

1458

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

100001295

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 09-0421-2501

ELECTIONS: UNIT AB-77  
(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 September 14, 2009 which was recorded at Document #090003179 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on October 16, 2009, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein ADesignated 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 AB-77;

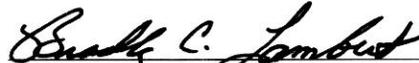
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company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

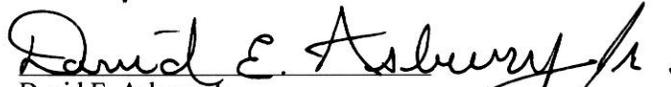
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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 8<sup>th</sup> 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 AB-77  
VGOB 09-0421-2501 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 September 14, 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 October 16, 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 September 14, 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:

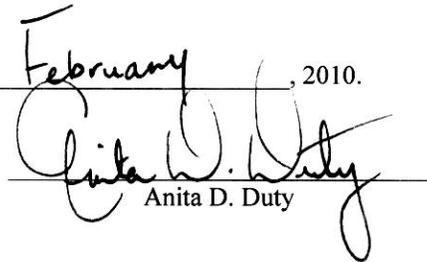
None

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

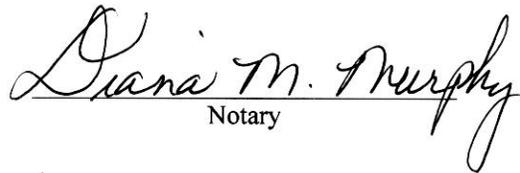
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 19<sup>th</sup> day of February, 2010.

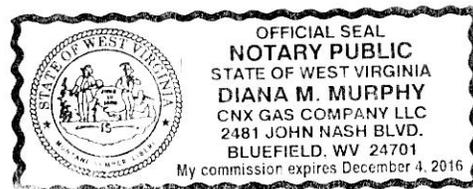
  
Anita D. Duty

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 19<sup>th</sup> day of February, 2010.

