

130002055

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 11-1115-2999

ELECTIONS: UNIT A-31 (*Well A31*)
(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 15, 2011 which was recorded at Document 130001265 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on July 11, 2013; (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 A-31;

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 38 E. Valley Drive, Bristol, VA 24201, 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 7 day of October, 2013 by a majority of the Virginia Gas and Oil Board.

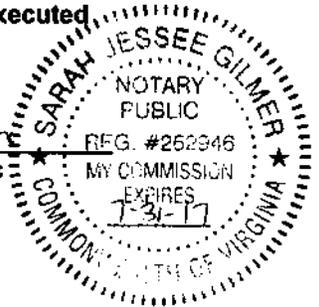
Bradley C. Lambert

Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 7th day of October, 2013, 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 the Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Sarah Jessee Gilmer
Sarah Jessee Gilmer, Notary Public
262946



My Commission expires: July 31, 2017

DONE AND PERFORMED this 8 day of October, 2013 by Order of the Virginia Gas and Oil Board.

Rick Cooper

Rick Cooper
Principal Executive to the
staff, Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 8th day of October, 2013, personally before me a notary public in and for the Commonwealth of Virginia, appeared Rick Cooper, being duly sworn did depose and say that he is Principal Executive to the staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Sarah Jessee Gilmer
Sarah Jessee Gilmer, Notary Public
262946



My Commission expires: July 31, 2017

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in Unit A-31
VGOB 11-1115-2999 in the Garden 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 November 15, 2011, 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 July 11, 2013;

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 to the Unit Operator, within the thirty day elections period:

*Carried Operator (Option 9.3)- Gregory Poulos, Jason Poulos and Pamela Poulos
(Well A31)*

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 15, 2011;

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:

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:

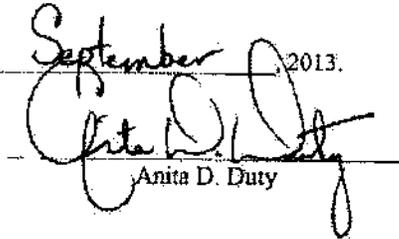
Unknown Heirs of Wealthy A. Brown

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

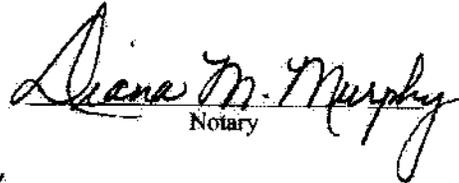
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 18th day of September, 2013.

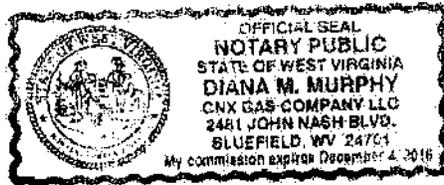

Anita D. Duty

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 18th day of September, 2013.


Notary

My commission expires: December 4, 2016



Property lines shown on this plat were provided by CNX Gas Company LLC and were taken from deed descriptions and chains of title of record. This does not represent a current boundary survey. This certification is as to the size, shape and location of the proposed unit.

N 366,429.56
E 1,001,624.64

N 366,360.18
E 1,003,490.60

88 ACRE UNIT

A31

4

1B

3

1A

2

1C

N 364,584.71
E 1,001,556.31

N 364,495.50
E 1,003,422.39

BEARINGS AND DISTANCES TO OTHER WELLS WITHIN 2,500' RADII OF CBM A31:
BIG VEN#6-05 PK K-100-1115-2999 1478.41'
EDUITABLE V-50792 100-1115-2999 1115.41'
286-VA-A32 ROCKY 100-1115-2999 52°41'32" E 850.00'

- OIL WELL
- ⊙ PROPOSED HORIZONTAL WELL
- ⊕ PROPOSED OIL WELL

Richard C. Murrity
RICHARD C. MURRITY
Lic. No. 041898
10-19-11
PROFESSIONAL ENGINEER

EXHIBIT A
DAKWOOD FIELD
UNIT A31
FORCE POOLING
V008-11-1115-2999

Company CNX Gas Company LLC Name and Number UNIT A31
Tract No. _____ Elevation _____ Quadrangle PATERSON
County BUCHANAN District GARDEN Scale: 1" = 400' Gate _____
This plat is a new plat : an updated plat _____ : or a final plat _____

Form DGO-GD-7
Rev. 9/91

Richard C. Murrity

(Affix Seal)

