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VIRGINIA:

INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 03-1021-1202

ELECTIONS: UNIT BC-107  
(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 December 15, 2003 which was recorded at Deed Book 598, Page 1014 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-107;

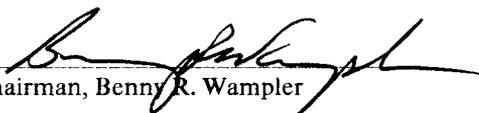
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate 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<sup>th</sup> 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 8<sup>th</sup> 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 13<sup>th</sup> 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 13<sup>th</sup> 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 BC-107  
VGOB 03-1021-1202 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 December 15, 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:

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 December 15, 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.

None

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 29<sup>th</sup> 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 29<sup>th</sup> 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.

BOOK 518 PAGE 946  
BOOK 598 PAGE 1025

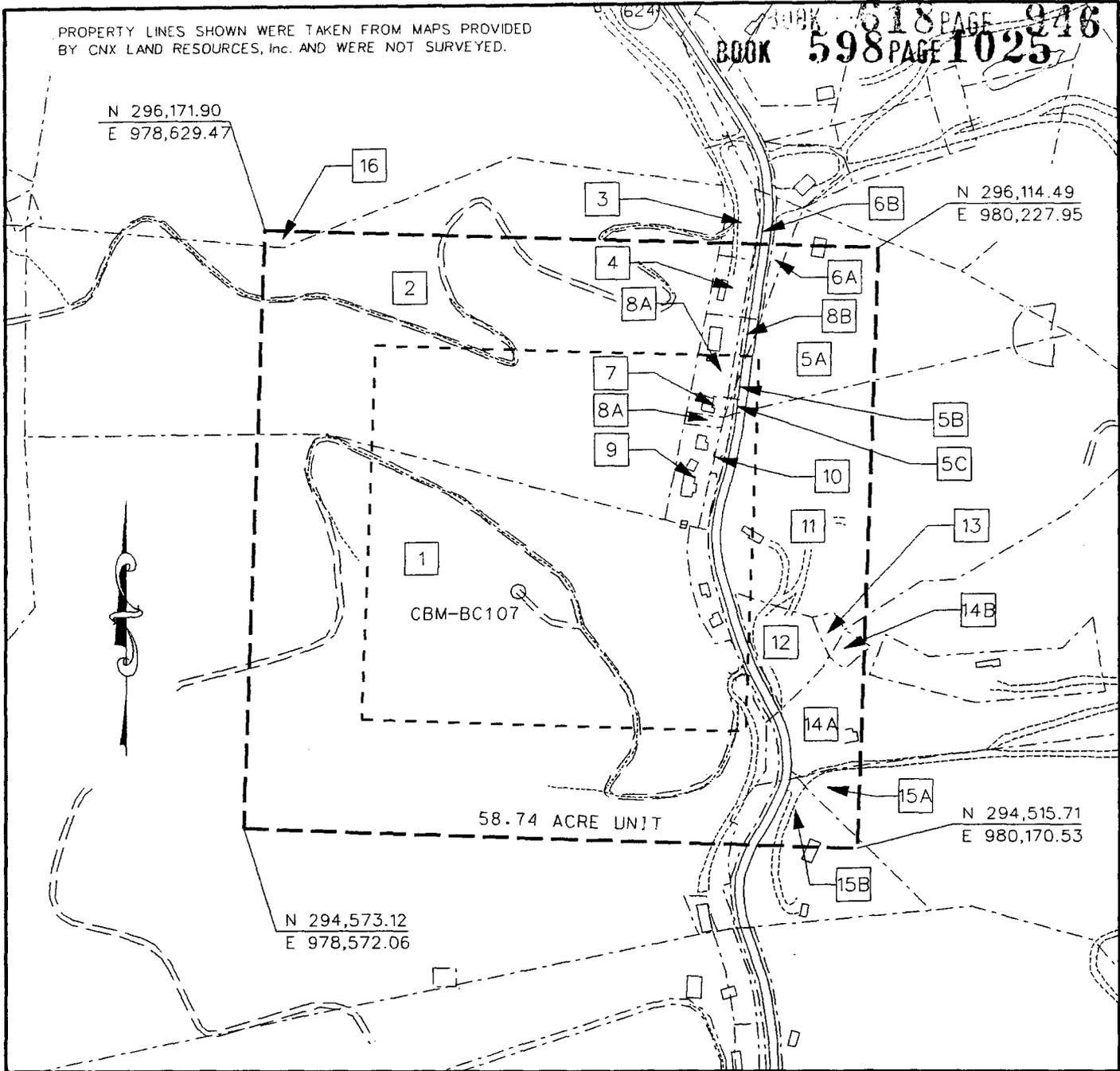


EXHIBIT. A  
 MIDDLE RIDGE 1 FIELD  
 UNIT BC-107  
 FORCE POOLING  
 VGOB-03-1021-1202

Company CNX Gas Company LLC Well Name and Number UNIT BC107  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Honaker/Big A Mountain  
 County Russell District New Garden Scale: 1" = 400' Date 9/16/03  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGD-GO-7  
 Rev. 9/91

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

(Affix Seal)

**CNX Gas Company LLC**  
**UNIT BC-107**  
**Tract Identifications**  
**(58.74 Acre Unit)**

1. Linda Gail Fields Fether – Fee  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
27.57 acres 46.9356%
2. Gent Enterprises – All Minerals except Coal In Red Ash Seam  
Unknown Owner – Coal in Red Ash Seam  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Ira Lowe, et ux - Surface  
16.20 acres 27.5792%
3. Ira Lowe, et ux – Fee  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.08 acres 0.1362%  

OR

Gent Enterprises – All Minerals  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Ira Lowe, et ux – Surface