  
Notary

My commission expires: December 4, 2016



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

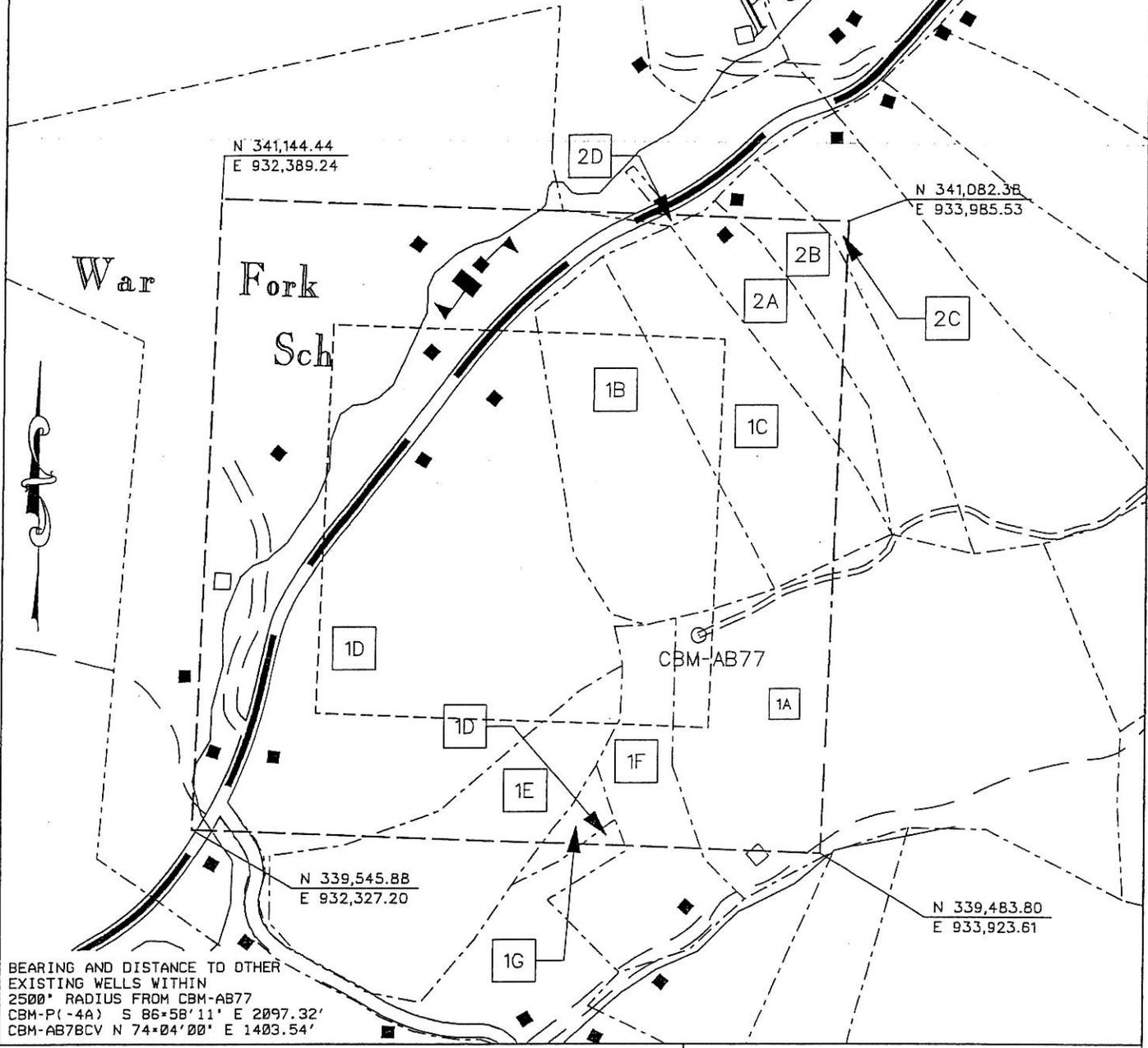


EXHIBIT A  
 NORA FIELD  
 UNIT AB77  
 FORCE POOLING  
 VGOB 09-0421-2501

Company CNX Gas Company LLC Well Name and Number UNIT AB77

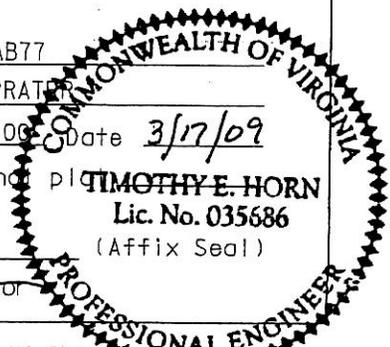
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle PRATER

County BUCHANAN District PRATER Scale: 1" = 400'

This plat is a new plat \_\_\_\_\_ ; an updated plat X ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
 Rev. 9/91

*[Signature]*  
 Licensed Professional Engineer or Licensed Land Surveyor



**Exhibit B-3**  
**Unit AB77**  
**Docket #VGOB 09-0421-2501**  
**List of Unleased Owners/Claimants**  
**(58.76 Acre Unit)**

	Acres in Unit	Percent of Unit
<b>I. COAL OWNERSHIP</b>		
<b><u>Tract #2A - 2.03 acres</u></b>		
(1) ACIN LLC c/o Western Pocahontas Properties LP P.O. Box 2827 1035 Third Avenue, Suite 300 Huntington, WV 25727	2.03 acres	3.4547%
<b><u>Tract #2B - 1.00 acres</u></b>		
(1) ACIN LLC c/o Western Pocahontas Properties LP P.O. Box 2827 1035 Third Avenue, Suite 300 Huntington, WV 25727	1.00 acres	1.7018%
<b><u>Tract #2C - 0.09 acres</u></b>		
(1) ACIN LLC c/o Western Pocahontas Properties LP P.O. Box 2827 1035 Third Avenue, Suite 300 Huntington, WV 25727	0.09 acres	0.1532%
<b><u>Tract #2D - 0.11 acres</u></b>		
(1) ACIN LLC c/o Western Pocahontas Properties LP P.O. Box 2827 1035 Third Avenue, Suite 300 Huntington, WV 25727	0.11 acres	0.1872%
<b>II. OIL &amp; GAS OWNERSHIP</b>		
<b><u>Tract #2B - 1.00 acres</u></b>		
(1) Cornelia Arguellas, et al <i>(Rufus &amp; Eunice Deel Heirs, Devisees, Successors or Assigns) - 9 acre tract</i>	1.00 acres	1.7018%
(c) Henry Deel P.O. Box 197 Vansant, VA 24656	0.17 acres 1/6 of 1.00 acres	0.2836%
(d) Donald Deel Heirs, Devisees, Successors or Assigns		
(d.1) Barbara Deel 830 Main Street Apt. 404 North Wilkesboro, NC 28659	0.08 acres 1/12 of 1.00 acres	0.1418%
(d.2) Erma K. Sikora 758 Buckwheat Road McGrady, NC 28649	0.08 acres 1/12 of 1.00 acres	0.1418%
(e) Nell Ratliff 23245 Sydney Drive Abingdon, VA 24211	0.17 acres 1/6 of 1.00 acres	0.2836%
(f) Gordon Deel Rt.1 Box 561 Vansant, VA 24656	0.17 acres 1/6 of 1.00 acres	0.2836%

