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BK 1071 PG 0805

BOOK 718 PAGE 0670

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 07-0619-1941 & 07-0619-1941-01

ELECTIONS: UNIT AX-127  
(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 executed in the captioned matter on January 31, 2008 which was recorded in Deed Book 1021, Page 472 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on February 8, 2008, and also recorded at Deed Book 685, Page 569 and in the Office of the Clerk of the Circuit Court of Russell County, Virginia, on February 8, 2008 (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 AX-127;

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 9 day of Feb, 2010, by a majority of the Virginia Gas and Oil Board.

*Bradley C. Lambert*  
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 9<sup>th</sup> day of February, 2010, by Order of the Board.

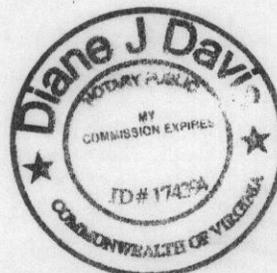
*David E. Asbury Jr.*  
David E. Asbury, Jr.,  
Principal Executive to the Staff of the Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 9<sup>th</sup> day of February, 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*  
Diane J. Davis, Notary  
174394

My commission expires: September 30, 2013



BK 1071PG0807

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 AX-127  
VGOB 07-0619-1941 & 07-0619-1941-01 in the New Garden & Maiden Springs Districts of Tazewell and  
Russell Counties, 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 January 31, 2008, 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 8, 2008 and February 8, 2008  
respectively;

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 January 31, 2008;

See attached Exhibit B-3

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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

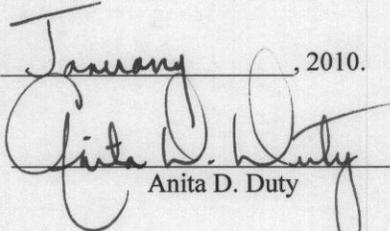
That to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

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.

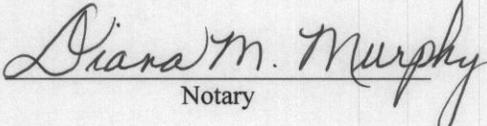
See attached Exhibit EE

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.

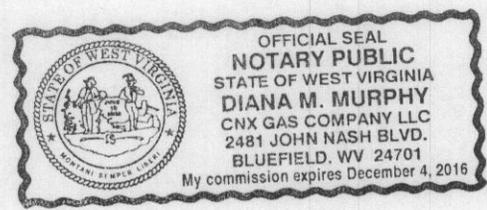
Dated at Bluefield, West Virginia, this 22<sup>nd</sup> day of January, 2010.  
  
Anita D. Duty

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 22<sup>nd</sup> day of January, 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.

