

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
VGOB 95-0620-0507-02

ELECTIONS: UNIT M-41  
(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 February 28, 2019 which was recorded at Instrument 190000270 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on March 12, 2019 (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed POCAHONTAS GAS 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 M-41

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 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.

190000807

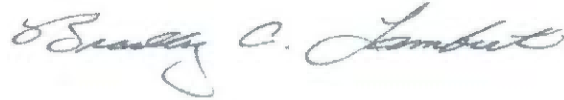
Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests 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.

190000807

DONE AND EXECUTED this 10 day of June, 2019 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

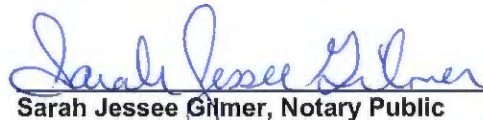
DONE AND PERFORMED this 10 day of June, 2019 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 10<sup>th</sup> day of June, 2019, 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 and 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 they executed the same and was authorized to do so.

  
Sarah Jessee Gilmer, Notary Public  
262946

My Commission expires: July 31, 2021



VIRGINIA:

## Exhibit A

## BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas LLC for Re-Pooling of Interests in **Unit M-41**  
**VGOB 95-0620-0507-02** in the **Garden District** of **Buchanan County**, Virginia

AFFIDAVIT OF POCAHONTAS GAS LLC (herein "Designated Operator") REGARDING ELECTIONS,  
 ESCROW AND SUPPLEMENTAL ORDER

Sherri R. Scott, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Resources, Inc., as a Manager – Land Records, Division Orders, & Pooling and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS LLC, the designated operator,

That the Order entered on **February 28, 2019**, 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 **March 12, 2019**;

That the designated operator POCAHONTAS GAS 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 **February 28, 2019**;

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:

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, which allows 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 Cedar Bluff, Virginia, this 6 day of June, 2019.

Sherri R. Scott  
Sherri R. Scott

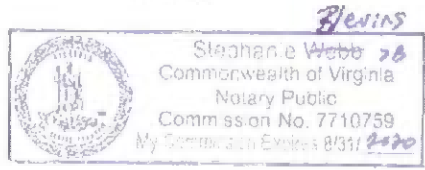
STATE OF VIRGINIA  
COUNTY OF TAZEWELL

Taken, subscribed and sworn to before me by Sherri R. Scott as a Manager – Land Records, Division Orders, & Pooling for CNX Resources

