

140000995

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 90-0905-0012-01

ELECTIONS: UNIT AA-10 (*Wells AA10 & AA10A*)  
(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 July 20, 2010 which was recorded at Document 130001415 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on July 30, 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 AA-10;

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.

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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.

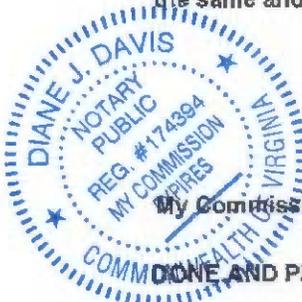
DONE AND EXECUTED this 27 day of February, 2014 by a majority of the Virginia Gas and Oil Board,

*Bradley C. Lambert*

Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 27<sup>th</sup> day of Feb, 2014 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.



My Commission expires: September 30, 2017

*Diane J. Davis*  
Diane J. Davis, Notary Public  
174394

*Diane J. Davis*

DONE AND PERFORMED this 6 day of March, 2014 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 6<sup>th</sup> day of March, 2014 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.

*Diane J. Davis*  
Diane J. Davis, Notary Public  
174394

*Diane J. Davis*

My Commission expires: September 30, 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 AA-10  
VGOB 90-0905-0012-01 in the Prater/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 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 July 20, 2010, 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 30, 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 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 July 20, 2010;

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

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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:

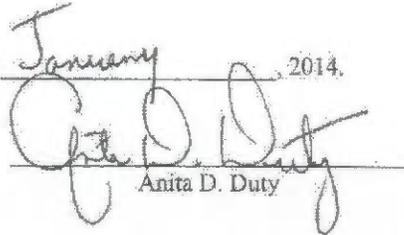
None

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

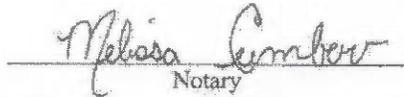
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 30<sup>th</sup> day of January, 2014.

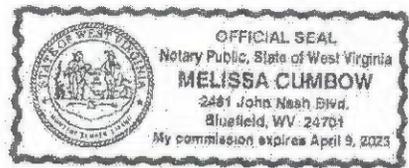
  
Anita D. Duty

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 LLC, on behalf of the corporate Designated Operator, this 30<sup>th</sup> day of January, 2014.

