

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER – VACATE ORDER
VGOB 03-0218-1117ELECTIONS: UNIT BD-121
(herein Subject Drilling Unit)REPORT OF BOARDFINDINGS 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 597, Page 980 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on December 5, 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 BD-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, First Bank & Trust Company PO Box 3860 Kingsport, TN 37664, Attn: Debbie Davis 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 (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 2 day of April, 2012, by a majority of the Virginia Gas and Oil Board.

Buddy C. Lambert
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 2nd day of April, 2012, by Order of the Board.

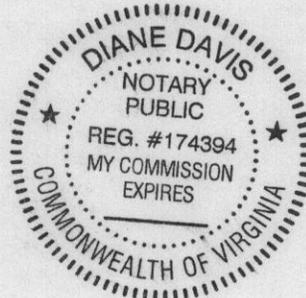
Rick Cooper
Rick Cooper
Principal Executive to the Staff of the Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 2nd day of April, 2012, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared Rick Cooper, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane J. Davis
Diane J. Davis, Notary
174394

My commission expires: September 30, 2013



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 BD-121
VGOB 03-0218-1117 in the New Garden District of Russell County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein A Designated Operator) REGARDING
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Anita D. Duty, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Land Resources Inc., as a Pooling Supervisor 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 5, 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

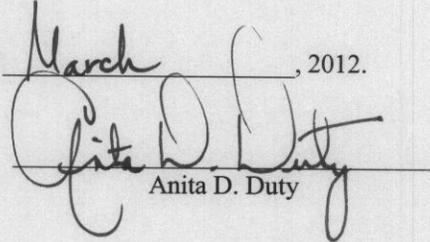
That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of November 21, 2003:

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

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, if applicable.

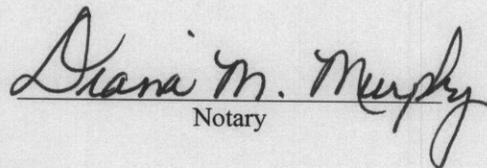
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 16th day of March, 2012.

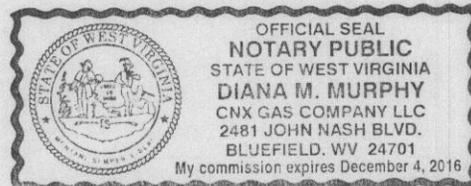

Anita D. Duty

STATE OF WEST VIRGINIA
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land Resources Inc., on behalf of the corporate Designated Operator, this 16th day of March, 2012.


Notary

My commission expires: December 4, 2016



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

N 293,769.40
E 1,000,950.75

N 293,712.00
E 1,002,549.23

3B

2

1

3A

CBM-CNX
-BD121

3D

3E

3C

58.74 ACRE UNIT

N 292,170.63
E 1,000,893.33

N 292,113.22
E 1,002,491.81

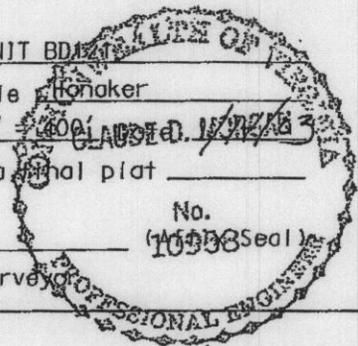
B

EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT BD-121
FORCE POOLING
VGOB-03-0218-1117

Company CONSOL Energy Inc. Well Name and Number UNIT BD-121
Tract No. _____ Elevation _____ Quadrangle Honaker
County Russell District New Garden Scale: 1" = 400'
This plat is a new plat X; an updated plat _____; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles D. May
Licensed Professional Engineer or Licensed Land Surveyor



5

CNX Gas Company LLC

Unit BD 121

Tract Identifications
(58.74 Acre Unit)

