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080000285

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

✓ SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 05-1213-1542

ELECTIONS: UNIT AY-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 February 2, 2006 which was recorded at Document Number 06-0000399 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 Board 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 AY-98;

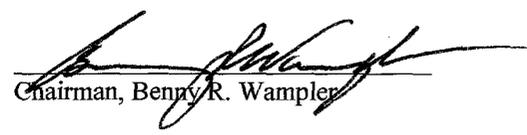
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, N.A., 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 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.

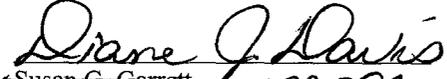
Effective Date: This Order shall be effective on the date of its execution.

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~~ 179399
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, 179399

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 AY-98
VGOB 05-1213-1542 in the Hurricane 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:

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.

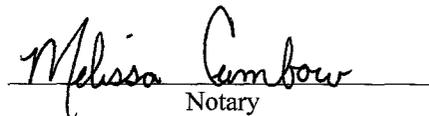
See attached Exhibit EE

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.

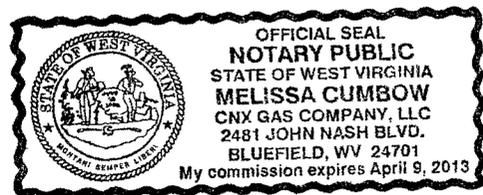
Dated at Mercer, West Virginia, this 8th day of January, 2008.


Leslie K. Arrington

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.


Notary

My commission expires: April 9, 2013.



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

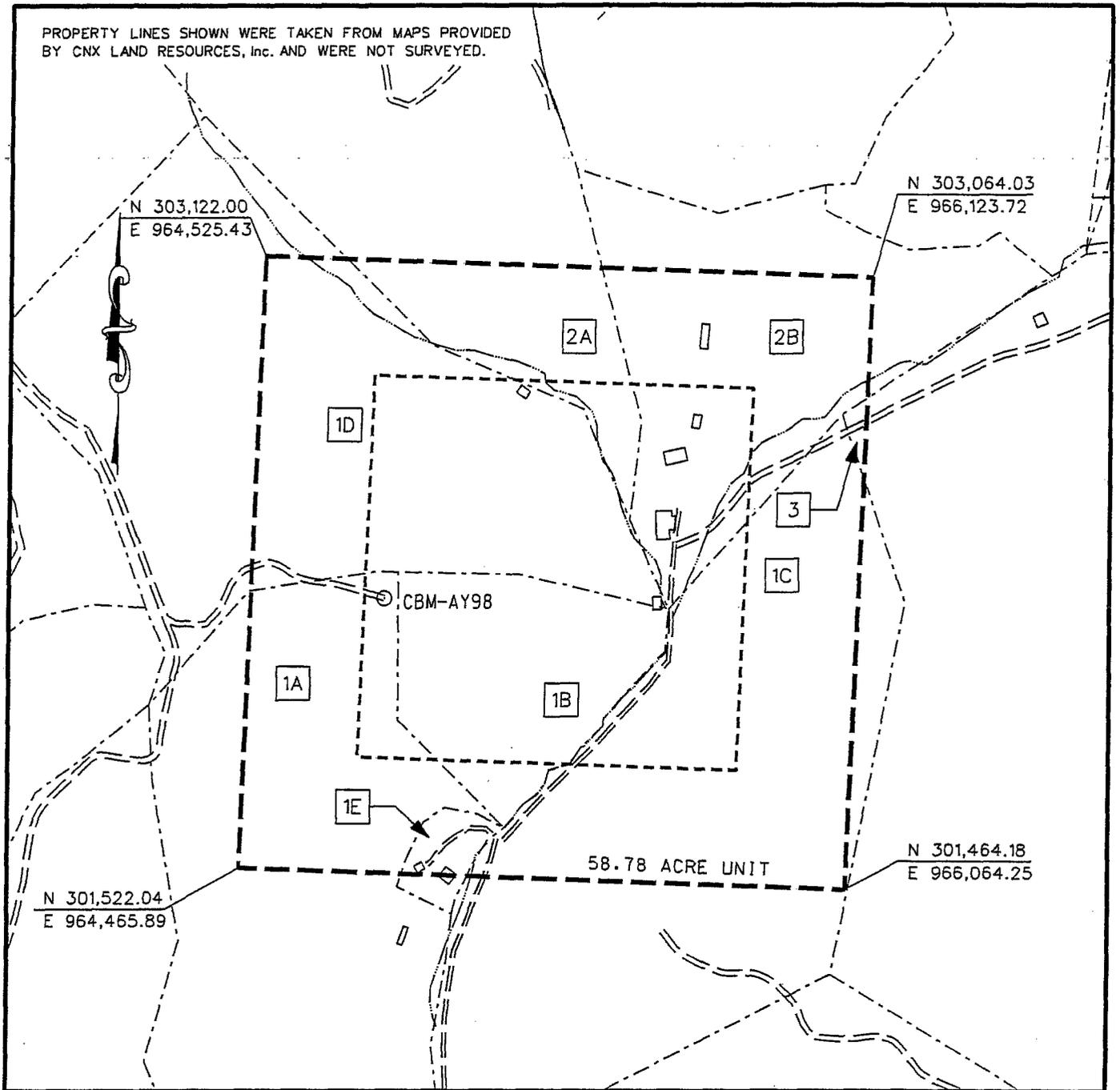
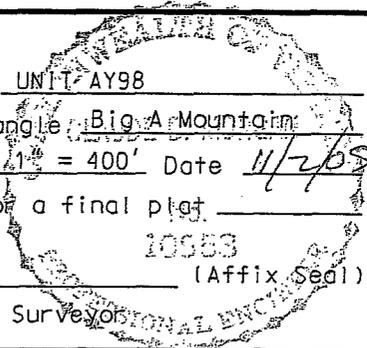


