

12/17
VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 05-0419-1427

ELECTIONS: UNIT BE-121
(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 July 21, 2005 which was recorded at Deed Book 635, Page 684 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on July 25, 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 BE-121;

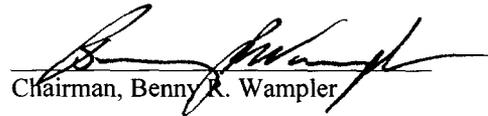
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., VA7515, P.O. Box 14061, Roanoke, VA 24038, Attn: Judy Barger 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 (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 15th day of January, 2008, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA
COUNTY OF ~~WISE~~

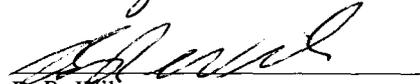
Washington

Acknowledged on this 15th day of January, 2008, 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, 174394
Notary

My commission expires: 9/30/09.

DONE AND PERFORMED THIS 15th day of January, 2008, by Order of the Board.


B. R. Wilson,
Principal Executive to the Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 15th day of January, 2008, 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 174394

My commission expires: 9/30/09.

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 BE-121
VGOB 05-0419-1427 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 July 21, 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 July 25, 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 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 July 21, 2005;

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 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.

See attached Exhibit EE

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.

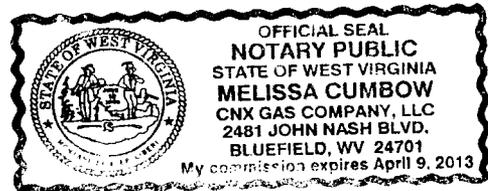
Dated at Mercer, West Virginia, this 8th day of JANUARY, 2008.

Leslie K. Arrington
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 8th day of January, 2008.

Melissa Cumbow
Notary

My commission expires: April 9, 2013.



