

213

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 02-0917-1081

ELECTIONS: UNIT M-76
(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 573, Page 235 in the Office of the Clerk of the Circuit Court of Buchanan 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 M-76;

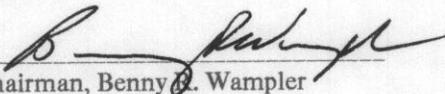
Order: By this Order, the Board orders that its prior pooling order entered herein be vacated for the reason that all owners and claimants to CBM in the Unit have agreed with the Applicant to develop same and that any and all funds escrowed with the Board's escrow agent be disbursed to the Board's Designated Operator to pay or suspend as the terms of the agreements by and between the Applicant and the owners and claimants may require and allow.

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 (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.

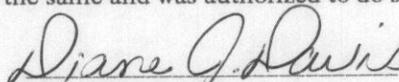
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 8th day of March, 2005, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny G. Wampler

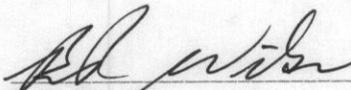
STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 8th day of March, 2005, 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

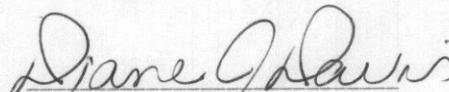
My commission expires: 9/30/05.

DONE AND PERFORMED THIS 11^B day of March, 2005, 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 11th day of March, 2005, 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.

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 M-76
VGOB 02-0917-1081 in the Rock Lick Magisterial District of Buchanan 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:

None

That all of the Respondents identified in Exhibit B-3 hereto have entered into voluntary agreements whereby they have leased and/or otherwise agreed with Applicant to a plan to develop their interests and claims within the unit to CBM. Hence, said unit may be voluntarily pooled.

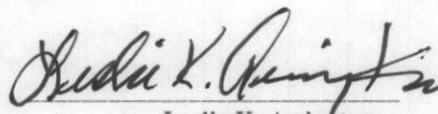
See attached Exhibit B-3 (Unit is 100% Leased).

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:

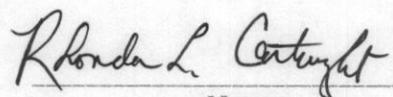
None

That in light of the Agreement(s) described above, it is no longer necessary for the Board to maintain an escrow account/sub accounts pertaining to the above referenced CBM Unit.

Dated at Tazewell, Virginia, this 24th day of February, 2005.


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 24th day of February, 2005.


Notary

My commission expires: OCT 31 2005.

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX AND RESOURCES, Inc. AND WERE SURVEYED.

BOOK 0614 PAGE 0020

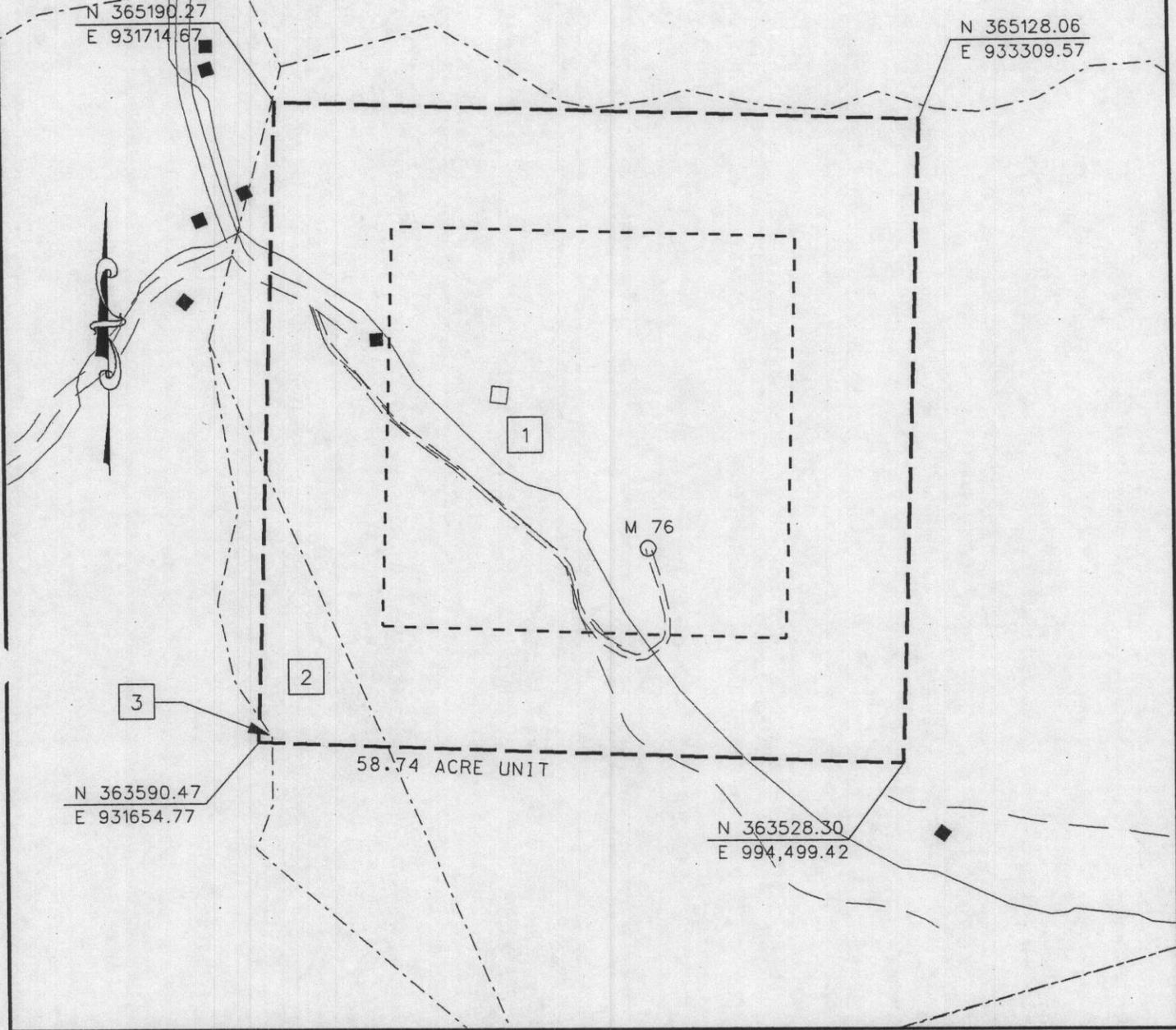
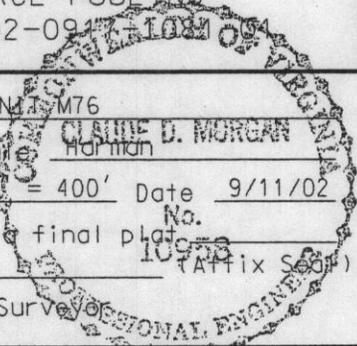


