

1340  
VIRGINIA:

090002586

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 05-0816-1491

ELECTIONS: UNIT X-8  
(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 Number 06-0000395 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 A 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 X-8;

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.

DONE AND EXECUTED this 20 day of July, 2009 by  
a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Bradley Lambert, Chairman

DONE AND EXECUTED this 20 day of July, 2009 by  
a majority of the Virginia Gas and Oil Board.

David E. Asbury, Jr.  
David E. Asbury, Jr.  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA  
~~COUNTY OF WASHINGTON~~

Acknowledged this 20<sup>th</sup> day of July, 2009,  
personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley Lambert,  
being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board and 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 same and were so authorized to do.

Diane J. Davis  
Diane J. Davis, Notary 174394

My Commission Expires September 30, 2009



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 X-8  
VGOB 05-0816-1491 in the Prater District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein A 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 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:

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 February 2, 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:

See attached Exhibit B-2

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:

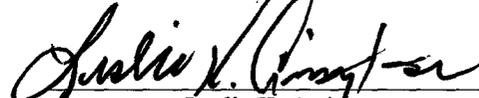
Island Creek Coal Company

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.

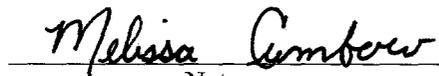
See attached Exhibit EE

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.

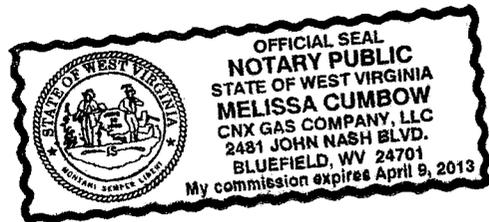
Dated at Mercer, West Virginia, this 5<sup>th</sup> day of March, 2008.

  
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 5<sup>th</sup> day of March, 2008.

  
Notary

My commission expires: April 9, 2013.



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

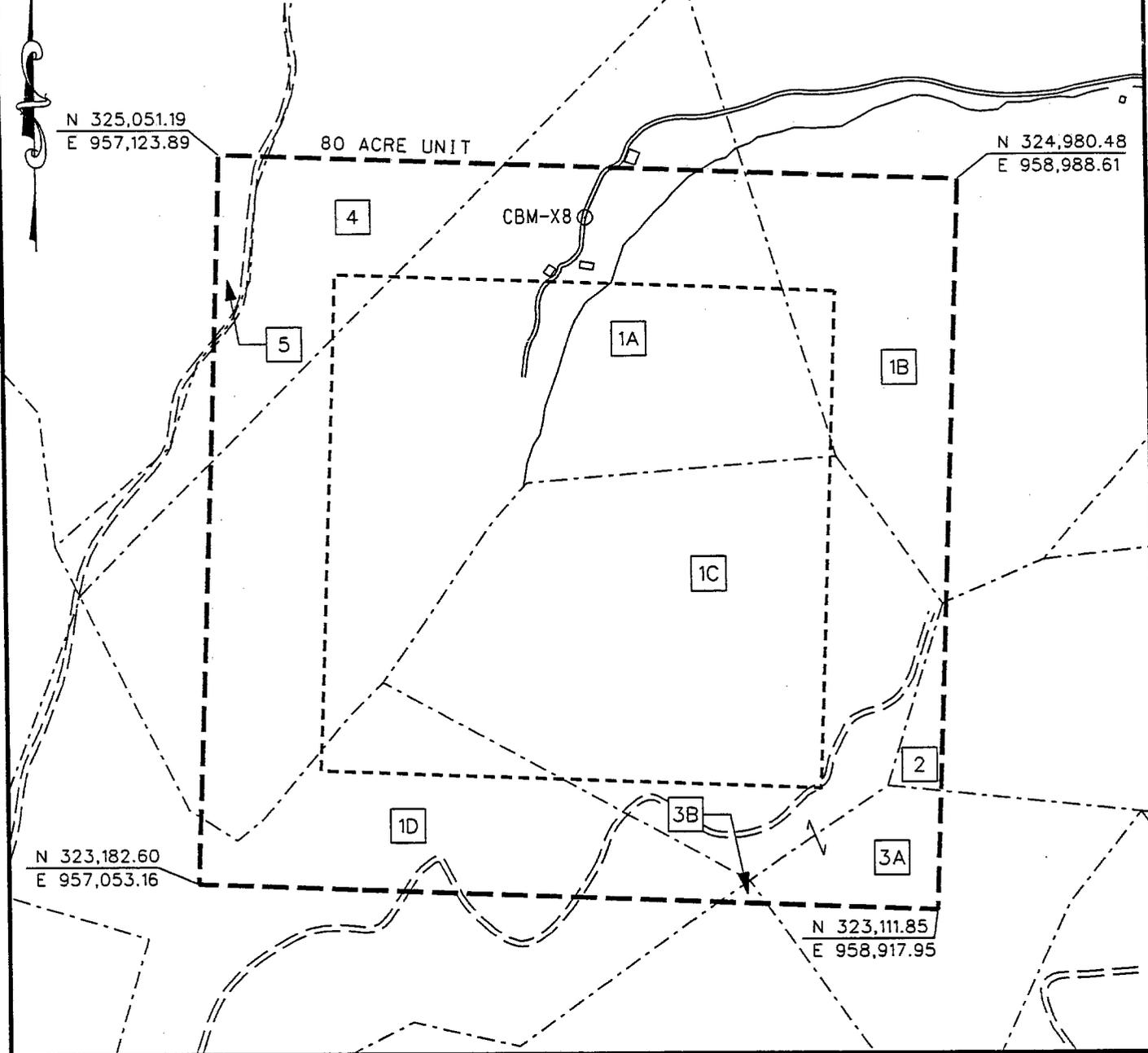
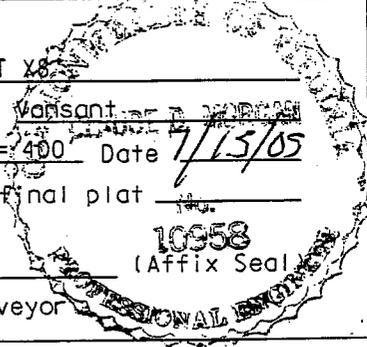