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

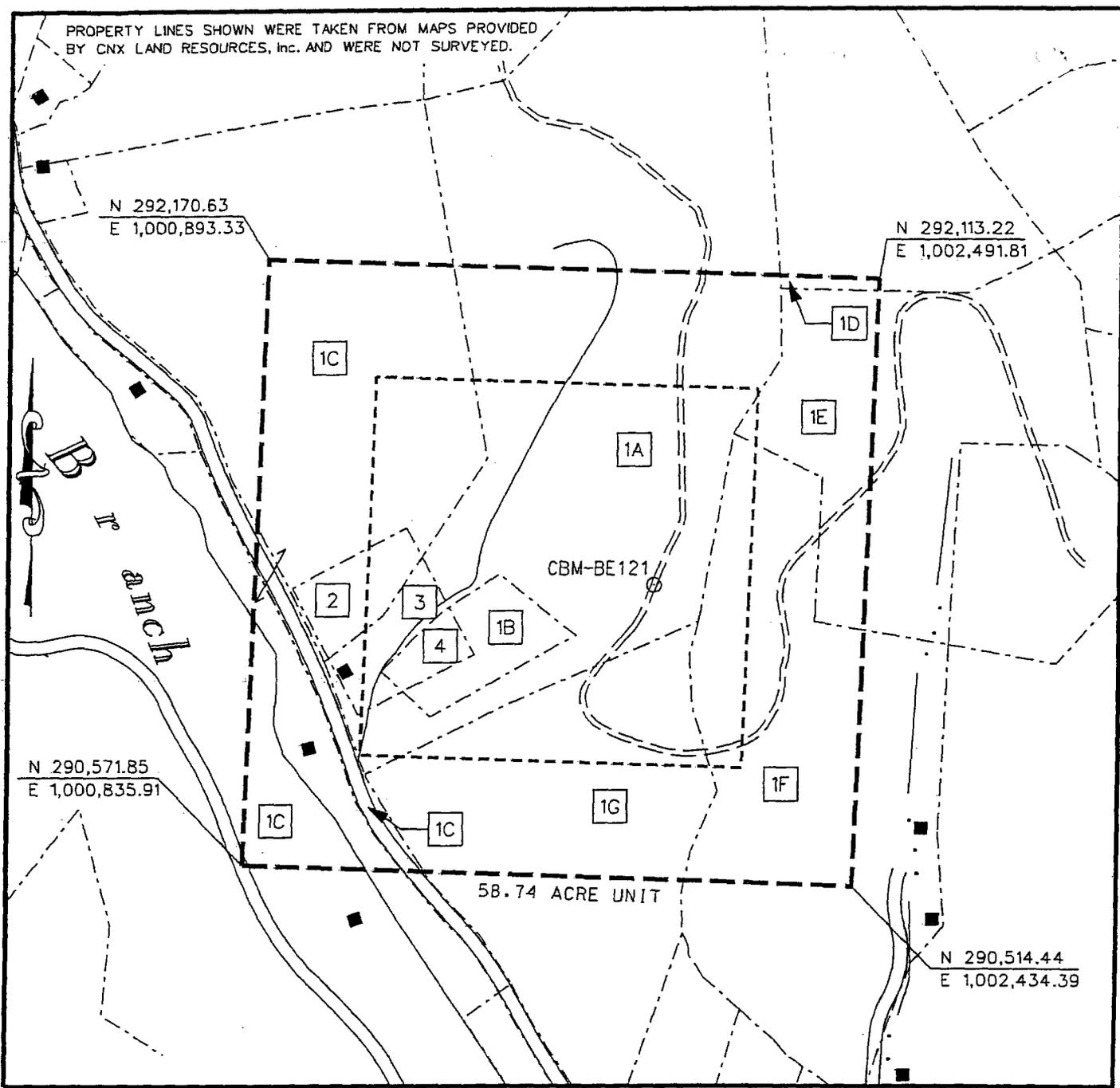


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT BE-121
FORCE POOLING
VGOB-05-0419-1427

Company CNX Gas Company LLC Well Name and Number UNIT BE 121

Tract No. _____ Elevation _____ Quadrangle Honaker

County Russell District New Garden Scale: 1" = 400' Date 3/1/05

This plat is a new plat ; an updated plat _____ or a final plat _____

Form DGO-GO-7
Rev. 9/91

Claudia O. Meyer
Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)
10953

CNX Gas Company LLC

Unit BE-121

Tract Identifications

(58.74 Acre Unit)

- 1A. Swords Creek Land Partnership Tr. 13 (574.58 Acre Tract) - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
CNX Gas Company LLC - CBM Leased
Robert Hale, II - Surface and All Minerals except Coal
CNX Gas Company, LLC – Oil, Gas and CBM Leased
17.18 acres 29.2475%**
- 1B. Swords Creek Land Partnership Tr. 13 (574.58 Acre Tract) - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
CNX Gas Company LLC - CBM Leased
David M. Saunders, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
1.53 acres 2.6047%**
- 1C. Swords Creek Land Partnership Tr. 13 (574.58 Acre Tract) - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
CNX Gas Company LLC - CBM Leased
Samuel L. Breedlove, et al. - Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
14.38 acres 24.4808%**
- 1D. Swords Creek Land Partnership Tr. 13 (574.58 Acre Tract) - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
CNX Gas Company LLC - CBM Leased
Ruth Byrd, et al. - Surface and All Minerals except Coal
CNX Gas Company, LLC - Oil, Gas and CBM Leased
0.19 acres 0.3235%**
- 1E. Swords Creek Land Partnership Tr. 13 (574.58 Acre Tract) - Coal
Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Corporation - Tiller and Above Coal Leased
CNX Gas Company LLC - CBM Leased
Ruby Barton - Surface and All Minerals except Coal
4.15 acres 7.0650%**

CNX Gas Company LLC
Unit BE-121
Tract Identifications
(58.74 Acre Unit)

- 1F. **Swords Creek Land Partnership Tr. 13 (574.58 Acre Tract) - Coal Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Corporation - Tiller and Above Coal Leased CNX Gas Company LLC - CBM Leased Betty Dye, et al - Surface and All Minerals except Coal CNX Gas Company LLC – Oil, Gas and CBM Leased**
9.33 acres 15.8836%
- 1G. **Swords Creek Land Partnership Tr. 13 (574.58 Acre Tract) - Coal Reserve Coal Properties Company - Coal Below Tiller Seam Leased Knox Creek Coal Corporation - Tiller and Above Coal Leased CNX Gas Company LLC - CBM Leased Sam D. Ray, et al - Surface and All Minerals except Coal CNX Gas Company LLC – Oil, Gas and CBM Leased**
9.01 acres 15.3388%
2. **Samuel L. Breedlove, et al – Fee CNX Gas Company LLC – Oil, Gas and CBM Leased**
1.29 acres 2.1961%
3. **Robert E. Hale, II – Fee CNX Gas Company LLC – Oil, Gas and CBM Leased**
1.11 acres 1.8897%
4. **David M. Saunders, et ux – Fee CNX Gas Company LLC – Oil, Gas and CBM Leased**
0.57 acres 0.9704%