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**Exhibit B-3**  
**Unit AB77**  
**Docket #VGOB 09-0421-2501**  
**List of Unleased Owners/Claimants**  
**(58.76 Acre Unit)**

	Acres in Unit	Percent of Unit
<b><u>Tract #2C - 0.09 acres</u></b>		
(1) Henry Deel, et al. <i>(Rufus &amp; Eunice Deel Heirs, Devisees, Successors or Assigns) - 3 acre tract</i>	0.09 acres	0.1532%
(c) Henry Deel P.O. Box 197 Vansant, VA 24656	0.02 acres 1/6 of 0.09 acres	0.0255%
(d) Donald Deel Heirs, Devisees, Successors or Assigns		
(d.1) Barbara Deel 830 Main Street Apt. 404 North Wilkesboro, NC 28659	0.01 acres 1/12 of 0.09 acres	0.0128%
(d.2) Erma K. Sikora 758 Buckwheat Road McGrady, NC 28649	0.01 acres 1/12 of 0.09 acres	0.0128%
(e) Nell Ratliff 23245 Sydney Drive Abingdon, VA 24211	0.02 acres 1/6 of 0.09 acres	0.0255%
(f) Gordon Deel Rt.1 Box 561 Vansant, VA 24656	0.02 acres 1/6 of 0.09 acres	0.0255%
<b><u>Tract #2D - 0.11 acres</u></b>		
(1) Gordon C. Deel, et ux Rt.1 Box 561 Vansant, VA 24656	0.11 acres 1/6 of 0.011 acres	0.1872%

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**Exhibit E**  
**Unit AB77**  
**Docket #VGOB 09-0421-2501**  
**List of Conflicting Owners/Claimants that require escrow**  
**(58.76 Acre Unit)**

	Acres in Unit	Percent of Unit
<b><u>Tract #2A - 2.03 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) ACIN LLC c/o Western Pocahontas Properties LP P.O. Box 2827 1035 Third Avenue, Suite 300 Huntington, WV 25727	2.03 acres	3.4547%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Arnold Deel, et ux. Rt.1 Box 558 Vansant, VA 24656	2.03 acres	3.4547%
<b><u>Tract #2B - 1.00 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) ACIN LLC c/o Western Pocahontas Properties LP P.O. Box 2827 1035 Third Avenue, Suite 300 Huntington, WV 25727	1.00 acres	1.7018%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Cornelia Arguellas, et al <i>(Rufus &amp; Eunice Deel Heirs, Devisees, Successors or Assigns) - 9 acre tract</i>	1.00 acres	1.7018%
(a) Corenia Arguelles 17 Ranger Creek Road Boerne, TX 78006	0.17 acres 1/6 of 1.00 acres	0.2836%
(b) Magalene Deel Rt.1 Box 558 Vansant, VA 24656	0.17 acres 1/6 of 1.00 acres	0.2836%
(c) Henry Deel P.O. Box 197 Vansant, VA 24656	0.17 acres 1/6 of 1.00 acres	0.2836%
(d) Donald Deel Heirs, Devisees, Successors or Assigns		
(d.1) Barbara Deel 830 Main Street Apt. 404 North Wilkesboro, NC 28659	0.08 acres 1/12 of 1.00 acres	0.1418%
(d.2) Erma K. Sikora 758 Buckwheat Road McGrady, NC 28649	0.08 acres 1/12 of 1.00 acres	0.1418%
(e) Nell Ratliff 23245 Sydney Drive Abingdon, VA 24211	0.17 acres 1/6 of 1.00 acres	0.2836%
(f) Gordon Deel Rt.1 Box 561 Vansant, VA 24656	0.17 acres 1/6 of 1.00 acres	0.2836%

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**Unit AB77**  
**Docket #VGOB 09-0421-2501**  
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**(58.76 Acre Unit)**

