

1435
BK 1098 PG 0423
2490

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER – VACATE ORDER
VGOB 07-0417-1914

ELECTIONS: UNIT DD-49
(herein “Subject Drilling Unit”)

TAX MAP IDENTIFICATION NUMBERS:

Tax map identification numbers for all parcels affected by this order are shown on Exhibit marked “Tract Identifications” which is attached to and a part of this order.

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 October 18, 2007 which was recorded at Deed Book 1014, Page 159 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on October 29, 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 DD-49;

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.

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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, 2010, 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, 2010, by Order of the Board.

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

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 14th day of July, 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~~ 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:

BK1098PG0425

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM DD-49
VGOB 07-0417-1914 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 October 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 29, 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.

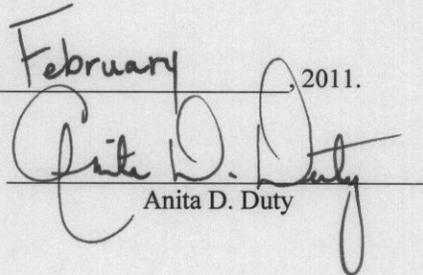
See attached Exhibit B-2 and B-3 (Unit is 100% under Lease and/or Agreement).

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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.

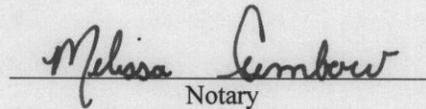
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 24th day of February, 2011.


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 24th day of February, 2011.


Notary

My commission expires: April 9, 2013.



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

OK1098PG0427

BEARING & DISTANCE TO NEAREST WELLS FROM CBM-DD49

CBM-DD49A S 08°57'41" E 1185.54'
CBM-CC50 N 53°20'37" E 2397.16'
CBM-DD50 S 78°21'15" E 2100.66'

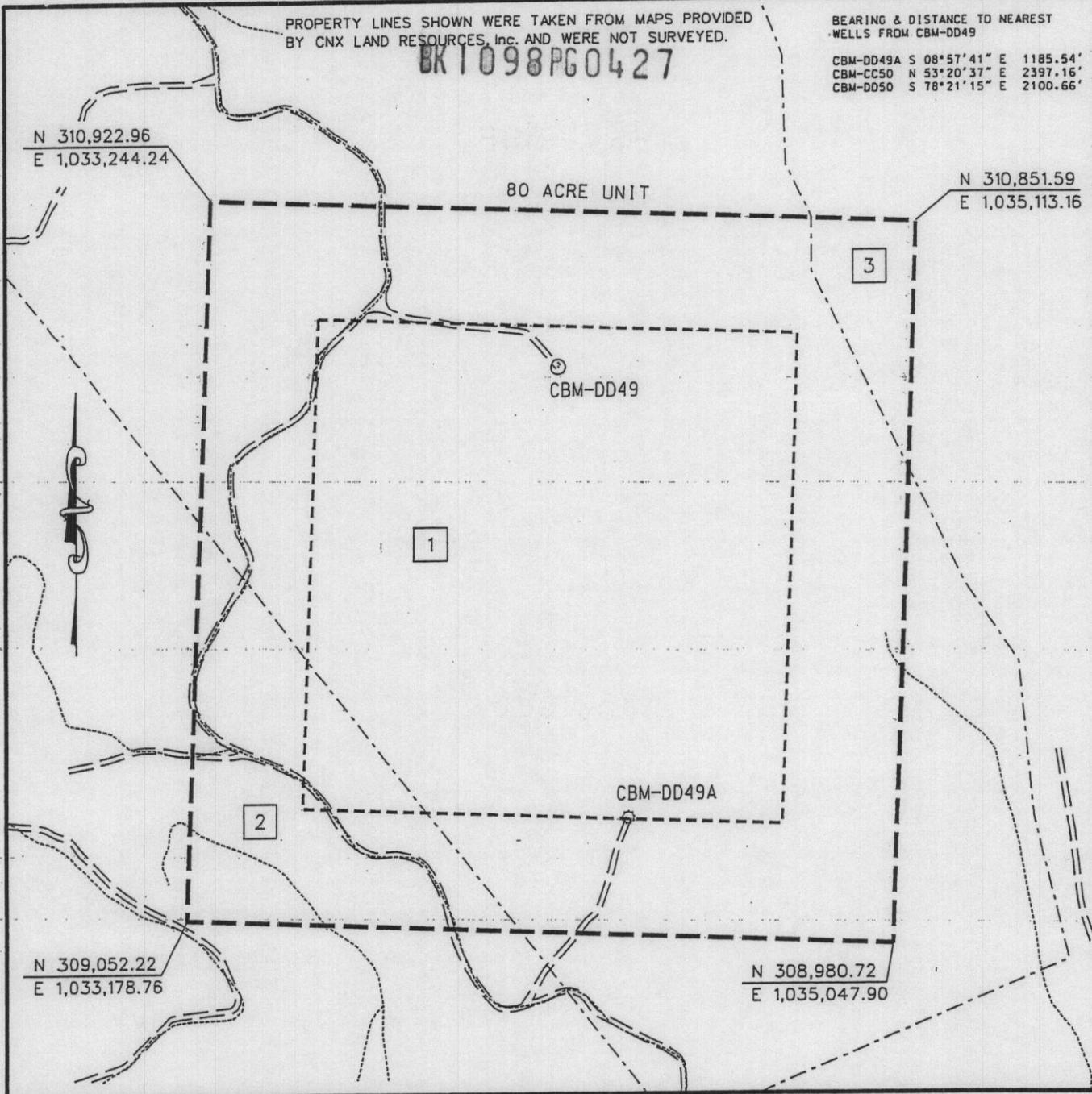
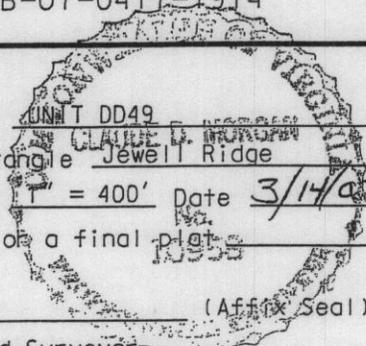


