below Tiller Seam Leased
Buchanan Production Company - CBM Leased
Joseph L. D. Perkins Heirs, Devisees, Successors or Assigns, et al. - Oil & Gas
Plum Creek Timber Company, LP - Surface
50.51 acres 63.1375%

2. Yukon Pocahontas Coal Company, LLP, et al. - Tr. 84 - Coal, Oil & Gas
Jewell Smokeless Coal Corp. - Tiller and Above Coal Leased
Island Creek Coal Company/Consolidation Coal Company - Below Tiller Seam Leased
Buchanan Production Company - CBM Leased
Mary L. McGlothlin - Possible Surface Owner
0.05 acres 0.0625%

3. Yukon Pocahontas Coal Company, LLP, et al. - Tr. 115 - Coal, Oil & Gas
Jewell Smokeless Coal Corp. - Tiller and Above Coal Leased
Island Creek Coal Company/Consolidation Coal Company - Below Tiller Seam Leased
Buchanan Production Company - CBM Leased
Plum Creek Timber Company, LP - Surface
29.44 acres 36.8000%

Exhibit B-2
Unit N-20
Docket # VGOB 02-0521-1026
List of Respondents to be Dismissed BOOK 563 PAGE 342

	Acres in Unit	Percent of Unit	Reason for Dismissal
II. OIL & GAS FEE OWNERSHIP			
Tract #1, 50.51 acres			
(1) Joseph L.D. Perkins Heirs, Devisees, Successors or Assigns, et al. *	50.51 acres	63.13750%	
(a) Eugenia Kincaid Brooks Heirs, Devisees, Successors or Assigns			
(a.3) Charles Kincaid Brooks Heirs, Devisees, Successors or Assigns (Deceased, no children)			Has no interest
(d) H. A. Kincaid, Heirs, Devisees, Successors or Assigns			
(d.3) Mary Ellen Kincaid, widow 6268 Chaucer Lane Alexandria, VA 22304	1.68 acres 1/30 of 50.51 acres	2.10458%	Leased
(e) Charles Anthony Kincaid, Jr. Heirs, Devisees, Successors or Assigns			
(e.3.1) Adam Kincaid 1693 Kiss Lane Minden, NV 89423			Has no interest
(h) Phala Kincaid Pennington Heirs, Devisees, Successors or Assigns	5.05 acres 1/10 of 50.51 acres	6.31375%	
(h.2) Anthony Lee Pennington Heirs, Devisees, Successors or Assigns (Never married, no children)			Has no interest
(5) Phala Kincaid Pennington Heirs, Devisees, Successors or Assigns			
(a) Norman Thorne, widower 2288 Westwood Drive Waldorf, MD 20601	5.05 acres 1/10 of 50.51 acres	6.31375%	Leased

Note: Succession of ownership slightly revised. See Exhibit E for complete heirship information.

Exhibit B-3
Unit N-20
Docket # VGOB 02-0521-1026
List of Unleased Owners/Claimants

BOOK 563 PAGE 343

	Acres in Unit	Percent of Unit
II. OIL & GAS FEE OWNERSHIP		
<u>Tract #1, 50.51 acres</u>		
Joseph L.D. Perkins Heirs, Devisees, Successors or Assigns, et al.	50.51 acres	63.13750%
(1) Joseph L.D. Perkins Heirs, Devisees, Successors or Assigns		
(g) Walter F. Perkins 5568 St. George Avenue Crozet, VA 22932	3.16 acres 1/16 of 50.51 acres	3.94609%
(2) C. A. Kincaid, Heirs, Devisees, Successors or Assigns		
(a) H. A. Kincaid, Heirs, Devisees, Successors or Assigns		
(a.1) Alice Olivene Kincaid Bess P.O. Box 59 Fayetteville, WV 25840	1.68 acres 1/30 of 50.51 acres	2.10458%
(a.2) George Kincaid Heirs, Devisees, Successors or Assigns <i>Heirs Unknown</i>	1.68 acres 1/30 of 50.51 acres	2.10458%
(3) Lucille Kincaid Massie Heirs, Devisees, Successors or Assigns		
(a) Al Creef, widower 163 Culpepper Road Elizabeth City, NC 27976	5.05 acres 1/10 of 50.51 acres	6.31375%
(4) Eugenia Kincaid Brooks Heirs, Devisees, Successors or Assigns		
(a) Jeneth Jean Brooks Farley Windy Acres Princeton, WV 24740	2.53 acres 1/20 of 50.51 acres	3.15688%
(b) Thomas Edward Brooks <i>Address Unknown</i>	2.53 acres 1/20 of 50.51 acres	3.15688%
(6) Charles Anthony Kincaid, Jr. Heirs, Devisees, Successors or Assigns		
(a) Charla Jean Kincaid Bartlett 1672 Kiss Lane Minden, NV 89423	1.68 acres 1/30 of 50.51 acres	2.10458%
(b) Karen Ann Kincaid Hallford 1536 Brixton Lane Modesto, CA 95356	1.68 acres 1/30 of 50.51 acres	2.10458%
(c) Steven Reed Kincaid 1693 Kiss Lane Minden, NV 89423	1.68 acres 1/30 of 50.51 acres	2.10458%

