

827

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 03-0218-1116

ELECTIONS: UNIT BC-121
(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 November 21, 2003 which was recorded at Deed Book 598, Page 1031 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on December 23, 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 BC-121;

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.

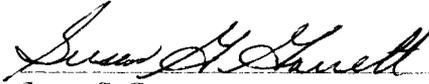
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 8th 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

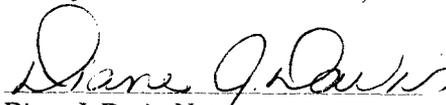
My commission expires: 7-31-06

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 and Filed
Virginia Section 13

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 BC-121
VGOB 03-0218-1116 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 November 21, 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 December 23, 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:

George T. Staudohar

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 November 21, 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:

None

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:

None

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.

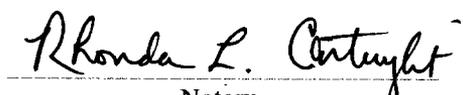
See attached Exhibit EE

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 29th day of SEPTEMBER, 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 29th day of September, 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.

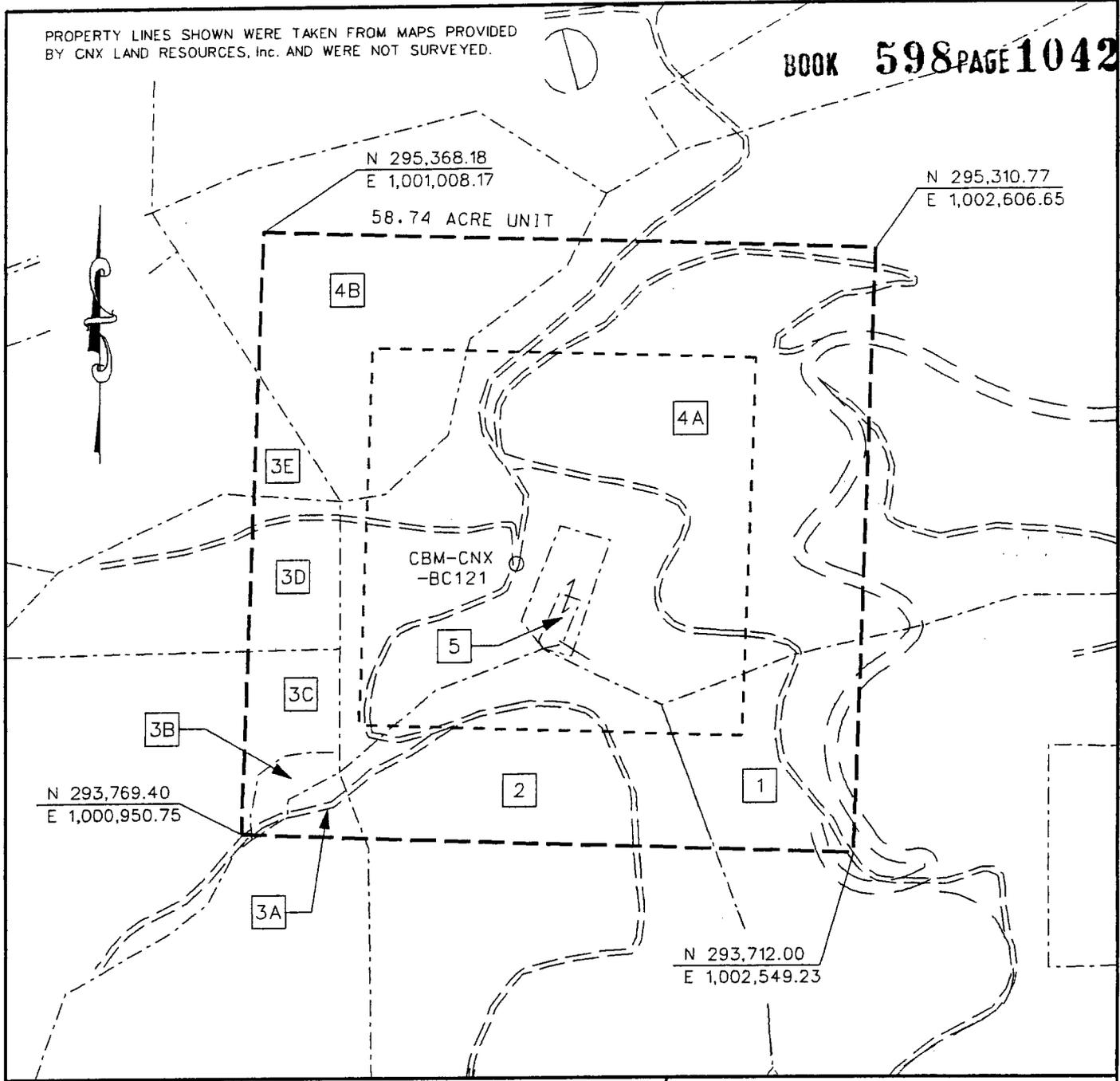
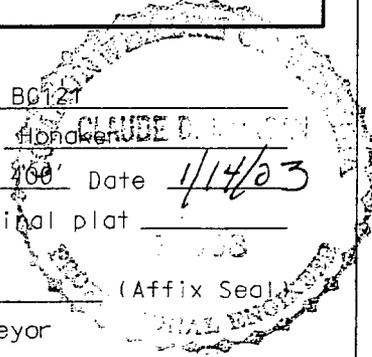