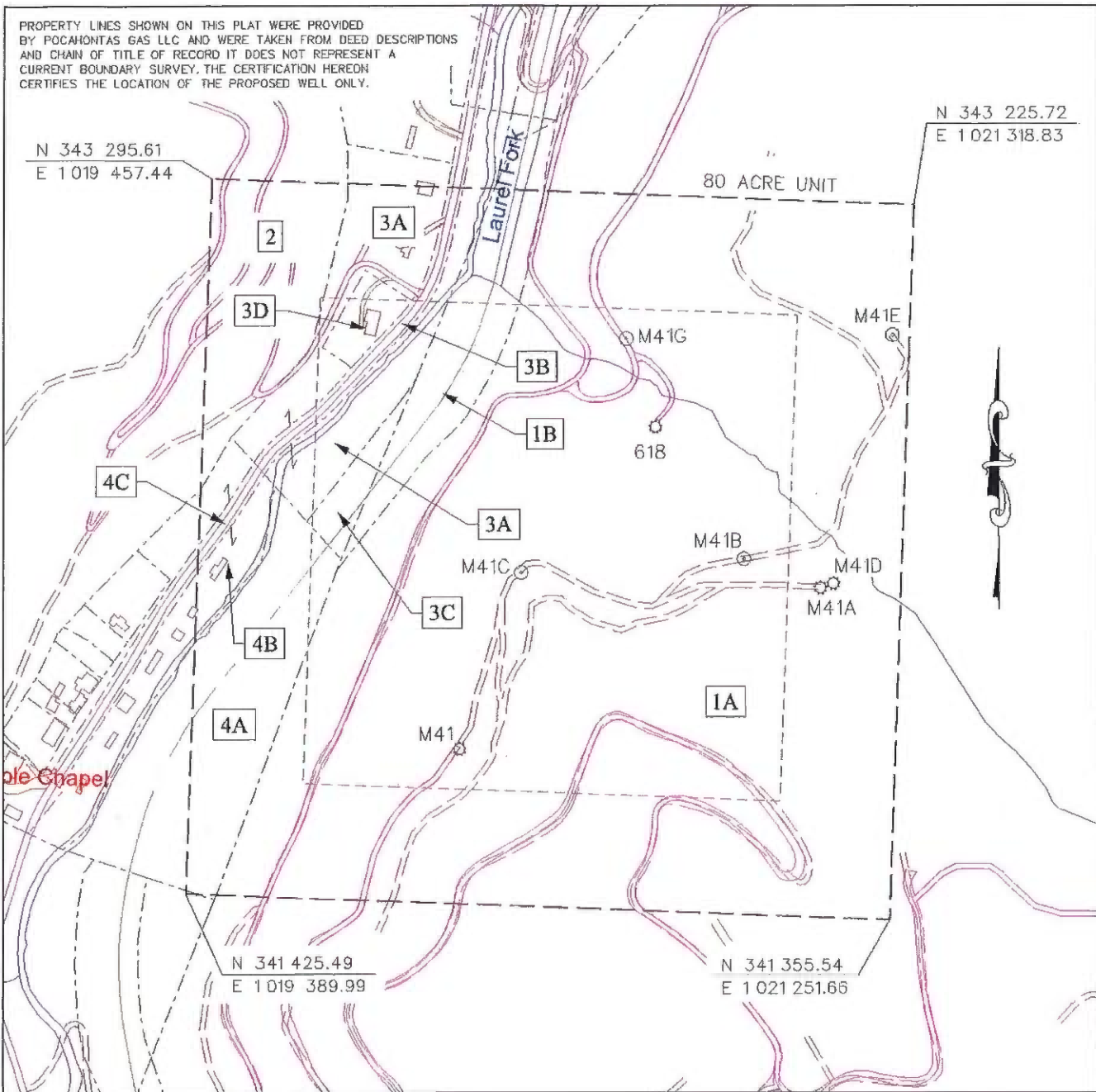
on behalf of the corporate Designated Operator, this 6 day of June, 2019.

Stephanie Webb  
Notary

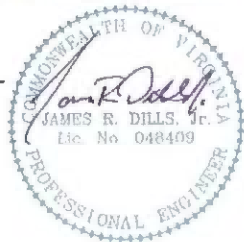
My commission expires: August 31, 2020.



PROPERTY LINES SHOWN ON THIS PLAT WERE PROVIDED BY POCAHONTAS GAS LLC AND WERE TAKEN FROM DEED DESCRIPTIONS AND CHAIN OF TITLE OF RECORD IT DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY. THE CERTIFICATION HEREON CERTIFIES THE LOCATION OF THE PROPOSED WELL ONLY.



- CBM WELL
- ⊙ PROPOSED CBM WELL



Digitally signed by James R Dills Jr.  
DN: c=US, o=D. R. PRICE  
ENGINEERING AND LAND  
SURVEYING INC PC, ou=D. R. PRICE  
ENGINEERING AND LAND  
SURVEYING INC PC, cn=James R  
Dills Jr.,  
0.9.2342.19200300.100.1.1=A01096  
90000012E01701153000027EA  
Date: 2019.01.03 07:30:31 -05'00'

EXHIBIT A  
OAKWOOD FIELD  
UNIT M41  
FORCE POOLING  
VGOB-95-0620-0507-02

Company POCAHONTAS GAS LLC Well Name and Number UNIT M41  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle JEWELL RIDGE  
 County BUCHANAN District GARDEN Scale: 1" = 400' Date 12/12/18  
 This plat is a new plat \_\_\_\_\_ ; an updated plat X ; or a final plat \_\_\_\_\_

Form DGO-GO-7 \_\_\_\_\_ (Affix Seal)  
 Rev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor

