

VIRGINIA:

BOOK 715 PAGE 0332

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 05-0517-1448

ELECTIONS: UNIT BA-123
(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 22, 2006 which was recorded at Deed Book 655 Page 742 in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on July 6, 2006, (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 BA-123;

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 (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.

Bradley C. Lambert
Chairman, Bradley C. Lambert

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

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

STATE OF VIRGINIA
COUNTY OF ~~WASHINGTON~~

Russell
Acknowledged on this _____ 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
Diane J. Davis, Notary
174394

My commission expires: September 30, ²⁰¹³2009



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 BA-123
VGOB 05-0517-1448 in the New Garden District of Russell 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 June 22, 2006, 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 6, 2006;

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 June 22, 2006;

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 leased or entered into a voluntary agreement with the Designated Operator:

Anita Lane, Mildred J. Wilson, Donald Richardson, et ux.

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 added or dismissed as Respondents:

See attached Exhibit B-2

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 Bluefield, West Virginia, this 5th day of November, 2009.

Anita D. Duty
Anita D. Duty

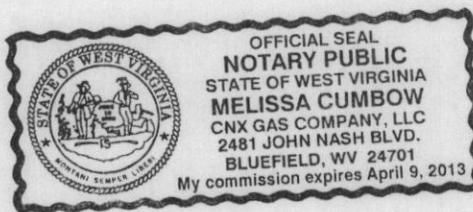
STATE OF WEST VIRGINIA
COUNTY OF MERCER

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 5th day of November, 2009.

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.

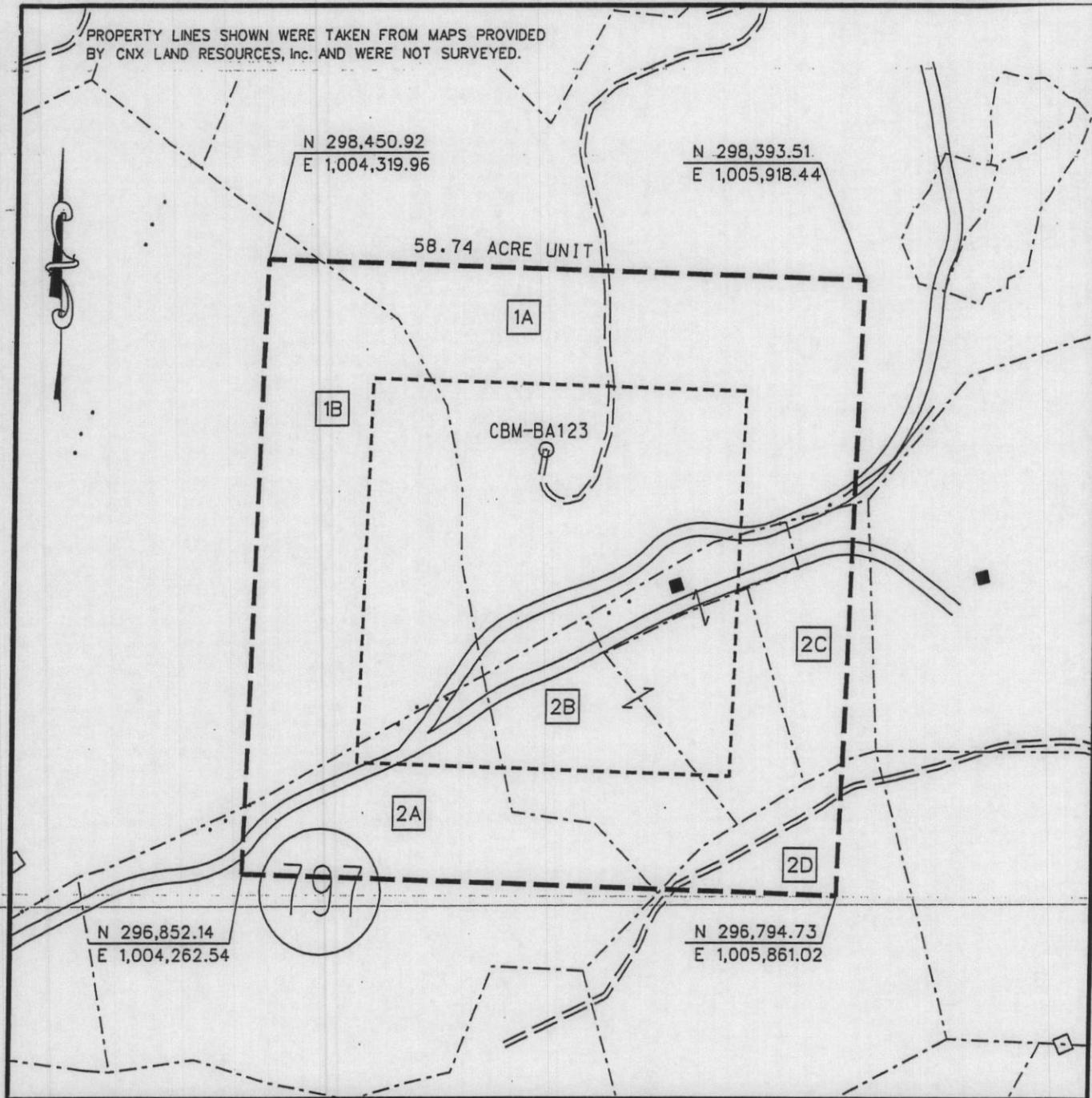
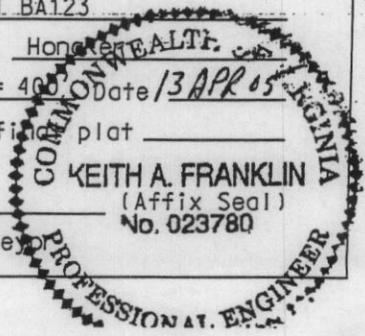


