

1417

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

VIRGINIA:

100001287

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 07-0821-1984-01

ELECTIONS: UNIT O(-1)
(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 November 4, 2009 which was recorded at Document #090003753 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on December 4, 2009, (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 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 O(-1);

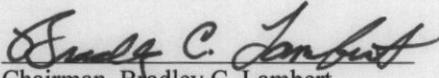
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company 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 seven (7) days from the date of receipt of this Order.

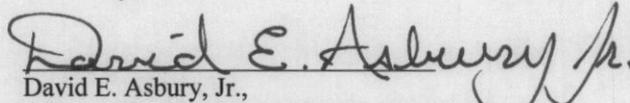
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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

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

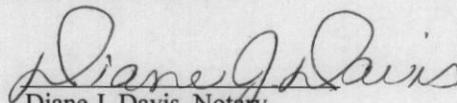

Chairman, Bradley C. Lambert

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 RUSSELL

Acknowledged on this 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



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 O(-1)
VGOB 07-0821-1984-01 in the Prater District of Buchanan County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein A 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 November 4, 2009, 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 December 4, 2009;

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 November 4, 2009;

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:

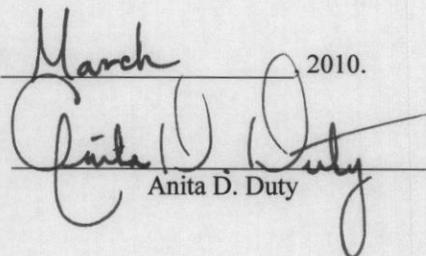
None

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.

None

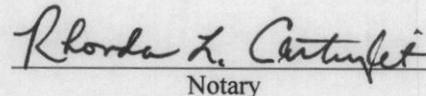
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 12th day of March 2010.