4. David Ball, et ux – Fee  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.36 acres 0.6129%
5. Buckhorn Coal Company (H. C. Stuart 5 Acre Tract) – All Minerals  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
2.68 acres 4.5625%
- 5A. Fred Gent, et al - Surface
- 5B. Commonwealth of Virginia – Surface
- 5C. Mike Rasnake, et ux - Surface
6. Fred Gent, et al – All Minerals  
0.40 acres 0.6809%
- 6A. Fred Gent, et al – Surface
- 6B. Commonwealth of Virginia - Surface
7. Mike Rasnake – Fee  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.13 acres 0.2213%
8. Mike Rasnake, et ux – All Minerals  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.69 acres 1.1747%
- 8A. Mike Rasnake, et ux – Surface
- 8B. Commonwealth of Virginia – Surface

September 11, 2003

BOOK 618 PAGE 948

**CNX Gas Company LLC**  
**UNIT BC-107**  
**Tract Identifications**  
**(58.74 Acre Unit)**

9. Ira Lowe – Fee  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 0.58 acres 0.9874%
10. Ira Lowe – Fee  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 0.17 acres 0.2894%
11. Mike O. Rasnake, et ux – Fee  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 5.85 acres 9.9591%
12. Mike O. Rasnake, et ux – Fee  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 0.90 acres 1.5322%
13. William Reavis, et ux – Fee (Cemetery)  
 0.12 acres 0.2043%
14. Charlie Peck Estate – All Minerals  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 1.58 acres 2.6898%
- 14A. Charlie Peck Estate – Surface  
 14B. Charlie Peck Estate – Surface (Cemetery)
15. Buckhorn Coal Company (Susan Hess 46.75 Acre Tract) – All Minerals  
 Consolidation Coal Company – Below Drainage Coal Leased  
 Knox Creek Coal Corporation – Above Drainage Coal Leased  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 1.33 acres 2.2642%
- 15A. Fred Gent, et al – Surface  
 15B. Billy Dye, et ux - Surface
16. Buckhorn Coal Company (H.C. Stuart 52.25 Acre Tract) – All Minerals  
 Consolidation Coal Company – Below Drainage Coal Leased  
 Knox Creek Coal Corporation – Above Drainage Coal Leased  
 CNX Gas Company LLC – Oil, Gas and CBM Leased  
 0.10 acres 0.1703%

September 11, 2003

Exhibit B-3  
 Unit BC-107  
 Docket #VGOB 03-1021-1202  
 List of Unleased Owners/Claimants  
 (58.74 Acre Unit)