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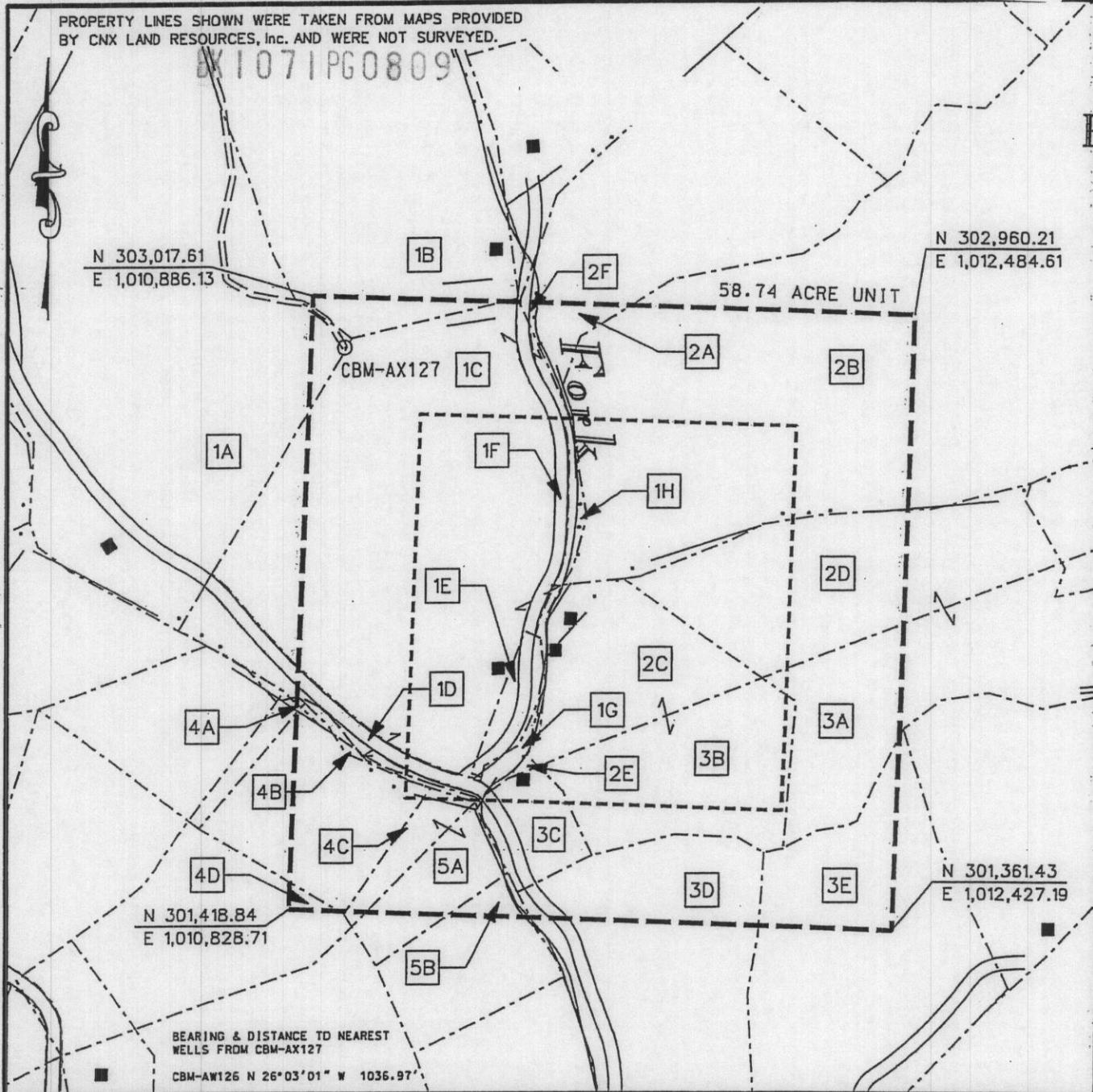
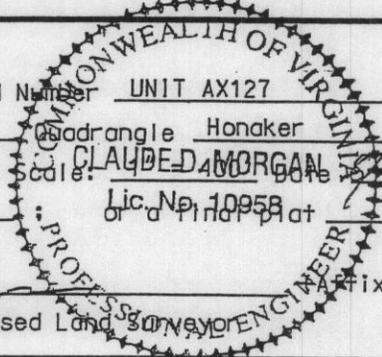


EXHIBIT A  
MIDDLE RIDGE FIELD  
UNIT AX-127  
FORCE POOLING  
VGDB-07-0619-1941-01

Company CNX Gas Company LLC Well Name and Number UNIT AX127  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_  
 County Russell/Tazewell District New Garden/Maiden Springs Scale: 1" = 400' Date: 5/5/07  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ;  
 or a final plat \_\_\_\_\_

Form DGO-GO-7  
Rev. 9/91

*Claude D. Morgan*  
 Licensed Professional Engineer or Licensed Land Surveyor  
 (Affix Seal)