EXHIBIT A  
 OAKWOOD FIELD  
 UNIT X-8  
 FORCE POOLING  
 VGOB-05-0816-1491

Company CNX Gas Company LLC Well Name and Number UNIT X8  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Variant  
 County Buchanan District Prater Scale: 1" = 400' Date 7/15/05  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
 Rev. 9/91

*Claude O. Meyer*  
 Licensed Professional Engineer or Licensed Land Surveyor



# CNX Gas Company LLC

## UNIT X8

### Tract Identifications

- 1A. Harrison-Wyatt, LLC Big Axe Tr. 27 (200 Acre Tract) - Coal  
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
CNX Gas Company LLC – All Minerals except Coal  
Island Creek Coal Company/Consol Energy, Inc. – Surface  
30.15 acres 37.6875%
- 1B. Harrison-Wyatt, LLC Big Axe Tr. 27 (200 Acre Tract) - Coal  
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Buchanan County – Surface and All Minerals except Coal  
8.02 acres 10.0250%
- 1C. Harrison-Wyatt, LLC Big Axe Tr. 27 (200 Acre Tract) - Coal  
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
Ronald E and Teresa H. Brents, Trustees – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
22.78 acres 28.4750%
- 1D. Harrison-Wyatt, LLC Big Axe Tr. 27 (200 Acre Tract) - Coal  
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
CNX Gas Company LLC – All Minerals except Coal  
Island Creek Coal Company/Consol Energy, Inc. - Surface  
9.25 acres 11.5625%
2. Harrison-Wyatt, LLC Big Axe Tr. 40 (155 Acre Tract) – All Minerals  
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
CNX Gas Company LLC - Surface  
0.79 acres 0.9875%
3. Harrison-Wyatt, LLC Big Axe Tr. 37 (105 Acre Tract) - Coal  
Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased  
CNX Gas Company LLC - CBM Leased  
James A. Tiller Heirs and Frank Howard Heirs – All Minerals except Coal  
2.43 acres 3.0375%
- 3A. Ronald E. and Teresa H. Brents, Trustees – Surface  
3B. Unknown Surface Owner