Exhibit E
Unit N-20
Docket # VGOB 02-0521-1026
List of Conflicting Owners/Claimants that require escrow

BOOK 563 PAGE 344

	Acres in Unit	Percent of Unit
<u>Tract #1, 50.51 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Yukon Pocahontas Coal Co., et al., Tr.105	50.51 acres	63.13750%
(a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	25.26 acres 1/2 of 50.51 acres	31.56875%
(b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651	5.61 acres 1/9 of 50.51 acres	7.01528%
(c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	2.81 acres 1/18 of 50.51 acres	3.50764%
(d) Plum Creek Timberland, L.P. Plum Creek (prev. North American Timber) Natural Resources Department 100 Peachtree Street NW, Suite 2650 Atlanta, GA 30303	16.84 acres 1/3 of 50.51 acres	21.04583%
<u>OIL & GAS FEE OWNERSHIP</u>		
<i>Joseph L.D. Perkins Heirs, Devisees, Successors or Assigns, et al.</i>	50.51 acres	63.13750%
(1) Joseph L.D. Perkins Heirs, Devisees, Successors or Assigns		
(a) Frances P. Hines Box 303 Jonesville, VA 24263	3.16 acres 1/16 of 50.51 acres	3.94609%
(b) Joseph D. Perkins 553 Red Mill Road Natural Bridge, VA 24578	3.16 acres 1/16 of 50.51 acres	3.94609%
(c) Dorothy F. Perkins 4432 Plank Road Natural Bridge, VA 24578	3.16 acres 1/16 of 50.51 acres	3.94609%
(d) Gail P. Sperka 469 Herring Hall Road Natural Bridge, VA 24578	3.16 acres 1/16 of 50.51 acres	3.94609%
(e) M. James Perkins 4346 Plank Road Natural Bridge, VA 24578	3.16 acres 1/16 of 50.51 acres	3.94609%
(f) Rebecca P. Jones Box 307 Jonesville, VA 24263	3.16 acres 1/16 of 50.51 acres	3.94609%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(g) Walter F. Perkins 5568 St. George Avenue Crozet, VA 22932	3.16 acres 1/16 of 50.51 acres	3.94609%
(h) Mary P. Knight 13442 Farrington Road Ashland, VA 23005	3.16 acres 1/16 of 50.51 acres	3.94609%
(2) C. A. Kincaid, Heirs, Devisees, Successors or Assigns		
(a) H. A. Kincaid, Heirs, Devisees, Successors or Assigns		
(a.1) Alice Olivene Kincaid Bess P.O. Box 59 Fayetteville, WV 25840	1.68 acres 1/30 of 50.51 acres	2.10458%
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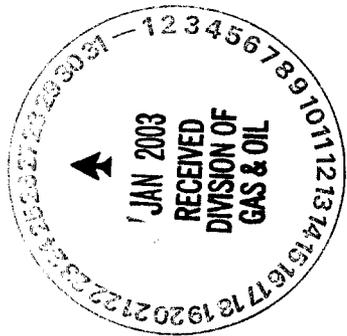
Exhibit E
 Unit N-20
 Docket # VGOB 02-0521-1026
 List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
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(c) Steven Reed Kincaid 1693 Kiss Lane Minden, NV 89423	1.68 acres 1/30 of 50.51 acres	2.10458%

Karen / *Steven*
 46.31 / 4.21

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 5th day of February, 2003 at 1:38 P. M.
 Deed Book No. 563 and Page No. 336 TESTE: James M. Bevins, Jr., Clerk
 Returned to: DMME TESTE: Jessie S. Allen Deputy Clerk

21
BV



BY: _____

(Signature)

INSTRUMENT #0300000638
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
FEBRUARY 21, 2003 AT 01:38PM
JAMES M. BEVINS JR., CLERK

COMMONWEALTH OF VIRGINIA



1AS

1AS

OFFICIAL RECEIPT
BUCHANAN COUNTY CIRCUIT COURT
DEED RECEIPT

(1147-039 12/01)

DATE: 07/15/02 TIME: 13:39:51 ACCOUNT: 027CLR020002685 RECEIPT: 02000003589
CASHIER: AKT REG: BU01 TYPE: ODU PAYMENT: FULL PAYMENT
INSTRUMENT : 020002685 BOOK: PAGE: RECORDED: 07/15/02 AT 13:39
GRANTOR: VIRGINIA GAS AND OIL BOARD EX: N LOC: CD
GRANTEE: BUCHANAN PRODUCTION CO EX: N PCT: 100%

AND ADDRESS :
RECEIVED OF : DEPT MINES MINERALS ENERGY
CHECK : \$29.00

DESCRIPTION 1: 1 POOLING
2:

PAGES: 0
NAMES: 0
MAP:

CONSIDERATION: .00 ASSUME/VAL: .00
CODE DESCRIPTION PAID CODE DESCRIPTION PAID
301 DEEDS 29.00

TENDERED : 29.00
AMOUNT PAID: 29.00
CHANGE AMT : .00

CLERK OF COURT: JAMES M. BEVINS JR.

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