

VIRGINIA:

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 02-0917-1072

ELECTIONS: UNIT BA-110
(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 11, 2003 which was recorded at Deed Book 587, Page 317 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on July 14, 2003, (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 BA-110;

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 8^R day of October, 2004, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 8th day of October, 2004, 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: 7-31-06.

DONE AND PERFORMED THIS 13th day of October, 2004, by Order of the Board.


B. R. Wilson,
Principal Executive to the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 13th day of October, 2004, 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 46.1-361.26

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 BA-110
VGOB 02-0917-1072 in the New Garden District of Russell County, 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 11, 2003, 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 14, 2003;

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:

Fred B. Gent

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 11, 2003;

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 added and/or dismissed as Respondents:

Maggie Lee Dye (owner of Tract 4A, incorrectly identified on the previous order)

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.

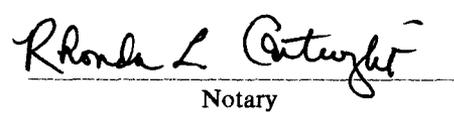
See attached Exhibit EE

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 4th day of October, 2004.


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 4th day of October, 2004.


Notary

My commission expires: 10/31/05.

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

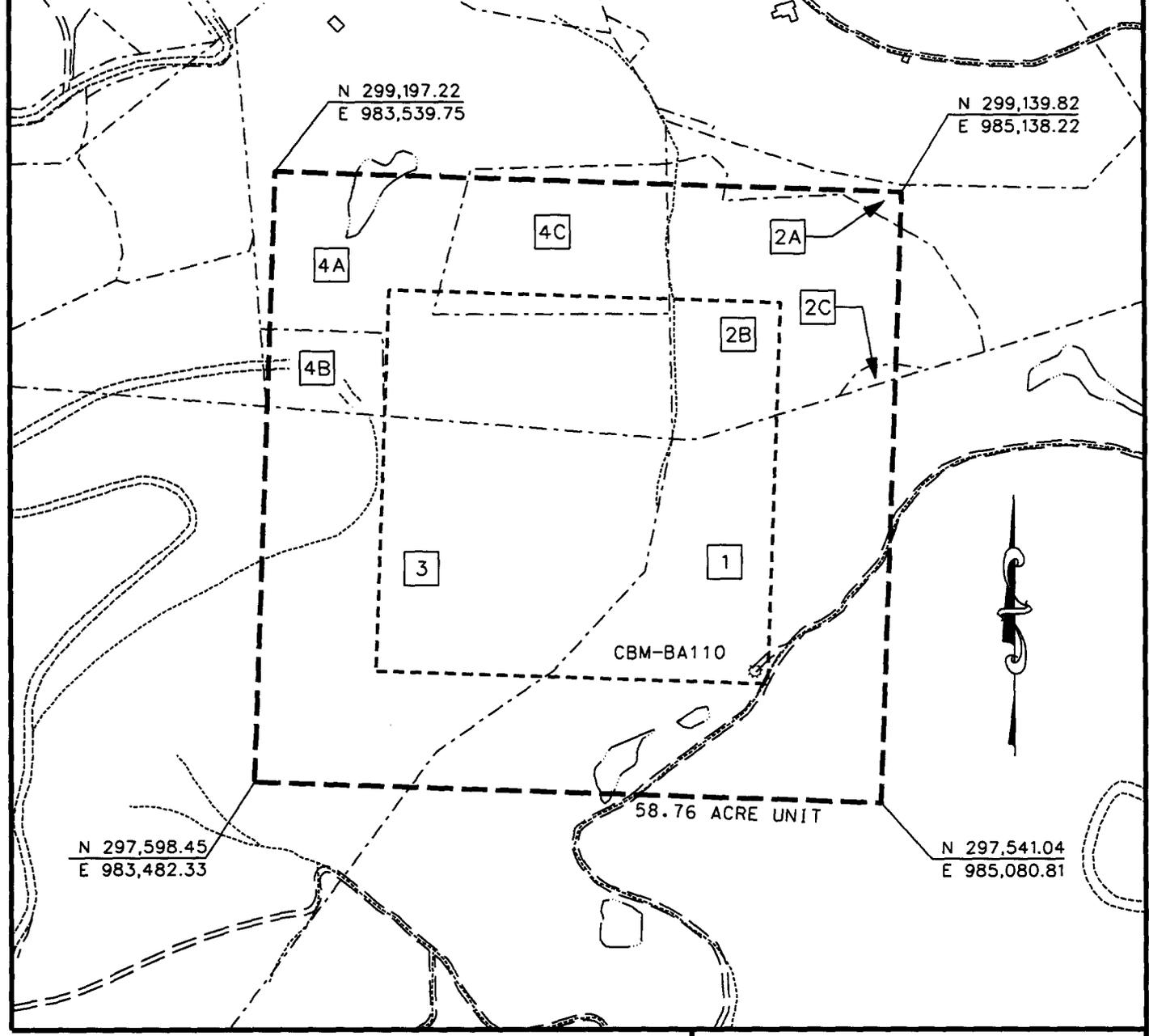
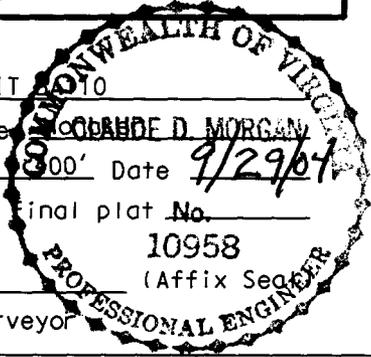