  
Notary

My commission expires: Apr. 9, 2023



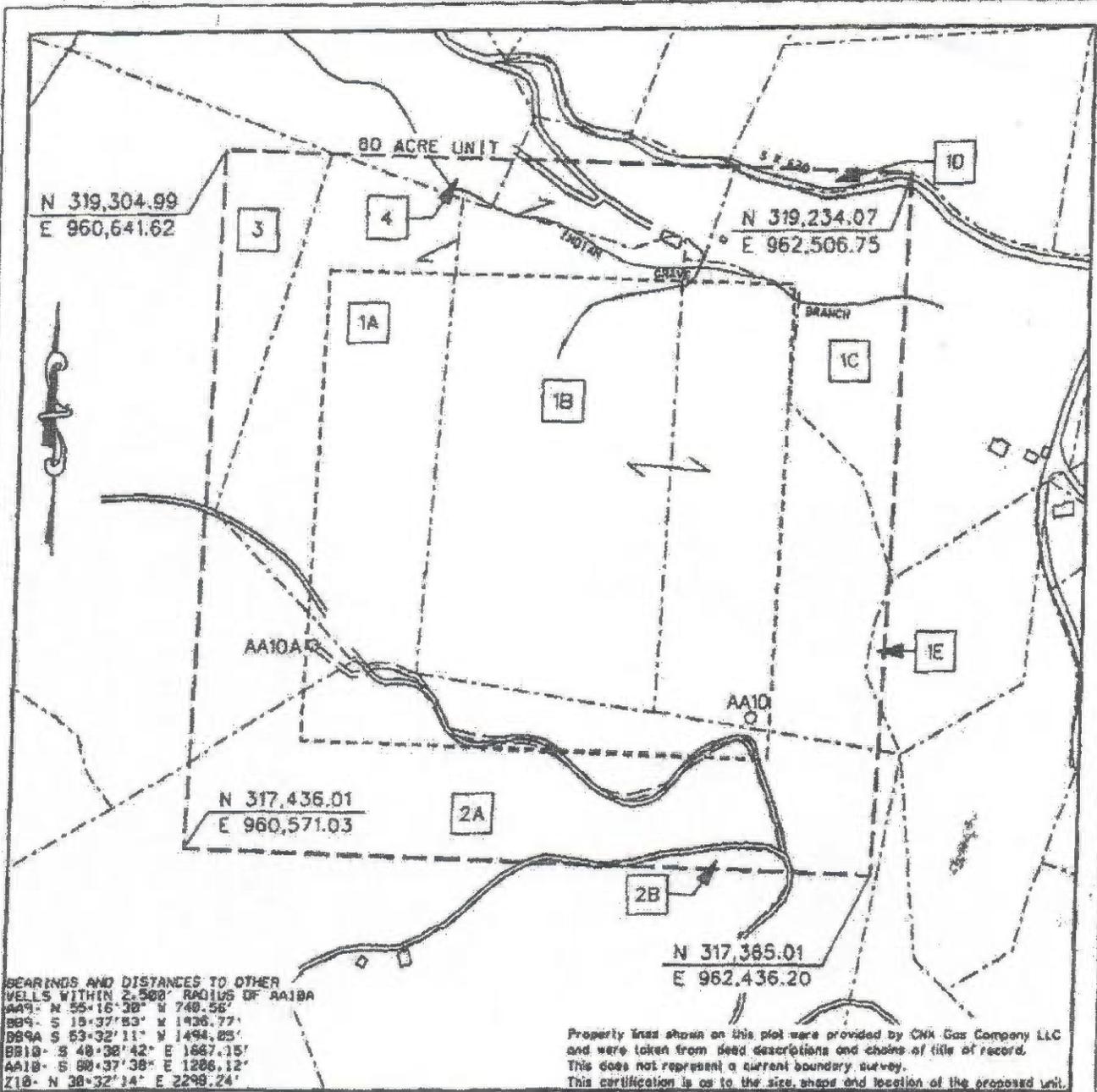


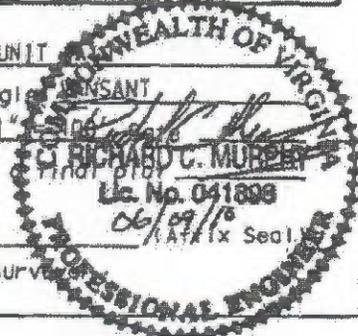
EXHIBIT A  
 OAKWOOD FIELD  
 UNIT AA10  
 FORCE POOLING  
 VG0B-90-0905-0012-01

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

Form DGO-GO-7  
 Rev. 9/91

*Richard C. Murphy*

Licensed Professional Engineer or Licensed Land Surveyor



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**CNX Gas Company LLC**  
**Unit AA 10**  
**Tract Identifications**

1. Harrison-Wyatt, LLC Big Axe Tr. 35 (188.00 Acre Tract) – All Minerals  
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
54.78 Acres                      68.4750%
  
- 1A. Patsy Hess, et al – Surface Owner  
1B. Beacher A. Hess – Surface Owner  
1C. Unknown Surface Owner  
1D. Unknown Surface Owner  
1E. Unknown Surface Owner
  
2. Harrison-Wyatt, LLC Big Axe Tr. 15 (1056.00 Acre Tract) – All Minerals  
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
17.60 Acres                      22.00%
  
- 2A. Roger W. Street – Surface Owner  
2B. Unknown Surface Owner
  
3. Harrison-Wyatt, LLC Big Axe Tr. 39 (435 Acre Tract) – Coal  
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased  
D.W. Price Heirs – Surface, Oil and Gas  
CNX Gas Company LLC – Oil and Gas Leased (75.00%)  
Harrison-Wyatt, LLC, et al – CBM (50%)  
CNX Gas Company LLC – CBM Leased  
8.92 Acres                      8.6500%
  
4. Harrison-Wyatt, LLC Big Axe Tr. 51 (120.00 Acre Tract) – All Minerals  
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased  
Jewell Smokeless Coal Corporation – Tiller and Above Coal Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Unknown Surface Owner  
0.70 Acres                      0.8750%

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Exhibit B-3  
Unit AA-10  
Docket # VGDB 90-0905-0012-01  
List of all Unleased Owners/Claimants  
(80.00 Acre Unit)

	Acres in Unit	Percent of Unit
<b>II. OIL &amp; GAS OWNERSHIP</b>		
<u>Tract #1 - 6.92 acres</u>		
(1) D.W. Price Heirs, devisees, Successors or Assigns	6.92 acres	8.6500%
(b) Carl V. Price Heirs, devisees, Successors or Assigns		
(b.2) David Price PO Box 871 Honaker, VA 24260	0.58 acres 1/12 of 6.92 acres	0.7208%
(b.3) Michael W. Price, Sr. 12240 Brent Town Road Midland, VA 22728	0.58 acres 1/12 of 6.92 acres	0.7208%
(b.5) Russell E. Price 13 Crater Lane Stafford, VA 22556	0.58 acres 1/12 of 6.92 acres	0.7208%
<u>TOTAL UNLEASED:</u>		
	Acreage in Unit	1.73
	Percentage of Unit	2.1625%