Licensed Professional Engineer or Licensed Land Surveyor

CNX Gas Company LLC
Unit A31
Tract Identifications

1. **LBR Holdings, LLC (211.80 Acre Tract) – All Coal**
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Jawbone Seam Leased
Reserve Coal Properties Company – P-3 Seam Subleased
Jewell Smokeless Coal Corporation – Coal In Jawbone Seam and Above Leased
LBR Holdings, LLC, et al – Oil and Gas
EQT Production Company – Oil and Gas Leased (75%)
CNX Gas Company LLC – CBM Leased (EQT Production Company Farmout) (75%)
59.70 acres 74.6250%
- 1A. **Kim Smith, et al – Surface**
- 1B. **Kim Smith, et al – Surface**
- 1C. **Kim Smith, et al – Surface**
2. **Consolidation Coal Company, et al Big Vein Tr. 34-2 (280.75 Acre Tract) – Coal**
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
Highland Resources/North American Resources Corporation, et al – Oil and Gas
Pium Creek Timberland, et al – CBM
CNX Gas Company LLC – CBM Leased
Consolidation Coal Company, et al - Surface
0.53 acres 0.6625%
3. **Consolidation Coal Company, et al Big Vein Tr. 37 (55.56 Acre Tract) – Coal**
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased
Highland Resources/North American Resources Corporation, et al – Oil and Gas
Pium Creek Timberland, et al – CBM
CNX Gas Company LLC – CBM Leased
Consolidation Coal Company, et al - Surface
13.88 acres 17.3500%
4. **William E. Matney, et al (67.71 Acre Tract) – All Minerals**
Jewell Smokeless Coal Corporation – Coal In Tiller and Above Leased
CNX Gas Company LLC – Oil, Gas and CBM Leased (70.8333%)
CNX Gas Company LLC - Surface
5.89 acres 7.3625%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

Exhibit B-2
 Unit A-31
 Docket # VGOB 11-1115-2999
 List of respondents to be dismissed/added

		Acres in Unit	Percent of Unit	Reason for Dismissal
I. COAL OWNERSHIP				
<u>Tract #1, 59.70 Acres</u>				
(1)	LBR Holdings, LLC, et al. <i>(211.80 Acre Tract)</i>	59.70 acres	74.6250%	
(b)	Wealthy A. Brown Heirs, devisees, Successors or Assigns <i>Heirs / Addressés Unknown</i>	8.53 acres 1/7 of 59.70 acres	10.6607%	Not an Owner
II. OIL & GAS OWNERSHIP				
<u>Tract #1, 59.70 Acres</u>				
(1)	LBR Holdings, LLC, et al. <i>(211.80 Acre Tract)</i>	59.70 acres	74.6250%	
(i)	Wealthy A. Brown Heirs, devisees, Successors or Assigns <i>Heirs / Addressés Unknown</i>	8.63 acres 1/7 of 59.70 acres	10.6607%	Not an Owner

Exhibit B-3
Unit A-31
Docket # YGOB 11-1115-2999
List of all Unleased Owners/Claimants

	Acres in Unit	Percent of Unit	Election
I. COAL OWNERSHIP			
<u>Tract #4, 5.89 Acres</u>			
William E. Matney, et al. (67.71-Acre Tract - Basil Compton Estate)	5.89 acres	7.3625%	
(1) Minerva Matney Heirs, Devises, Successors or Assigns			
(a) William Elmer Matney Heirs, Devises, Successors or Assigns (1/24)			
(a.1) Elmer B. Matney 810 Briarcliff Rd., Apt 313 Johnson City, TN 37601			
	0.08 acres 1/72 of 5.89 acres	0.1023%	
(a.2) Nearvie Darlene Stacy 209 Windham Lane Mars, PA 16046			
	0.08 acres 1/72 of 5.89 acres	0.1023%	
(a.3) Virginia Woofer 18 Primrose Drive Spartanburg, NC 29301			
	0.08 acres 1/72 of 5.89 acres	0.1023%	
(3) Georgia Matney Heirs, Devises, Successors or Assigns (1/4)			
(a) Calvin R. Matney P.O. Box 2364 Abingdon, VA 24212			
	0.49 acres 1/12 of 5.89 acres	0.6135%	
(b) Harry Lee Matney 100 Sodie Circle Elizabeth City, NC 27909			
	0.49 acres 1/12 of 5.89 acres	0.6135%	
(c) Timothy S. Matney PO Box 2364 Abingdon, VA 24212			
	0.49 acres 1/12 of 5.89 acres	0.6135%	
<u>TOTAL COAL UNLEASED:</u>			
	Acres in Unit 1.72	Percentage of Unit 2.1474%	
II. OIL & GAS OWNERSHIP			
<u>Tract #1, 59.70 Acres</u>			
(1) LBR Holdings, LLC, et al. (211.80-Acre Tract)	59.70 acres	74.6250%	
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104			
	1.87 acres 1/32 of 59.70 acres	2.3320%	
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226			
	1.87 acres 1/32 of 59.70 acres	2.3320%	
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11630			
	1.87 acres 1/32 of 59.70 acres	2.3320%	
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423			
	1.87 acres 1/32 of 59.70 acres	2.3320%	
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423			
	2.49 acres 1/24 of 59.70 acres	3.1094% <i>Carried Operator</i>	