EXHIBIT A
 MIDDLE RIDGE 1 FIELD
 UNIT BA-110
 FORCE POOLING
 VGOB-02-0917-1072

Company CNX Gas Company LLC Well Name and Number UNIT 10
 Tract No. _____ Elevation _____ Quadrangle COAHDE D. MORGAN
 County Russell District New Garden Scale: 1" = 300' Date 9/29/07
 This plat is a new plat X ; on updated plat _____ ; or a final plat No. _____
 Form DGO-GO-7
 Rev. 9/91

 Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC
Unit BA-110
Tract Identifications
(58.76 Acre Unit)

1. **Buckhorn Coal Company Tr. 10 (J. T. Stinson 170 Acre Tract) - Fee Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - Oil, Gas and CBM Leased**
17.90 acres 30.4629 %

- 2A. **Buckhorn Coal Company Tr. 9 - Coal Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - CBM Leased Lowie Perkins, et al. - Surface and All Minerals except Coal CNX Gas Company LLC - Oil, Gas and CBM Leased**
0.35 acres 0.5956 %

- 2B. **Buckhorn Coal Company Tr. 9 - Coal Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - CBM Leased Mary Dye, et al - Surface and All Minerals except Coal CNX Gas Company LLC - Oil, Gas and CBM Leased (8/9)**
7.40 acres 12.5936 %

- 2C. **Buckhorn Coal Company Tr. 9 - Coal Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - CBM Leased Donald Whited, et ux. - Surface and All Minerals except Coal CNX Gas Company LLC - Oil, Gas and CBM Leased**
0.14 acres 0.2383 %

3. **Buckhorn Coal Company (Warder # 11 Tract) - Fee Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - Oil, Gas and CBM Leased**
17.98 acres 30.5990 %

- 4A. **Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - CBM Leased Maggie Lee Dye - Surface and All Minerals except Coal CNX Gas Company LLC - Oil, Gas and CBM Leased**
9.12 acres 15.5208 %

CNX Gas Company LLC
Unit BA-110
Tract Identifications
(58.76 Acre Unit)

- 4B. Buckhorn Coal Company (Jacob Fuller 439.04 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 Fred Gent, et al. - Surface and All Minerals except Coal
1.42 acres 2.4166 %**
- 4C. Buckhorn Coal Company (Jacob Fuller 439.04 Acre Tract) - Coal Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - CBM Leased Mary Dye, et al - Surface and All Minerals except Coal CNX Gas Company LLC - Oil, Gas and CBM Leased (8/9)
4.45 acres 7.5732 %**