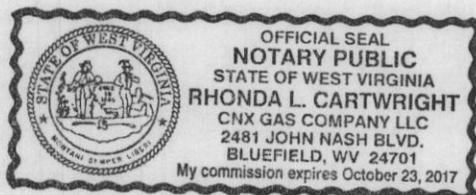

Anita D. Duty

STATE OF WEST VIRGINIA
COUNTY OF MERCER

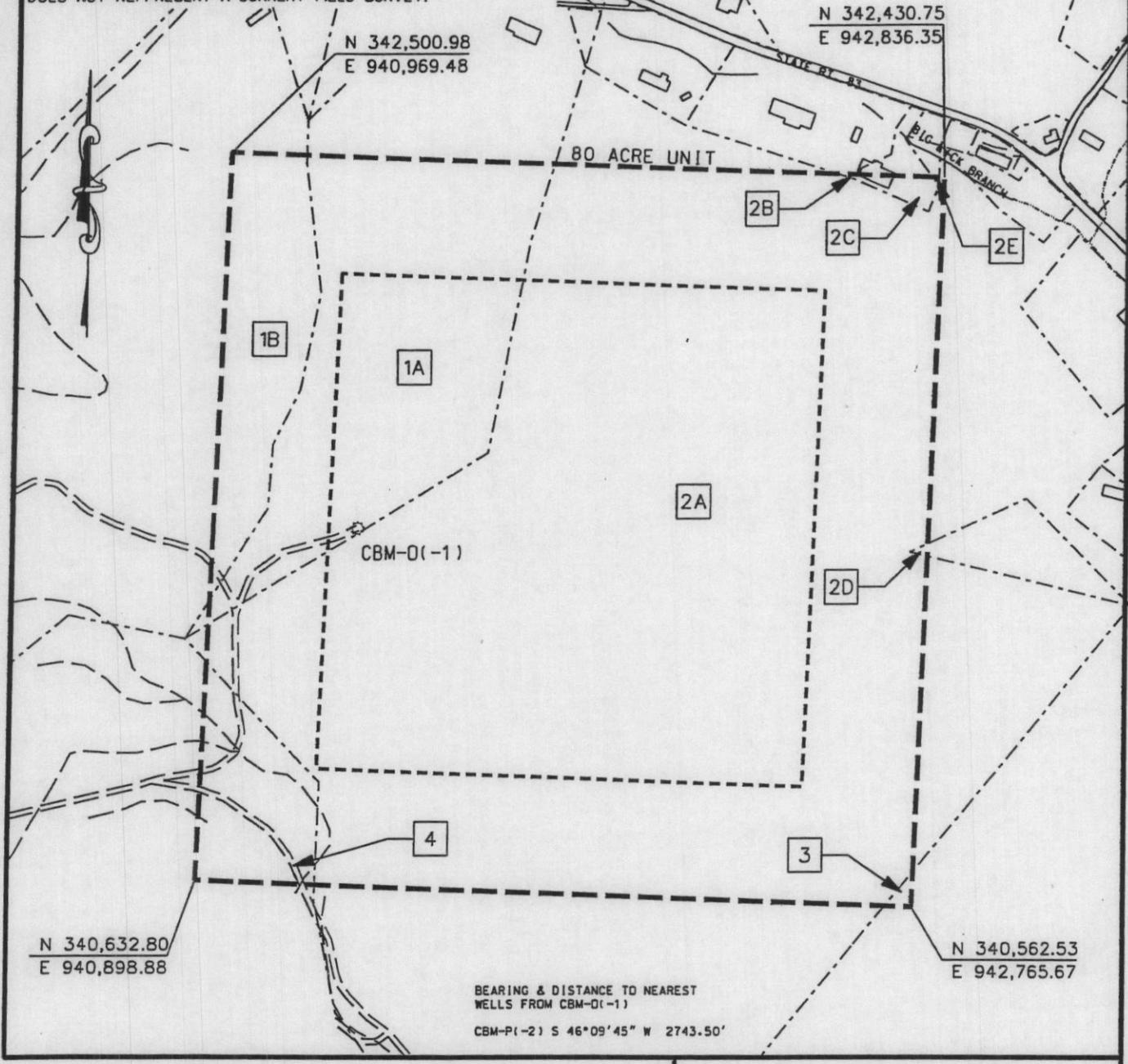
Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land Resources, Inc., on behalf of the corporate Designated Operator, this 12th day of March, 2010.


Notary

My commission expires: 10/23/2017



PROPERTY LINES SHOWN ON THIS PLAT WERE TAKEN FROM DEED DESCRIPTIONS AND CHAIN OF TITLE AND DOES NOT REPRESENT A CURRENT FIELD SURVEY.



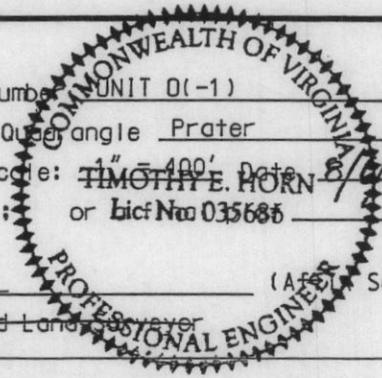
BEARING & DISTANCE TO NEAREST WELLS FROM CBM-O(-1)
 CBM-P(-2) S 46°09'45" W 2743.50'

EXHIBIT A
 OAKWOOD FIELD
 UNIT O(-1)
 FORCE POOLING
 VGOB-07-0821-1984-01

Company CNX Gas Company LLC Well Name and Number UNIT O(-1)
 Tract No. _____ Elevation _____ Outer angle Prater
 County Buchanan District Prater Scale: 1" = 400' Date 8/6/08
 This plat is a new plat X ; an updated plat _____ ; or Lic No 035685

Form DGO-GO-7
 Rev. 9/91

[Signature] (After Seal)
 Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC
Unit O (-1)
Tract Identifications