EXHIBIT A
 MIDDLE RIDGE 1 FIELD
 UNIT BC-121
 FORCE POOLING
 VGOB-03-0218-1116

Company CONSOL Energy Inc. Well Name and Number UNIT BC121
 Tract No. _____ Elevation _____ Quadrangle Honder
 County Russell District New Garden Scale: 1" = 400' Date 1/14/03
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
 Rev. 9/91

Claude D. May
 Licensed Professional Engineer or Licensed Land Surveyor



CONSOL Energy, Inc.
Unit BC-121
Tract Identifications
(58.74 Acre Unit)

1. Swords Creek Land Partnership Tr. 27 - Coal
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 Ruth Byrd, et al. - Surface and All Minerals except Coal
 CNX Gas Company, LLC - Oil, Gas & CBM Leased
 4.97 acres 8.4610 %

2. Swords Creek Land Partnership Tr. 26 - Fee
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 8.21 acres 13.9768 %

- 3A. Swords Creek Land Partnership Tr. 13 - Fee
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - Oil, Gas & CBM Leased
 0.64 acres 1.0896 %

- 3B. Swords Creek Land Partnership Tr. 13 - Coal
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 George T. Staudohar - Surface and All Minerals except Coal
 0.59 acres 1.0044 %

- 3C. Swords Creek Land Partnership Tr. 13 - Coal
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 Julius Steele, et ux. - Surface and All Minerals except Coal
 CNX Gas Company, LLC - Oil, Gas & CBM Leased
 1.77 acres 3.0133 %

- 3D. Swords Creek Land Partnership Tr. 13 - Coal
 Reserve Coal Properties Company - Coal Below Tiller Seam Leased
 Knox Creek Coal Corporation - Tiller and Above Coal Leased
 Reserve Coal Properties Company - CBM Leased
 Melba S. Stephens, et al. - Surface and All Minerals except Coal
 CNX Gas Company, LLC - Oil, Gas & CBM Leased
 2.20 acres 3.7453 %

CONSOL Energy, Inc.
Unit BC-121
Tract Identifications
(58.74 Acre Unit)

- 3E. Swords Creek Land Partnership Tr. 13 - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Reserve Coal Properties Company - CBM Leased
E. P. Whited Heirs, Devisees, Successors or Assigns or Wayne Bostic -
Surface and All Minerals except Coal
CNX Gas Company, LLC (E. P. Whited Interest) - Oil, Gas & CBM Leased (99.99%)
CNX Gas Company, LLC (Wayne Bostic Interest) - Oil, Gas & CBM Leased
0.85 acres 1.4471 %
4. Swords Creek Land Partnership Tr. 25 - Coal, Oil & Gas
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
Reserve Coal Properties Company - CBM Leased
Reserve Coal Properties Company - Oil, Gas & CBM Leased
38.51 acres 65.5601 %
- 4A. Ralph Steele, et ux. - Surface
4B. E. P. Whited Heirs, Devisees, Successors or Assigns or Wayne Bostic - Surface
5. Ralph Steele, et ux. - Fee (Cemetery)
CNX Gas Company, LLC - Oil, Gas & CBM Leased
1.00 acres 1.7024 %

Exhibit B-3
CBM-CN-BC121
Docket #VGOB 03-0218-1116
List of Unleased Owners/Claimants
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
II. <u>OIL & GAS FEE OWNERSHIP</u>		
<u>Tract #3B, 0.59 acres</u>		
(1) George T. Staudohar 1602 East 8th Street Stuart, FL 34996	0.59 acres	1.0044%
<u>Tract #3E, 0.85 acres</u>		
(1) E. P. Whited Heirs, Devisees, Successors or Assigns	0.85 acres	1.4471%
(o) Leslie G. Sigmon 2069 Beach Drive Akron, OH 44312	0.001 acres 0.0990% of 0.85 acres	0.0014%

