

1025

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 04-0720-1311

ELECTIONS: UNIT BB-109  
(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 14, 2004 which was recorded at Deed Book 622, Page 400 in the Office of the Clerk of the Circuit Court of Russell 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 BB-109;

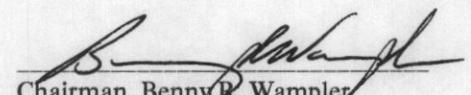
Order: By this Order, the Board orders that its prior pooling order entered herein be vacated for the reason that all owners and claimants to CBM in the Unit have agreed with the Applicant to develop same and that any and all funds escrowed with the Board's escrow agent be disbursed to the Board's Designated Operator to pay or suspend as the terms of the agreements by and between the Applicant and the owners and claimants may require and allow.

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.

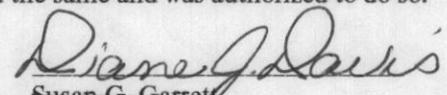
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 18<sup>th</sup> day of April, 2006, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

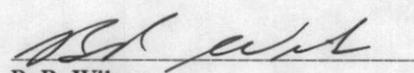
STATE OF VIRGINIA  
COUNTY OF ~~WISE~~  
Washington

Acknowledged on this 18<sup>th</sup> day of April, 2006, 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

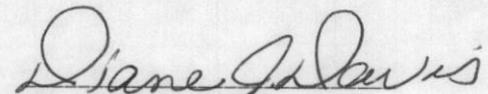
My commission expires: 9/30/09.

DONE AND PERFORMED THIS 19<sup>th</sup> day of April, 2006, by Order of the Board.

  
B. R. Wilson,  
Director of the Division of Gas & Oil Board and  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 19<sup>th</sup> day of April, 2006, 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.

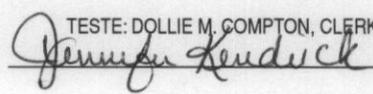
  
Diane J. Davis, Notary

My commission expires: 9/30/09.

0601340

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 4-25, 2006. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 10:14 o'clock A.M, after payment of \$      tax imposed by Sec. 58.1-802.

Original returned this date to: D. Davis

TESTE: DOLLIE M. COMPTON, CLERK  
BY:  D. CLERK

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 BB-109  
VGOB 04-0720-1311 in the New Garden Magisterial 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 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 counties 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:

Fred B. Gent, II (Joint Operating Agreement)

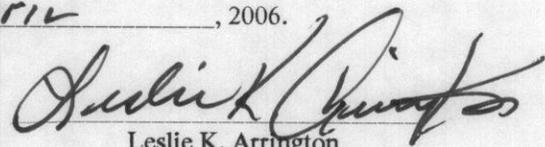
That all of the Respondents identified in Exhibit B-3 hereto have entered into voluntary agreements whereby they have leased and/or otherwise agreed with Applicant to a plan to develop their interests and claims within the unit to CBM. Hence, said unit may be voluntarily pooled.

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

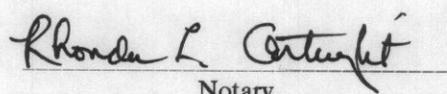
That in light of the Agreement(s) described above, it is no longer necessary for the Board to maintain an escrow account/sub accounts pertaining to the above referenced CBM Unit, if applicable.

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 Tazewell, Virginia, this 10<sup>th</sup> day of April, 2006.

  
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 10<sup>th</sup> day of April, 2006.

  
Notary

My commission expires: 10/31/2009.

