

1442

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

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

100001292

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 09-0421-2502

ELECTIONS: UNIT AZ-92
(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 8, 2009 which was recorded at Document #090003350 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on October 29, 2009, (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 AZ-92;

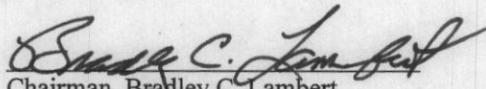
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company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

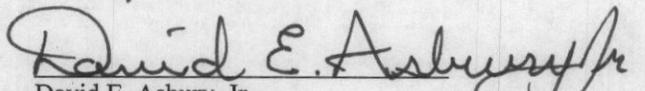
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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

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

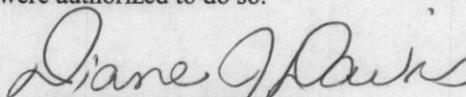

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 8 day of April, 2010, by Order of the Board.

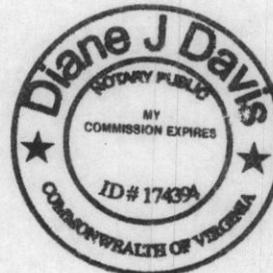

David E. Asbury, Jr.,
Principal Executive to the Staff of the Board

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 AZ-92
VGOB 09-0421-2502 in the Hurricane 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 8, 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 29, 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:

Range Resources – Pine Mountain, Inc. - Participating Operator (Lessee 50%)

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 8, 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:

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:

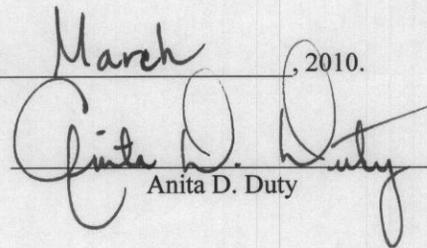
Jimmy Lee Keen

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

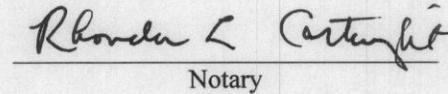
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 5th day of March, 2010.

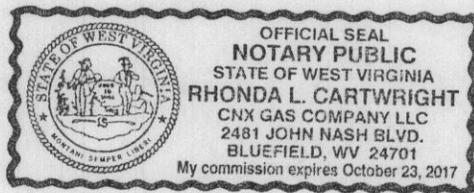

Anita D. Duty

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 5th 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.

BRANCH

N 301,862.39
E 954,874.97

N 301,805.24
E 956,473.60

58.79 ACRE UNIT

3

1A

CBM-AZ92

2

N 300,262.69
E 954,814.95

1B

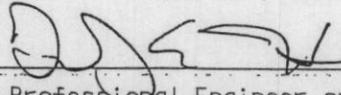
N 300,205.30
E 956,413.74

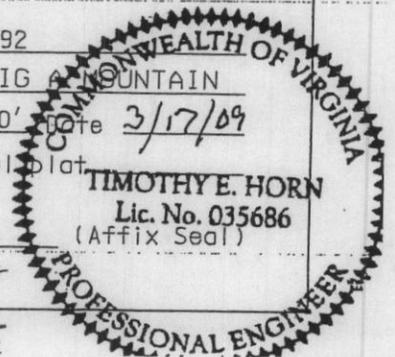
THERE ARE NO EXISTING WELLS WITHIN 2500' RADIUS OF AZ92

EXHIBIT A
NORA FIELD
UNIT AZ92
FORCE POOLING
VGOB 09-0421-2502

Company CNX Gas Company LLC Well Name and Number UNIT AZ92
 Tract No. _____ Elevation _____ Quadrangle BIG MOUNTAIN
 County BUCHANAN District HURRICANE Scale: 1" = 400' Date 3/17/09
 This plat is a new plat _____ ; an updated plat X ; or a final plat _____

Form DGO-60-7
Rev. 9/91


Licensed Professional Engineer or Licensed Land Surveyor



CNX Gas Company LLC

UNIT AZ92

Tract Identifications

58.79 Acre Unit

1. Levisa Coal Company, Tract 40 (110.63 Acre Tract) – All Minerals except Oil and Gas
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased
John W. Pobst, Jr., et al – All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
19.34 Acres 32.8968%

- 1A. CNX Gas Company LLC – Surface
- 1B. Kenneth Keen, et al – Surface

2. ACIN LLC (1000 Acre Tract) – All Coal
Alpha Land and Reserves, LLC – All Coal except the Conaway/Middle Fork and Lower
 Splash Dam Deep Seams Leased
Norton Coal Company, LLC – Conaway/Middle Fork and Lower Splash Dam Deep Seams Leased
Range Resources – Pine Mountain, Inc. (1000 Acre Tract) – Oil, Gas and CBM
Equitable Production Company/Range Resources-Pine Mountain, Inc.-Oil, Gas and CBM Leased
Donald L. Ratliff – Surface
31.46 Acres 53.5125%

