

1389

100000530

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 08-0318-2162

ELECTIONS: UNIT X-4
(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 October 1, 2008, which was recorded at Document #080003927 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on October 16, 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 X-4;

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 9th 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 9th 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



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 X-4
VGOB 08-0318-2162 in the Prater 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 October 1, 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 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 16, 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 October 1, 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:

None

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:

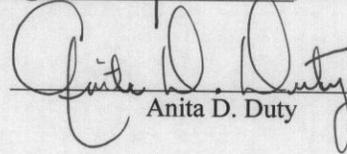
Judy Elizabeth Hagy, Shelia Miller, Ercil Cook

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

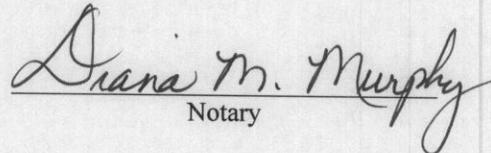
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 19th day of January, 2010.

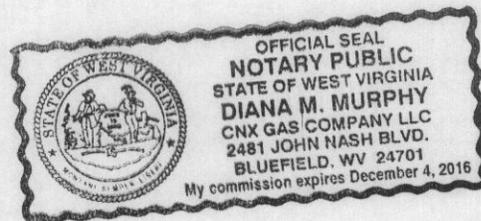

Anita D. Duty

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 21st day of January, 2010.


Notary

My commission expires: December 4, 2016



PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX GAS COMPANY LLC AND WERE NOT SURVEYED.