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

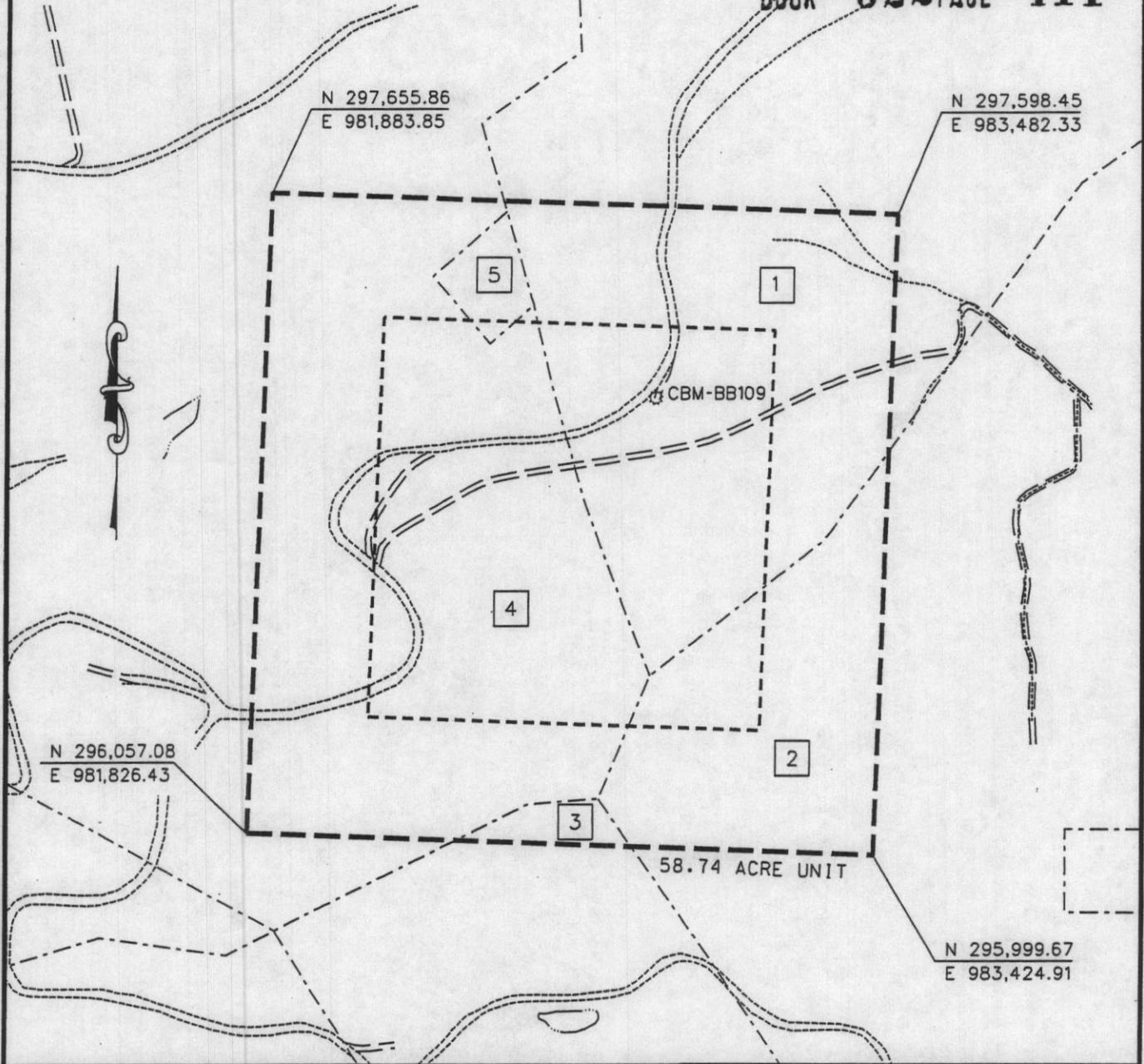
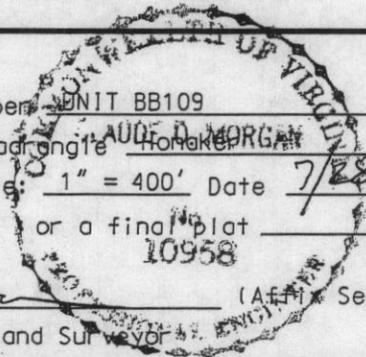


EXHIBIT A  
 MIDDLE RIDGE 1 FIELD  
 UNIT BB-109  
 FORCE POOLING  
 VGOB-04-0720-1311

Company CNX Gas Company LLC Well Name and Number UNIT BB109  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle 10958  
 County Russell District New Garden Scale: 1" = 400' Date 7/28/04  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
 Rev. 9/91

*Charles D. Morgan* (Affix Seal)  
 Licensed Professional Engineer or Licensed Land Surveyor



REVISION

Exhibit B-2  
Unit BB-109  
Booklet PVGDS 04-0723-4311  
List  
**CNX Gas Company LLC**  
**Unit BB-109**  
**Tract Identifications**  
**(58.74 Acre Unit)**

	Acres	Unit	Interest in Unit	Residual for Allocation
1. Buckhorn Coal Mining (Warder Tract #11 57.50 Acre Tract.) – Fee Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - Oil, Gas and CBM Leased 18.41 acres 31.3415%				
(7) Fred B. Gent et al	1.01 acres		1.7194%	
2. Buckhorn Coal Mining Tr. 10 (J. T. Stinson 170 Acre Tract) - Fee Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - Oil, Gas and CBM Leased 9.75 acres 16.5986%				Joint Operating Agreement
(a) Fred B. Gent 18150 Lee Highway Abingdon, VA	0.17 acres		0.2800%	Leased
(b) Frank J. Gent P.O. Box 330 Honsaker, VA	1/5 of 1.01 acres			
3. Buckhorn Coal Company Tr. 12 (Susan Hess 56 Acre Tract) - Fee Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - Oil, Gas and CBM Leased 0.76 acres 1.2938%				Leased
(c) Harvey D. Gent P.O. Box 330 Honsaker, VA	1/5 of 1.01 acres			
4. Buckhorn Coal Company Tr.4 (Joseph and Lewis Cox 143.84 Acre Tract) - Coal, Oil and Gas Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - Oil, Gas and CBM Leased Fred B. Gent, et al - Surface 28.81 acres 49.0467%				Leased
(a) Robert A. Gent P.O. Box 330 Honsaker, VA	1/5 of 1.01 acres		0.2800%	Leased
5. Fred B. Gent, et al – Fee 1.01 acres 1.7194%				
(1) Fred B. Gent et al	1.01 acres		1.7194%	
(a) Fred B. Gent, DVM 18150 Lee Highway Abingdon, VA 24210-7931	0.84 acres 1/3 of 1.01 acres		0.5731%	Joint Operating Agreement
(b) Frank J. Gent P.O. Box 330 Honsaker, VA 24260	0.17 acres 1/5 of 1.01 acres		0.2800%	Leased
(c) Harvey D. Gent P.O. Box 330 Honsaker, VA 24260	0.17 acres 1/5 of 1.01 acres		0.2800%	Leased
(d) Charles H. Gent, Jr. P.O. Box 330 Honsaker, VA 24260	0.17 acres 1/5 of 1.01 acres		0.2800%	Leased
(e) Robert A. Gent P.O. Box 330 Honsaker, VA 24260	0.17 acres 1/5 of 1.01 acres		0.2800%	Leased

Exhibit B-3  
Unit BB-109  
Docket #VGOB 04-0720-1311  
List of Unleased Owners/Claimants  
(58.74 Acre Unit)

BOOK 652 PAGE 0213

Acres in Unit

Interest in  
Unit

*This unit is 100% Leased and/or has an Agreement in place.*