3. Lorraine K. Ratliff, et al – Minerals
CNX Gas Company LLC – Oil, Gas and CBM Leased (5/7)
Mary Bell J. Wampler – Surface
7.99 Acres 13.5907%

LP

F3

Exhibit B-2
Unit AZ-92
Docket #VGOB 09-0421-2502
List of Respondents to be Dismissed
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit	Reason for Dismissal	Reason for Addition
<u>Tract #3 - 7.99 acres</u>				
<u>COAL OWNERSHIP</u>				
(1) Lorraine K. Ratliff, et al. <i>(Dayton Keen Heirs, Devisees, Successors or Assigns)</i>	7.99 acres	13.5907%		
(c) Hoover A. Keene Heirs, Devisees, Successors or Assigns				
(c.1) Jimmy Lee Keene <i>(Deed of Gift to April Anne Paulsen)</i>			Deeded Interest	
(c.1.1) April Anne Paulsen 4403 Slate Court Jeffersonville, IN 47130	1.141 acres 1/7 of 7.99 acres	1.9415%		New Owner
<u>OIL & GAS OWNERSHIP</u>				
(1) Lorraine K. Ratliff, et al. <i>(Dayton Keen Heirs, Devisees, Successors or Assigns)</i>	7.99 acres	13.5907%		
(c) Hoover A. Keene Heirs, Devisees, Successors or Assigns				
(c.1) Jimmy Lee Keene <i>(Deed of Gift to April Anne Paulsen)</i>			Deeded Interest	
(c.1.1) April Anne Paulsen 4403 Slate Court Jeffersonville, IN 47130	1.141 acres 1/7 of 7.99 acres	1.9415%		New Owner

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Exhibit B-3
Unit AZ-92
Docket #VGOB 09-0421-2502
List of Unleased Owners/Claimants
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit	Election
I. COAL OWNERSHIP			
<u>Tract #2 - 31.46 acres</u>			
(1) ACIN LLC c/o Western Pocahontas Properties LP P.O. Box 2827 1035 Third Avenue, Suite 300 Huntington, WV 25727	31.46 acres	53.5125%	n/a
<i>Note: There is no conflict, Range Resources-Pine Mountain Inc. owns the CBM royalties</i>			
II. OIL & GAS OWNERSHIP			
<u>Tract #2 - 31.46 acres</u>			
(1) Range Resources-Pine Mountain Inc. * P.O. Box 2136 Abingdon, VA 24212	31.46 acres	53.5125%	Participate (Range Resources - Pine Mtn. - 50%) Deemed Leased (EQT Production Company - 50%)

* The Oil, Gas & CBM interest is leased by Range Resources-Pine Mountain Inc. (50%) and EQT Production Company (50%).
EQT did not participate in this well

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Exhibit EE
Unit AZ-92
Docket #VGOB 09-0421-2502
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.79 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #1 - 19.34 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Levisa Coal Company, Tr.40 (110.63 Acre Tract) c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	19.34 acres	32.8968%
<u>OIL & GAS OWNERSHIP</u>		
(1) John W. Pobst, Jr., et al. (110.63 Acre Tract)	19.34 acres	32.8968%
(a) Fairview Limited Partnership c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	4.835 acres 1/4 of 19.34 acres	8.2242%
(b) Carol C. Irvin 4710 Hunterwood Circle Richmond, TX 77406	1.612 acres 1/12 of 19.34 acres	2.7414%
(c) F.H. Combs Testamentary Trust c/o Kelly Combs Necessary, Trustee PO Box 842 Tazewell, VA 24651	1.612 acres 1/12 of 19.34 acres	2.7414%
(d) Martha E. Combs P.O. Box 1404 Abingdon, VA 24210	1.612 acres 1/12 of 19.34 acres	2.7414%
(e) John W. Pobst, Jr. Box 86 Revere, PA 18953	1.612 acres 1/12 of 19.34 acres	2.7414%
(f) Virginia Lee & Phillip Linwick 4324 South Bell Drive Veradale, WA 99037	1.612 acres 1/12 of 19.34 acres	2.7414%
(g) W. Kent Pobst Trust		
(g.1) Richard K. Pobst 1024 Oxford Drive St. Augustine, FL 32084-1821	1.612 acres 1/12 of 19.34 acres	2.7414%
(g.2) Catherine Pobst c/o Lynn R. Quick 111 Postelle Street Cartersville, GA 30120	1.612 acres 1/12 of 19.34 acres	2.7414%
(h) Meredith E. Jennings 542 Butler Mill Rd. Maryville, TN 37803	3.223 acres 1/6 of 19.34 acres	5.4828%

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INSTRUMENT #100001292
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MAY 19, 2010 AT 02:20PM

BEVERLY S. TILLER, CLERK
RECORDED BY: SLB