BOOK 598 PAGE 1028

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	Acres in Unit	Interest in Unit
<b>I. <u>COAL FEE OWNERSHIP</u></b>		
<b><u>Tract #6, 0.40 acres</u></b>		
(1) Fred B. Gent, et al.	0.40 acres	0.6810%
(a) Fred B. Gent, DVM 18159 Lee Highway Abingdon, VA 24210-7961	0.13 acres 1/3 of 0.40 acres	0.2270%
(b) Frank Gent P.O. Box 330 Honaker, VA 24260	0.07 acres 1/6 of 0.40 acres	0.1135%
(c) Harvey Gent P.O. Box 330 Honaker, VA 24260	0.07 acres 1/6 of 0.40 acres	0.1135%
(d) Charles Gent P.O. Box 330 Honaker, VA 24260	0.07 acres 1/6 of 0.40 acres	0.1135%
(e) Robert Gent P.O. Box 330 Honaker, VA 24260	0.07 acres 1/6 of 0.40 acres	0.1135%
<b><u>Tract #13, 0.12 acres</u></b>		
(1) William Reavis, et ux. (Cemetary) Address Unknown	0.12 acres	0.2043%
<b>II. <u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
<b><u>Tract #6, 0.40 acres</u></b>		
(1) Fred B. Gent, et al.	0.40 acres	0.6810%
(a) Fred B. Gent, DVM 18159 Lee Highway Abingdon, VA 24210-7961	0.13 acres 1/3 of 0.40 acres	0.2270%
(b) Frank Gent P.O. Box 330 Honaker, VA 24260	0.07 acres 1/6 of 0.40 acres	0.1135%
(c) Harvey Gent P.O. Box 330 Honaker, VA 24260	0.07 acres 1/6 of 0.40 acres	0.1135%
(d) Charles Gent P.O. Box 330 Honaker, VA 24260	0.07 acres 1/6 of 0.40 acres	0.1135%
(e) Robert Gent P.O. Box 330 Honaker, VA 24260	0.07 acres 1/6 of 0.40 acres	0.1135%

Exhibit B-3  
Unit BC-107  
Docket #VGOB 03-1021-1202  
List of Unleased Owners/Claimants  
(58.74 Acre Unit)

BOOK 598 PAGE 1029  
BOOK 618 PAGE 950

	Acres in Unit	Interest in Unit
<u>Tract #13, 0.12 acres</u>		
(1) William Reavis, et ux. (Cemetary) Address Unknown	0.12 acres	0.2043%

Exhibit E  
Unit BC-107  
Docket #VGOB 03-1021-1202  
List of Conflicting Owners/Claimants & Unknowns that require escrow  
(58.74 Acre Unit)

BOOK 598 PAGE 1030

BOOK 618 PAGE 951

Tract #3, 0.08 acres

	Acres in Unit	Interest in Unit
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COAL FEE OWNERSHIP

(1) Ira Lowe, et ux. Rt.2 Box 506 Honaker, VA 24260	0.08 acres	0.1362%
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- OR -

(1) Gent Enterprises, LLP P.O. Box 330 Honaker, VA 24260	0.08 acres	0.1362%
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OIL & GAS FEE OWNERSHIP

(1) Ira Lowe, et ux. Rt.2 Box 506 Honaker, VA 24260	0.08 acres	0.1362%
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- OR -

(1) Gent Enterprises, LLP P.O. Box 330 Honaker, VA 24260	0.08 acres	0.1362%
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Tract #13, 0.12 acres

COAL FEE OWNERSHIP

(1) William Reavis, et ux. (Cemetery) Address Unknown	0.12 acres	0.2043%
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OIL & GAS FEE OWNERSHIP

(1) William Reavis, et ux. (Cemetery) Address Unknown	0.12 acres	0.2043%
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VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 12-23-03, 2003. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 11:02 o'clock A.M., after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Gary Eide

TESTE: DOLLIE M. COMPTON, CLERK  
BY: Ann S. McReynolds D. CLERK

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 10-19-04, 2004. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:30 o'clock A.M., after payment of \$ — tax imposed by Sec. 58.1-802.

TESTE: DOLLIE M. COMPTON, CLERK  
BY: Ann S. McReynolds D. CLERK

Original returned this date to: Diane Davis