1. Bran Investments, LLC, et al (263.47 Acre Tract) - Coal Below Drainage, Oil and Gas
Bran Investments, LLC, et al – Coal Above Drainage
Island Creek Coal Company/Consol Energy Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – CBM Leased
Jess O'Quin, et ux – Surface Owner
16.84 acres 21.0500%
- 1A. Grover A. Dales, Jr., et ux – Surface Owner
- 1B. Jess O'Quin, et ux – Surface Owner
2. Consolidation Coal Company (194.84 Acre Tract) – Coal and Minerals except Oil, Gas and CBM
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam leased
Jewell Smokeless Coal Company – Coal in Tiller Seam and Above Leased
Plum Creek Timberlands, L.P., et al – Oil, Gas and CBM
CNX Gas Company LLC – CBM Leased
60.19 acres 75.2375%
- 2A. CNX Gas Company LLC/Island Creek Coal Company – Surface Owner
- 2B. Inez Mae Pugh – Surface Owner
- 2C. James L. Skeens, et al – Surface Owner
- 2D. Unknown Surface Owner
- 2E. James L. Skeens, et al – Surface Owner
3. Levisa Coal Corporation, et al (411.96 Acre Tract) – All Minerals
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Company – Coal in Tiller Seam and Above Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
Anna Belle Looney, et al – Surface
0.07 acres 0.0875%
4. Garden Realty Corporation (250.22 Acre Tract) – Coal and Metals
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Motivation Coal Company/ Alpha Land and Reserves, LLC – All Coal Outcropping Above Water Level
John W. Pobst, Jr., et al - All Minerals except Coal and Metals
CNX Gas Company LLC – CBM Leased (16.6667%)
Sandy Valley Explosives Company, Inc./Mountain Valley Explosives – Surface
2.90 acres 3.6250%

Exhibit B-3
Unit O(-1)
Docket #VGOB 07-0821-1984-01
List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
I. COAL OWNERSHIP		
<u>Tract #1, 16.84 acres</u>		
(1) Bran Investments , LLC, et al. (aka Florence E. Walker, et al. / Lois Bowie, et al.) (263.47 Acre Tract)	16.84 acres	21.0500%
(b) Curtis W. Humphry Heirs, Devisees, Successors or Assigns		
(b.1) Carol C. Welch 134 Little John Road Williamsburg, VA 23185	1.7542 5/48 of 16.84 acres	2.1927%
(b.2) Mark Welch 113 Holdsworth Road Williamsburg, VA 23185	1.7542 5/48 of 16.84 acres	2.1927%
II. OIL & GAS OWNERSHIP		
<u>Tract #1, 16.84 acres</u>		
(1) Bran Investments , LLC, et al. (aka Florence E. Walker, et al. / Lois Bowie, et al.) (263.47 Acre Tract)	16.84 acres	21.0500%
(b) Curtis W. Humphry Heirs, Devisees, Successors or Assigns		
(b.1) Carol C. Welch 134 Little John Road Williamsburg, VA 23185	1.7542 5/48 of 16.84 acres	2.1927%
(b.2) Mark Welch 113 Holdsworth Road Williamsburg, VA 23185	1.7542 5/48 of 16.84 acres	2.1927%

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Exhibit E
Unit O(-1)
Docket #VGOB 07-0821-1984
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #4 - 2.90 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Garden Realty Corporation (250.22 Acre Tract) c/o William J. Meade, President 2777 Corn Valley Road Honaker, VA 24260	2.90 acres	3.6250%
<u>OIL & GAS OWNERSHIP</u>		
(1) John W. Pobst, Jr., et al. (250.22 Acre Tract)	2.90 acres	3.6250%
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77469	0.73 acres 1/4 of 2.90 acres	0.9063%
(b) Carol C. Irvin 4710 Hunterwood Circle Richmond, TX 77469	0.24 acres 1/12 of 2.90 acres	0.3021%
(c) F.H. Combs Testamentary Trust c/o Kelly Combs Necessary, Trustee P.O. Box 841 Tazewell, VA 24651	0.24 acres 1/12 of 2.90 acres	0.3021%
(d) Martha E. Combs P.O. Box 1404 Abingdon, VA 24210	0.24 acres 1/12 of 2.90 acres	0.3021%
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	0.24 acres 1/12 of 2.90 acres	0.3021%
(f) Virginia Lee & Phillip Linwick 4324 South Bell Drive Veradale, WA 99037	0.24 acres 1/12 of 2.90 acres	0.3021%
(g) W. Kent Pobst Trust		
(g.1) Richard K. Pobst 1024 Oxford Drive St. Augustine, FL 32084-1821	0.24 acres 1/12 of 2.90 acres	0.3021%
(g.2) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	0.24 acres 1/12 of 2.90 acres	0.3021%
(j) Meredith E. Jennings 542 Butler Mill Rd. Maryville, TN 37803	0.48 acres 1/6 of 2.90 acres	0.6042%