**CNX Gas Company LLC****UNIT AX-127****Tract Identifications**

1. **Coal Mountain Mining Co. Limited Partnership, LLP Tr. 41 (158.50 Acre Tract) - All Minerals Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - Oil, Gas and CBM Leased Tax Map 84 Parcel 0000  
18.62 acres 31.6990%**
- 1A. **Ballard Whited, et ux - Surface**  
 1B. **Ralph Whited, et ux - Surface**  
 1C. **Linda Whited - Surface**  
 1D. **Commonwealth of Virginia - Surface**  
 1E. **Unknown Surface Owner**  
 1F. **Commonwealth of Virginia - Surface**  
 1G. **Unknown Surface Owner**  
 1H. **Unknown Surface Owner**
- 2A. **Coal Mountain Mining Co. Limited Partnership, LLP Tr. 22 (121.50 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - CBM Leased William Cordle Heirs or Ralph Whited - Surface and All Minerals except Coal Tax Map 84A Parcel 28  
0.64 acres 1.0895%**
- 2B. **Coal Mountain Mining Co. Limited Partnership, LLP Tr. 22 (121.50 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - CBM Leased David Salyers, et al - Surface and All Minerals except Coal Tax Map 84A Parcel 29  
12.18 acres 20.7354%**
- 2C. **Coal Mountain Mining Co. Limited Partnership, LLP Tr. 22 (121.50 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased Knox Creek Coal Corporation - Above Drainage Coal Leased CNX Gas Company LLC - CBM Leased William C. Gearhart, et ux - Surface and All Minerals except Coal CNX Gas Company LLC - Oil, Gas and CBM Tax Map 84A Parcel 34  
3.79 acres 6.4522%**

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**CNX Gas Company LLC****UNIT AX-127****Tract Identifications**

- 2D. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 22 (121.50 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Raymond E. Salyers, et al - Surface and All Minerals except Coal  
Tax Map 84A Parcel 33  
4.66 acres 7.9333%
- 2E. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 22 (121.50 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Kennith J. Miller, et ux - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
Tax Map 84A Parcel 35  
0.04 acres 0.0681%
- 3A. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 43 (377 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Raymond E. Salyers, et al - Surface and All Minerals except Coal  
Tax Map 84A Parcel 45  
2.91 acres 4.9540%
- 3B. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 43 (377 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
William C. Gearhart, et ux - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
Tax Map 84A Parcel 34  
4.59 acres 7.8141%
- 3C. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 43 (377 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Kennith J. Miller, et ux - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
Tax Map 84A Parcel 35  
1.38 acres 2.3493%

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**CNX Gas Company LLC****UNIT AX-127****Tract Identifications**

- 3D. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 43 (377 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Terry E. Wicks - Surface and All Minerals except Coal  
CNX Gas Company LLC - Oil, Gas and CBM Leased  
Tax Map 84A Parcel 36  
2.68 acres                      4.5625%
- 3E. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 43 (377 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Kermit Cantrell - Surface and All Minerals except Coal  
Tax Map 84A Parcel 38  
2.23 acres                      3.7964%
4. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 45 (11.13 Acre Tract) - All Minerals Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Tax Map 33L Parcel 0000  
3.57 acres                      6.0776%
- 4A. Unknown Surface Owner  
4B. Unknown Surface Owner  
4C. Unknown Surface Owner  
4D. Unknown Surface Owner
5. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 46 (36.50 Acre Tract) - All Minerals Reserve Coal Properties Company - Below Drainage Coal Leased  
Knox Creek Coal Corporation - Above Drainage Coal Leased  
CNX Gas Company LLC - CBM Leased  
Tax Map 33L Parcel 0000  
1.45 acres                      2.4685%
- 5A. Unknown Surface Owner  
5B. Unknown Surface Owner

Exhibit B-3  
 Unit AX-127  
 Docket #VGOB 07-0619-1941-01  
 List of Unleased Owners/Claimants  
 (58.74 Acre Tract)