Exhibit E  
Unit AA-10  
Docket # VGOB 90-0905-0012-01  
List of all Owners/Claimants requiring Escrow  
(80.00 Acre Unit)

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	Acres in Unit	Percent of Unit
<u>Tract #3 - 6.92 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Harrison-Wyatt, LLC Big Ax Tr. 39 (435.00 acres) P.O. Box 11000 Danville, VA 24543	6.92 acres	8.6500%
<u>OIL &amp; GAS OWNERSHIP</u>		
(1) D.W. Price Heirs, Devisees, Successors or Assigns	6.92 acres	8.6500%
(a) Elizabeth Newberry Heirs, Devisees, Successors or Assigns		
(a.1) Willie Ronald Newberry PO Box 100 Doran, VA 24812	1.15 acres 1/6 of 6.92 acres	1.4417%
(a.2) Mildred Miller Heirs, Devisees Successors or Assigns		
(a.2.1) Roger L. Miller 3258 Mill Creek Rd. Raven, VA 24639	1.15 acres 1/6 of 6.92 acres	1.4417%
(a.3) Shirley Blair Heirs, Devisees Successors or Assigns		
(a.3.1) Teresa McGlothlin 757 Barnette St. Richlands, VA 24641	0.58 acres 1/12 of 6.92 acres	0.7208%
(a.3.2) Shemie Boyd Street 216 Brown Bottom Lane Cedar Bluff, VA 24609	0.58 acres 1/12 of 6.92 acres	0.7208%
(b) Carl V. Price Heirs, Devisees, Successors or Assigns		
(b.1) Haitie Price	<i>Deceased - Life Estate extinguished</i>	
(b.2) David Price PO Box 871 Honaker, VA 24260	0.58 acres 1/12 of 6.92 acres	0.7208%
(b.3) Michael W. Price, Sr. 12240 Brent Town Road Midland, VA 22728	0.58 acres 1/12 of 6.92 acres	0.7208%
(b.4) Junior Vidis Price Heirs, Devisees, Successors or Assigns		
(b.4.1) Barbara G. Price PO Box 304 Honaker, VA 24260	0.19 acres 1/36 of 6.92 acres	0.2403%
(b.4.2) Kermit Price 306 Burr Dr. Ruther Glen, VA 22546	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.4.3) Kelvin Price 1068 Glade Hill Dr. Lebanon, VA 24286-6766	0.06 acres 1/108 of 6.92 acres	0.0801%

Exhibit E  
 Unit AA-10  
 Docket # VGOB 90-0905-0012-01  
 List of all Owners/Claimants requiring Escrow  
 (\$0.00 Acre Unit)

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	Acres in Unit	Percent of Unit
(b.4.4) Kyle Price PO Box 1052 Honaker, VA 24260	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.4.5) Diane Taylor PO Box 1616 Honaker, VA 24260	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.4.6) Teresa Stevens PO Box 76 Rosedale, VA 24280	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.4.7) Juanita Price PO Box 1052 Honaker, VA 24260	0.06 acres 1/108 of 6.92 acres	0.0801%
(b.5) Russell E. Price 13 Crater Lane Stafford, VA 22556	0.58 acres 1/12 of 6.92 acres	0.7208%
(b.6) Mary Elizabeth Shortt (aka Marie E) P.O. Box 793 Honaker, VA 24260	0.58 acres 1/12 of 6.92 acres	0.7208%
(b.7) Dorothy Musick Heirs, Devisees, Successors or Assigns		
(b.7.1) Gail Faw 13264 Ritchie Rd. Meadowview, VA 24361	0.19 acres 1/36 of 6.92 acres	0.2403%
(b.7.2) Tina Dingos 377 Clairmont Circle Castlewood, VA 24224	0.19 acres 1/36 of 6.92 acres	0.2403%
(b.7.3) Rexford Musick 3329 Carney Farm Lane Portsmouth, VA 23701	0.19 acres 1/36 of 6.92 acres	0.2403%
<b><u>TOTAL CONFLICTS:</u></b>		
Acreage in Unit	6.92	
Percentage of Unit		8.6500%

INSTRUMENT #140000995  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY ON  
 JUNE 13, 2014 AT 10:36AM

BEVERLY S. TILLER, CLERK  
 RECORDED BY: GGB