	Acres in Unit	Percent of Unit
<b><u>Tract #2C - 0.09 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) ACIN LLC c/o Western Pocahontas Properties LP P.O. Box 2827 1035 Third Avenue, Suite 300 Huntington, WV 25727	0.09 acres	0.1532%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Henry Deel, et al. <i>(Rufus &amp; Eunice Deel Heirs, Devisees, Successors or Assigns) - 3 acre tract</i>	0.09 acres	0.1532%
(a) Corenia Arguelles 17 Ranger Creek Road Boerne, TX 78006	0.02 acres 1/6 of 0.09 acres	0.0255%
(b) Magalene Deel Rt.1 Box 558 Vansant, VA 24656	0.02 acres 1/6 of 0.09 acres	0.0255%
(c) Henry Deel P.O. Box 197 Vansant, VA 24656	0.02 acres 1/6 of 0.09 acres	0.0255%
(d) Donald Deel Heirs, Devisees, Successors or Assigns		
(d.1) Barbara Deel 830 Main Street Apt. 404 North Wilkesboro, NC 28659	0.01 acres 1/12 of 0.09 acres	0.0128%
(d.2) Erma K. Sikora 758 Buckwheat Road McGrady, NC 28649	0.01 acres 1/12 of 0.09 acres	0.0128%
(e) Nell Ratliff 23245 Sydney Drive Abingdon, VA 24211	0.02 acres 1/6 of 0.09 acres	0.0255%
(f) Gordon Deel Rt.1 Box 561 Vansant, VA 24656	0.02 acres 1/6 of 0.09 acres	0.0255%
<b><u>Tract #2D - 0.11 acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) ACIN LLC c/o Western Pocahontas Properties LP P.O. Box 2827 1035 Third Avenue, Suite 300 Huntington, WV 25727	0.11 acres	0.1872%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) Gordon C. Deel, et ux Rt.1 Box 561 Vansant, VA 24656	0.11 acres 1/6 of 0.011 acres	0.1872%

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\$20

INSTRUMENT #100001295  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
MAY 19, 2010 AT 02:26PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: SLB

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

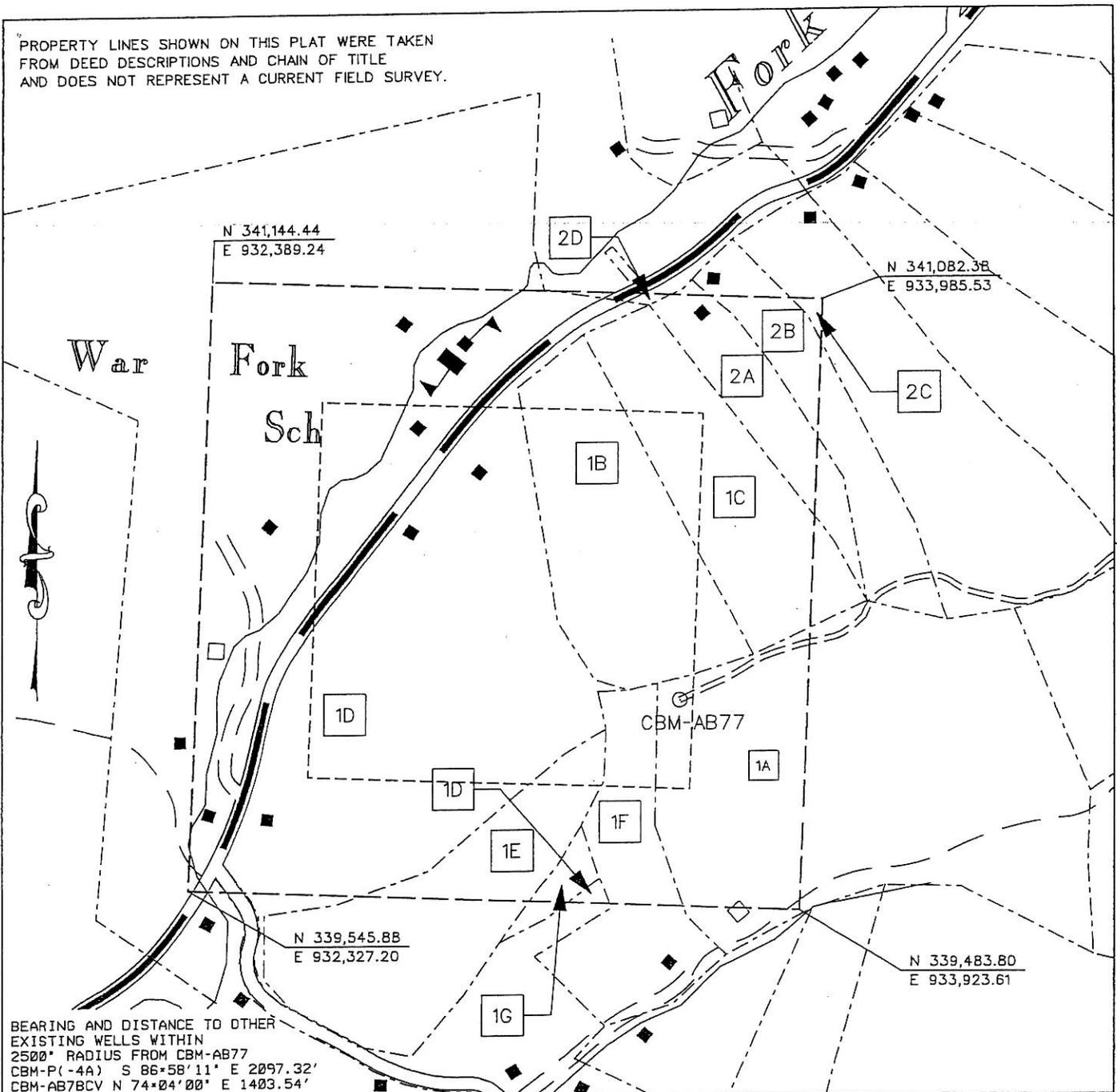
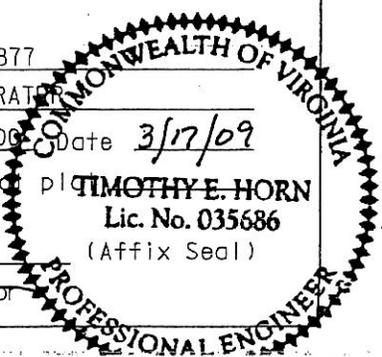


