

120002461

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER – VACATE ORDER
VGOB 05-0816-1487

ELECTIONS: UNIT U-4
(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 February 2, 2006 which was recorded at Document 060000402 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on February 7, 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 U-4;

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, First Bank & Trust Company, 38 E. Valley Drive, Bristol, VA 24201. Attn: Debbie Davis 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 16th day of Sept. 2012, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 18th day of Sept. 2012 by Order of this Board.

Rick Cooper
Rick Cooper
Principal Executive To The Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 18th day of September, 2012, 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 Rick Cooper, 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, 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 U-4
VGOB 05-0816-1487 in the Prater District 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 Land Resources Inc., 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 February 2, 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 February 7, 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:

Russell Gambill – Participating Operator, Tract 5B

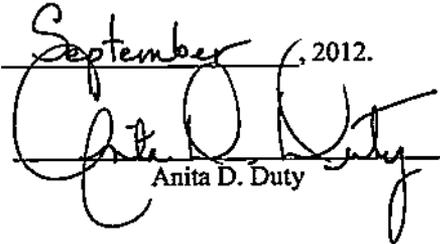
That Respondents identified in Exhibit B-3 hereto are, having failed to make any election, deemed to have leased their coalbed methane rights, interests and claims to Applicant, all as provided in the Board's Order of February 2, 2006:

See attached Exhibit B-3 (Unit is 100% Leased and/or under 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.

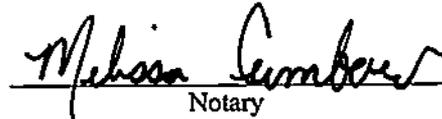
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 17th day of September, 2012.

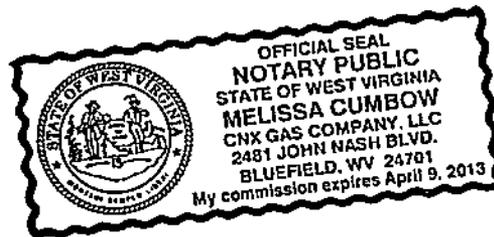

Anita D. Duty

STATE OF WEST VIRGINIA
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land Resources Inc., on behalf of the corporate Designated Operator, this 17th day of September, 2012.


Notary

My commission expires: April 9, 2013



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

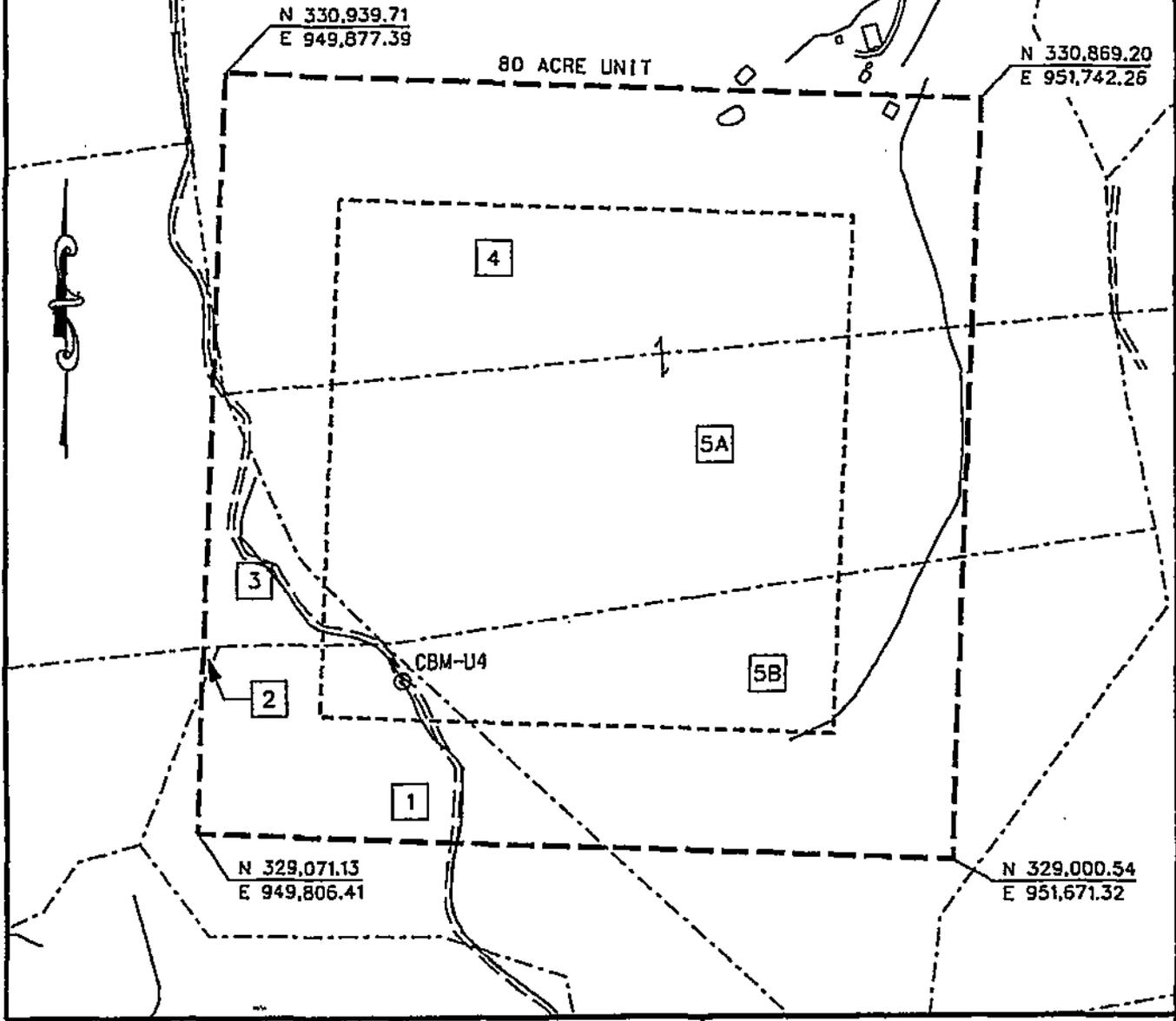
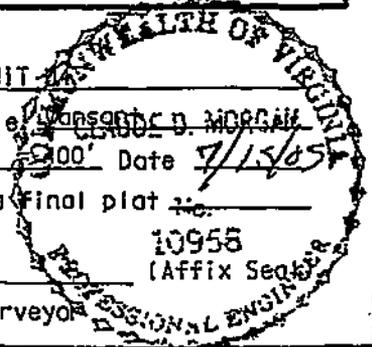


