

1119  
VIRGINIA:

060003158

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 05-0215-1399

ELECTIONS: UNIT BF-98  
(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 June 15, 2005 which was recorded at Deed Book 620, Page 244 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on June 22, 2005, (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 BF-98;

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.

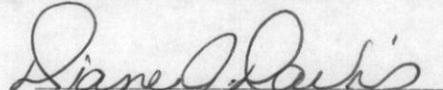
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 19<sup>th</sup> day of September, 2006, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

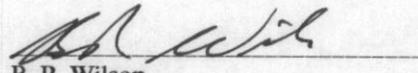
STATE OF VIRGINIA  
COUNTY OF ~~WISE~~

Washington  
Acknowledged on this 19<sup>th</sup> day of September, 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

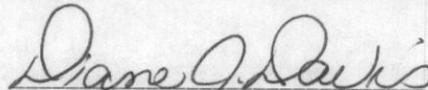
My commission expires: 9/30/09.

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

  
B. R. Wilson,  
Principal Executive to the Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

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

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

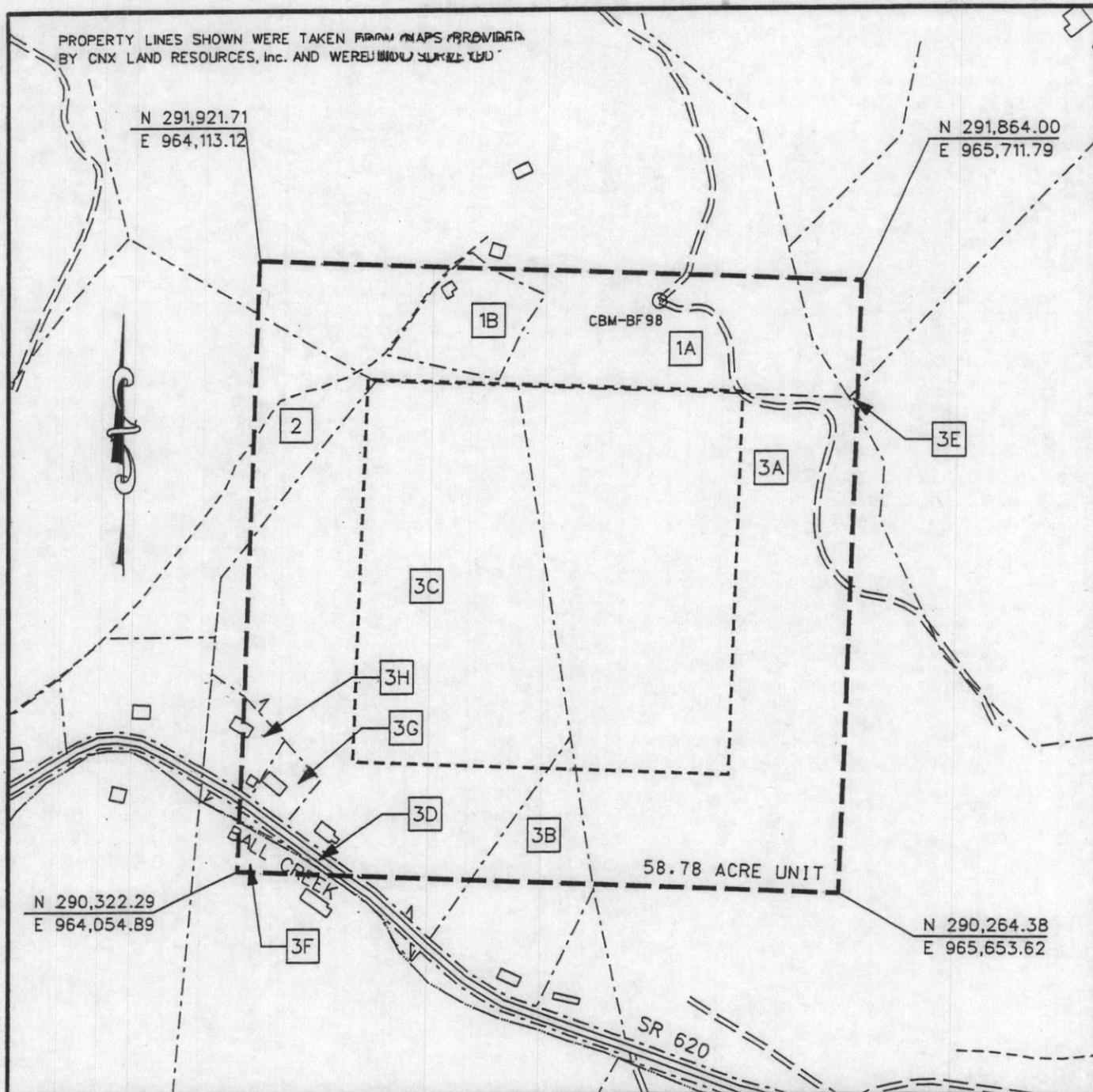
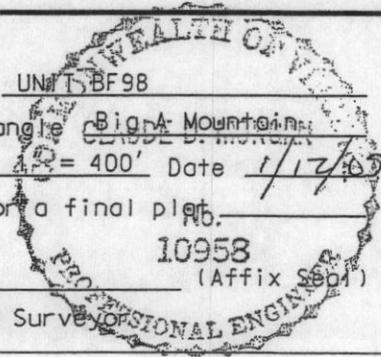