Exhibit B-2 / Revision #2
Unit BA-110
Docket #VGOB 02-0917-1072
List of Respondents to be Added and/or Dismissed
(58.76 Acre Unit)

BOOK 619 PAGE 025

	Acres in Unit	Interest in Unit	Reason for Addition	Reason for Dismissal
II. OIL & GAS FEE OWNERSHIP				
<u>Tract #4A, 9.12 acres</u>				
(1) Maggie Lee Dye P.O. Box 271 Swords Creek, VA 24649	9.12 acres	15.5208%	Due Diligence (Incorrect owner identified)	Leased

Exhibit B-3
Unit BA-110
Docket #VGOB 02-0917-1072
List of Unleased Owners/Claimants
(58.76 Acre Unit)

BOOK 619 PAGE 026

	Acres in Unit	Interest in Unit
II. <u>OIL & GAS FEE OWNERSHIP</u>		
<u>Tract #2B, 7.40 acres</u>		
(1) Mary Dye, et al.	7.40 acres	12.5936%
(b) Howard Dye c/o Leva Jane Settoon 5760 Highway 107 Marksville, LA 71351	0.822 acres 1/9 of 7.40 acres	1.3991%
<u>Tract #4B, 1.42 acres</u>		
(1) Fred B. Gent, et al.	1.42 acres	2.4166%
(a) Fred B. Gent, DVM 18159 Lee Highway Abingdon, VA 24210-7961	0.47 acres 1/3 of 1.42 acres	0.8055%
<u>Tract #4C, 4.45 acres</u>		
(1) Mary Dye, et al.	4.45 acres	7.5732%
(b) Howard Dye c/o Leva Jane Settoon 5760 Highway 107 Marksville, LA 71351	0.49 acres 1/9 of 9.12 acres	0.8414%

Exhibit E
Unit BA-110
Docket #VGOB 02-0917-1072
List of Conflicting Owners/Claimants that require escrow
(58.76 Acre Unit)

BOOK 619 PAGE 027

	Acres in Unit	Interest in Unit
<u>Tract #2A, 0.35 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.35 acres	0.5956%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Lowie Perkins, et al.	0.35 acres	0.5956%
(b) Wayne Perkins c/o Debbie Boyd 21431 Bonher Road Bristol, VA 24202	0.025 acres 1/14 of 0.35 acres	0.0425%
<u>Tract #2B, 7.40 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	7.4 acres	12.5936%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Mary Dye, et al.	7.40 acres	12.5936%
(b) Howard Dye c/o Leva Jane Settoon 5760 Highway 107 Marksville, LA 71351	0.822 acres 1/9 of 7.40 acres	1.3991%
<u>Tract #2C, 0.14 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.14 acres	0.2383%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Donald Whited, et ux. P.O. Box 417 Swords Creek, VA 24649	0.14 acres	0.2383%
<u>Tract #4A, 9.12 acres</u>		
(1) Buckhorn Coal Company (J. Fuller 439.04 Ac. Tr.) P. O. Box 187 Tazewell, VA 24651	9.12 acres	15.5208%

Exhibit E
Unit BA-110
Docket #VGOB 02-0917-1072
List of Conflicting Owners/Claimants that require escrow
(58.76 Acre Unit)

BOOK **619** PAGE **028**

	Acres in Unit	Interest in Unit
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Maggie Lee Dye P.O. Box 271 Swords Creek, VA 24649	9.12 acres	15.5208%
<u>Tract #4B, 1.42 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company (J. Fuller 439.04 Ac. Tr.) P. O. Box 187 Tazewell, VA 24651	1.42 acres	2.4166%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Fred B. Gent, et al.	1.42 acres	2.4166%
(a) Fred B. Gent, DVM 18159 Lee Highway Abingdon, VA 24210-7961	0.47 acres 1/3 of 1.42 acres	0.8055%
<u>Tract #4C, 4.45 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company (J. Fuller 439.04 Ac. Tr.) P. O. Box 187 Tazewell, VA 24651	4.45 acres	7.5732%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Mary Dye, et al.	4.45 acres	7.5732%
(b) Howard Dye c/o Leva Jane Settoon 5760 Highway 107 Marksville, LA 71351	0.49 acres 1/9 of 9.12 acres	0.8414%

