

1405

BK 1075PG0086

TAX MAP IDENTIFICATION
NUMBERS FOR ALL PARCELS
AFFECTED BY THIS ORDER ARE
SHOWN ON EXHIBIT Tract
Identification Sheet

1662

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER – VACATE ORDER
VGOB 06-1114-1777

ELECTIONS: UNIT TA-37
(herein “Subject Drilling Unit”)

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD.
ORDER RECORDED UNDER CODE OF
VIRGINIA SECTION 45.1-361.26

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 19, 2007 which was re-recorded at Deed Book 1004, Page 668 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on June 27, 2007, (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 TA-37;

Order: By this Order, the Board orders that its prior pooling order entered herein be vacated for the reason that all owners and claimants to CBM in the Unit have agreed with the Applicant to develop same and that any and all funds escrowed with the Board’s escrow agent be disbursed to the Board’s Designated Operator to pay or suspend as the terms of the agreements by and between the Applicant and the owners and claimants may require and allow.

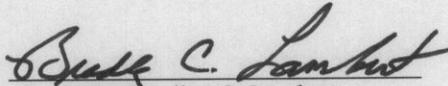
Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

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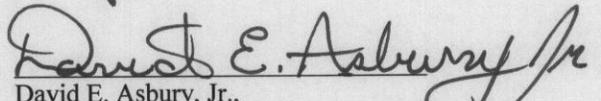
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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

DONE AND EXECUTED this 8 day of April, 2010, by a majority of the Virginia Gas and Oil Board.

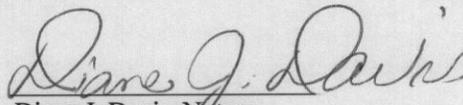

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 8 day of April, 2010, by Order of the Board.


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

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this Russell 8th day of April, 2010, 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, Notary
174394

My commission expires: September 30, 2013



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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 TA-37
VGOB 06-1114-1777 in the Maiden Springs Magisterial District of Tazewell 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 19, 2007, 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 June 27, 2007;

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 all of the Respondents identified in Exhibit B-3 hereto have entered into voluntary agreements whereby they have leased and/or otherwise agreed with Applicant to a plan to develop their interests and claims within the unit to CBM. Hence, said unit may be voluntarily pooled.

See attached Exhibit B-2 and B-3 (Unit is 100% under Lease and/or Agreement).

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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 1st day of February, 2010.

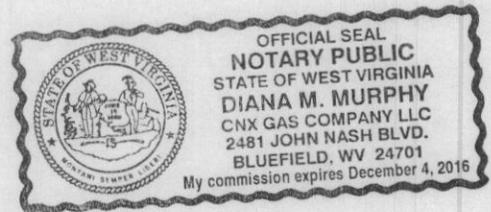
Anita D. Duty
Anita D. Duty

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 1st day of February, 2010.