Exhibit B-3
Unit BE-121
Docket #VGOB 05-0419-1427
List of Unleased Owners/Claimants
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
II. <u>OIL & GAS FEE OWNERSHIP</u>		
<u>Tract #1E, 4.15 acres</u>		
(1) Ruby Barton c/o Gary Shelton 873 Gangorville Road Belville, OH 44813	4.15 acres	7.0650%

Exhibit E
Unit BE-121
Docket #VGOB 05-0419-1427
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #1D, 0.19 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	0.19 acres	0.3235%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Ruth Byrd, et al.	0.19 acres	0.3235%
(b) Daniel L. Keen Rt.1 Box 68 Swords Creek, VA 24649	0.038 acres 1/5 of 0.19 acres	0.0647%
(c) Raymond P. Slate Rt.1 Box 192 Swords Creek, VA 24649	0.019 acres 1/10 of 0.19 acres	0.0323%
(f) Daniel Tucker Rt.1 Box 314 Swords Creek, VA 24649	0.038 acres 1/5 of 0.19 acres	0.0647%
<u>Tract #1E, 4.15 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	4.15 acres	7.0650%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Terry Casey Rt.1 Box 191L Swords Creek, VA 24649	4.15 acres	7.0650%

Exhibit EE
Unit BE-121
Docket #VGOB 05-0419-1427
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #1A, 17.18 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	17.18 acres	29.2475%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Robert Hale, II, et al.	17.18 acres	29.2475%
(a) Robert Hale, II Rt.2 Box 180 Honaker, VA 24260	17.18 acres	29.2475%
<u>Tract #1B, 1.53 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	1.53 acres	2.6047%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) David M. Saunders, et ux. P.O. Box 300 Swords Creek, VA 24649	1.53 acres	2.6047%
<u>Tract #1C, 14.38 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	14.38 acres	24.4808%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Samuel L. Breedlove, et al.	14.38 acres	24.4808%
(a) Samuel L. Breedlove 956 State Rt. 314 Mansfield, OH 44903	12.324 acres 85.70% of 14.38 acres	20.9800%
(b) Herbert J. Breedlove 3238 North Oketo Street Chicago, IL 60634	2.056 acres 14.30% of 14.38 acres	3.5007%

Exhibit EE
Unit BE-121
Docket #VGOB 05-0419-1427
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #1D, 0.19 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	0.19 acres	0.3235%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Ruth Byrd, et al.	0.19 acres	0.3235%
(a) Ruth Byrd P.O. Box 714 Doran, VA 24612	0.038 acres 1/5 of 0.19 acres	0.0647%
(d) Jeffery W. Slate RR Box 229A Swords Creek, VA 24649	0.019 acres 1/10 of 0.19 acres	0.0323%
(e) Virginia Spiva 328 Martin Court Marietta, GA 30060	0.038 acres 1/5 of 0.19 acres	0.0647%
<u>Tract #1F, 9.33 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	9.33 acres	15.8836%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Betty Dye, et al.	9.33 acres	15.8836%
(a) Betty R. Dye Rt.1 Box 692 Swords Creek, VA 24649	1.866 acres 1/5 of 9.33 acres	3.1767%
(b) Harold Dye 309 Bower Avenue Richlands, VA 24641	1.866 acres 1/5 of 9.33 acres	3.1767%
(c) Betty Monroe 3004 Deans Ridge Road Lot #6 Augusta, GA 30906	1.866 acres 1/5 of 9.33 acres	3.1767%
(d) Edith Trueblood Box 67 Coinjack, NC 27923	1.866 acres 1/5 of 9.33 acres	3.1767%
(e) Ershel Dye 1009 Terry Court 238 Lynchburg, VA 22501	1.866 acres 1/5 of 9.33 acres	3.1767%

Exhibit EE
 Unit BE-121
 Docket #VGOB 05-0419-1427
 List of Conflicting Owners/Claimants with Royalty Split Agreements
 (58.74 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #1G, 9.01 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.13 P.O. Box 187 Tazewell, VA 24651	9.01 acres	15.3388%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Sam D. Ray, et al. c/o Sam & Anita Ray 505 Brighton Way Castleberry, FL 32707	9.01 acres	15.3388%

000198

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 1-28, 2008. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 11:42 o'clock A. M., after payment of \$ tax imposed by Sec. 58.1-802.

Original returned this date to: Diane Davis

TESTE: ANN S. McREYNOLDS, CLERK
 BY: Jarvis Ralston D. CLERK