**CNX Gas Company LLC**  
**UNIT X8**  
**Tract Identifications**

4. **T. R. Mullins, et al – Coal**  
**Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased**  
**Bobby H. C. Jackson, et al – Surface and All Minerals except Coal**  
**5.68 acres                      7.1000%**
  
5. **Harrison-Wyatt, LLC Big Axe Tr. 23 (900 Acre Tract) - Coal**  
**Island Creek Coal Company/Consol Energy, Inc. - Coal Below Tiller Seam Leased**  
**Jewell Smokeless Coal Company - Coal Above Jawbone Seam Leased**  
**CNX Gas Company LLC - CBM Leased**  
**Bobby H. C. Jackson, et al – Surface and All Minerals except Coal**  
**0.90 acres                      1.1250%**

Exhibit B-2  
Unit X-8  
Docket #VGOB 05-0816-1491  
List of Respondents to be Dismissed

	Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%	Reason for Dismissal
<b>II. <u>OIL &amp; GAS FEE OWNERSHIP</u></b>				
<b><u>Tract #5, 0.90 Acres</u></b>				
(1)	Island Creek Coal Company P.O. Box 947 Bluefield, VA 24605	0.90 acres	1.12500%	0.0974% Not the owner

**Exhibit B-3  
Unit X-8  
Docket #VGOB 05-0816-1491  
List of Unleased Owners/Claimants**

	Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>			
<b><u>Tract #1B, 8.02 Acres</u></b>			
(1) Buchanan County Mr. W.J. Caudill P.O. Box 950 Grundy, VA 24614	8.02 acres	10.02500%	0.8677%
<b><u>Tract #3, 2.43 Acres</u></b>			
(1) James A. Tiller Heirs & Frank Howard Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unlocatable</i>	2.43 acres	3.03750%	0.2629%
<b><u>Tract #4, 5.68 Acres</u></b>			
(1) Bobby H.C. Jackson, et al.	5.68 acres	7.10000%	0.6145%
(a) Bobby H.C. Jackson P.O. Box 872 Lester Prairie, MN 55354	5.68 acres <i>(Subject to the Life Estate of Henry Jackson)</i>	7.10000%	0.6145%
<b><u>Tract #5, 0.90 Acres</u></b>			
(1) Bobby H.C. Jackson, et al.	0.90 acres	1.12500%	0.0974%
(a) Bobby H.C. Jackson P.O. Box 872 Lester Prairie, MN 55354	0.90 acres <i>(Subject to the Life Estate of Henry Jackson)</i>	1.12500%	0.0974%

**Exhibit E  
Unit X-8  
Docket #VGOB 05-0816-1491  
List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%
<b><u>Tract #1B, 8.02 Acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.27 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	8.02 acres	10.02500%	0.8677%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Buchanan County Mr. W.J. Caudill P.O. Box 950 Grundy, VA 24614	8.02 acres	10.02500%	0.8677%
<b><u>Tract #1C, 22.78 Acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.27 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	22.78 acres	28.47500%	2.4646%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Ronald E. And Teresa H. Brents, Trustees Rt.4 Box 294 Stuart Draft, VA 24477	22.78 acres	28.47500%	2.4646%
<b><u>Tract #3, 2.43 Acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.37 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	2.43 acres	3.03750%	0.2629%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) James A. Tiller Heirs & Frank Howard Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unlocatable</i>	2.43 acres	3.03750%	0.2629%
<b><u>Tract #4, 5.68 Acres</u></b> ✓			
<b><u>COAL FEE OWNERSHIP</u></b>			
T.R. Mullins, et al.	5.68 acres	7.10000%	0.6145%
(1) Theodore A. Mullins Heirs, Devisees, Successors or Assigns			

