

Prepared By  
Virginia Gas and Oil  
Board

Order Recorded Under  
Va Section 45.1-361.21c

BK 0982 PG 0541

BOOK 660 PAGE 0322

4666

1122  
VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 02-0820-1058

ELECTIONS: UNIT FF-36  
(herein "Subject Drilling Unit")

TAX MAP IDENTIFICATION NUMBERS:

Tax map identification numbers for all parcels affected by this order are shown on Exhibit marked "Tract Identifications" which is attached to and a part of this order.

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 executed in the captioned matter on July 20, 2004 which was recorded at Deed Book 916, Page 634 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on July 21, 2004, and also recorded at Deed Book 613, Page 681 and in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on July 22, 2004 (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (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 FF-36;

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

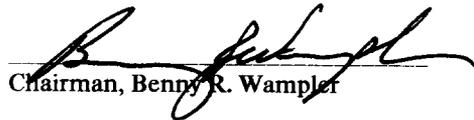
Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust PA1328, 123 Broad Street, Philadelphia, PA 19109-1199, Attn: Rachel Rafferty or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefore.

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 29<sup>th</sup> day of August, 2006, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

STATE OF VIRGINIA  
COUNTY OF ~~WISE~~ Washington

Acknowledged on this 29<sup>th</sup> day of August, 2006, 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: 9/30/09.

DONE AND PERFORMED THIS 20<sup>th</sup> day of September, 2006, by Order of the Board.

  
B. R. Wilson,  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 20<sup>th</sup> day of September, 2006, 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: 9/30/09.

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit FF-36  
VGOB 02-0820-1058 in the Maiden Springs & New Garden Districts of Tazewell and Russell Counties,  
Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (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 CNX Gas Company LLC, as a Manager - Environmental / Permitting  
and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated  
operator,

That the Order entered on July 20, 2004, 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  
counties identified above; that said Order was recorded on July 21, 2004 and July 22, 2004 respectively;

That the designated operator CNX GAS COMPANY LLC 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 20, 2004;

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, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

Nena I. Gonet (purchased by CNX Gas Company LLC)

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

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 6<sup>th</sup> day of July, 2006.

Leslie K. Arrington  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as a Manager - Environmental Permitting for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 6<sup>th</sup> day of July, 2006.

Shirley R. Scott  
Notary

My commission expires: 11-30-09.