EXHIBIT A
 OAKWOOD FIELD
 UNIT U-4
 FORCE POOLING
 VG0B-05-0816-1487

Company CNX Gas Company LLC Well Name and Number UNIT U-4
 Tract No. _____ Elevation _____ Quadrangle Buchanan
 County Buchanan District Prater Scale: 1" = 300' Date 7/15/05
 This plat is a new plat ; an updated plat _____ ; or a final plat _____

Form DGO-60-7
 Rev. 9/91

Charles D. Morgan
 Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC
Unit U4
Tract Identifications

1. **Levisa Coal Company, et al Tr. 36 (24 Acres of 75.75 Acre Tract) – All Minerals
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
CNX Gas Company LLC – CBM Leased
D. Ralph Thacker - Surface
7.99 acres 9.9875%**

2. **Levisa Coal Company, et al Tr. 35 (143.48 Acre Tract) - Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corp. – Coal In Tiller and Above Leased
John W. Pobst, Jr., et al. - Oil and Gas
Columbia Gas Transmission Corporation – Oil and Gas Leased
CNX Gas Company LLC – CBM Leased
Paul R. Coleman, et ux - Surface
0.04 acres 0.0500%**

3. **Levisa Coal Company, et al Tr. 34 (87.24 Acre Tract) - Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corp. – Coal In Tiller and Above Leased
John W. Pobst, Jr., et al. - Oil and Gas
Columbia Gas Transmission Corporation – Oil and Gas Leased
CNX Gas Company LLC – CBM Leased
Paul R. Coleman, et ux - Surface
2.93 acres 3.6625%**

4. **Levisa Coal Company, et al Tr. 14 (233.90 Acre Tract) - Coal
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corp. – Coal In Tiller and Above Leased
John W. Pobst, Jr., et al. - Oil and Gas
CNX Gas Company LLC - CBM Leased
William E. Stiltner, et ux – Surface and All Minerals except Coal
28.79 acres 35.9875%**

- 5A. **Harrison-Wyatt, LLC Big Axe Tr. 24 (336 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
CNX Gas Company LLC – CBM Leased
William E. Stiltner, et ux – Surface and All Minerals except Coal
23.46 acres 29.3250%**

- 5B. **Harrison-Wyatt, LLC Big Axe Tr. 24 (336 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
CNX Gas Company LLC – CBM Leased
Russell W. Gambill – Surface and All Minerals except Coal
16.79 acres 20.9875%**

Exhibit B-2
Unit U-4
Docket #VGOB 05-0816-1487
List of Respondents to be Added/Dismissed