**Exhibit E**  
**Unit X-8**  
**Docket #VGOB 05-0816-1491**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%
(a) Theodore Blaine Mullins 1468 Rock Cliff Drive, Apt #3 Martinsburg, WV 25401	0.63 acres 1/9 of 5.68 acres	0.78889%	0.06828%
(b) Cornelia Maurice Mullins P.O. Box 51 Clendenin, WV 25045	0.63 acres 1/9 of 5.68 acres	0.78889%	0.06828%
(c) Marilyn Mullins 19107 Park Place Blvd. Eustis, FL 32736	0.63 acres 1/9 of 5.68 acres	0.78889%	0.06828%
(2) John L. & Lucille M. Mullins Sr. Heirs, Devisees, Successors or Assigns			
(a) George W. Mullins, Sr. 165 Muller Road Cottageville WV 25239	0.47 acres 1/12 of 5.68 acres	0.59167%	0.05121%
(b) Jo Ann Barker 658 Copper Beech Blvd. Deltona, FL 32725-8812	0.47 acres 1/12 of 5.68 acres	0.59167%	0.05121%
(c) John L. Mullins, Jr. Heirs, Devisees, Successors or Assigns			
(c.1) Stephanie Mullins-Williams 1701 Sir John Court Orlando, FL 32837-6309	0.12 acres 1/48 of 5.68 acres	0.14792%	0.01280%
(c.2) John David Mullins 2601 Sandtrap Lane #D Melbourne, FL 32935	0.12 acres 1/48 of 5.68 acres	0.14792%	0.01280%
(c.3) Barndon Overton Mullins 2601 Sandtrap Lane #D Melbourne, FL 32935	0.12 acres 1/48 of 5.68 acres	0.14792%	0.01280%
(c.4) Heather L. Dawson 1675 Advieview Road Estates / Bayside Lakes Palm Bay, FL 32909	0.12 acres 1/48 of 5.68 acres	0.14792%	0.01280%
(d) Thomas L. Mullins 1394 Poca River Road South Poca, WV 25159	0.47 acres 1/12 of 5.68 acres	0.59167%	0.05121%
(3) Augutus C. Mullins Heirs, Devisees, Successors or Assigns			
(a) Madeline Hunt, widow P.O. Box 7305 Zephyrhills, FL 33543	1.89 acres 1/3 of 5.68 acres	2.36667%	0.20484%

**Exhibit E**  
**Unit X-8**  
**Docket #VGOB 05-0816-1491**  
**List of Conflicting Owners/Claimants that require escrow**

	Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Bobby H.C. Jackson, et al.	5.68 acres	7.10000%	0.6145%
(a) Bobby H.C. Jackson P.O. Box 872 Lester Prairie, MN 55354	5.68 acres <i>(Subject to the Life Estate of Henry Jackson)</i>	7.10000%	0.6145%
(b) Henry Lawrence Jackson P.O. Box 116 Vansant, VA 24656		<i>Life Estate</i>	
<b><u>Tract #5, 0.90 Acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.23 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	0.90 acres	1.12500%	0.0974%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) Bobby H.C. Jackson, et al.	0.90 acres	1.12500%	0.0974%
(a) Bobby H.C. Jackson P.O. Box 872 Lester Prairie, MN 55354	0.90 acres <i>(Subject to the Life Estate of Henry Jackson)</i>	1.12500%	0.0974%
(b) Henry Lawrence Jackson P.O. Box 116 Vansant, VA 24656		<i>Life Estate</i>	

Exhibit EE  
Unit X-8  
Docket #VGOB 05-0816-1491  
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Percent of Unit	Interest in VP8-2 South Panel 8.6552%
<b><u>Tract #1A, 30.15 Acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.27 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	30.15 acres	37.68750%	3.2619%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) CNX Gas Company LLC P.O. Box 947 Bluefield, VA 24605	30.15 acres	37.68750%	3.2619%
<b><u>Tract #1D, 9.25 Acres</u></b>			
<b><u>COAL FEE OWNERSHIP</u></b>			
(1) Harrison-Wyatt, L.L.C., Tr.27 c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	9.25 acres	11.56250%	1.0008%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>			
(1) CNX Gas Company LLC P.O. Box 947 Bluefield, VA 24605	9.25 acres	11.56250%	1.0008%

INSTRUMENT #090002586  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
AUGUST 27, 2009 AT 12:32PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: NKE