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT BA-123
FORCE POOLING
VGOB-05-0517-1448

Company CNX Gas Company LLC Well Name and Number UNIT BA123
 Tract No. _____ Elevation _____ Quadrangle Hongers BALTY. Co.
 County Russell District New Garden Scale: 1" = 400' Date 13 APR 05
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Keith A. Franklin
Licensed Professional Engineer or Licensed Land Surveyor



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**CNX Gas Company LLC
UNIT BA123
Tract Identifications
(58.74 Acre Unit)**

- 1A. Swords Creek Land Partnership Tr. 21 (A.W. Richardson 1281.86 Acre Tract) – Coal Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Company - Coal in Tiller Seam and Above Leased
CNX Gas Company LLC – CBM Leased
A. E. Richardson Heirs – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
20.88 Acres 35.5465%

- 1B. Swords Creek Land Partnership Tr. 21 (A.W. Richardson 1281.86 Acre Tract) – Coal Reserve Coal Properties Company - Coal Below Tiller Seam Leased
Knox Creek Coal Company - Coal in Tiller Seam and Above Leased
CNX Gas Company LLC – CBM Leased
Donald Richardson, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
14.59 Acres 24.8383%

- 2. William R. McCall, et al (162 Acre Tract) – All Minerals (except 5.0520% of Coal In Tiller and Above Seams)
Knox Creek Coal Corporation - Coal in Tiller Seam and Above Seams (5.0520%)
Reserve Coal Properties Company – Coal Below Tiller Seam Leased
Knox Creek Coal Corporation – Coal in Tiller and Above Drainage Leased (89.1667%)
Knox Creek Coal Corporation – CBM In Tiller Seam and Above Seams Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased Below Tiller Seam (89.1667%)
23.27 Acres 39.6153%

- 2A. Bruce Richardson, et ux – Surface
- 2B. Unknown Surface Owner
- 2C. Unknown Surface Owner
- 2D. Unknown Surface Owner

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Exhibit B-2
 Unit BA-123
 Docket #VGOB 05-0517-1448
 List of Respondents to be Dismissed
 (58.74 Acre Unit)

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	Acres in Unit	Interest in Unit	Reason for Dismissal
I. COAL OWNERSHIP			
<u>Tract #2, 22.82 acres</u>			
(1) W. R. McCall, et al. (162 Acre Tract)	22.82 acres	38.8492%	
(o) Anita Lane 563 Foxfire Court Miboro, TN 37129	0.30 acres 5/384 of 22.82 acres	0.5058%	Leased
(p) Mildred J. Wilson 294 Bottom Road Raven, VA 24639	0.89 acres 5/128 of 22.82 acres	1.5175%	Leased
II. OIL & GAS OWNERSHIP			
<u>Tract #1B, 15.04 acres</u>			
(1) Donald Richardson, et ux. P.O. Box 71 Swords Creek, VA 24639	15.04 acres	25.6044%	Leased
<u>Tract #2, 22.82 acres</u>			
(1) W. R. McCall, et al. (162 Acre Tract)	22.82 acres	38.8492%	
(o) Anita Lane 563 Foxfire Court Miboro, TN 37129	0.30 acres 5/384 of 22.82 acres	0.5058%	Leased
(p) Mildred J. Wilson 294 Bottom Road Raven, VA 24639	0.89 acres 5/128 of 22.82 acres	1.5175%	Leased