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1. **Swords Creek Land Partnership, Tr. 27 (115.32 Acre Tract) – Coal Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Tiller and Above Coal Leased CNX Gas Company LLC – CBM Leased Ruth Byrd, et al – Surface, Oil and Gas CNX Gas Company LLC – Oil, Gas and CBM Leased (90.00%) 3.99 Acres 6.7926%**
2. **Swords Creek Land Partnership, Tr. 26 (30.71 Acre Tract) – Fee Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Tiller and Above Coal Leased CNX Gas Company LLC – Oil, Gas and CBM Leased 20.06 Acres 34.1505%**
- 3A. **Swords Creek Land Partnership, Tr. 13 (574.58 Acre Tract) – Fee Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Tiller and Above Coal Leased CNX Gas Company LLC – Oil, Gas and CBM Leased 9.99 Acres 17.0072%**
- 3B. **Swords Creek Land Partnership, Tr. 13 (574.58 Acre Tract) – Coal Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Tiller and Above Coal Leased CNX Gas Company LLC – CBM Leased Lolita Lockhart, et al – Surface, Oil and Gas CNX Gas Company LLC – Oil, Gas and CBM 0.02 Acres 0.0341%**
- 3C. **Swords Creek Land Partnership, Tr. 13 (574.58 Acre Tract) – Coal Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Tiller and Above Coal Leased CNX Gas Company LLC – CBM Leased Samuel L. Breedlove, et al – Surface, Oil and Gas CNX Gas Company LLC – Oil, Gas and CBM Leased (96.87%) 4.07 Acres 6.9288%**
- 3D. **Swords Creek Land Partnership, Tr. 13 (574.58 Acre Tract) – Coal Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Tiller and Above Coal Leased CNX Gas Company LLC – CBM Leased Robert Hale, II, et al – Surface, Oil and Gas CNX Gas Company LLC – Oil, Gas and CBM Leased 14.39 Acres 24.4978%**
- 3E. **Swords Creek Land Partnership, Tr. 13 (574.58 Acre Tract) – Coal Reserve Coal Properties Company – Coal Below Tiller Seam Leased Knox Creek Coal Corporation – Tiller and Above Coal Leased CNX Gas Company LLC – CBM Leased Ruth Byrd, et al – Surface, Oil and Gas CNX Gas Company LLC – Oil, Gas and CBM Leased (90.00%) 6.22 Acres 10.5890%**

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

U

Exhibit B-2
 Unit BD-121
 VGOB# 03-0218-1117
 List of Respondents to be Dismissed/Added
 (58.74 Acre Unit)

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	Acres in Unit	Interest in Unit	Reason for Dismissal	Reason for Addition
II. OIL & GAS OWNERSHIP				
<u>Tract #3C, 4.07 acres</u>				
(1) Samuel L. Breedlove, et al.	4.07 acres	6.9288%		
(a) Samuel L. Breedlove 956 State Rt. 314 Mansfield, OH 44903	3.37 acres 53/64 of 4.07 acres	5.7379%	Leased	
(b) Herbert J. Breedlove Heirs, Devisees, Successors or Assigns			Deceased	
(b.1) Warren H. Breedlove 347 Bluebird Hill Rd. Millers Creek, NC 28651	0.57 acres 9/64 of 4.07 acres	0.9744%		Heir

Exhibit B-3
Unit BD-121
Docket #VGOB 03-0218-1117
List of Unleased Owners/Claimants
(58.74 Acre Unit)

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Acres in Unit Interest in
Unit

This unit is 100% leased.

1200867

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 4-24, 2012. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:28 o'clock P M, after payment of \$ _____ tax imposed by Sec. 58.1-802.

TESTE: ANN S. McREYNOLDS, CLERK

Original returned this date to: Sharon Hagy

BY: Sheila Ketic D. CLERK

Hagy, Sharon (DMME)

From: VITASHARE System [vitashare@vita.virginia.gov]
Sent: Tuesday, April 24, 2012 3:36 PM
To: Hagy, Sharon (DMME)
Subject: New Transaction GMJAPCZYQY371JWF-0002

Transaction details for Sharon Hagy(user shagy_1) _____

Job Id: GMJAPCZYQY371JWF-0002

Date: Tue, Apr 24, at 15:36

Transaction Details:

Acknowledge Security Policy: I understand that this system is not intended for sensitive data.

Recipient's Email example- user1@virginia.gov, user2@virginia.gov:
AnitaDuty@consolenergy.com, gloria.clark@dmme.virginia.gov,
hilareymullins@consolenergy.com

Message - Describe file attachment: Please see the recorded supplemental orders for dockets 1117, 1222-01, and 1580. Let me know if you are unable to download the files. Thank you,
Sharon

Notify me when the file is downloaded?: Yes

Pin: 877069

Files:

1117_Supplemental-Vacate.tif
1222-01_Supplemental.tif
1580_Supplemental.tif

View details here

<<http://vitashare.vita.virginia.gov/fcweb/viewJobLink.do?JOBIDX=GMJAPCZYQY371JWF>>

Total Estimated File Size: 547 KB

Total Number of Files: 3

Estimated Upload Time: 00:00:44