Diana M. Murphy
Notary

My commission expires: December 4, 2016



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

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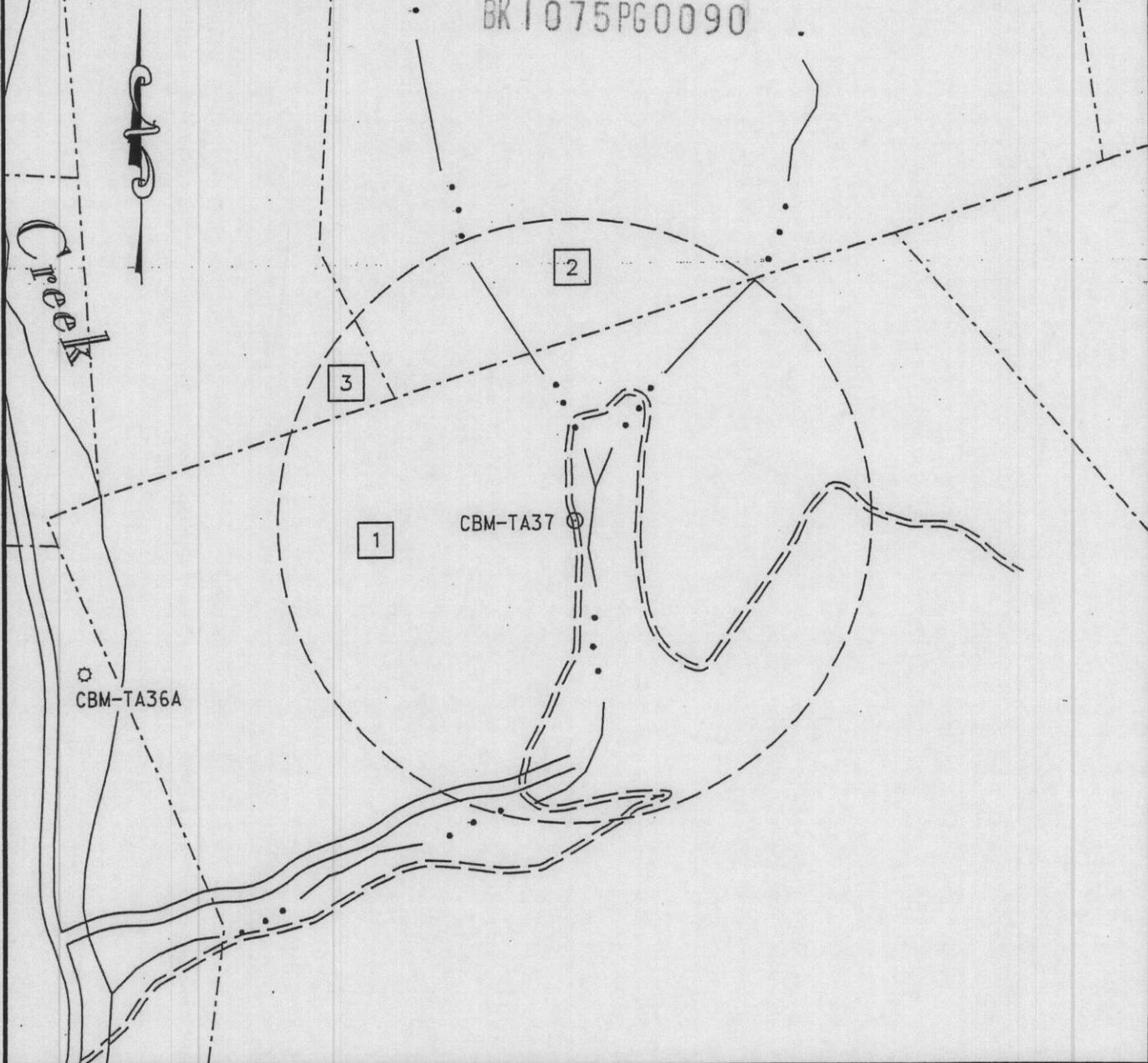
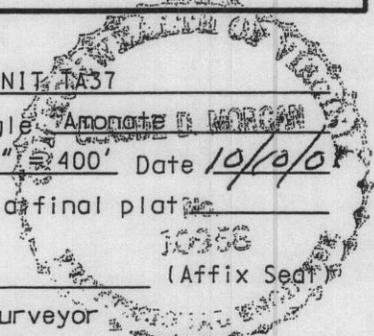


EXHIBIT A
 STATE WIDE SPACING
 UNIT TA-37
 FORCE POOLING
 VGOB-06-1114-1777

Company CNX Gas Company LLC Well Name and Number UNIT TA37
 Tract No. _____ Elevation _____ Quadrangle ANONATE D MORAN
 County Tazewell District Maiden Springs Scale: 1" = 400' Date 10/10/07
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

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



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CNX Gas Company LLC
UNIT TA37
Tract Identifications
(40.57 Acre Unit)

1. **John M. Bane, Jr. – All Minerals**
Consolidation Coal Company – Coal below Lower Seaboard seam Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Johnny L. Smith, et ux – Surface
(Tax Map 88A Parcel 5A)
34.25 acres 84.4220%

2. **David R. Peery, Trustee, et al – Fee**
Consolidation Coal Company – Coal Below Lower Seaboard Seam Leased
Westbury Coal Mining Partnership – Lower Seaboard Seam Leased
Cabot Oil and Gas Corp. – Oil and Gas Leased
(Tax Map 88A Parcel 2)
5.54 acres 13.6554%

