

1379

VIRGINIA:

090003810

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER – VACATE ORDER
VGOB 04-0720-1309

ELECTIONS: UNIT AZ-104
(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 executed in the captioned matter on December 14, 2004 which was recorded at Deed Book 608, Page 506 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on December 15, 2004, (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 AZ-104;

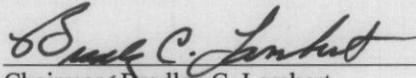
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., VA7515, P.O. Box 14061, Roanoke, VA 24038, Attn: Derrick Dewalt 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.

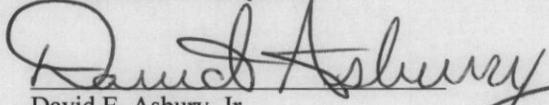
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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

DONE AND EXECUTED this 4 day of Dec, 2009, by a majority of the Virginia Gas and Oil Board.

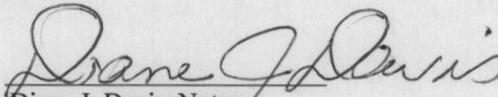

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 4 day of December, 2009, by Order of the Board.


David E. Asbury, Jr.,
Principal Executive to the Staff of the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this Russell 4th day of December, 2009, 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 David E. Asbury Jr., 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, 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 AZ-104
VGOB 03-1216-1242 in the Hurricane and New Garden Districts of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "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 Gas Company LLC, 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 December 14, 2004, 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 county identified above; that said Order was recorded on December 15, 2004;

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-2 and B-3 (Unit is 100% under Lease and/or Agreement).

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 3rd day of December, 2009.

Anita D. Duty
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 Gas Company LLC, on behalf of the corporate Designated Operator, this 3rd day of December, 2009.

Diana M. Murphy
Notary

My commission expires: December 4, 2016



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

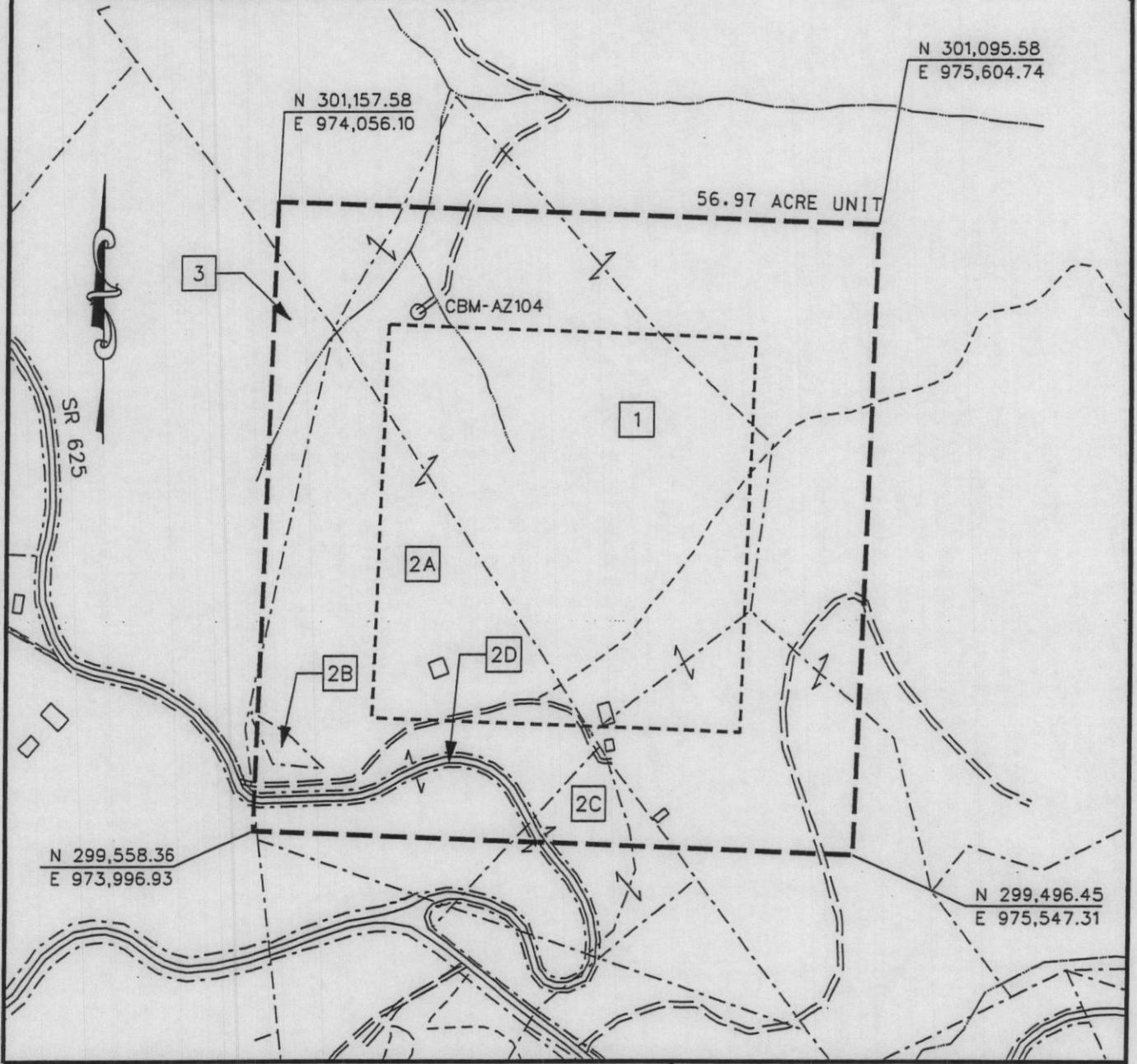
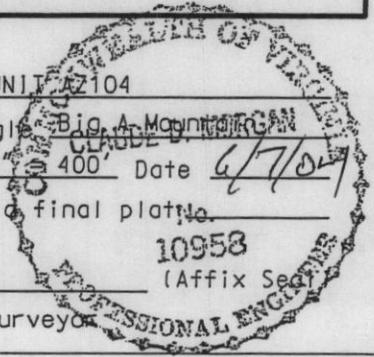