Exhibit EE
Unit BA-110
Docket #VGOB 02-0917-1072
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.76 Acre Unit)

BOOK 619 PAGE 029

	Acres in Unit	Interest in Unit
<u>Tract #2A, 0.35 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	0.35 acres	0.5956%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Lowie Perkins, et al.	0.35 acres	0.5956%
(a) Lowie Perkins Rt.2 Box 597 Honaker, VA 24260	0.325 acres 13/14 of 0.35 acres	0.5531%
<u>Tract #2B, 7.40 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company, Tr.9 P. O. Box 187 Tazewell, VA 24651	7.4 acres	12.5936%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Mary Dye, et al.	7.40 acres	12.5936%
(a) Mary Dye P.O. Box 391 Damascus, VA 24236	2.467 acres 1/3 of 7.40 acres	4.1979%
(c) Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.822 acres 1/9 of 7.40 acres	1.3991%
(d) Allen Dye 19433 Avon-Belden Road Grafton, OH 44044	0.822 acres 1/9 of 7.40 acres	1.3991%
(e) Janice Workman 7762 State Road Parma, OH 44134	0.822 acres 1/9 of 7.40 acres	1.3991%
(f) Mack Dye c/o Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.822 acres 1/9 of 7.40 acres	1.3991%
(g) Russell H. Dye, Jr. 3562 Winchell Road Mantua, OH 44255	0.822 acres 1/9 of 7.40 acres	1.3991%

Exhibit EE
Unit BA-110
Docket #VGOB 02-0917-1072
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.76 Acre Unit)

BOOK 619 PAGE 030

	Acres in Unit	Interest in Unit
<u>Tract #4B, 1.42 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company (J. Fuller 439.04 Ac. Tr.) P. O. Box 187 Tazewell, VA 24651	1.42 acres	2.4166%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Fred B. Gent, et al.	1.42 acres	2.4166%
(b) Frank Gent P.O. Box 330 Honaker, VA 24260	0.00 acres 1/6 of 1.42 acres	0.0000%
(c) Harvey Gent P.O. Box 330 Honaker, VA 24260	0.00 acres 1/6 of 1.42 acres	0.0000%
(d) Charles Gent P.O. Box 330 Honaker, VA 24260	0.00 acres 1/6 of 1.42 acres	0.0000%
(e) Robert Gent P.O. Box 330 Honaker, VA 24260	0.00 acres 1/6 of 1.42 acres	0.0000%
<u>Tract #4C, 4.45 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Buckhorn Coal Company (J. Fuller 439.04 Ac. Tr.) P. O. Box 187 Tazewell, VA 24651	4.45 acres	7.5732%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Mary Dye, et al.	4.45 acres	7.5732%
(a) Mary Dye P.O. Box 391 Damascus, VA 24236	1.48 acres 1/3 of 9.12 acres	2.5244%
(c) Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.49 acres 1/9 of 9.12 acres	0.8414%
(d) Allen Dye 19433 Avon-Belden Road Grafton, OH 44044	0.49 acres 1/9 of 9.12 acres	0.8414%
(e) Janice Workman 7762 State Road Parma, OH 44134	0.49 acres 1/9 of 9.12 acres	0.8414%

Exhibit EE
 Unit BA-110
 Docket #VGOB 02-0917-1072
 List of Conflicting Owners/Claimants with Royalty Split Agreements
 (58.76 Acre Unit)

BOOK 619 PAGE 031

	Acres in Unit	Interest in Unit
(f) Mack Dye c/o Nancy Gioitta 13580 Brookhaven Brookpark, OH 44142	0.49 acres 1/9 of 9.12 acres	0.8414%
(g) Russell H. Dye, Jr. 3562 Winchell Road Mantua, OH 44255	0.49 acres 1/9 of 9.12 acres	0.8414%

0403907

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 10-19, 2004. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:27 o'clock AM, after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: DOLLIE M. COMPTON, CLERK
 BY: Ans. McReynolds D. CLERK