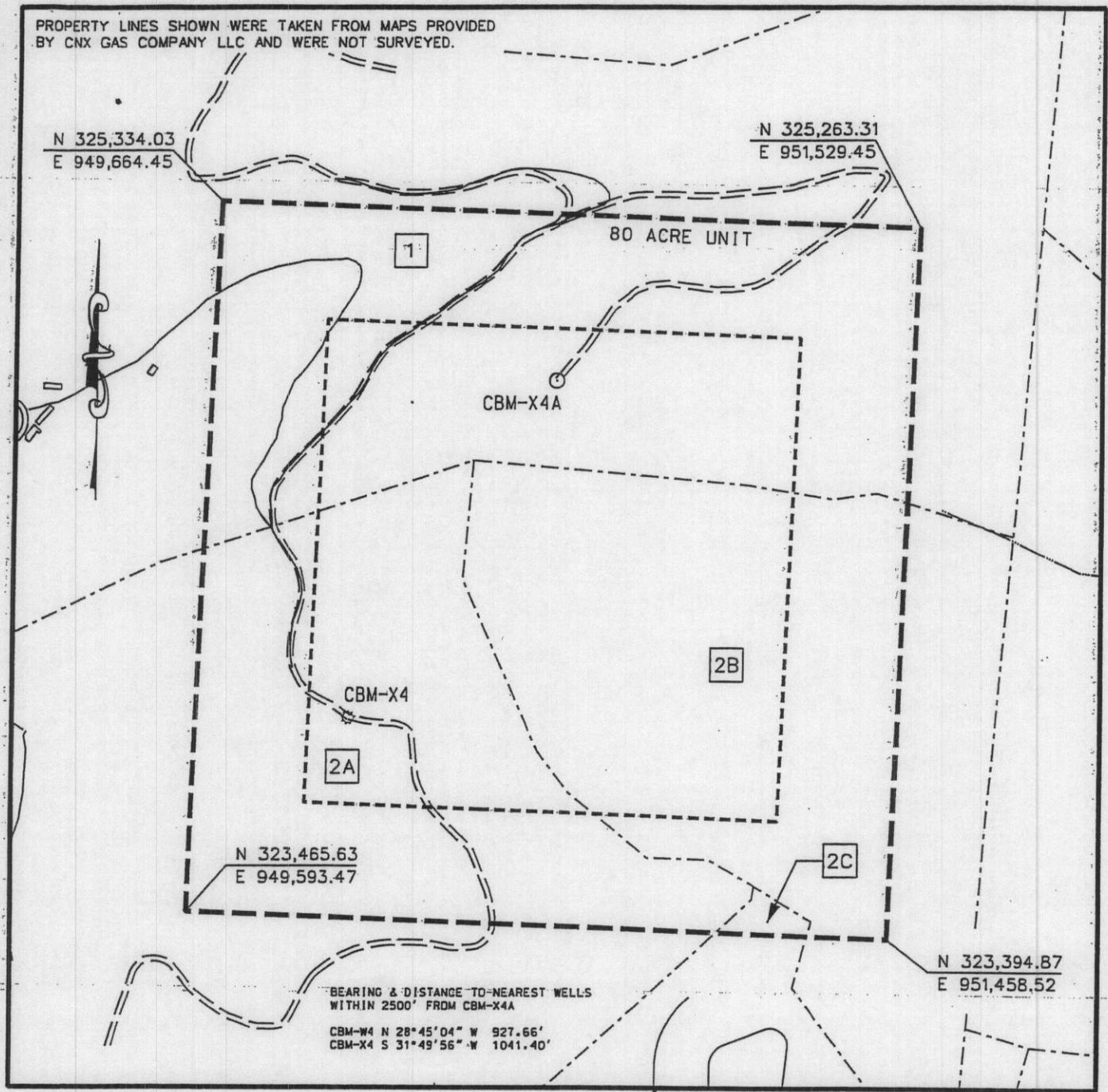


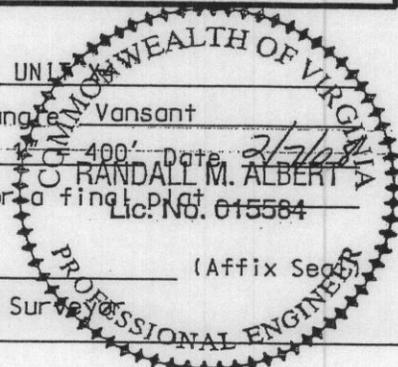
EXHIBIT A
 OAKWOOD FIELD
 UNIT X-4
 FORCE POOLING
 VGDB-08-0318-2162

Company CNX Gas Company LLC Well Name and Number UNI
 Tract No. _____ Elevation _____ Quadrangle Vansant
 County Buchanan District Prater Scale: 1" = 400' Date 2/7/09
 This plat is a new plat X; an updated plat _____; or a final plat _____
 Lic. No. 015584

Form DGO-GO-7
 Rev. 9/91

Randall M. Albert

Licensed Professional Engineer or Licensed Land Surveyor



(Affix Seal)

CNX GAS COMPANY LLC

Unit X 4

Tract Identifications

1. FMF Boyd Heirs, et al (131.25 acres) Coal (Except % of Widow Kennedy and Above Coal Seams)
Rual Fuller/National Energy Corporation - % of Widow Kennedy Seam and all Above Coal Seams
Island Creek Coal Company / Consol Energy Inc. - Coal Below the Tiller 94.44% Leased
FMF Boyd Heirs, et al- Oil and Gas (97.8820% ownership)
CNX Gas Company LLC - Oil and Gas (2.1180% ownership)
CNX Gas Company LLC- Oil, Gas and CBM 95.55555% Leased
Ocie S. Jackson- Surface
30.94 Acres 38.6750%

2. Harrison Wyatt, LLC Big Axe Tr. 26 (214 acres tract) All Minerals
Island Creek Coal Company/Consol Energy, Inc. - Coal Below the Tiller Seam Leased
Jewell Smokeless Coal Corporation- Coal Tiller Seam and Above Leased
CNX Gas Company LLC - Oil, Gas and CBM Leased
49.06 Acres 61.3250%

- 2A. CNX Gas Company LLC -Surface
- 2B. Evan R. Yates, et al - Surface
- 2C. Larry A. Nuckles, Jr. et ux -Surface

Exhibit B-2
Unit X-4
Docket #VGOB 08-0318-2162
List of Respondents to be Dismissed

	Acres in Unit	Percent of Unit	Reason for Dismissal	Reason for Addition
I. COAL OWNERSHIP				
<u>Tract #1 - 30.94 acres</u>				
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	30.94 acres	38.6750%		
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns				
(c) Leah Vernie Baldwin Heirs, Devisees, Successors or Assigns				
(c.8) Judy Elizabeth Hagy Rt.2 Box 448 Vansant, VA 24656	0.0358 acres 0.1157% of 30.94 acres	0.0447%	Leased	
(e) Ada Nell Stiltner Heirs, Devisees, Successors or Assigns				
(e.3) Shelia Miller 22455 Wyldwood Road Abingdon, VA 24211	0.0716 acres 0.2315% of 30.94 acres	0.0895%	Leased	
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns				
(j.4) Ercil Cook Heirs, Devisses, Successors or Assigns			Deceased	
(j.4.1) Mark Cook <i>Address Unknown</i>	0.0358 acres 1/864 of 30.94 acres	0.0448%		Heir
(j.4.2) Ercil Cook, Jr. <i>Address Unknown</i>	0.0358 acres 1/864 of 30.94 acres	0.0448%		Heir
(j.4.3) Ursula Cook <i>Address Unknown</i>	0.0358 acres 1/864 of 30.94 acres	0.0448%		Heir
II. OIL & GAS OWNERSHIP				
<u>Tract #1 - 30.94 acres</u>				
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	30.94 acres	38.6750%		
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns				
(c) Leah Vernie Baldwin Heirs, Devisees, Successors or Assigns				
(c.8) Judy Elizabeth Hagy Rt.2 Box 448 Vansant, VA 24656	0.0358 acres 0.1157% of 30.94 acres	0.0447%	Leased	
(e) Ada Nell Stiltner Heirs, Devisees, Successors or Assigns				
(e.3) Shelia Miller 22455 Wyldwood Road Abingdon, VA 24211	0.0716 acres 0.2315% of 30.94 acres	0.0895%	Leased	