EXHIBIT A  
 NORA FIELD  
 UNIT BF-98  
 FORCE POOLING  
 VGOB-05-0215-1399

Company CNX Gas Company LLC Well Name and Number UNIT BF98  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Big Mountain  
 County Buchanan District Hurricane Scale: 1" = 400' Date 1/17/05  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat.

Form DGD-GO-7 \_\_\_\_\_  
 Rev. 9/91 \_\_\_\_\_  
 Licensed Professional Engineer or Licensed Land Surveyor



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 BF-98  
VGOB 05-0215-1399 in the Hurricane District of Buchanan 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 June 15, 2005, 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 June 22, 2005;

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 ).

That after the pooling hearing held in the captioned matter, the Circuit Court of Buchanan County made its Decree of Allotment in the Chancery Case of CNX GAS COMPANY LLC, Complainant vs. GAIL PATRICIA DUNN, ET AL., RESPONDENTS, Chancery File No. 96-05 on March 31, 2006, said Court also appointed a Special Commissioner to make the deed required by the Decree of Allotment, the Deed was made and

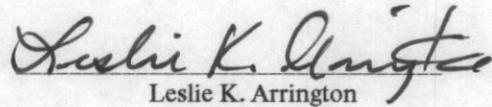
recorded with the Buchanan County, Virginia Clerk of the Circuit Court at Document #060001017 on March 31, 2006 . The Decree and Deed made pursuant thereto divested the following respondents of their interests and claims in Tract 3a requiring their dismissal. The Operator requests that the following persons be dismissed as Respondents:

Gail Patricia Dunn, Ricky Harris, Donna Bush, Juanita Leftwich and Dennis Hnarakis. Not limited to the Minnie Leftwich Heirs, Devisees, Successors or Assigns that were previously leased and dismissed from the pooling order.

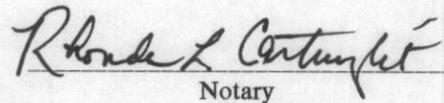
That in light of the Agreement(s) described above, it is no longer necessary for the Board to maintain an escrow account/sub accounts pertaining to the above referenced CBM Unit, if applicable.

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 27<sup>th</sup> day of June, 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 27<sup>th</sup> day of June, 2006.

  
Notary

My commission expires: 10/31/2009.

# CNX Gas Company LLC

## UNIT BF-98

Tract Identifications  
(58.78 Acre Unit)

1. Harrison-Wyatt, LLC (Big Axe Tr. 6(2) – All Minerals  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
9.82 acres 16.7064%
- 1A. Earl D. Johnson, et al – Surface
- 1B. Unknown Surface Owner
2. Harrison-Wyatt, LLC (Big Axe Tr. 6(1) – All Minerals  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Clyde Harris, et ux – Surface  
2.19 acres 3.7258%
- 3A. Harrison-Wyatt, LLC, (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
J. B. Harris, et al – Surface and All Minerals except Coal  
23.04 acres 39.1970%
- 3B. Harrison-Wyatt, LLC, (Big-Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Avery Barton – Surface and All Minerals except Coal  
1.44 acres 2.4498%
- 3C. Harrison-Wyatt, LLC, (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Ruby Mitchell – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
19.86 acres 33.7870%
- 3D. Harrison-Wyatt, LLC, (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Ruby Mae Mitchell OR Harold Mitchell, et ux – All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Commonwealth of Virginia - Surface  
0.34 acres 0.5784%
- 3E. Harrison-Wyatt, LLC, (Big Axe Tr. 11-3) – Coal  
CNX Gas Company LLC – CBM Leased  
Hampton E. Austin – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.02 acres 0.0340%
- 3F. Harrison-Wyatt, LLC, (Big Axe Tr. 11-3) – Coal  
Harold Mitchell et ux – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
0.42 acres 0.7145%