Exhibit B-3
Unit A-31
Docket # VGDB 11-1115-2998
List of all Unleased Owners/Claimants

	Acres in Unit	Percent of Unit	Election
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	2.49 acres 1/24 of 59.70 acres	3.1094%	<i>Carried Operator</i>
(h) Pamela Poulos 6000 SW 83rd St. Miami, FL 33143-8510	2.49 acres 1/24 of 59.70 acres	3.1094%	<i>Carried Operator</i>
* Note: The Oil and Gas Estates are leased by EQT Production Company. EQT Production Company is also entitled to an ORRR of the entire tract			
<u>Tract #4, 5.89 Acres</u>			
William E. Matney, et al. (67.71 Acre Tract - Basil Compton Estate)	5.89 acres	7.3625%	
(1) Minerva Matney Heirs, Devisees, Successors or Assigns			
(a) William Elmer Matney Heirs, Devisees, Successors or Assigns (1/24)			
(a.1) Elmer B. Matney 810 Briarcliff Rd., Apt 313 Johnson City, TN 37601	0.08 acres 1/72 of 5.89 acres	0.1023%	
(a.2) Nearvie Darlene Stacy 209 Windham Lane Mars, PA 16046	0.08 acres 1/72 of 5.89 acres	0.1023%	
(a.3) Virginia Woofer 18 Primrose Drive Spartanburg, NC 29301	0.08 acres 1/72 of 5.89 acres	0.1023%	
(3) Georgia Matney Heirs, Devisees, Successors or Assigns (1/4)			
(a) Calvin R. Matney P.O. Box 2364 Abingdon, VA 24212	0.49 acres 1/12 of 5.89 acres	0.6135%	
(b) Harry Lee Matney 100 Sudie Circle Elizabeth City, NC 27909	0.49 acres 1/12 of 5.89 acres	0.6135%	
(c) Timothy S. Matney PO Box 2364 Abingdon, VA 24212	0.49 acres 1/12 of 5.89 acres	0.6135%	
<u>TOTAL OIL & GAS UNLEASED:</u>			
	Acreege in Unit	16.64	
	Percentage of Unit	20.8036%	

Exhibit E
 Unit A-31
 Docket # VGOB 11-1116-2999
 List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<u>Tract #1, 59.70 Acres</u>		
<i>Only 1/4 of LBR Holdings, LLC interest should be escrowed due to conflicting CBM claim.</i>		
<u>COAL OWNERSHIP</u>		
(1) LBR Holdings, LLC, et al. (211.89 Acre Tract)	59.70 acres	74.6250%
(a) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427	14.93 acres 1/4 of 59.70 acres	18.6563%
<u>OIL & GAS OWNERSHIP</u>		
(1) LBR Holdings, LLC, et al. (211.80 Acre Tract)	59.70 acres	74.6250%
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	1.87 acres 1/32 of 59.70 acres	2.3320%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	1.87 acres 1/32 of 59.70 acres	2.3320%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	1.87 acres 1/32 of 59.70 acres	2.3320%
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	1.87 acres 1/32 of 59.70 acres	2.3320%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	2.49 acres 1/24 of 59.70 acres	3.1094%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	2.49 acres 1/24 of 59.70 acres	3.1094%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	2.49 acres 1/24 of 59.70 acres	3.1094%
<u>TOTAL CONFLICTS:</u>		
	Acreege in Unit	14.93
	Percentage of Unit	18.6563%

INSTRUMENT #130002035
 RECORDED IN THE CLERK'S OFFICE OF
 BUCHANAN COUNTY ON
 OCTOBER 21, 2013 AT 01:26PM

BEVERLY S. TILLER, CLERK
 RECORDED BY: GGA
 4/12/2013