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	Acres in Unit	Interest in Unit
<b>II. OIL &amp; GAS OWNERSHIP</b>		
<b><u>Tract #2A, 0.64 acres</u></b>		
(1) William Cordle Heirs <i>Heirs / Addresses Unknown</i>	0.64 acres	1.0895%
- OR -		
(1) Ralph Whited, et ux PO Box 567 Raven, VA 24639	0.64 acres	1.0895%
<b><u>Tract #2B, 12.18 acres</u></b>		
(1) David Salyers, et al	12.18 acres	20.7354%
(a) David R. Salyers 2423 Road Ridge Turnpike Raven, VA 24639	6.09 acres 1/2 of 12.18 acres	10.3677%
(b) Steven D. Salyers P.O. Box 700 Raven, VA 24639	6.09 acres 1/2 of 12.18 acres	10.3677%
<b><u>Tract #2D, 4.66 acres</u></b>		
(1) Raymond E. Salyers, et al	4.66 acres	7.9333%
(a) Raymond E. Salyers PO Box 1150 Raven, VA 24639	2.33 acres 1/2 of 4.66 acres	3.9666%
(b) Deborah S. Gregger PO Box 1150 Raven, VA 24639	2.33 acres 1/2 of 4.66 acres	3.9666%
<b><u>Tract #3A, 2.91 acres</u></b>		
(1) Raymond E. Salyers, et al	2.91 acres	4.9540%
(a) Raymond E. Salyers PO Box 1150 Raven, VA 24639	1.46 acres 1/2 of 2.91 acres	2.4770%
(b) Deborah S. Gregger PO Box 1150 Raven, VA 24639	1.46 acres 1/2 of 2.91 acres	2.4770%
<b><u>Tract #3E, 2.23 acres</u></b>		
(1) Kermit Cantrell PO Box 1117 TCAS Blountville, TN 37617	2.23 acres	3.7964%

Exhibit E  
Unit AX-127  
Docket #VGOB 07-0619-1941-01  
List of Conflicting Owners/Claimants that require escrow  
(58.74 Acre Tract)

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	Acres in Unit	Interest in Unit
<b><u>Tract #2A, 0.64 acres</u></b>		
<i>Escrow due to Title Conflict</i>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company, Tr.22 Limited Partnership P.O. Box 675 Tazewell, VA 24651	0.64 acres	1.0895%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) William Cordle Heirs <i>Heirs / Addresses Unknown</i>	0.64 acres	1.0895%
- OR -		
(1) Ralph Whited, et ux PO Box 567 Raven, VA 24639	0.64 acres	1.0895%
<b><u>Tract #2B, 12.18 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company, Tr.22 Limited Partnership P.O. Box 675 Tazewell, VA 24651	12.18 acres	20.7354%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) David R. Salyers, et al	12.18 acres	20.7354%
(a) David R. Salyers 2423 Road Ridge Turnpike Raven, VA 24639	6.09 acres 1/2 of 12.18 acres	10.3677%
(b) Steven D. Salyers P.O. Box 700 Raven, VA 24639	6.09 acres 1/2 of 12.18 acres	10.3677%
<b><u>Tract #2D, 4.66 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) Coal Mountain Mining Company, Tr.22 Limited Partnership P.O. Box 675 Tazewell, VA 24651	4.66 acres	7.9333%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Raymond E. Salyers, et al	4.66 acres	7.9333%

Exhibit E  
Unit AX-127

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Docket #VGOB 07-0619-1941-01

List of Conflicting Owners/Claimants that require escrow  
(58.74 Acre Tract)

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	Acres in Unit	Interest in Unit
(a) Raymond E. Salyers PO Box 1150 Raven, VA 24639	2.33 acres 1/2 of 4.66 acres	3.9666%
(b) Deborah S. Gregger PO Box 1150 Raven, VA 24639	2.33 acres 1/2 of 4.66 acres	3.9666%

