

110001754

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 07-0320-1898

ELECTIONS: UNIT BG-99
(herein Subject Drilling Unit)

Note: This supplemental order is correcting total unit acreage. The size of the unit is 58.77 acres.

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 September 18, 2007 which was recorded at Document 070003659 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on October 2, 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 BG-99;

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 PO Box 3860 Kingsport, TN 37664, 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 14 day of July, 2011, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 14th day of July, 2011, by Order of the Board.

Rick Cooper
Rick Cooper
(Acting) Principal Executive to the Staff, Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 14th day of July, 2011, 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 Acting Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane Davis
Diane Davis, Notary Public
174394

My commission expires: September 30, 2013



DONE AND EXECUTED this 14 day of July, 2011, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 14th day of July, 2011, by Order of the Board.

Rick Cooper
Rick Cooper
(Acting) Principal Executive to the Staff, Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 14th day of July, 2011, 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 Acting Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane Davis
Diane Davis, Notary Public
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 BG-99
VGOB 07-0320-1898 in the Hurricane 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 September 18, 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 Lebanon, 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 October 2, 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:

Carson D. Austin (Carried Operator)

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 September 18, 2007;

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 added or dismissed as Respondents:

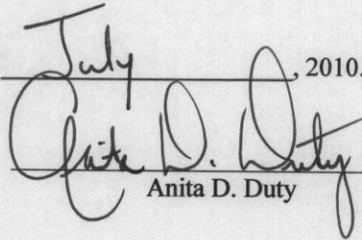
None

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

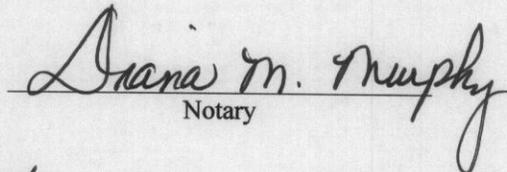
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 29th day of July, 2010.

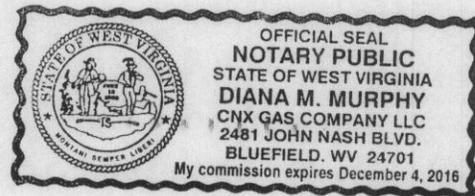

Anita D. Duty

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 29th day of July, 2010.