# CNX Gas Company LLC UNIT BF-98

## Tract Identifications (58.78 Acre Unit)

Percent of Unit      Reason for Disposal

**75.826 Fee Ownership**

Tract	Owner	Acres	Percent	Reason
3G.	Harrison-Wyatt, LLC, (Big Axe Tr. 11-3) – Coal Larry Baldwin, et ux – Surface and All Minerals except Coal	0.48 acres	0.8166%	
J.B. Harris, et ux (Marie Lefkovich Harris, Devises)		23.04 acres	39.1970%	
3H.	Harrison-Wyatt, LLC, (Big Axe Tr. 11-3) – Coal Phillis M. Wampler – Surface and All Minerals except Coal	0.39 acres	0.6635%	
4.	Harrison-Wyatt, LLC, (Big Axe Tr. 10) – All Minerals CNX Gas Company LLC – Oil, Gas and Leased Curtis Austin, et ux - Surface	0.78 acres	1.3270%	
(a) Billie D. Harris Successors of Assigns		1.15	1.9552%	Partition Suit
(a.1) Gail Patricia Dunn Address Unknown		1/20 of 23.04 acres		
(2) Clarence Edward Harris Harris, Devises Successors of Assigns				
(a) Donald Harris Harris, Devises Successors of Assigns				
(a.1) Ricky Harris Address Unknown		0.85	1.4620%	Partition Suit
(a.2) Doris Bueh 1311 Main Street Lenoir, NC 28645		0.85	1.4620%	Partition Suit
(4) W.O. Lefkovich Harris Harris, Devises Successors of Assigns				
(1) William Lefkovich Harris, Devises Successors of Assigns				
(a) Juanita Lefkovich, widow Address Unknown		2.88	4.8990%	Partition Suit
(2) Marie Lefkovich Harris, Devises Successors of Assigns				
(a) Donald Phares 13129 Fernside Lane Fairfax, VA 22033		1.44	2.4450%	Partition Suit

Exhibit B-3  
Unit BF-98  
Docket #VGOB 05-0215-1399  
List of Unleased Owners/Claimants  
(58.78 Acre Unit)

Acres in Unit  
Percent  
of Unit

*This unit is 100% leased*

The parties identified on Exhibit E in original pooling will be escrowed internally because of the 100% leased unit

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 26<sup>th</sup> day of September, 2006 2:11 P. M. The tax imposed by §587.1-802 of the Code has been paid in the amount of \$                    .  
Deed Book No.                      and Page No.                     . TESTE: James M. Bevins, Jr., Clerk  
Returned to: Dmbe TESTE: Glenn S. Viles Deputy Clerk

RECORDED BY: AKL  
J. M. BEVINS, CLERK  
SEP 26 05:11 PM  
BUCHANAN COUNTY, VA  
IN THE CLERK'S OFFICE OF  
INSTRUMENT #090003129

Exhibit B-2  
Unit BF-98  
Docket #VGOB 05-0215-1399  
List of Respondents to be Dismissed  
(58.78 Acre Unit)

	Acres in Unit	Percent of Unit	Reason for Dismissal
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>			
<b><u>Tract #3A - 23.04 acres</u></b>			
J.B. Harris, et al. (Minnie Leftwich Harris Heirs, Devisees, Successors or Assigns, et al.)	23.04 acres	39.1970%	
(1) Minnie Leftwich Harris Heirs, Devisees, Successors or Assigns			
(1) Eula H. Fulcher Heirs, Devisees, Successors or Assigns			
(a) Billie Eldridge Heirs, Devisees, Successors or Assigns			
(a.2) Gail Patricia Dunn <i>Address Unknown</i>	1.15 1/20 of 23.04 acres	1.9599%	Partition Suit
(2) Clarence Edward Harris Heirs, Devisees, Successors or Assigns			
(a) Donald Harris Heirs, Devisees, Successors or Assigns			
(a.1) Ricky Harris <i>Address Unknown</i>	0.86 3/80 of 23.04 acres	1.4699%	Partition Suit
(a.2) Donna Bush 1311 Main Street Lenore, NC 28645	0.86 3/80 of 23.04 acres	1.4699%	Partition Suit
(2) W.O. Leftwich Harris Heirs, Devisees, Successors or Assigns			
(1) William Leftwich Heirs, Devisees, Successors or Assigns			
(a) Juanita Leftwich, widow <i>Address Unknown</i>	2.88 1/8 of 23.04 acres	4.8996%	Partition Suit
(2) Marie Leftwich Heirs, Devisees, Successors or Assigns			
(a) Dennis Hnarakis 13129 Pennerview Lane Fairfax, VA 22033	1.44 1/16 of 23.04 acres	2.4498%	Partition Suit