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CNX Gas Company LLC
Unit O (-1)
Tract Identifications

1. Bran Investments, LLC, et al (263.47 Acre Tract) – Coal Below Drainage, Oil and Gas
Bran Investments, LLC, et al – Coal Above Drainage
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased
16.84 acres 21.0500%
- 1A. Grover A. Dales, Jr., et ux – Surface Owner
1B. Jess O'Quin, et ux – Surface Owner
2. Consolidation Coal Company (194.84 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
Highland Resources, Inc./North American Resources Corporation – Oil and Gas
CNX Gas Company LLC – Oil and Gas Leased
Plum Creek Timberlands, L.P. – CBM
CNX Gas Company LLC – CBM Leased
60.19 acres 75.2375%
- 2A. CNX Gas Company LLC/Island Creek Coal Company – Surface Owner
2B. Unknown Surface Owner
2C. Michael D. Church, et ux – Surface Owner
2D. Unknown Surface Owner
2E. James L. Skeens, et ux – Surface Owner
3. Levisa Coal Corporation, Tract 19 (411.96 Acre Tract) – All Coal except Coal Below Tiller
Consolidation Coal Company – Coal Below Tiller Seam
Jewell Smokeless Coal Corporation – Coal in Tiller Seam and Above Leased
CNX Gas Company LLC – CBM Leased
John W. Pobst, Jr., et al – Oil and Gas
CNX Gas Company LLC – Oil, Gas and CBM Leased
Anna Belle Looney Trust, et al – Surface
0.07 acres 0.0875%
4. Garden Realty Corporation (250.22 Acre Tract) – Coal and Metals
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Motivation Coal Company/Alpha Land and Reserves, LLC – All Coal Outcropping Above Water Level Leased
John W. Pobst, Jr., et al – Oil, Gas and CBM
CNX Gas Company LLC – Oil, Gas and CBM Leased
Sandy Valley Explosives Company, Inc./Mountain Valley Explosives – Surface
2.90 acres 3.6250%

Exhibit EE
Unit O(-1)
Docket #VGOB 07-0821-1984-02
List of Conflicting Owners/Claimants with Royalty Split Agreements and/or Court Decisions

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>Tract #3 - 0.07 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Levisa Coal Company (411.96 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	0.07 acres	0.0875%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) John W. Pobst, Jr., et al. (411.96 Acre Tract)	0.07 acres	0.0875%	
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	0.02 acres 1/4 of 0.07 acres	0.0219%	n/a
(b) Carol C. Irvin 4710 Hunterwood Circle Richmond, TX 77406	0.01 acres 1/12 of 0.07 acres	0.0073%	n/a
(c) F.H. Combs Testamentary Trust P.O. Box 841 Tazewell, VA 24651	0.01 acres 1/12 of 0.07 acres	0.0073%	n/a
(d) Martha E. Combs c/o Benjamin F. Edwards & Company 208 West Main Street, Suite 400 Tazewell, VA 24651	0.01 acres 1/12 of 0.07 acres	0.0073%	n/a
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	0.01 acres 1/12 of 0.07 acres	0.0073%	n/a
(f) Virginia Lee & Phillip Linwick 4324 South Bell Drive Veradale, WA 99037	0.01 acres 1/12 of 0.07 acres	0.0073%	n/a
(g) W. Kent Pobst Trust			
(g.1) Richard K. Pobst 39 Waterside Dr. Cartersville, GA 30121	0.01 acres 1/12 of 0.07 acres	0.0073%	n/a
(g.2) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	0.01 acres 1/12 of 0.07 acres	0.0073%	n/a
(h) Meredith E. Jennings 542 Butler Mill Rd. Maryville, TN 37803	0.01 acres 1/6 of 0.07 acres	0.0146%	n/a

Tract #4 - 2.90 acres

Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. 486-08 The Order was executed December 7, 2011 and plaintiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.

