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00009 INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING DOCKET NO. VGOB 03/11/18-1236
ELECTIONS, UNIT: P-550455

(hereinafter "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992, at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160.70C by supplementing the Order previously issued by the Board for subject Docket on **May 19, 2004**, and recorded **Instrument No. 200402570** at the Office of the Clerk of Circuit Court, Wise County, Virginia on **June 2, 2004**, (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
 - (a) The Board Order directed Equitable Production Company, (herein the Designated Operator"), to mail copies of the Board Order to all respondents whose interest, if any, were pooled by said Board Order;
 - (b) The designated operator filed its affidavit of mailing dated **June 15, 2004**, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;
 - (c) The Board Order required each Respondent whose interest, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated **October 7, 2004**, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-

160.70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (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, interest, estates and claims in Subject Drilling Unit to the Designated Operator;

- (d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B;
 - (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Rachel Rafferty, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
3. 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 Affidavits, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, 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 said affidavits to receive such funds and account to the Board therefore.
 4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or its Attorney 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 person whose interest or claim is subject to escrow and whose address is known.
 5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.
 6. Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 26th day of October, 2004 by a majority of the Virginia Gas and Oil Board.

Benny R. Wampler
Chairman, Benny R. Wampler

DONE AND PERFORMED THIS 25th day of October, 2004 by Order of this Board.

B. R. Wilson
B. R. Wilson
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA)
COUNTY OF Washington

Acknowledged on this 25 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.

Diane J. Davis
Notary Public

My commission expires: 9/30/05.

STATE OF VIRGINIA)
COUNTY OF Washington

Acknowledged on this 26 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 Principal Executive to the Staff Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Notary Public

My commission expires: 9/30/05.

VIRGINIA:***BEFORE THE VIRGINIA GAS AND OIL BOARD***

IN RE: Application of Equitable Production Company, for Forced Pooling of Interests in Unit Number P-550455 VGOB Docket No. VGOB-03/11/18-1236 in the Lipps Magisterial District of Wise County, Virginia.

AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on **May 19, 2004**, by the Virginia Gas and Oil Board regarding the captioned Conventional Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, the Affiant was directed to cause 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 are added as Respondents at the hearing held in the captioned matter;
4. That the Order of the Virginia Gas and Oil 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 said Order was recorded in the county above named; that said Order was recorded on **June 2, 2004**.
5. That the Designated Operator, by and through their agent, Wilhoit & Kaiser, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest 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 Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election periods:

NONE

6. That the interest and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, as unknown or/unlocatable.

NONE

7. 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 with regard to their interest and/or claims.

<u>Tract</u>	<u>Lessor</u>	<u>Lease No.</u>
10	Monica Rakes & Richard Rakes 14306 Huntgate Woods Road Midlothian, VA 23112	905049.02

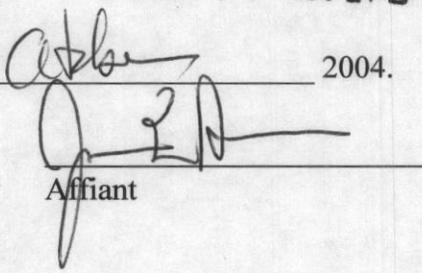
8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

<u>Tract</u>	<u>Payee</u>	<u>Cash Consideration</u>
7	Neville Wiggs, single 760 Free Hill Road Gray, TN 37615-2536	0.63000 X \$5.00 = \$3.15
8	Neville Wiggs, single 760 Free Hill Road Gray, TN 37615-2536	0.25000 X \$5.00 = \$1.25
9	Kenneth Wiggs and Lorita Wiggs, his wife 760 Free Hill Road Gray, TN 37615-2536	13.70000 X \$5.00 = \$68.50

That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are not required in this matter pursuant to the terms of §§ 45.1-361.21.D.

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Dated at Kingsport, Tennessee, this 7th day of October 2004.


Affiant

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of Equitable Production Company, a corporation, on behalf of the corporation, this 7th day of October 2004.

My commission expires: 1-15-06

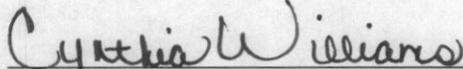

Notary

EXHIBIT "B"
P-550455
SUPPLEMENTAL EXHIBIT "B"
VGOB 03/11/18-1236

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<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>	
<u>Gas Estate Only</u>						
1	Gary W. Easterling and Joyce G. Easterling, H/W 3701 W. M. Buchanan Road Coeburn, VA 24230	Leased-EPC 243925.01	8.300000%	9.3500	0.01037500	RI
	Harvey A. Easterling and Joyce Easterling 12825-C Crab Orchard Road Coeburn, VA 24230	Leased-EPC 243925.01 (Life Estate)	(8.300000%)	(9.3500)	(0.01037500)	RI
	Equitable Production Company				0.07262500	WI
Tract 1 Totals			8.300000%	9.3500	0.08300000	
2	Gary W. Easterling and Joyce G. Easterling, H/W 3701 W. M. Buchanan Road Coeburn, VA 24230	Leased-EPC 243924.01	10.200000%	11.5000	0.01275000	RI
	Equitable Production Company				0.08925000	WI
Tract 2 Totals			10.200000%	11.5000	0.10200000	
3	Gary W. Easterling and Joyce G. Easterling, H/W 3701 W. M. Buchanan Road Coeburn, VA 24230	Leased-EPC 905043.00	1.950000%	2.2000	0.00243750	RI
	Equitable Production Company				0.01706250	WI
Tract 3 Totals			1.950000%	2.2000	0.01950000	
4	Gary W. Easterling and Joyce G. Easterling, H/W 3701 W. M. Buchanan Road Coeburn, VA 24230	Leased-EPC 243924.01	6.900000%	7.7800	0.00862500	RI
	Equitable Production Company				0.06037500	WI
Tract 4 Totals			6.900000%	7.7800	0.06900000	
5	William Michael Jenkins and Diana Kay Jenkins, H/W 3475-C Possum Hollow Road Coeburn, VA 24230	Leased-EPC 905044.00	2.370000%	2.6700	0.00296250	RI
	Equitable Production Company				0.02073750	WI
Tract 5 Totals			2.370000%	2.6700	0.02370000	

