

1057

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

BK 1075PG0035

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

1057

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 07-1016-2043

ELECTIONS: UNIT AX-132
(herein Subject Drilling Unit)

Tax map identification
numbers for this unit are
found on Exhibit --A--

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 January 31, 2008 which was recorded at Deed Book 1021, Page 389 in the Office of the Clerk of the Circuit Court of Tazewell 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-132;

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.

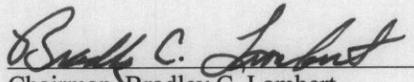
BK1075PG0036

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.

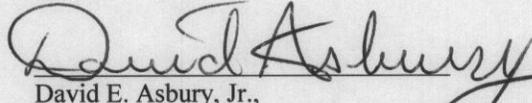
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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

DONE AND EXECUTED this 4 day of March, 2010, by a majority of the Virginia Gas and Oil Board.

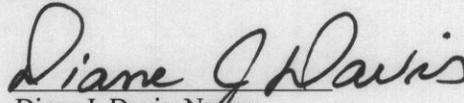

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 4 day of March, 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 4th day of March, 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



BK 1075PG0037

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-132
VGOB 07-1016-2043 in the Maiden Springs 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 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;

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

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

BK 1075PG0038

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:

See attached Exhibit B-2

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:

Claude Jackson, Ruth Lewey Campagna, Neil Boyd, Christine Brown, Peggy Reese, Wanda Martin, Pamela Short, et vir.

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 22nd day of January, 2010.

Anita D. Duty
Anita D. Duty

STATE OF WEST VIRGINIA
COUNTY OF MERCER

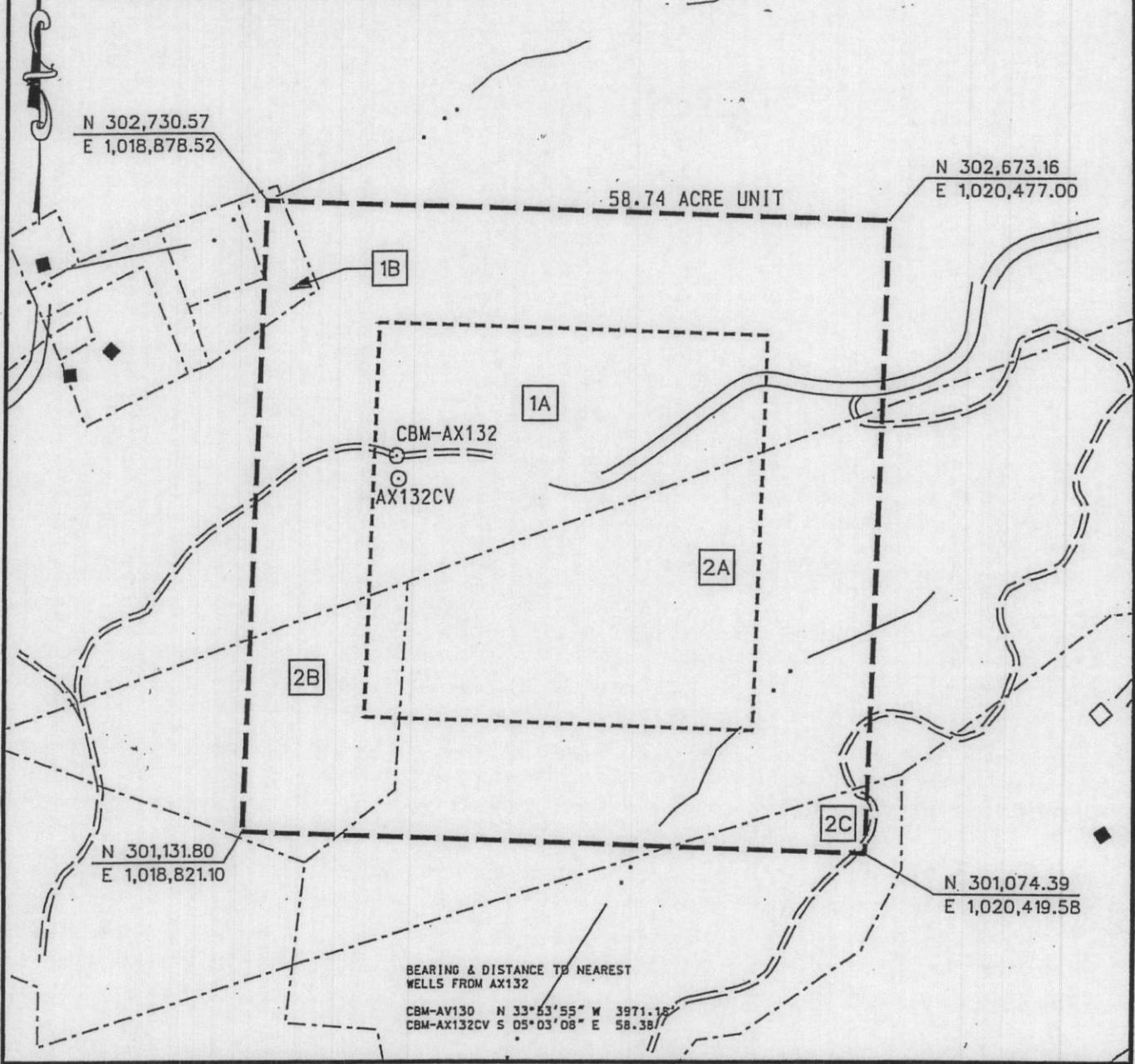
Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 22nd day of January, 2010.