Exhibit E
Unit BC-121
Docket #VGOB 03-0218-1116
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

BOOK 618 PAGE 979

	Acres in Unit	Interest in Unit
<u>Tract #1, 4.97 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.27 P.O. Box 187 Tazewell, VA 24651	4.97 acres	8.4610%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Ruth Byrd, et al.	4.97 acres	8.4610%
(b) Daniel L. Keen Rt.1 Box 68 Swords Creek, VA 24649	0.994 acres 20.00% of 4.97 acres	1.6922%
(c) Raymond P. Slate Rt.1 Box 192 Swords Creek, VA 24649	0.497 acres 10.00% of 4.97 acres	0.8461%
(f) Daniel Tucker Rt.1 Box 314 Swords Creek, VA 24649	0.994 acres 20.00% of 4.97 acres	1.6922%
<u>Tract #3B, 0.59 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	0.59 acres	1.0044%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) George T. Staudohar 1602 East 8th Street Stuart, FL 34996	0.59 acres	1.0044%
<u>Tract #3C, 1.77 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	1.77 acres	3.0133%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Julius Steele, et ux. Rt.1 Box 209 Swords Creek, VA 24649	1.77 acres	3.0133%

Exhibit E
Unit BC-121
Docket #VGOB 03-0218-1116
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

BOOK 618 PAGE 980

	Acres in Unit	Interest in Unit
<u>Tract #3D, 2.20 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	2.20 acres	3.7453%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Melba Stephens, et al.	2.20 acres	3.7453%
(a) Julius Steele Rt.1 Box 209 Swords Creek, VA 24649	0.550 acres 1/4 of 2.20 acres	0.9363%
(b) Loretta Jones Rt.1 Box 548 Swords Creek, VA 24649	0.550 acres 1/4 of 2.20 acres	0.9363%
(c) Melba S. Stephens Box 49 Vansant, VA 24656	0.550 acres 1/4 of 2.20 acres	0.9363%
(d) Vivian Dawson 2907 Greenlawn Drive Seven Hills, OH 44134	0.550 acres 1/4 of 2.20 acres	0.9363%
<u>Tract #3E, 0.85 acres</u>		
<i>Escrow due to title conflict</i>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	0.85 acres	1.4471%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) E. P. Whited Heirs, Devisees, Successors or Assigns	0.85 acres	1.4471%
(a) Betty W. Cole 511 Island Road Bristol, VA 24201	0.014 acres 1.6500% of 0.85 acres	0.0239%
(b) Vivian Dawson 2907 Greenlawn Drive Seven Hills, OH 44134	0.042 acres 4.9600% of 0.85 acres	0.0718%
(c) Corine W. Dye Rt.2 Box 155 Honaker, VA 24649	0.168 acres 19.8000% of 0.85 acres	0.2865%

Exhibit E
Unit BC-121
Docket #VGOB 03-0218-1116
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

BOOK 618 PAGE 981

	Acres in Unit	Interest in Unit
(d) Sharon L. Hubbard P.O. Box 164 Swords Creek, VA 24649	0.001 acres 0.0990% of 0.85 acres	0.0014%
(e) Loretta Jones Rt.1 Box 548 Swords Creek, VA 24649	0.042 acres 4.9600% of 0.85 acres	0.0718%
(f) Jana Carolyn McCann 979 Warrentown Road Mansfield, CT 06250	0.056 acres 6.6100% of 0.85 acres	0.0957%
(g) Stevie Frederick MuNulty Rt.2 Box 229 Honaker, VA 24649	0.056 acres 6.6100% of 0.85 acres	0.0957%
(h) Lora L. Messer 2649 Bowman Street Mansfield, OH 44903	0.001 acres 0.0990% of 0.85 acres	0.0014%
(i) Judy W. Miller Rt.1 Box 189 Swords Creek, VA 24649	0.014 acres 1.6500% of 0.85 acres	0.0239%
(j) Carol A. (Dye) Musick Rt.1 Box 193 Swords Creek, VA 24649	0.001 acres 0.0990% of 0.85 acres	0.0014%
(k) Donna Plaster 105 Shannon Heights Richlands, VA 24641	0.014 acres 1.6500% of 0.85 acres	0.0239%
(l) Anita W. Ray 505 Brighton Way Castleberry, FL 32707	0.014 acres 1.6500% of 0.85 acres	0.0239%
(m) Janis K. Ray 1097 River Drive Mansfield, OH 44906	0.001 acres 0.0990% of 0.85 acres	0.0014%
(n) Larry G. Sigmon P.O. Box 1453 Honaker, VA 24649	0.001 acres 0.0990% of 0.85 acres	0.0014%
(o) Leslie G. Sigmon 2069 Beach Drive Akron, OH 44312	0.001 acres 0.0990% of 0.85 acres	0.0014%
(p) Ricky D. Sigmon P.O. Box 152 Mavisdale, VA 24627	0.001 acres 0.0990% of 0.85 acres	0.0014%
(q) Julius Steele Rt.1 Box 209 Swords Creek, VA 24649	0.042 acres 4.9600% of 0.85 acres	0.0718%