3. **Polly Mining Company, Inc. – Fee**
CNX Gas Company LLC – Oil, Gas & CBM Leased
(Tax Map 88A Parcel 1)
0.78 acres 1.9226%

Exhibit B-2 / Revision #2
 Unit TA-37
 Docket #VGOB 06-1114-1777
 List of Respondents to be Dismissed
 (40.57 Acre Unit)

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| | | Acres in Unit | Percent of Unit | Reason for Dismissal |
|------------------------------------|---|---------------------------------|-----------------|----------------------|
| I. COAL OWNERSHIP | | | | |
| <u>Tract #2, 5.54 acres</u> | | | | |
| (1) | David R. Peery, Trustee, et al. (James M. Peery Heirs, Devisees, Successors or Assigns, et al.) (142 Acre Tract) | 5.54 acres | 13.6554% | |
| (a) | Clara B. Perry Revocable Trust David R. Peery, Trustee 105 Lake Emerald Dr., Apt. #615 Oakland Park, FL 33309 | 2.77 acres 1/2 of 5.54 acres | 6.8277% | Leased |
| (b) | Robert C. Peery Heirs, Devisees, Successors or Assigns | | | |
| (b.1) | Robert C. Peery Trust 5 Banbury Road Richmond, VA 23221 | 2.77 acres 1/2 of 5.54 acres | 6.8277% | Leased |
| II. OIL & GAS OWNERSHIP | | | | |
| <u>Tract #2, 5.54 acres</u> | | | | |
| (1) | David R. Peery, Trustee, et al. (James M. Peery Heirs, Devisees, Successors or Assigns, et al.) (142 Acre Tract) | 5.54 acres | 13.6554% | |
| (a) | Clara B. Perry Revocable Trust David R. Peery, Trustee 105 Lake Emerald Dr., Apt. #615 Oakland Park, FL 33309 | 2.77 acres 1/2 of 5.54 acres | 6.8277% | Leased |
| (b) | Robert C. Peery Heirs, Devisees, Successors or Assigns | | | |
| (b.1) | Robert C. Peery Trust 5 Banbury Road Richmond, VA 23221 | 2.77 acres 1/2 of 5.54 acres | 6.8277% | Leased |

Exhibit B-3
Unit TA-37
Docket #VGOB 06-1114-1777
List of Unleased Owners/Claimants
(40.57 Acre Unit) - VACATE

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| Acres in Unit | Percent of Unit |
|---------------|-----------------|
|---------------|-----------------|

This unit is 100% Leased and/or has an Agreement in place.

INSTRUMENT #100001662
RECORDED IN THE CLERK'S OFFICE OF
TAEWELL COUNTY ON
MAY 19, 2010 AT 04:27PM
Angela O. Ray
JAMES E. BLEVINS, CLERK
RECORDED BY: ADR



OFFICIAL RECEIPT
TAZEWELL COUNTY CIRCUIT COURT
101 EAST MAIN STREET
TAZEWELL, VA 24651
276.988.1222

DEED RECEIPT

DATE: 05/19/10 TIME: 16:27:46 ACCOUNT: 185CLR100001662 RECEIPT: 10000007400
CASHIER: ADR REG: TC15 TYPE: ODU PAYMENT: FULL PAYMENT
INSTRUMENT : 100001662 BOOK: 1075 PAGE: 86 RECORDED: 05/19/10 AT 16:27
GRANTOR: VIRGINIA GAS AND OIL BOARD EX: N LOC: CO
GRANTEE: CNX GAS COMPANY LLC EX: N PCT: 100%
AND ADDRESS :
RECEIVED OF : COMM OF VA
CHECK: \$18.00 45282964
DESCRIPTION 1: SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER PAGES: 8 O/P 0
2: -VACATE ORDER-VGOB 06-1114-177 NAMES: 0
CONSIDERATION: .00 A/VAL: .00 MAP:
PIN:
301 DEEDS 18.00
TENDERED : 18.00
AMOUNT PAID: 18.00
CHANGE AMT : .00

CLERK OF COURT: JAMES E. BLEVINS

PAYOR'S COPY
RECEIPT COPY 1 OF 3