	Acres in Unit	Percent of Unit	Reason for Addition	Reason for Dismissal
II. OIL & GAS OWNERSHIP				
<u>Tract #1 - 7.99 acres</u>				
(1) D. Ralph Thacker, et al. a/k/a John W. Pobst, Jr., et al. <i>Tract 36 (24 Acre outsale of the 75.75 Acre Tract)</i>	7.99 acres	9.9875%		
(a) D. Ralph Thacker 20021 Thacker Drive Boonsboro, MD 21713	2.22 acres 5/18 of 7.99 acres	2.7743%		Leased
(b) James Maurice Carlisle 19700 Barnesville Road Dickenson, MD 20842	2.22 acres 5/18 of 7.99 acres	2.7743%	Due Diligence	Leased
<u>Tract #5A - 23.46 acres</u>				
(1) William E. Stiltner, et ux. 1819 Shortridge Branch Road Vansant, VA 24656	23.46 acres	29.3250%		Leased
<u>Tract #5B - 16.79 acres</u>				
(1) Russell W. Gambill *** 974 Vannoy Road Millers Creek, NC 28651	16.79 acres	20.9875%		Participating Operator

*** NOTE: Harrison-Wyatt LLC has released his claim to Working Interest and Russell Gambill has 100%.

**Exhibit B-3
Unit U-4
Docket #VGOB 05-0816-1487
List of all Unleased Owners/Claimants**

Acres in Unit	Percent of Unit
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This unit is 100% leased by agreement and/or participation.

Exhibit E
Unit U-4
Docket #VGOB 05-0816-1487
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<i>All conflicts resolved - no escrowing required</i>		

Exhibit EE
Unit U-4
Docket #VGOB 05-0816-1487
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
<u>Tract #1 - 7.99 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Levisa Coal Company Tract 36 (24 Acre outsale of the 75.75 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	7.99 acres	9.9875%
<u>OIL & GAS OWNERSHIP</u>		
(1) D. Ralph Thacker, et al. a/k/a John W. Pobst, Jr., et al. Tract 36 (24 Acre outsale of the 75.75 A	7.99 acres	9.9875%
(a) D. Ralph Thacker 20021 Thacker Drive Boonsboro, MD 21713	2.22 acres 5/18 of 7.99 acres	2.7743%
(b) James Maurice Carlisle 19700 Barnesville Road Dickenson, MD 20842	2.22 acres 5/18 of 7.99 acres	2.7743%
(c) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	0.89 acres 1/9 of 7.99 acres	1.1097%
(d) Carol Irvin 4710 Hunterwood Circle Richmond, TX 77406	0.30 acres 1/27 of 7.99 acres	0.3699%
(e) F.H. Combs Testamentary Trust c/o Trustees P. O. Box 841 Tazewell, VA 24651	0.30 acres 1/27 of 7.99 acres	0.3699%
(f) Martha E. Combs c/o Benjamin F. Edwards & Company 208 West Main St., Ste 400 Tazewell, VA 24651	0.30 acres 1/27 of 7.99 acres	0.3699%
(g) John W. Pobst, Jr. Box 86 Revere, PA 18953	0.30 acres 1/27 of 7.99 acres	0.3699%
(h) Virginia Lee Linwick 4324 South Ball Road Veradale, WA 99037	0.30 acres 1/27 of 7.99 acres	0.3699%
(i) W. Kent Pobst Trust		
(i.1) Richard K. Pobst 39 Waterside Drive Cartersville, GA 30121	0.30 acres 1/27 of 7.99 acres	0.3699%
(i.2) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	0.30 acres 1/27 of 7.99 acres	0.3699%

Exhibit EE
Unit U-4
Docket #VGOB 05-0816-1487
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
(j) Meredith E. Jennings 542 Butler Mill Road Maryville, TN 37803	0.59 acres 2/27 of 7.99 acres	0.7398%
<u>Tract #2 - 0.04 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Levisa Coal Company Tract 29 (143.48 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	0.04 acres	0.0500%
<u>OIL & GAS OWNERSHIP</u>		
(1) John W. Pobst, Jr., et al. Tract 29 (143.48 Acre Tract)	0.04 acres	0.0500%
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	0.010 acres 1/4 of 0.04 acres	0.0125%
(b) Carol Irvin 4710 Hunterwood Circle Richmond, TX 77406	0.003 acres 1/12 of 0.04 acres	0.0042%
(c) F.H. Combs Testamentary Trust c/o Trustees P. O. Box 841 Tazewell, VA 24651	0.003 acres 1/12 of 0.04 acres	0.0042%
(d) Martha E. Combs c/o Benjamin F. Edwards & Company 208 West Main St., Ste 400 Tazewell, VA 24651	0.003 acres 1/12 of 0.04 acres	0.0042%
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	0.003 acres 1/12 of 0.04 acres	0.0042%
(f) Virginia Lee Linwick 4324 South Ball Road Veradale, WA 99037	0.003 acres 1/12 of 0.04 acres	0.0042%
(g) W. Kent Pobst Trust		
(g.1) Richard K. Pobst 39 Waterside Drive Cartersville, GA 30121	0.003 acres 1/12 of 0.04 acres	0.0042%
(g.2) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	0.003 acres 1/12 of 0.04 acres	0.0042%
(h) Meredith E. Jennings 542 Butler Mill Road Maryville, TN 37803	0.007 acres 1/6 of 0.04 acres	0.0083%