EXHIBIT A
 NORA FIELD
 UNIT AY-98
 FORCE POOLING
 VGOB-05-1213-1542

Company CNX Gas Company LLC Well Name and Number UNIT AY98
 Tract No. _____ Elevation _____ Quadrangle Big A Mountain
 County Buchanan District Hurricane Scale: 1" = 400' Date 11/2/05
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGD-GO-7 Charles D. May 10583 (Affix Seal)
 Rev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC

UNIT AY-98

Tract Identifications

(58.78 Acres)

1. Harrison-Wyatt, LLC Big Axe Tr. 2 (176.25 Acre Tract) - Coal (50%)
Buchanan Realty Limited Partnership - Coal (50%)
Harrison-Wyatt, LLC (Big Axe Tr. 2) – All Minerals except Coal
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
45.05 acres 76.6417%

- 1A. Teresa Harris, et al – Surface
- 1B. Gregory Austin et ux – Surface
- 1C. Emma Jane Harris – Surface
- 1D. Diane Howard Austin, et al – Surface
- 1E. Brian Hess, et al – Surface

2. Harrison-Wyatt, LLC. (Big Axe Tr. 12) – All Minerals
Jewell Smokeless Coal Corporation - Coal Above Jawbone Seam Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
13.57 acres 23.0861

- 2A. Wesley Carl Hess, et al. - Surface
- 2B. Diane Howard Austin, et al - Surface

3. Harrison-Wyatt, L.L.C. (Big Axe Tr. 4) - Coal
Jewell Smokeless Coal Corp. - Coal Above Jawbone Seam Leased
CNX Gas Company LLC - CBM Leased
Fielden Sanders Heirs, et al. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased (85%)
0.16 acres 0.2722%

Exhibit B-3
Unit AY-98
Docket #VGOB 05-1213-1542
List of Unleased Owners/Claimants
(58.78 Acre Unit)

	Acres in Unit	Percent of Unit
II. OIL & GAS FEE OWNERSHIP		
<u>Tract #3 - 0.16 acres</u>		
Fielden Sanders Heirs, Devisees, Successors or Assigns, et al.	0.16 acres	0.2722%
(1) Ora Sanders Heirs, Devisees, Successors or Assigns		
(c) Lena Sanders Sutarka 751 Forest Hill Road Gordenville, VA 22942	0.0076 1/21 of 0.16 acres	0.0130%
(d) Dan Sanders P.O. Box 18 Thaxton, VA 24174	0.0076 1/21 of 0.16 acres	0.0130%
(e) Julia Sanders O'Quinn 1232 Green-Cook Road Sunbury, OH 43074	0.0076 1/21 of 0.16 acres	0.0130%
(g) Walter Sanders Heirs, Devisees, Successors or Assigns		
(g.4) Terry Sanders 271 Pleasant Ridge Road Franklinville, NC 27248	0.0019 1/84 of 0.16 acres	0.0032%

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Exhibit E
Unit AY-98
Docket #VGOB 05-1213-1542
List of Conflicting Owners/Claimants that require escrow
(58.78 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #1 - 45.05 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, LLC, et al.	45.05 acres	76.6417%
(b) Buchanan Realty LP John C. Irving, Mgr. Ptr. 4710 Hunterwood Circle Richmond, TX 77469	22.53 acres 1/2 of 45.05 acres	38.3209%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.2) c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	22.53 acres 1/2 of 45.05 acres	38.3209%
<i>*Note: Only 1/2 of the tract is in conflict.</i>		
<u>Tract #3 - 0.16 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	0.16 acres	0.2722%
<u>OIL & GAS FEE OWNERSHIP</u>		
Fielden Sanders Heirs, Devisees, Successors or Assigns, et al.	0.16 acres	0.2722%
(1) Ora Sanders Heirs, Devisees, Successors or Assigns		
(a) Oma Sanders Tiller Rt.2 Box 245 Honaker, VA 24260	0.0076 1/21 of 0.16 acres	0.0130%
(b) Leafy Sanders Tiller HC4 Box 563 Council, VA 24260	0.0076 1/21 of 0.16 acres	0.0130%
(c) Lena Sanders Sutarka 751 Forest Hill Road Gordenville, VA 22942	0.0076 1/21 of 0.16 acres	0.0130%
(d) Dan Sanders P.O. Box 18 Thaxton, VA 24174	0.0076 1/21 of 0.16 acres	0.0130%
(e) Julia Sanders O'Quinn 1232 Green-Cook Road Sunbury, OH 43074	0.0076 1/21 of 0.16 acres	0.0130%