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

EX-0982PG0545

N 308,111.46  
E 1,008,839.79

N 308,039.99  
E 1,010,705.11

89.38 ACRE UNIT

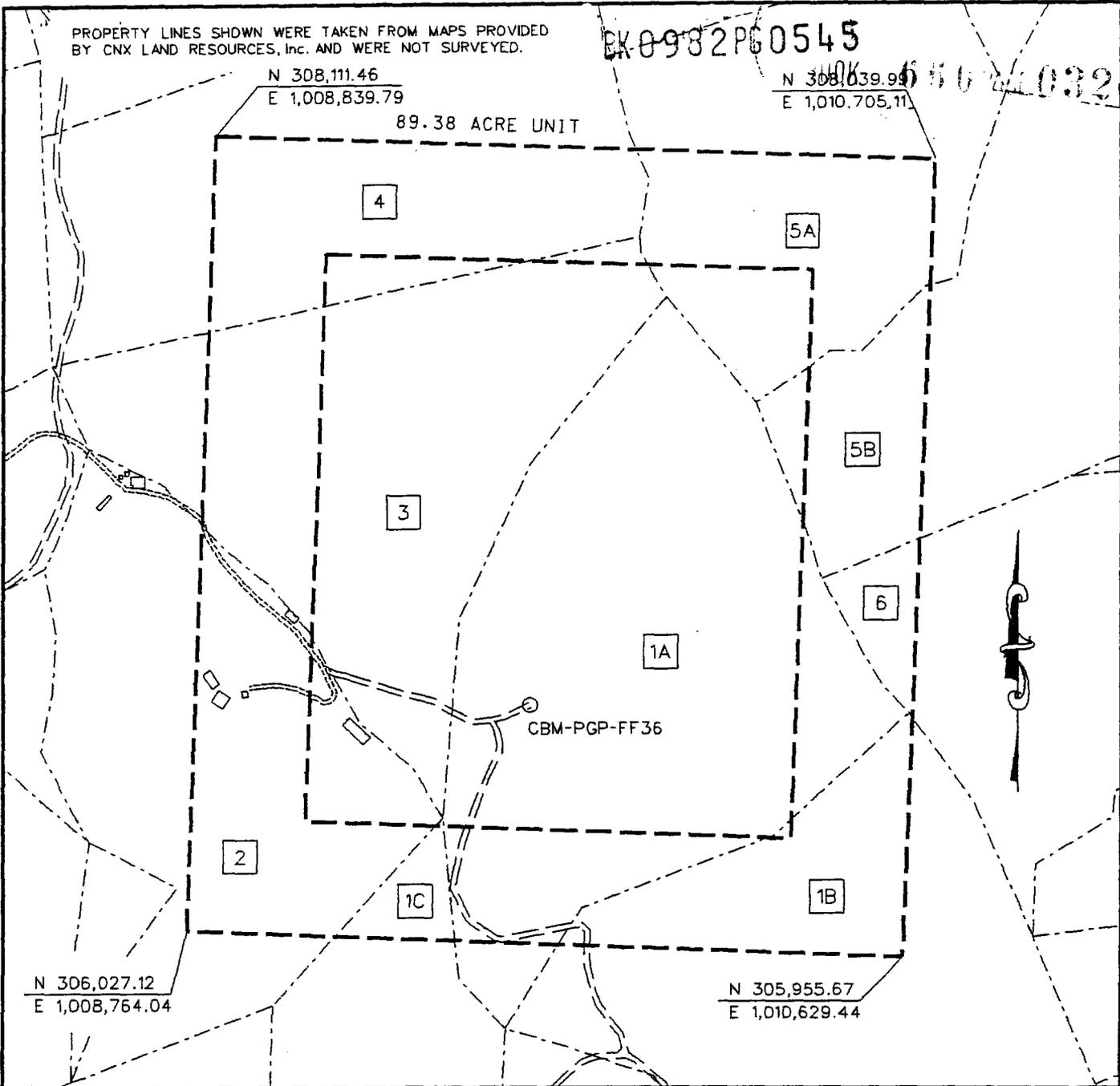
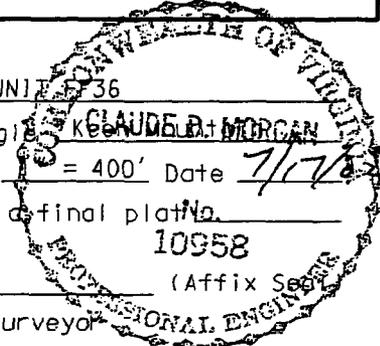


EXHIBIT A  
 OAKWOOD FIELD UNIT FF-36  
 FORCE POOLING  
 VGOB-02-0820-1058

Company Pocahontas Gas Partnership Well Name and Number UNIT FF36  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle KE  
 County Russell/Tazewell District New Garden/Maiden Springs Scale: \_\_\_\_\_ = 400' Date 7/17/02  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat No. \_\_\_\_\_