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.

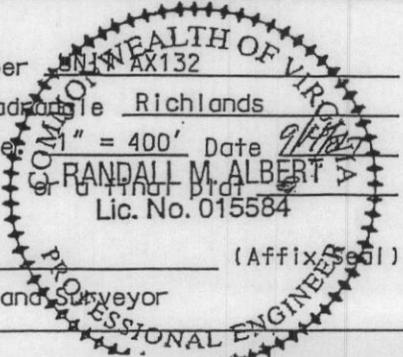


BEARING & DISTANCE TO NEAREST WELLS FROM AX132

CBM-AV130 N 33°53'55" W 3971.15'
 CBM-AX132CV S 05°03'08" E 58.38'

EXHIBIT A
 MIDDLE RIDGE FIELD
 UNIT AX-132
 FORCE POOLING
 VGDB-07-1016-2043

Company CNX Gas Company LLC Well Name and Number AX132
 Tract No. _____ Elevation _____ Quadrangle Richlands
 County Tazewell District Maiden Springs Scale: 1" = 400' Date 9/1/07
 This plat is a new plat X ; an updated plat _____ ;
 or a final plat _____



Form DGO-GO-7
 Rev. 9/91

Randall M. Albert

Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

BK1075PG0040

CNX Gas Company LLC

Unit AX 132

Tract Identifications

(58.74 Acre Unit)

- 1A. Coal Creek Coal Company Tr. 2 (237 Acre Tract) – Coal Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Coal In Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Robin Hodges – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 85 Parcel 6)
28.53 acres 48.5700%
- 1B. Coal Creek Coal Company Tr. 2 (237 Acre Tract) – Coal Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Coal In Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Billy Jackson, et al – Surface and All Minerals except Coal
(Tax Map 84A Parcel 125)
0.64 acres 1.0895%
- 2A. Coal Creek Coal Company Tr. 3 (620 Acre Tract) – Coal Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Coal In Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Robin Hodges (36.181 Acre Tract) – Surface and All Minerals
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 85A Parcel 14)
23.71 acres 40.3643%
- 2B. Coal Creek Coal Company Tr. 3 (620 Acre Tract) – Coal Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Coal In Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Robin Hodges – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 85 Parcel 8)
4.88 acres 8.3078%
- 2C. Coal Creek Coal Company Tr. 3 (620 Acre Tract) – Coal Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Coal In Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Clement Smith, et al (21.613 Acre Tract) – Surface and All Minerals except Coal (2/3)
Robin Hodges – Surface and All Minerals except Coal (1/3)
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 85A Parcel 14)
0.98 acres 1.6684%

Exhibit B-2
Unit AX-132
Docket #VGOB 07-1016-2043
List of Respondents to be Added and/or Dismissed
(58.74 Acre Unit)

BK 1075PG0041

	Acres in Unit	Interest in Unit	Reason for Dismissal	Reason for Addition
II. OIL & GAS OWNERSHIP				
<u>Tract #1B, 0.64 acres</u>				
(1) Billy Jackson, et al	0.64 acres	1.0895%		
(b) Elizabeth Jackson c/o Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.3200 acres 1/2 of 0.64 acres	0.5448%		Due Diligence
(c) Claude Jackson P.O. Box 634 Raven, VA 24639	0.0800 acres 1/8 of 0.64 acres	0.1362%	Not an owner	
(d) Ruth Lewey Campagna 3795 Glan Laurel Ct. Cumming, GA 30040	0.0800 acres 1/8 of 0.64 acres	0.1362%	Not an owner	
(e) Neil Boyd 3911 Pepper Bush Rd. Greensboro, NC 27405	0.0800 acres 1/8 of 0.64 acres	0.1362%	Not an owner	
(f) Christine Brown 3007 Shamrock Dr. Greensboro, NC 27408	0.0800 acres 1/8 of 0.64 acres	0.1362%	Not an owner	
(g) Peggy Reese 322 Knox Rd. Gibsonville, NC 27249	0.0800 acres 1/8 of 0.64 acres	0.1362%	Not an owner	
(h) Wanda Martin 7084 Shiloh Road Liberty, NC 27298	0.0800 acres 1/8 of 0.64 acres	0.1362%	Not an owner	