EXHIBIT A  
NORA FIELD  
UNIT AB77  
FORCE POOLING  
VGDB 09-0421-2501

Company CNX Gas Company LLC Well Name and Number UNIT AB77  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle PRATER  
 County BUCHANAN District PRATER Scale: 1" = 400' Date 3/17/09  
 This plat is a new plat \_\_\_\_\_ ; an updated plat X ; or a final plat \_\_\_\_\_

Form DGD-GD-7  
Rev. 9/91

*[Signature]*  
Licensed Professional Engineer or Licensed Land Surveyor



# CNX GAS COMPANY LLC

## Unit AB77

### Tract Identifications

58.76-Acre Unit

1. Fredrick H. Combs, II, Testamentary Trust, et al (1010 Acre Tract) – All Minerals  
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Drainage Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
55.53 Acres                      94.5031%
  
- 1A. Jerry L. Owens, et al – Surface
- 1B. Cathy A. Woods Fuller – Surface
- 1C. Glinda B. Woods Sollien - Surface
- 1D. Unknown Surface Owner
- 1E. Unknown Surface Owner
- 1F. Angela O. Johnson, et vir – Surface
- 1G. Unknown Surface Owner
  
- 2A. ACIN, LLC – All Coal except the Splash Dam Seam  
Penn Virginia Operating Co., LLC – Splash Dam Seam  
Alpha Land and Reserves, LLC – All Coal Leased except the Splash Dam Seam  
Arnold Deel, et ux – Surface and All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
2.03 Acres                      3.4547%
  
- 2B. ACIN, LLC – All Coal except the Splash Dam Seam  
Penn Virginia Operating Co., LLC – Splash Dam Seam  
Alpha Land and Reserves, LLC – All Coal Leased except the Splash Dam Seam  
Cornelia Arguellas, et al – All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased (1/3)  
Fred Deel, et ux – Surface  
1.00 Acres                      1.7018%
  
- 2C. ACIN, LLC – All Coal except the Splash Dam Seam  
Penn Virginia Operating Co., LLC – Splash Dam Seam  
Alpha Land and Reserves, LLC – All Coal Leased except the Splash Dam Seam  
Henry Deel, et al – All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased (1/3)  
Ronald D. Stacy, et ux – Surface  
0.09 Acres                      0.1532%
  
- 2D. ACIN, LLC – All Coal except the Splash Dam Seam  
Penn Virginia Operating Co., LLC – Splash Dam Seam  
Alpha Land and Reserves, LLC – All Coal Leased except the Splash Dam Seam  
Gordon C Deel., et ux – Surface and All Minerals except Coal  
Chesapeake Appalachia LLC – Oil and Gas Leased  
0.11 Acres                      0.1872%