Exhibit EE
Unit O(-1)
Docket #VGOB 07-0821-1984-02
List of Conflicting Owners/Claimants with Royalty Split Agreements and/or Court Decisions

	Acres in Unit	Percent of Unit	Percent of Escrow
<u>COAL OWNERSHIP</u>			
(1) Garden Realty Corporation (250.22 Acre Tract) c/o Margaret Burns 108 Bexley Road Mooresville, NC 28117	2.90 acres	3.6250%	n/a
<u>OIL, GAS & CBM OWNERSHIP</u>			
(1) John W. Pobst, Jr., et al. (250.22 Acre Tract)	2.90 acres	3.6250%	
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	0.73 acres 1/4 of 2.90 acres	0.9063%	12.5000%
(b) Carol C. Irvin 4710 Hunterwood Circle Richmond, TX 77406	0.24 acres 1/12 of 2.90 acres	0.3021%	4.1667%
(c) F.H. Combs Testamentary Trust P.O. Box 841 Tazewell, VA 24651	0.24 acres 1/12 of 2.90 acres	0.3021%	4.1667%
(d) Martha E. Combs c/o Benjamin F. Edwards & Company 208 West Main Street, Suite 400 Tazewell, VA 24651	0.24 acres 1/12 of 2.90 acres	0.3021%	4.1667%
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	0.24 acres 1/12 of 2.90 acres	0.3021%	4.1667%
(f) Virginia Lee & Phillip Linwick 4324 South Bell Drive Veradale, WA 99037	0.24 acres 1/12 of 2.90 acres	0.3021%	4.1667%
(g) W. Kent Pobst Trust			
(g.1) Richard K. Pobst 39 Waterside Dr. Cartersville, GA 30121	0.24 acres 1/12 of 2.90 acres	0.3021%	4.1667%
(g.2) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	0.24 acres 1/12 of 2.90 acres	0.3021%	4.1667%
(j) Meredith E. Jennings 542 Butler Mill Rd. Maryville, TN 37803	0.48 acres 1/6 of 2.90 acres	0.6042%	8.3333%
<u>Entitled to 50% of the Royalties per Royalty Division Agreement:</u>			
(2) Levisa Coal Company c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	2.90 acres	3.6250%	50.0000%

Exhibit A-1
Tract-by-Tract Escrow Calculation
Account Balances as of 12/31/2011

Unit O(-1)
VGOB 07-0821-1984-02
Acres Escrowed: 2.90000

Owners	Tract #	Acres	Owner Acres	Interest	Owners' Percent of Escrow	Amount Due Owners \$2,454.25
Garden Realty Corporation - Coal	4	2.90				
John W. Pobst, Jr. et al - O,G, & CBM						
Fairview Limited Partnership			0.73	1/4	12.5000%	\$306.78
Carol C. Irvin			0.24	1/12	4.1667%	\$102.26
F.H. Combs Testamentary Trust			0.24	1/12	4.1667%	\$102.26
Martha E. Combs c/o Benjamin F. Edwards Company			0.24	1/12	4.1667%	\$102.26
John W. Pobst, Jr.			0.24	1/12	4.1667%	\$102.26
Virginia Lee Linwick			0.24	1/12	4.1667%	\$102.26
Richard K. Pobst			0.24	1/12	4.1667%	\$102.26
Catherine Pobst			0.24	1/12	4.1667%	\$102.26
Meredith E. Jennings			0.48	1/6	8.3333%	\$204.52
Levisa Coal Company	<i>(Royalty Only - Entitled to 50% per Royalty Division Agreement)</i>				50.0000%	\$1,227.13

Wells contributing to the escrow account: O(-1)



This Disbursement will close the account