Form DGD-GO-7  
 Rev. 9/91

*Claude D. Morgan*  
 Licensed Professional Engineer or Licensed Land Surveyor



BK 0982PG0546

BOOK 6166 PAGE 0327

**CNX Gas Company LLC**  
**UNIT FF-36**  
**Tract Identifications**  
**(89.38 Acre Unit)**

- 1A. Coal Mountain Mining Co. Limited Partnership, L.L.P. Tr. 41 (158.50 Acre Tract) – Fee**  
**Reserve Coal Properties Company – Below Drainage Coal Leased**  
**Knox Creek Coal Corporation – Above Drainage Coal Leased**  
**Reserve Coal Properties Company – Oil and Gas Leased**  
**CNX Gas Company LLC – CBM Leased**  
**(Tax Map 84 Parcel 6)**  
**27.98 acres                      31.3045%**
- 1B. Coal Mountain Mining Co. Limited Partnership, L.L.P. Tr. 41 (158.50 Acre Tract) – All Minerals**  
**Reserve Coal Properties Company – Below Drainage Coal Leased**  
**Knox Creek Coal Corporation – Above Drainage Coal Leased**  
**Reserve Coal Properties Company – Oil and Gas Leased**  
**CNX Gas Company LLC – CBM Leased**  
**Edward S. Miller, et al – Surface**  
**(Tax Map 84 Parcel 7A)**  
**6.12 acres                      6.8472%**
- 1C. Coal Mountain Mining Co. Limited Partnership, L.L.P. Tr. 41 (158.50 Acre Tract) – All Minerals**  
**Reserve Coal Properties Company – Below Drainage Coal Leased**  
**Knox Creek Coal Corporation – Above Drainage Coal Leased**  
**Reserve Coal Properties Company – Oil and Gas Leased**  
**CNX Gas Company LLC – CBM Leased**  
**William Byrd, et al – Surface**  
**(Tax Map 84 Parcel 7)**  
**1.16 acres                      1.2978%**
- 2. William R. McCall, et al (McCall-Horton 59 Acre Tract)– All Minerals**  
**CNX Gas Company LLC – CBM Leased**  
**William H. Byrd, et al – Surface**  
**(Tax Map 84 Parcel 4)**  
**9.88 acres                      11.0539%**
- 3. William R. McCall, et al (McCall-Wilson 25 Acre Tract)– All Minerals**  
**CNX Gas Company LLC – CBM Leased**  
**William H. Byrd, et al – Surface**  
**(Tax Map 84 Parcel 106A)**  
**20.25 acres                      22.6561%**
- 4. William R. McCall – Fee**  
**CNX Gas Company LLC – CBM Leased**  
**(Tax Map 84 Parcel 2)**  
**9.49 acres                      10.6176%**

**CNX Gas Company LLC****UNIT FF-36****Tract Identifications****(89.38 Acre Unit)**

- 5A. Coal Mountain Mining Co. Limited Partnership, L.L.P. Tr. 18 (185 Acre Tract) – Coal Reserve Coal Properties Company – Below Drainage Coal Leased  
Knox Creek Coal Corporation – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
CNX Gas Company LLC – Surface and All Minerals except Coal  
(Tax Map 84 Parcel 5A)  
8.42 acres                      9.4205%**
- 5B. Coal Mountain Mining Co. Limited Partnership, L.L.P. Tr. 18 (185 Acre Tract) – Coal Reserve Coal Properties Company – Below Drainage Coal Leased  
Knox Creek Coal Corporation – Above Drainage Coal Leased  
Reserve Coal Properties Company – Oil and Gas Leased  
CNX Gas Company LLC – CBM Leased  
Harold D. McGlothlin, et ux – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
(Tax Map 84 Parcel 4)  
4.67 acres                      5.2249%**
- 6. Coal Mountain Mining Co. Limited Partnership, L.L.P. Tr. 40 (288 Acre Tract) – Coal Reserve Coal Properties Company – Below Drainage Coal Leased  
Knox Creek Coal Corporation – Above Drainage Coal Leased  
CNX Gas Company LLC – CBM Leased  
CNX Gas Company LLC – Surface and All Minerals except Coal  
(Tax Map 84 Parcel 3)  
1.41 acres                      1.5775%**

Exhibit B-2  
CBM-PGP-FF36  
Docket #VGOB 02-0820-1058  
List of Respondents to be Dismissed  
(89.38 Acre Unit)

BOOK 000 PAGE 0320

	Acres in Unit	Interest in Unit	Reason for Dismissal
<b>II. <u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
<b><u>Tract #6, 1.41 acres</u></b>			
(1) Nena I. Gonet 3643 Blayton Street New Port Richey, FL 34652	1.41 acres	1.5775%	Purchased by CNX

Exhibit B-3  
 CBM-PGP-FF36  
 Docket #VGOB 02-0820-1058  
 List of Unleased Owners/Claimants  
 (89.38 Acre Unit)