Exhibit B-3
Unit AX-132
Docket #VGOB 07-1016-2043
List of all Owners/Claimants
(58.74 Acre Unit)

BK 1075PG0042

	Acres in Unit	Interest in Unit
II. OIL & GAS OWNERSHIP		
<u>Tract #1B, 0.64 acres</u>		
(1) Billy Jackson, et al	0.64 acres	1.0895%
(a) Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.3200 acres 1/2 of 0.64 acres	0.5448%
(c) Elizabeth Jackson c/o Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.3200 acres 1/2 of 0.64 acres	0.5448%

Exhibit E
Unit AX-132

BK 1075PG0043

Docket #VGOB 07-1016-2043

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

	Acres in Unit	Interest in Unit
<u>Tract #1B, 0.64 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Creek Coal Company Tr.2 (237 Acres) P.O. Box 323 Tazewell, VA 24651	0.64 acres	1.0895%
<u>OIL & GAS OWNERSHIP</u>		
(1) Billy Jackson, et al	0.64 acres	1.0895%
(a) Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.32 acres 1/2 of 0.64 acres	0.5448%
(b) Elizabeth Jackson c/o Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.32 acres 1/2 of 0.64 acres	0.5448%

Exhibit EE
Unit AX-132
Docket #VGOB 07-1016-2043
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

BK 1075PG0044

	Acres in Unit	Interest in Unit
<u>Tract #1A, 28.53 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Creek Coal Company Tr.2 (237 Acres) * P.O. Box 323 Tazewell, VA 24651	28.53 acres	48.5700%
<u>OIL & GAS OWNERSHIP</u>		
(1) Robin Hodges * PO Box 1480 Bassett, VA 24055-4999	28.53 acres	48.5700%
<u>Tract #2A, 23.71 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Creek Coal Company Tr.3 (620 Acres) * P.O. Box 323 Tazewell, VA 24651	23.71 acres	40.3643%
<u>OIL & GAS OWNERSHIP</u>		
(1) Robin Hodges * PO Box 1480 Bassett, VA 24055-4999	23.71 acres	40.3643%
<u>Tract #2B, 4.88 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Creek Coal Company Tr.3 (620 Acres) * P.O. Box 323 Tazewell, VA 24651	4.88 acres	8.3078%
<u>OIL & GAS OWNERSHIP</u>		
(1) Robin Hodges * PO Box 1480 Bassett, VA 24055-4999	4.88 acres	8.3078%
<u>Tract #2C, 0.98 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Creek Coal Company Tr.3 (620 Acres) * P.O. Box 323 Tazewell, VA 24651	0.98 acres	1.6684%
<u>OIL & GAS OWNERSHIP</u>		
(1) Clement Smith, et al.	0.98 acres	1.6684%
(a) Clement A. Smith * 2508 Red Root Ridge Road Raven, VA 24639	0.65 acres 2/3 of 0.98 acres	1.1122%

Exhibit EE
Unit AX-132
Docket #VGOB 07-1016-2043
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

BK 1075PG0045

	Acres in Unit	Interest in Unit
** Note: Clement Smith requests his royalties to be paid to: Carolyn Horton 2872 Horton Ridge Road Swords Creek, VA 24649		
(b) Robin Hodges *	0.33 acres	0.5561%
P.O. Box 1480	1/3 of 0.98 acres	
Bassett, VA 24055-4999		

* The Royalty Division Agreement varies per tract.

INSTRUMENT #100001657
RECORDED IN THE CLERK'S OFFICE OF
TAZEWELL COUNTY ON
MAY 19, 2010 AT 04:15 PM
Angelina 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: 16:15:37 ACCOUNT: 185CLR100001657 RECEIPT: 10000007395
CASHIER: ADR REG: TC15 TYPE: ODU PAYMENT: FULL PAYMENT
INSTRUMENT : 100001657 BOOK: 1075 PAGE: 35 RECORDED: 05/19/10 AT 16:15
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: \$21.00 45282964
DESCRIPTION 1: SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER PAGES: 11 O/P 0
2: VGOB 07-1016-2043 NAMES: 0
CONSIDERATION: .00 A/VAL: .00 MAP:
PIN:
301 DEEDS 21.00
TENDERED : 21.00
AMOUNT PAID: 21.00
CHANGE AMT : .00

CLERK OF COURT: JAMES E. BLEVINS

PAYOR'S COPY
RECEIPT COPY 1 OF 3