EXHIBIT "B"
P-550455
SUPPLEMENTAL EXHIBIT "B"
VGOB 03/11/18-1236

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<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>	
6	Virginia C. Pike and Kirk Pike, her husband 5712 Warren Avenue Cincinnati, OH 45212	Leased-EPC 905045.01	5.450000%	6.1400	0.00681250	RI
	Ethel Buchanan Cook, widow 3475-B Possum Hollow Road Coeburn, VA 24230	Leased-EPC (Life Estate) 905045.02	(5.450000%)	(6.1400)	(0.00681250)	RI
	Equitable Production Company				0.04768750	WI
Tract 6 Totals			5.450000%	6.1400	0.05450000	
7	Neville Wiggs, single 760 Free Hill Road Gray, TN 37615-2536	Unleased 905046.00	0.560000%	0.6300	0.00070000	RI
	Equitable Production Company				0.00490000	WI
Tract 7 Totals			0.560000%	0.6300	0.00560000	
8	Neville Wiggs, single 760 Free Hill Road Gray, TN 37615-2536	Unleased 905047.00	0.220000%	0.2500	0.00027500	RI
	Equitable Production Company				0.00192500	WI
Tract 8 Totals			0.220000%	0.2500	0.00220000	
9	Kenneth Wiggs and Lorita Wiggs, his wife 760 Free Hill Road Gray, TN 37615-2536	Unleased 905048.00	12.160000%	13.7000	0.01520000	RI
	Equitable Production Company				0.10640000	WI
Tract 9 Totals			12.160000%	13.7000	0.12160000	
10	Veronica Buchanan, single PO Box 2241 Coeburn, VA 24230	Leased-EPC 905049.01	2.455000%	2.7650	0.00306875	RI
	Monica Rakes and Richard Rakes, H/W 14306 Huntgate Woods Road Midlothian, VA 23112	Leased-EPC 905049.02	2.455000%	2.7650	0.00306875	RI
	Equitable Production Company				0.04296250	WI
Tract 10 Totals			4.910000%	5.5300	0.04910000	
11	Equitable Production 1710 Pennsylvania Avenue Charleston, WV 25302	Owned 241709.01	46.980000%	52.9400	0.05872500	RI
	Equitable Production Company				0.41107500	WI
Tract 11 Totals			46.980000%	52.9400	0.46980000	

EXHIBIT "B"
P-550455
SUPPLEMENTAL EXHIBIT "B"
VGOB 03/11/18-1236

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<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>
	TOTAL GAS ESTATE		100.000000%	112.6900	1.00000000

INSTRUMENT #200405111
RECORDED IN THE CLERK'S OFFICE OF
WISE COUNTY ON
NOVEMBER 1, 2004 AT 02:21PM
J. JACK KENNEDY, JR., CLERK

RECORDED BY: JLS



Instrument Control Number

[Empty box for Instrument Control Number]

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Commonwealth of Virginia
Land Record Instruments
Continuation Cover Sheet
Form B

[ILS VLR Cover Sheet Agent 1.0.83]

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Date of Instrument: [07/02/04]

Instrument Type: [ORDER]

Number of Parcels [1]

Number of Pages [9]

City County [Wise County] (Box for Deed Stamp Only)

Grantors/Grantees/Parcel Continuation Form B

Last Name	First Name	Middle Name or Initial	Suffix
<input type="checkbox"/>	[Easterling]	[Joyce]	[G]
<input type="checkbox"/>	[Easterling]	[Harvey]	[A]
<input type="checkbox"/>	[Easterling]	[Joyce]	[]
<input type="checkbox"/>	[Jenkins]	[William]	[Michael]
<input type="checkbox"/>	[Jenkins]	[Diana]	[Kay]
<input type="checkbox"/>	[Pike]	[Virginia]	[C]
<input type="checkbox"/>	[Pike]	[Kirk]	[]
<input type="checkbox"/>	[Cook]	[Ethel]	[Buchanan]
<input type="checkbox"/>	[Buchanan]	[Veronica]	[Widow]
<input type="checkbox"/>	[Rakes]	[Monica]	[Single]
<input type="checkbox"/>	[Rakes]	[Richard]	[]
<input type="checkbox"/>	[Wiggs]	[Neville]	[Single]
<input type="checkbox"/>	[Wiggs]	[Kenneth]	[]
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Prior Instr. Recorded at: City County [] Percent. in this Juris. []
 Book [] Page [] Instr. No []
 Parcel Identification No (PIN) []
 Tax Map Num. (if different than PIN) []
 Short Property Description []
 Current Property Address (Address 1) []
 (Address 2) []
 (City, State, Zip) [] [] []