Exhibit E
Unit AY-98
Docket #VGOB 05-1213-1542
List of Conflicting Owners/Claimants that require escrow
(58.78 Acre Unit)

	Acres in Unit	Percent of Unit
(f) Ellis Sanders Heirs, Devisees, Successors or Assigns		
(f.1) Janie Sanders Rife 8661 Point of Woods Drive Manassas, VA 20110	0.0038 1/42 of 0.16 acres	0.0065%
(g) Walter Sanders Heirs, Devisees, Successors or Assigns		
(g.4) Terry Sanders 271 Pleasant Ridge Road Franklinville, NC 27248	0.0019 1/84 of 0.16 acres	0.0032%
(2) Fielden Sanders Heirs, Devisees, Successors or Assigns		
(a) Chester Sanders 408W Dartmouth Avenue Melbourne, FL 32901	0.0267 1/6 of 0.16 acres	0.0454%
(b) Dave Sanders Rt.2 Box 546 Bluefield, VA 24605	0.0267 1/6 of 0.16 acres	0.0454%
(c) Norman Sanders 2013 Otterdale Road Midlothian, VA 23112	0.0267 1/6 of 0.16 acres	0.0454%
(d) Estil Sanders Heirs, Devisees, Successors or Assigns		
(d.4) Harley Sanders Rt.1 Box 653 Tazewell, VA 24651	0.0025 1/63 of 0.16 acres	0.0043%
(d.5) Jerry Sanders P.O. Box 296 Kodak, TN 37764-0296	0.0025 1/63 of 0.16 acres	0.0043%
(d.7) Allen Sanders P.O. Box 2254 Lebanon, VA 24266	0.0025 1/63 of 0.16 acres	0.0043%
(d.8) Evelyn Sanders Rt.1 Box 276 Honaker, VA 24260	0.0025 1/63 of 0.16 acres	0.0043%

Exhibit EE
Unit AY-98
Docket #VGOB 05-1213-1542
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.78 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #3 - 0.16 acres</u>		
<u>COAL FEE OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.4) c/o Wyatt Buick Pontiac P.O. Box 11000 Danville, VA 24543	0.16 acres	0.2722%
<u>OIL & GAS FEE OWNERSHIP</u>		
Fielden Sanders Heirs, Devisees, Successors or Assigns, et al.	0.16 acres	0.2722%
(1) Ora Sanders Heirs, Devisees, Successors or Assigns		
(f) Ellis Sanders Heirs, Devisees, Successors or Assigns		
(f.2) Jean Sanders Fletcher P.O. Box 691 Marion, VA 24354	0.0038 1/42 of 0.16 acres	0.0065%
(g) Walter Sanders Heirs, Devisees, Successors or Assigns		
(g.1) Nadine Sanders Hurley Rt.2 Box 171 Honaker, VA 24656	0.0019 1/84 of 0.16 acres	0.0032%
(g.2) Adrine Vandyke Horn RR4 Box 503A North Tazewell, VA 24630	0.0019 1/84 of 0.16 acres	0.0032%
(g.3) Roger Sanders P.O. Box 82 Pilgrims Knob, VA 24634	0.0019 1/84 of 0.16 acres	0.0032%
(2) Fielden Sanders Heirs, Devisees, Successors or Assigns		
(d) Estil Sanders Heirs, Devisees, Successors or Assigns		
(d.1) Goldie Sanders P.O. Box 996 Honaker, VA 24260	0.0089 1/18 of 0.16 acres	0.0151%
(d.2) James Sanders Rt.1 Box 275 Cleveland, VA 24225	0.0025 1/63 of 0.16 acres	0.0043%
(d.3) Judy Sanders Israel Rt.2 Box 547 Honaker, VA 24656	0.0025 1/63 of 0.16 acres	0.0043%
(d.6) Larry Sanders P.O. Box 996 Honaker, VA 24260	0.0025 1/63 of 0.16 acres	0.0043%

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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 acknowledgement annexed, admitted to record this 3rd day of January

20 08 . Instrument No. 08 0000285 @ 1:58PM

TESTE: Beverly S. Tiller, Clerk

Returned to: DmHE

TESTE: Beverly S. Tiller ~~Deputy~~ Clerk

INSTRUMENT #08000285
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JANUARY 23, 2008 AT 01:58PM
BEVERLY S. TILLER, CLERK
RECORDED BY: TLB