EXHIBIT A
 NORA FIELD
 UNIT AZ-104
 FORCE POOLING
 VGOB-04-0720-1309

Company CNX Gas Company LLC Well Name and Number UNIT AZ104
 Tract No. _____ Elevation _____ Quadrangle Big A Mountain
 County Buchanan District Hurricane/New Garden Scale: 1" = 400' Date 6/7/07
 This plat is a new plat ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7 Rev. 9/91

 Licensed Professional Engineer or Licensed Land Surveyor



CNX GAS COMPANY LLC

Unit AZ-104

Tract Identifications

(56.97 Acre Unit)

1. Buckhorn Coal Company Tr. 23 (John Lockhart 284.35 Acre Tract) – All Minerals
Knox Creek Coal Company – Coal Above Drainage Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Nellie Kate Dye, et al - Surface
38.52 acres 67.6145%

2. Buckhorn Coal Company Tr. 22 (Lewis Low 281.37 Acre Tract) – All Minerals
Knox Creek Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC - Oil, Gas and CBM Leased
16.23 acres 28.4887 %
 - 2A. Unknown Surface Owner
 - 2B. Unknown Surface Owner (Cemetery)
 - 2C. Unknown Surface Owner
 - 2D. Commonwealth of Virginia - Surface

3. Harrison – Wyatt, LLC (Big Axe Tr. 4) - Coal
CNX Gas Company LLC – CBM Leased
Ted Martin – Surface and All Minerals except Coal
Equitable Production Company – Oil, Gas and CBM Leased
2.22 acres 3.8968%

June 3, 2004

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Exhibit B-2
Unit AZ-104
Docket #VGOB 04-0720-1309
List of Respondents to be Added and/or Dismissed
(56.97 Acre Unit)

	Acres in Unit	Percent of Unit	Reason Addition	Reason for Dismissal
II. OIL & GAS OWNERSHIP				
<u>Tract #3 - 2.22 acres</u>				
(1) Ted & Helen Martin Heirs, Deviseses, Successors or Assigns * (10 & 32 Acre Tracts)	2.22 acres	3.8968%		Deceased / Leased
(a) David & Patti Price 4344 Stinson Ridge Rd. Rowe, VA 24646	0.444 1/5 of 2.22 acres	0.7794%	Heir	Leased
(b) Billy Martin 4539 Stinson Ridge Rd. Rowe, VA 24646	0.444 1/5 of 2.22 acres	0.7794%	Heir	Leased
(c) Judy Deskins 626 Twin Oak Circle Lebanon, VA 24266	0.444 1/5 of 2.22 acres	0.7794%	Heir	Leased
(d) David & Patty Price 4344 Stinson Ridge Road Rowe, VA 24646	0.888 2/5 of 2.22 acres	1.5587%	Heir	Leased
* Equitable Production Company no longer has this interest under lease.				No Longer the Lessor

Exhibit B-3
 Unit AZ-104
 Docket #VGOB 04-0720-1309
 List of Unleased Owners/Clients
 (56.97 Acre Unit)

Acres in Unit Percent
 of Unit

This unit is 100% Leased

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