Exhibit EE
Unit U-4
Docket #VGOB 05-0816-1487
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
<u>Tract #3 - 2.93 acres</u>		
COAL OWNERSHIP		
(1) Levisa Coal Company Tract 28 (87.24 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	2.93 acres	3.6625%
OIL & GAS OWNERSHIP		
(1) John W. Pobst, Jr., et al. Tract 28 (87.24 Acre Tract)	2.93 acres	3.6625%
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	0.73 acres 1/4 of 2.93 acres	0.9156%
(b) Carol Irvin 4710 Hunterwood Circle Richmond, TX 77406	0.24 acres 1/12 of 2.93 acres	0.3052%
(c) F.H. Combs Testamentary Trust c/o Trustees P. O. Box 841 Tazewell, VA 24651	0.24 acres 1/12 of 2.93 acres	0.3052%
(d) Martha E. Combs c/o Benjamin F. Edwards & Company 208 West Main St., Ste 400 Tazewell, VA 24651	0.24 acres 1/12 of 2.93 acres	0.3052%
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	0.24 acres 1/12 of 2.93 acres	0.3052%
(f) Virginia Lee Linwick 4324 South Ball Road Veradale, WA 99037	0.24 acres 1/12 of 2.93 acres	0.3052%
(g) W. Kent Pobst Trust		
(g.1) Richard K. Pobst 39 Waterside Drive Cartersville, GA 30121	0.24 acres 1/12 of 2.93 acres	0.3052%
(g.2) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	0.24 acres 1/12 of 2.93 acres	0.3052%
(h) Meredith E. Jennings 542 Butler Mill Road Maryville, TN 37803	0.49 acres 1/6 of 2.93 acres	0.6104%

Exhibit EE
Unit U-4
Docket #VGOB 05-0816-1487
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
<u>Tract #4 - 28.79 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Levisa Coal Company Tract 18 (231.44 acres p/o 277.37 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	28.79 acres	35.9875%
<u>OIL & GAS OWNERSHIP</u>		
(1) John W. Pobst, Jr., et al. Tract 18 (231.44 acres p/o 277.37 Acre Tract)	28.79 acres	35.9875%
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	7.20 acres 1/4 of 28.79 acres	8.9969%
(b) Carol Irvin 4710 Hunterwood Circle Richmond, TX 77406	2.40 acres 1/12 of 28.79 acres	2.9990%
(c) F.H. Combs Testamentary Trust c/o Trustees P. O. Box 841 Tazewell, VA 24651	2.40 acres 1/12 of 28.79 acres	2.9990%
(d) Martha E. Combs c/o Benjamin F. Edwards & Company 208 West Main St., Ste 400 Tazewell, VA 24651	2.40 acres 1/12 of 28.79 acres	2.9990%
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	2.40 acres 1/12 of 28.79 acres	2.9990%
(f) Virginia Lee Linwick 4324 South Ball Road Veradale, WA 99037	2.40 acres 1/12 of 28.79 acres	2.9990%
(g) W. Kent Pobst Trust		
(g.1) Richard K. Pobst 39 Waterside Drive Cartersville, GA 30121	2.40 acres 1/12 of 28.79 acres	2.9990%
(g.2) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	2.40 acres 1/12 of 28.79 acres	2.9990%
(h) Meredith E. Jennings 542 Butler Mill Road Maryville, TN 37803	4.80 acres 1/6 of 28.79 acres	5.9979%

Exhibit EE
Unit U-4
Docket #VGOB 05-0816-1487
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit
<u>Tract #5A - 23.46 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, LLC Big Axe Tract 24 (336.00 Acre Tract) P.O. Box 11000 Danville, VA 24543	23.46 acres	29.3250%
<u>OIL & GAS OWNERSHIP</u>		
(1) William E. Stiltner, et ux. 1819 Shortridge Branch Road Vansant, VA 24656	23.46 acres	29.3250%
<u>Tract #5B - 16.79 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, LLC *** Big Axe Tract 24 (336.00 Acre Tract) P.O. Box 11000 Danville, VA 24543	16.79 acres	20.9875%
<u>OIL & GAS OWNERSHIP</u>		
(1) Russell W. Gambill *** 974 Vannoy Road Millers Creek, NC 28651	16.79 acres	20.9875%

*** NOTE: Harrison-Wyatt LLC has released his claim to Working Interest and Russell Gambill has 100%.

INSTRUMENT #120002461
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
OCTOBER 26, 2012 AT 01:08PM
BEVERLY S. TILLER, CLERK
RECORDED BY: MXB

15