7

Exhibit B-2
Unit X-4
Docket #VGOB 08-0318-2162
List of Respondents to be Dismissed

	Acres in Unit	Percent of Unit	Reason for Dismissal	Reason for Addition
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns				
(j.4) Ercil Cook Heirs, Devisees, Successors or Assigns			Deceased	
(j.4.1) Mark Cook <i>Address Unknown</i>	0.0358 acres 1/864 of 30.94 acres	0.0448%		Heir
(j.4.2) Ercil Cook, Jr. <i>Address Unknown</i>	0.0358 acres 1/864 of 30.94 acres	0.0448%		Heir
(j.4.3) Ursula Cook <i>Address Unknown</i>	0.0358 acres 1/864 of 30.94 acres	0.0448%		Heir

8

Exhibit B-3
Unit X-4
Docket #VGOB 08-0318-2162
List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
I. COAL OWNERSHIP		
<u>Tract #1 - 30.94 acres</u>		
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	30.94 acres	38.6750%
(1) Marion Boyd Heirs, Devisees, Successors or Assigns		
(a) Clyde Boyd P.O. Box 403 Clinchco, VA 24226	0.2104 acres 0.680% of 30.94 acres	0.2630%
(b) Kilby Boyd c/o Clyde Boyd P.O. Box 403 Chinchco, VA 24226	0.2104 acres 0.680% of 30.94 acres	0.2630%
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns		
(c) Leah Vernie Baldwin Heirs, Devisees, Successors or Assigns		
(c.2) Opal Mattie Hunt 117 Five Forks Drive Morgantown, WV 26508-9025	0.0358 acres 0.1157% of 30.94 acres	0.0447%
(c.6) Laura Virginia Manier Rt.2 Box 54 Vansant, VA 24656	0.0358 acres 0.1157% of 30.94 acres	0.0447%
(c.7) Henry Nathan Baldwin, Jr. Rt.2 Box 453 Vansant, VA 24656	0.0358 acres 0.1157% of 30.94 acres	0.0447%
(c.11) James Curtis Baldwin 1261 Baldwin Rd. Vansant, VA 24656	0.0358 acres 0.1157% of 30.94 acres	0.0447%
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns		
(j.2) Lloyd Cook Rt.5 Box 535 Grundy, VA 24614	0.1074 acres 0.347% of 30.94 acres	0.1343%
(j.4) Ercil Cook Heirs, Devisees, Successors or Assigns (1/288)		
(j.4.1) Mark Cook <i>Address Unknown</i>	0.0358 acres 1/864 of 30.94 acres	0.0448%
(j.4.1) Ercil Cook, Jr. <i>Address Unknown</i>	0.0358 acres 1/864 of 30.94 acres	0.0448%
(j.4.1) Ursula Cook <i>Address Unknown</i>	0.0358 acres 1/864 of 30.94 acres	0.0448%
(l) Ardue Guy Boyd Heirs, Devisees, Successors or Assigns		
(l.6) Estil Boyd Heirs, Devisees, Successors or Assigns		

Exhibit B-3
Unit X-4
Docket #VGOB 08-0318-2162
List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
(I.6.1) Katherine Boyd 116 Villa Lane Taylorsville, NC 28681	0.0359 acres 0.116% of 30.94 acres	0.0449%
(I.11) Robert G. Boyd Rt.1 Box 416 Vansant, VA 24656	0.0359 acres 0.116% of 30.94 acres	0.0449%
II. OIL & GAS OWNERSHIP		
<u>Tract #1 - 30.94 acres</u>		
(1) F.M.F. Boyd Heirs, Devisees, Successors or Assigns, et al.	30.94 acres	38.6750%
(1) Marion Boyd Heirs, Devisees, Successors or Assigns		
(a) Clyde Boyd P.O. Box 403 Clinchco, VA 24226	0.2104 acres 0.680% of 30.94 acres	0.2630%
(b) Kilby Boyd c/o Clyde Boyd P.O. Box 403 Chinchco, VA 24226	0.2104 acres 0.680% of 30.94 acres	0.2630%
(5) Marion Rendue Boyd Heirs, Devisees, Successors or Assigns		
(c) Leah Vernie Baldwin Heirs, Devisees, Successors or Assigns		
(c.2) Opal Mattie Hunt 117 Five Forks Drive Morgantown, WV 26508-9025	0.0358 acres 0.1157% of 30.94 acres	0.0447%
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(e) Ada Nell Stiltner Heirs, Devisees, Successors or Assigns		
(e.3) Shelia Miller 22455 Wyldwood Road Abingdon, VA 24211	0.0716 acres 0.2315% of 30.94 acres	0.0895%
(j) Mary Boyd Cook Heirs, Devisees, Successors or Assigns		

INSTRUMENT #100000530
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY VA
MARCH 12, 2010 AT 03:11PM
BEVERLY S. TILLER, CLERK
RECORDED BY: NAE

10