Notary

My commission expires: December 4, 2016



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

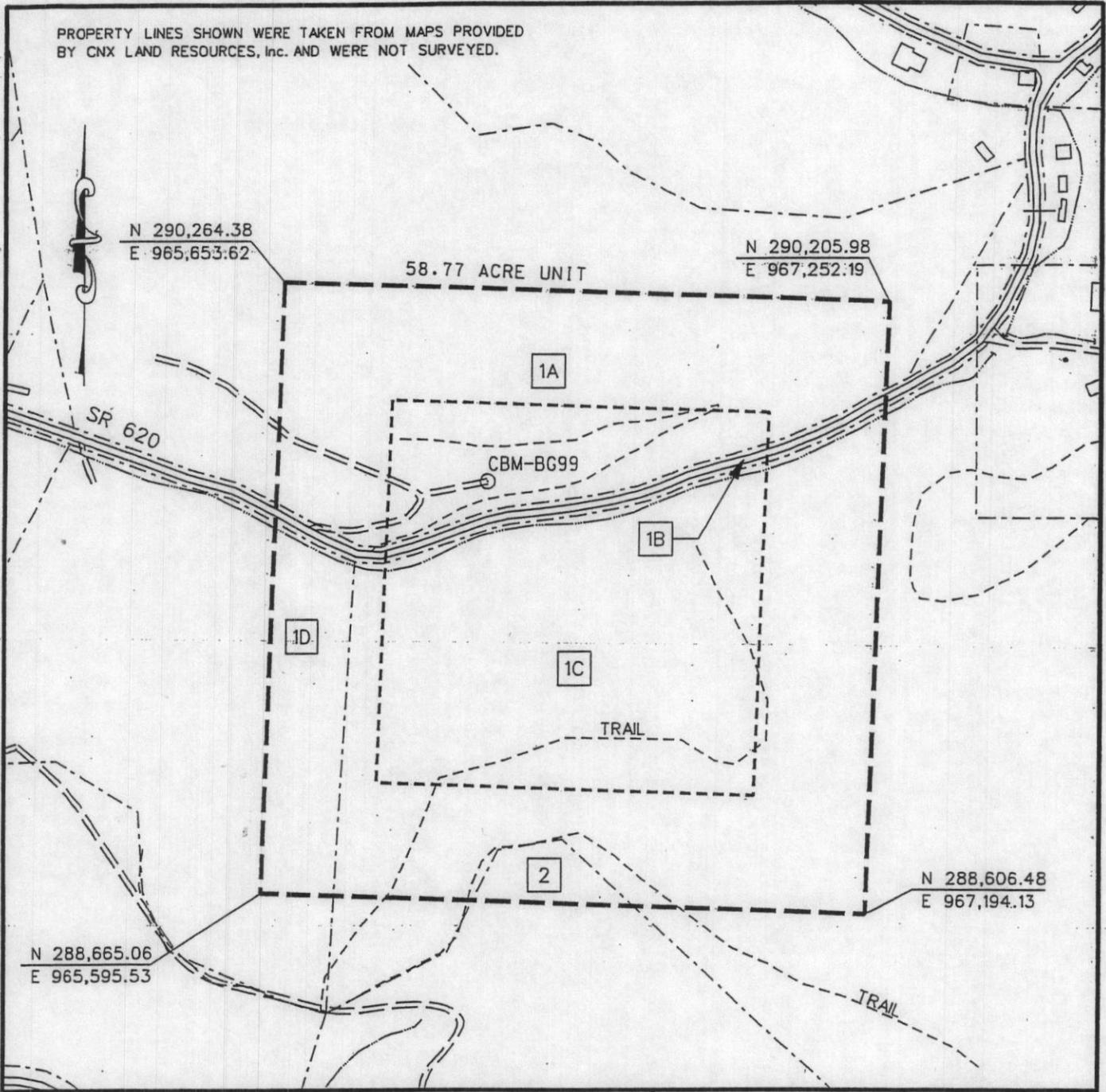
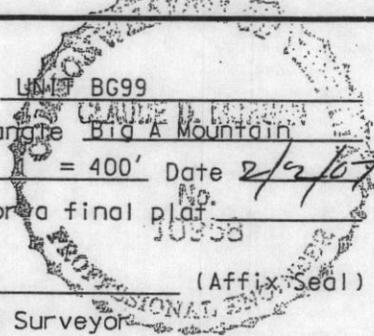


EXHIBIT A
NORA FIELD
UNIT BG-99
FORCE POOLING
VGOB-07-0320-1898

Company CNX Gas Company LLC Well Name and Number UNIT BG99
 Tract No. _____ Elevation _____ Quadrangle Big A Mountain
 County Buchanan District Hurricane Scale: 1" = 400' Date 2/2/07
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles D. May
 Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)



CNX Gas Company LLC

UNIT BG-99

Tract Identifications
(58.77 Acre Unit)

- 1A. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
CNX Gas Company LLC – Surface and All Minerals except Coal
18.77 acres 31.9381%
- 1B. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
Hampton E. Austin, et ux OR Commonwealth of Virginia – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (If owned by Hampton E. Austin, et ux)
Commonwealth of Virginia - Surface
2.18 acres 3.7094%
- 1C. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC - CBM Leased
Carson D. Austin – Surface and All Minerals except Coal
32.54 acres 55.3684%
- 1D. Harrison-Wyatt, LLC Big Axe Tr. 11-3 (406 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC - CBM Leased
Carson D. Austin – Surface and All Minerals except Coal
4.23 acres 7.1975%
2. Harrison-Wyatt, LLC Big Axe Tr. 7 (951 Acre Tract) – Coal
Energy Resources, LLC – Coal In Jawbone and Above Seams Leased
CNX Gas Company LLC – CBM Leased
Robert L. Wilson, et ux – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
1.05 acres 1.7866%