Tract #3A, 2.91 acres

COAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.43 Limited Partnership P.O. Box 675 Tazewell, VA 24651	2.91 acres	4.9540%
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OIL & GAS OWNERSHIP

(1) Raymond E. Salyers, et al	2.91 acres	4.9540%
(a) Raymond E. Salyers PO Box 1150 Raven, VA 24639	1.46 acres 1/2 of 2.91 acres	2.4770%
(b) Deborah S. Gregger PO Box 1150 Raven, VA 24639	1.46 acres 1/2 of 2.91 acres	2.4770%

Tract #3D, 2.68 acres

COAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.43 Limited Partnership P.O. Box 675 Tazewell, VA 24651	2.68 acres	4.5625%
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OIL & GAS OWNERSHIP

(1) Terry E. Wicks Box 15 Freeburn, KY 41528	2.68 acres	4.5625%
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Tract #3E, 2.23 acres

COAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.43 Limited Partnership P.O. Box 675 Tazewell, VA 24651	2.23 acres	3.7964%
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OIL & GAS OWNERSHIP

(1) Kermit Cantrell PO Box 1117 TCAS Blountville, TN 37617	2.23 acres	3.7964%
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Exhibit EE  
Unit AX-127

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Docket #VGOB 07-0619-1941-01

List of Conflicting Owners/Claimants with Royalty Split Agreements  
(58.74 Acre Tract)

BK 1071 PG 0816

	Acres in Unit	Interest in Unit
<b>Tract #2C, 3.79 acres</b>		
<b>COAL OWNERSHIP</b>		
(1) Coal Mountain Mining Company, Tr.22 Limited Partnership P.O. Box 675 Tazewell, VA 24651	3.79 acres	6.4522%
<b>OIL &amp; GAS OWNERSHIP</b>		
(1) William Gearhart, et ux 174 Wild Rose Dr. Raven, VA 24639	3.79 acres	6.4522%
<b>Tract #2E, 0.04 acres</b>		
<b>COAL OWNERSHIP</b>		
(1) Coal Mountain Mining Company, Tr.22 Limited Partnership P.O. Box 675 Tazewell, VA 24651	0.04 acres	0.0681%
<b>OIL &amp; GAS OWNERSHIP</b>		
(1) Kenneth J. Miller, et ux 2714 Mill Creek Rd. Raven, VA 24639	0.04 acres	0.0681%
<b>Tract #3B, 4.59 acres</b>		
<b>COAL OWNERSHIP</b>		
(1) Coal Mountain Mining Company, Tr.43 Limited Partnership P.O. Box 675 Tazewell, VA 24651	4.59 acres	7.8141%
<b>OIL &amp; GAS OWNERSHIP</b>		
(1) William C. Gearhart, et ux 174 Wild Rose Dr. Raven, VA 24639	4.59 acres	7.8141%
<b>Tract #3C, 1.38 acres</b>		
<b>COAL OWNERSHIP</b>		
(1) Coal Mountain Mining Company, Tr.43 Limited Partnership P.O. Box 675 Tazewell, VA 24651	1.38 acres	2.3493%
<b>OIL &amp; GAS OWNERSHIP</b>		
(1) Kenneth J. Miller, et ux 2714 Mill Creek Rd. Raven, VA 24639	1.38 acres	2.3493%

INSTRUMENT #100000862  
RECORDED IN THE CLERK'S OFFICE OF  
TAZEWELL COUNTY ON  
MARCH 17, 2010 AT 10:30AM  
ANGELLA RAY  
JAMES E. BEVINS, CLERK  
RECORDED BY: ADR

1000602

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 3-10-2010. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 3:18 o'clock P.M., after payment of \$ tax imposed by Sec. 58.1-802.

TESTE: ANN S. McREYNOLDS, CLERK  
BY: Jennifer Sanduck D. CLERK

Original returned this date to: David Asbury