EXHIBIT A
 NORA FIELD
 UNIT M76
 FORCE POOLING
 VGOB-02-0917-1081-04

Company Consol Energy Well Name and Number UNIT M76
 Tract No. _____ Elevation _____ Quadrangle Norman
 County Buchanan District Rock Lick Scale: 1" = 400' Date 9/11/02
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____
 Form DGO-GO-7 _____
 Rev. 9/91 _____

Licensed Professional Engineer or Licensed Land Surveyor



CONSOL Energy, Inc.**UNIT M76****Tract Identifications****(58.66 Acre Unit)**

1. **Bull Creek Coal Company (Joseph S. Childress 193.37 Acre Tract) – Fee**
Rapoca Energy – Coal In Hagy and Above Seams Leased
Rapoca Energy – Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
Columbia Natural Resources – Oil and Gas Leased
Consol Energy, Inc. – CBM Leased
56.15 acres 95.7211%

2. **Bull Creek Coal Company (Enoch Branham 9 Acre Tract) – Coal, Oil and Gas**
Rapoca Energy – Coal In Hagy and Above Seams Leased
Rapoca Energy – Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
Columbia Natural Resources – Oil and Gas Leased
Consol Energy, Inc. – CBM Leased
Unknown Surface Owner
2.48 acres 4.2278%

3. **Bull Creek Coal Company (H.W. & H.C. Pobst 177 Acre Tract) – Coal, Oil and Gas**
Rapoca Energy – Coal In Hagy and Above Seams Leased
Rapoca Energy – Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
Columbia Natural Resources – Oil and Gas Leased
Consol Energy, Inc. – CBM Leased
Unknown Surface Owner
0.03 acres 0.0511%

Docket #VGOB 02-0917-1081-01
List of all Owners/Claimants
(58.66 Acre Unit)

Acres in Unit
Percent
of Unit

III. CLAIMANT

Oil & Gas Lessee:

Tract #1 - 56.15 acres

(1) Columbia Natural Resources 900 Pennsylvania Avenue P.O. Box 6070 Charleston, WV 25302	56.15 acres	95.7211%
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Oil & Gas Lessee:

Tract #2 - 2.48 acres

(1) Columbia Natural Resources 900 Pennsylvania Avenue P.O. Box 6070 Charleston, WV 25302	2.48 acres	4.2278%
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Oil & Gas Lessee:

Tract #3 - 0.03 acres

(1) Columbia Natural Resources 900 Pennsylvania Avenue P.O. Box 6070 Charleston, WV 25302	0.03 acres	0.0511%
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A voluntary agreement has been reached between the parties. This unit is 100% leased.

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 14th day of March, 2005 at 2:54P M. The tax imposed by §587, V-802 of the Code has been paid in the amount of \$.
 Deed Book No. 615 and Page No. 16.
 Returned to: James M. Bevins, Jr. TESTE: James M. Bevins, Jr., Clerk
 TESTE: Glennly S. Miller, Deputy Clerk