Exhibit B-3
 Unit BA-123
 Docket #VGOB 05-0517-1448
 List of Unleased Owners/Claimants
 (58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
I. COAL OWNERSHIP		
<u>Tract #2, 22.82 acres</u>		
(1) W. R. McCall, et al. (162 Acre Tract)	22.82 acres	38.8492%
(j) Pearl Wilson Barker 1369 Gillespie Drive N Palm Harbor, FL 34683	0.30 acres 5/384 of 22.82 acres	0.5058%
(l) George E. Wilson 5432 Trailwood Drive Charleston, SC 29418	0.30 acres 5/384 of 22.82 acres	0.5058%
(m) Charles E. Wilson 1589 Holletts Corner Road Clayton, DE 19938	0.30 acres 5/384 of 22.82 acres	0.5058%
(n) Robert Wilson c/o Robert Wilson Jr. 255 Red Root Ridge Rd. Raven, VA 24639	0.30 acres 5/384 of 22.82 acres	0.5058%
(q) David T. Wilson 240 Zion Church Rd. Crocket, VA 24323	0.43 acres 3/160 of 22.82 acres	0.7284%
(r) William Glen Wilson 505 Rogers Court New Bern, NC 23562	0.43 acres 3/160 of 22.82 acres	0.7284%
(t) Myrtle W. Hooker 5236 Rosecliff Avenue Roanoke, VA 24018	0.43 acres 3/160 of 22.82 acres	0.7284%
II. OIL & GAS OWNERSHIP		
<u>Tract #2, 22.82 acres</u>		
(1) W. R. McCall, et al. (162 Acre Tract)	22.82 acres	38.8492%
(j) Pearl Wilson Barker 1369 Gillespie Drive N Palm Harbor, FL 34683	0.30 acres 5/384 of 22.82 acres	0.5058%
(l) George E. Wilson 5432 Trailwood Drive Charleston, SC 29418	0.30 acres 5/384 of 22.82 acres	0.5058%

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Exhibit B-3
Unit BA-123
Docket #VGOB 05-0517-1448
List of Unleased Owners/Claimants
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
(m) Charles E. Wilson 1589 Holletts Corner Road Clayton, DE 19938	0.30 acres 5/384 of 22.82 acres	0.5058%
(n) Robert Wilson c/o Robert Wilson Jr. 255 Red Root Ridge Rd. Raven, VA 24639	0.30 acres 5/384 of 22.82 acres	0.5058%
(q) David T. Wilson 240 Zion Church Rd. Crocket, VA 24323	0.43 acres 3/160 of 22.82 acres	0.7284%
(r) William Glen Wilson 505 Rogers Court New Bern, NC 23562	0.43 acres 3/160 of 22.82 acres	0.7284%
(t) Myrtle W. Hooker 5236 Rosecliff Avenue Roanoke, VA 24018	0.43 acres 3/160 of 22.82 acres	0.7284%

Exhibit E
Unit BA-123
Docket #VGOB 05-0517-1448
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

Acres in Unit	Interest in Unit
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There are no longer Claimants that require escrow

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Exhibit EE
 Unit BA-123
 Docket #VGOB 05-0517-1448
 List of Conflicting Owners/Claimants with Royalty Split Agreements
 (58.74 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #1A, 20.88 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	20.88 acres	35.5465%
<u>OIL & GAS OWNERSHIP</u>		
(1) A.E. Richardson Heirs, Devisees, Successors or Assigns	20.88 acres	35.5465%
(a) Pauline Miller P.O. Box 131 Swords Creek, VA 24649	6.96 acres 1/3 of 20.88 acres	11.8488%
(b) David A. Richardson P.O. Box 788 Raven, VA 24639	6.96 acres 1/3 of 20.88 acres	11.8488%
(c) Daniel F. Richardson Rt.1 Box 327 Swords Creek, VA 24649	6.96 acres 1/3 of 20.88 acres	11.8488%

<u>Tract #1B, 15.04 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Swords Creek Land Partnership, Tr.21 P.O. Box 29 Tazewell, VA 24651	15.04 acres	25.6044%
<u>OIL & GAS OWNERSHIP</u>		
(1) Donald Richardson, et ux. P.O. Box 71 Swords Creek, VA 24639	15.04 acres	25.6044%

0903210

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 12-10, 2009. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:39 o'clock P.M, after payment of \$ — tax imposed by Sec. 58.1-802.

Original returned this date to: Dept. of Mines

TESTE: ANN S. McREYNOLDS, CLERK
 BY: Ann S. McReynolds CLERK

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