Exhibit E
Unit BC-121
Docket #VGOB 03-0218-1116
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

BOOK 618 PAGE 982

	Acres in Unit	Interest in Unit
(r) Melba S. Stephens Box 49 Vansant, VA 24656	0.042 acres 4.9600% of 0.85 acres	0.0718%
(s) Brenda Joyce Strouth 175 Shaker Road Enfield, CT 06082	0.056 acres 6.6100% of 0.85 acres	0.0957%
(t) L. Karen Webb 825 Big Creek Road Richlands, VA 24641	0.014 acres 1.6500% of 0.85 acres	0.0239%
(u) David A. Whited Box 215 Richlands, VA 24641	0.014 acres 1.6500% of 0.85 acres	0.0239%
(v) Esta Madeline Whited 145 Akron Road Wadsworth, OH 44281	0.169 acres 19.8400% of 0.85 acres	0.2871%
(v) J.B. Whited Heirs, Devisees, Successors or Assigns c/o Geneva Chervenik 2942 Silver Lake Village Stow, OH 44224	0.001 acres 0.0794% of 0.85 acres	0.0011%
(x) James P. Whited 2830 Sprague Street Winston Salem, NC 27107	0.014 acres 1.6500% of 0.85 acres	0.0239%
(y) Pearl J. Whited 128 Glenwood Street Cedar Bluff, VA 24609	0.056 acres 6.6100% of 0.85 acres	0.0957%
(z) Randall G. Whited 207 Center Street Richlands, VA 24641	0.014 acres 1.6500% of 0.85 acres	0.0239%
(aa) Rebecca L. Wilson 3757 Swetzer St. NW Uniontown, OK 44685	0.001 acres 0.0990% of 0.85 acres	0.0014%
(OR)		
(1) A. Wayne Bostic P.O. Box 1 Swords Creek, VA 24649	0.85 acres	1.4471%

Exhibit EE
 Unit BC-121
 Docket #VGOB 03-0218-1116
 List of Conflicting Owners/Claimants with Royalty Split Agreements
 (58.74 Acre Unit)

BOOK 618 PAGE 983

	Acres in Unit	Interest in Unit
<u>Tract #1, 4.97 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.27 P.O. Box 187 Tazewell, VA 24651	4.97 acres	8.4610%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Ruth Byrd, et al.	4.97 acres	8.4610%
(a) Ruth Byrd P.O. Box 714 Doran, VA 24612	0.994 acres 20.00% of 4.97 acres	1.6922%
(d) Jeffery W. Slate RR Box 229A Swords Creek, VA 24649	0.497 acres 10.00% of 4.97 acres	0.8461%
(e) Virginia Spiva 328 Martin Court Marietta, GA 30060	0.994 acres 20.00% of 4.97 acres	1.6922%

0403903

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 10:32 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: Janice Kendrick D. CLERK

Exhibit E
Unit BC-121
Docket #VGOB 03-0218-1116
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

BOOK 618 PAGE 982

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(s) Brenda Joyce Strouth 175 Shaker Road Enfield, CT 06082	0.056 acres 6.6100% of 0.85 acres	0.0957%
(t) L. Karen Webb 825 Big Creek Road Richlands, VA 24641	0.014 acres 1.6500% of 0.85 acres	0.0239%
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(v) Esta Madeline Whited 145 Akron Road Wadsworth, OH 44281	0.169 acres 19.8400% of 0.85 acres	0.2871%
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(z) Randall G. Whited 207 Center Street Richlands, VA 24641	0.014 acres 1.6500% of 0.85 acres	0.0239%
(aa) Rebecca L. Wilson 3757 Swetzer St. NW Uniontown, OK 44685	0.001 acres 0.0990% of 0.85 acres	0.0014%
(OR)		
(1) A. Wayne Bostic P.O. Box 1 Swords Creek, VA 24649	0.85 acres	1.4471%