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Exhibit B-3
Unit BG-99
Docket #VGOB 07-0320-1898
List of all Unleased Owners/Claimants
(58.77 Acre Unit)

	Acres in Unit	Percent of Unit	Election
II. OIL & GAS OWNERSHIP			
<u>Tract #1B - 2.18 acres</u>			
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201-2002	2.18 acres	3.7094%	Deemed Leased
<u>Tract #1C - 32.54 acres</u>			
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	32.54 acres	55.3684%	Carried Operator
<u>Tract #1D - 4.23 acres</u>			
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	4.23 acres	7.1975%	Carried Operator

Exhibit E
Unit BG-99
Docket #VGOB 07-0320-1898
List of Conflicting Owners/Claimants that require escrow
(58.77 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #1B - 2.18 acres</u>		
<i>Escrow due to Title Conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 11-3) <i>(406 Acre Tract)</i> P.O. Box 11000 Danville, VA 24543	2.18 acres	3.7094%
<u>OIL & GAS OWNERSHIP</u>		
(1) Hampton E. Austin, et ux. 2615 Old Grissom Creek Road Honaker, VA 24260	2.18 acres	3.7094%
- OR -		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Rd. Bristol, VA 24201-2002	2.18 acres	3.7094%
<u>Tract #1C - 32.54 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) <i>(406 Acre Tract)</i> P.O. Box 11000 Danville, VA 24543	32.54 acres	55.3684%
<u>OIL & GAS OWNERSHIP</u>		
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	32.54 acres	55.3684%
<u>Tract #1D - 4.23 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.11-3) <i>(406 Acre Tract)</i> P.O. Box 11000 Danville, VA 24543	4.23 acres	7.1975%
<u>OIL & GAS OWNERSHIP</u>		
(1) Carson D. Austin 1059 Austin Bison Ranch Rd. Honaker, VA 24260	4.23 acres	7.1975%
<u>Tract #2 - 1.05 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr.7) <i>(951 Acre Tract)</i> P.O. Box 11000 Danville, VA 24543	1.05 acres	1.7866%
<u>OIL & GAS OWNERSHIP</u>		
(1) Robert L. Wilson, et ux. 255 Red Root Road Raven, VA 24639	1.05 acres	1.7866%

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Exhibit EE
Unit BG-99
Docket #VGOB 07-0320-1898
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.77 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #1A - 18.77 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, L.L.C. (Big Axe Tr. 11-3) (406 Acre Tract) P.O. Box 11000 Danville, VA 24543	18.77 acres	31.9381%
<u>OIL & GAS OWNERSHIP</u>		
(1) CNX Gas Company LLC 2481 John Nash Blvd. Bluefield, WV 24701	18.77 acres	31.9381%

INSTRUMENT #110001754
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JULY 27, 2011 AT 01:02PM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB

10

Hagy, Sharon (DMME)

From: VITASHARE System [vitashare@vita.virginia.gov]
Sent: Friday, August 05, 2011 9:07 AM
To: Hagy, Sharon (DMME)
Subject: New Transaction QFUZJAZZDWUN39IT

Transaction details for Sharon Hagy(user shagy_1) _____

Job Id: QFUZJAZZDWUN39IT

Date: Fri, Aug 5, at 09:06

Transaction Details:

Acknowledge Security Policy: I understand that this system is not intended for sensitive data.

Recipient's Email example- user1@virginia.gov, user2@virginia.gov:

AnitaDuty@consolenergy.com, gloria.clark@dmme.virginia.gov, hilareymullins@consolenergy.c

om

Message - Describe file attachment: Please see the recorded supplemental orders for the following dockets: 1151 1556 1669 and 1669-01 1671 1898 1939 2094 2224 2411 2487 2346 2943

Thank you, Sharon Hagy sharon.hagy@dmme.virginia.gov 276/415-9700

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