**CNX Gas Company LLC**  
**UNIT M 41**  
**Tract Identifications**

1. P. J. Brown Heirs, et al (889 Acre Tract) – All Minerals  
Buchanan Mining Company LLC – Coal Below Drainage Leased  
Revelation Energy, LLC – Coal Above Drainage Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased (99.8677%)  
62.55 Acres                      78.1875%
- 1A. P. J. Brown Heirs – Surface
- 1B. Norfolk Southern Railway Company – Surface
2. Brenda C. Horton, et al (200 Acre Tract) – All Minerals  
Buchanan Mining Company LLC – Coal Below Drainage Leased  
CNX Gas Company, LLC – Oil, Gas and CBM Leased  
Brenda C. Horton, et al – Surface  
4.36 Acres                      5.4500%
3. Brenda C. Horton, et vir (8.03 Acre Tract) – All Minerals  
Buchanan Mining Company – Coal Below Drainage Leased  
CNX Gas Company LLC – CBM Leased  
6.87 Acres                      8.5875%
- 3A. Brenda C. Horton, et vir – Surface
- 3B. Unknown Surface Owner
- 3C. Unknown Surface Owner
- 3D. Unknown Surface Owner
4. Buchanan Mining Company, LLC – Coal  
CNX Gas Company LLC – Oil and Gas  
6.22 Acres                      7.7750%
- 4A. Norfolk Southern Railway Company – Surface
- 4B. Buchanan Mining Company, LLC – Surface
- 4C. Unknown Surface Owner

"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-3  
 Unit M-41  
 Docket #VGOB 95-0620-0507-02  
 List of Unleased Owners/Claimants

190000807

|  | Acres in Unit                         | Percent of Unit | Division of Interest in |                          |                          |
|--|---------------------------------------|-----------------|-------------------------|--------------------------|--------------------------|
|  |                                       |                 | 4 East Panel<br>3.5439% | 5 East Panel<br>19.6429% | 6 East Panel<br>13.7809% |
| <b>II. OIL &amp; GAS OWNERSHIP</b>   |                                       |                 |                         |                          |                          |
| <b><u>Tract #1, 62.55 Acres</u></b>  |                                       |                 |                         |                          |                          |
| (1) P.J. Brown Heirs, et al. Devises, Successors or Assigns<br>(889.00 Acre Tract) | 62.55 acres                           | 78.1875%        | 2.7709%                 | 15.3583%                 | 10.7749%                 |
| (f) James B. Brown Heirs, Devises, Successors or Assigns                           |                                       |                 |                         |                          |                          |
| (f.5) Henry P. Brown Heirs, Devises, Successors or Assigns                         |                                       |                 |                         |                          |                          |
| (f.5.4) Eugene Lee Brown Heirs, Devises Successors or Assigns                      |                                       |                 |                         |                          |                          |
| (f.5.4.2) Virginia Brown Palmer<br>26068 NC Highway B<br>Denton, NC 27239          | 0.0165 acres<br>1/3780 of 62.55 acres | 0.0207%         | 0.0007%                 | 0.0041%                  | 0.0029%                  |
| (f.5.4.3) Benjamin Patton Brown<br>72 Beths Lane<br>Cedar Bluff, VA 24609          | 0.0165 acres<br>1/3780 of 62.55 acres | 0.0207%         | 0.0007%                 | 0.0041%                  | 0.0029%                  |
| (f.5.4.4) Charles Henry Brown<br>14376 Peaceful Valley Road<br>Abingdon, VA 24210  | 0.0165 acres<br>1/3780 of 62.55 acres | 0.0207%         | 0.0007%                 | 0.0041%                  | 0.0029%                  |
| (f.5.4.5) William David Brown<br>609 Fulton Street<br>Millville, NJ 08332          | 0.0165 acres<br>1/3780 of 62.55 acres | 0.0207%         | 0.0007%                 | 0.0041%                  | 0.0029%                  |
| (f.5.4.8) Eugene L. Brown, Jr.<br>3875 Crafton Road<br>Tazewell, VA 24651          | 0.0165 acres<br>1/3780 of 62.55 acres | 0.0207%         | 0.0007%                 | 0.0041%                  | 0.0029%                  |
| <b><u>Total Unleased O&amp;G Estates</u></b>                                       |                                       |                 |                         |                          |                          |
|  | Acres                                 | 0.0827          |                         |                          |                          |
|  | Percent                               | 0.1034%         |                         |                          |                          |

INSTRUMENT 190000807  
 RECORDED IN THE CLERK'S OFFICE OF  
 BUCHANAN COUNTY CIRCUIT COURT ON  
 JUNE 18, 2019 AT 08:37 AM  
 BEVERLY S. TILLER, CLERK  
 RECORDED BY: CXE