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	Acres in Unit	Interest in Unit
<b>I. COAL FEE OWNERSHIP</b>		
<b><u>Tract #3, 20.25 acres</u></b>		
(1) William R. McCall, et al. (McCall-Wilson, Tract #2, 25 acres)	20.25 acres	22.6561%
(j) Pearl Wilson Barker 1369 Gillespie Drive N Palm Harbor, FL 34683	0.26 acres 5/384 of 20.25 acres	0.2950%
(k) Francis Wilson Cregar 755 Aylor Road Stephens City, VA 22655	0.26 acres 5/384 of 20.25 acres	0.2950%
(l) George E. Wilson 5432 Trailwood Drive Charleston, SC 29418	0.26 acres 5/384 of 20.25 acres	0.2950%
(m) Charles E. Wilson 1589 Holletts Corner Road Clayton, DE 19938	0.26 acres 5/384 of 20.25 acres	0.2950%
(n) Robert Wilson Rt.1 Box 239B Raven, VA 24639	0.26 acres 5/384 of 20.25 acres	0.2950%
(o) Anita Lane 563 Foxfire Court Miboro, TN 37129	0.26 acres 5/384 of 20.25 acres	0.2950%
(p) Mildred J. Wilson 294 Bottom Road Raven, VA 24639	0.79 acres 5/128 of 20.25 acres	0.8850%
(q) David T. Wilson Rt.1 Box 100D Prockit, VA 24323	0.38 acres 3/160 of 20.25 acres	0.4248%
(t) Myrtle W. Hooker 5236 Rosecliff Avenue Roanoke, VA 24018	0.38 acres 3/160 of 20.25 acres	0.4248%
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>		
<b><u>Tract #3, 20.25 acres</u></b>		
(1) William R. McCall, et al. (McCall-Wilson, Tract #2, 25 acres)	20.25 acres	22.6561%
(j) Pearl Wilson Barker 1369 Gillespie Drive N Palm Harbor, FL 34683	0.26 acres 5/384 of 20.25 acres	0.2950%

Exhibit B-3  
 CBM-PGP-FF36  
 Docket #VGOB 02-0820-1058  
 List of Unleased Owners/Claimants  
 (89.38 Acre Unit)

BK 0982 PG 0550  
 BOOK 666 PAGE 0331

	Acres in Unit	Interest in Unit
(k) Francis Wilson Cregar 755 Aylor Road Stephens City, VA 22655	0.26 acres 5/384 of 20.25 acres	0.2950%
(l) George E. Wilson 5432 Trailwood Drive Charleston, SC 29418	0.26 acres 5/384 of 20.25 acres	0.2950%
(m) Charles E. Wilson 1589 Holletts Corner Road Clayton, DE 19938	0.26 acres 5/384 of 20.25 acres	0.2950%
(n) Robert Wilson Rt.1 Box 239B Raven, VA 24639	0.26 acres 5/384 of 20.25 acres	0.2950%
(o) Anita Lane 563 Foxfire Court Miboro, TN 37129	0.26 acres 5/384 of 20.25 acres	0.2950%
(p) Mildred J. Wilson 294 Bottom Road Raven, VA 24639	0.79 acres 5/128 of 20.25 acres	0.8850%
(q) David T. Wilson Rt.1 Box 100D Prockit, VA 24323	0.38 acres 3/160 of 20.25 acres	0.4248%
(t) Myrtle W. Hooker 5236 Rosecliff Avenue Roanoke, VA 24018	0.38 acres 3/160 of 20.25 acres	0.4248%
<b><u>Tract #5A, 8.42 acres</u></b>		
(1) James M. McGlothlin, et ux. RR1 Box 627 Swords Creek, VA 24649	8.42 acres	9.4205%

BK 0982PG0551

Exhibit E

Unit FF-36

Docket #VGOB 02-0820-1058

List of Conflicting Owners/Claimants that require escrow

(89.38 Acre Unit)

BOOK 666 PAGE 0332

	Acres in Unit	Interest in Unit
<b><u>Tract #5A, 8.42 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	8.42 acres	9.4205%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) James M. McGlothlin, et ux. RR1 Box 627 Swords Creek, VA 24649	8.42 acres	9.4205%

BK0982PG0552 Exhibit EE  
Unit FF-36

Docket #VGOB 02-0820-1058  
List of Conflicting Owners/Claimants with Royalty Split Agreements  
(89.38 Acre Unit)

	Acres in Unit	Interest in Unit
<b><u>Tract #5B, 4.67 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	4.67 acres	5.2249%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Harold D. McGlothlin, et ux. Rt.1 Box 26 Raven, VA 24639	4.67 acres	5.2249%

<b><u>Tract #6, 1.41 acres</u></b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.41 acres	1.5775%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) CNX Gas Company LLC P.O. Box 947 Bluefield, VA 24605	1.41 acres	1.5775%

0603111

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 9:26, 2006. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:00 o'clock A.M, after payment of \$      tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: DOLLIE M. COMPTON, CLERK  
BY: Jennifer Kendrick D. CLERK

INSTRUMENT #06000466E  
RECORDED IN THE CLERK'S OFFICE OF  
TAZEWELL COUNTY ON  
SEPTEMBER 26, 2006 AT 12:09PM  
JAMES E. BLEVINS, CLERK  
Corotley J. Hays  
RECORDED BY: DJC