EXHIBIT A
OAKWOOD FIELD
UNIT DD-49
FORCE POOLING
VGOB-07-0417-1914

Company CNX Gas Company LLC Well Name and Number UNIT DD49
Tract No. _____ Elevation _____ Quadrangle Jewell Ridge
County Tazewell District Maiden Springs Scale: 1" = 400' Date 3/14/07
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Clayton D. McGowan
Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)



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CNX Gas Company LLC
UNIT DD-49
Tract Identifications

1. James W. Harman, Jr., et al (Harman-Huffman 1,097.14 Acre Tract) - Coal In P-3 Seam
Reserve Coal Properties Company - Coal In P-3 Seam Leased
CNX Gas Company LLC - CBM In P-3 Seam Leased
Reserve Coal Properties Company (Harman-Huffman 1,097.14 Acre Tract) - All Minerals
except P-3 Seam
CNX Gas Company LLC - Oil, Gas and CBM Leased
Reserve Coal Properties Company - Surface
Tax Map 66 Parcel 3
67.30 acres 84.1250%
2. Reserve Coal Properties Company - Fee
CNX Gas Company LLC - Oil, Gas and CBM Leased
Tax Map 86 Parcel 1
10.40 acres 13.0000%
3. Southern Region Industrial Realty Corp. et al. Tr. 1 - All Coal except P-3 Seam
Reserve Coal Properties Company - Coal In P-3 Seam
Anker Virginia Mining Company, Inc. - All Coal Leased except P-3, Raven, Tiller and Lower
Seaboard Seams
Jewell Ridge Coal Corporation - Coal In Raven, Tiller and Lower Seaboard Seams Leased
Penn Virginia Oil and Gas Corporation - Oil, Gas and CBM
CNX Gas Company LLC - CBM Leased
Southern Region Industrial Realty Corporation, et al - Surface
Tax Map 105 Parcel 30
2.30 acres 2.8750%

BK 1098PG0429

		Net Acres in Unit	Interest in Unit	Reason for Dismissal
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I. **COAL OWNERSHIP**

Tract #3 - 2.30 acres

(1)	Southern Region Industrial Realty Corp. (Coal except P3 Seam) Tr. 1 (4,430.00 acre tract) Pocahontas Land Corporation, Agent P. O. Box 1517 Bluefield, WV 24701	2.30 acres	2.8750%	Leased
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CBM Royalty Owner (from the Coal Owner only):

Penn Virginia Oil & Gas Corporation *
P. O. Box 102904
Atlanta, GA 30368-2904

White Wolf Energy, Inc. *
300 Corporate Centre Drive
Scott Depot, WV 25660
(previously Anker Virginia Mining Company, Inc.)

* According to the agreement between the parties named above, they will split the CBM royalties 50/50 if no conflict.

II. **OIL & GAS OWNERSHIP**

Tract #3 - 2.30 acres

(1)	Penn Virginia Oil & Gas Corporation * (Oil, Gas & CBM Owner except CBM in P3 Seam) P. O. Box 102904 Atlanta, GA 30368-2904	2.30 acres	2.8750%	Deemed Leased via JOA
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White Wolf Energy, Inc. *
300 Corporate Centre Drive
Scott Depot, WV 25660
(previously Anker Virginia Mining Company, Inc.)

* According to the agreement between the parties named above, they will split the CBM royalties 50/50.

Exhibit B-3
Unit DD-49
Docket #VGOB 07-0417-1914
List of Unleased Owners/Claimants

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Net Acres
in Unit

Interest in
Unit

This unit is 100% Leased and/or under agreement.

INSTRUMENT #110002490
RECORDED IN THE CLERK'S OFFICE OF
TAZEWELL COUNTY ON
JULY 29, 2011 AT 04:21PM
JAMES E. BLEVINS, CLERK
RECORDED BY: ADR

Hagy, Sharon (DMME)

From: VITASHARE System [vitashare@vita.virginia.gov]
Sent: Monday, August 08, 2011 12:21 PM
To: Hagy, Sharon (DMME)
Subject: New Transaction MCK0A003RWSXC2FV

Transaction details for Sharon Hagy(user shagy_1) _____

Job Id: MCK0A003RWSXC2FV

Date: Mon, Aug 8, at 12:20

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 attached recorded supplemental orders and one re-pooling order for the following docket: 1505 1561 1914 2121 2291 2525-01 (Re-Pooling)

Thank you, Sharon Hagy sharon.hagy@dmme.virginia.gov

Notify me when the file is downloaded?: Yes

Pin: 39838

Files:

- 1505_Supplemental-Original.tif
- 1561_Supplemental-Original.tif
- 1914_Supplemental-Original.tif
- 2121_Supplemental-Original.tif
- 2291_Supplemental-Original.tif
- 2525-01_Re-Pooling.tif

View details here

<<http://vitashare.vita.virginia.gov/fcweb/viewJobLink.do?JOBIDX=MCK0A003RWSXC2FV>>

Total Estimated File Size: 1497 KB

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