

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING
ELECTIONS, UNIT: NELW-10
(herein "Subject Drilling Unit")

DOCKET NUMBER VGOB-92/02/18-0190

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992 at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirements of § 7.c of the Virginia Gas and Oil Board Regulations, VR 480-05-22.2 by supplementing the Order previously issued by the Board for the subject Docket on April 29, 1992 and recorded at Deed Book 393, Page 831 in the Office of the Clerk of the Circuit Court, Buchanan County, Virginia on July 1, 1992, (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interests in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.

2. Findings: The Board finds that:

(a) The Board Order directed Pocahontas Gas Partnership, (herein the "Designated Operator"), to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by said Board Order;

(b) The Designated Operator filed its affidavit of mailing dated August 19, 1992 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;

(c) The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated August 24, 1994 in accordance with 7.c of the Virginia Gas and Oil Board Regulations and VR 480-05-22.2 (herein "Affidavit of Election"), wherein it has, for each Respondent whose interests, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (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 Designated Operator;

(d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interest as part of its Affidavit of Election. A copy of which is attached hereto.

(e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Tazewell National Bank, P. O. Box 909, Tazewell, Virginia 24651, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow.

3. 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 Affidavits, any funds subject to escrow and instructs the Escrow Agent, Tazewell National Bank, P. O. Box 909, Tazewell, Virginia 24651, 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 said Affidavits to receive such funds and account to the Board therefore.

4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned order or its Attorney 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 within seven (7) days from the date of receipt of this Order to each person whose interest or claim is subject to escrow and whose address is known.

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

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

DONE AND EXECUTED this 20th day of December 1994, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA)
COUNTY OF WISE)

Acknowledged on this 20th day of December, 1994, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Susan G. Garrett
Susan G. Garrett
Notary Public

My commission expires 7/31/94

DONE AND PERFORMED this 20th day of December 1994 by Order of this Board.

Byron Thomas Fulmer
Byron Thomas Fulmer
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 20th day of December, 1994, personally before me a notary public in and for the Commonwealth of Virginia, appeared Byron Thomas Fulmer, 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

My commission expires 9/30/97

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for Forced Pooling of Interests in Unit Number NELW-10
VGOB Docket No. 92/02/18-0190 in the Garden and Hurricane Districts of Buchanan County, Virginia

AFFIDAVIT OF Pocahontas Gas Partnership (herein "Designated Operator") REGARDING
ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington (herein Affiant), being first duly sworn on oath, deposes and says:

1. That your Affiant is employed by Consol, Inc. and assigned to Pocahontas Gas Partnership, the Designated Operator, at its office located at P.O. Box 947 Bluefield, VA 24605, that your Affiant is the Designated Operator's Permit Specialist, and is authorized for give this Affidavit in its behalf;
2. That the Order entered on April 29, 1992, by the Virginia Gas and Oil Board regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the 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 annexed hereto and incorporated herein are copies of the letters of transmittal, receipts for certified mail, and return receipts pertaining to said mailing;
4. That the Order of the Virginia Gas and Oil 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 said Order was recorded in the county above named; that said Order was recorded on July 1, 1993.
5. That the Designated Operator, Pocahontas Gas Partnership, has established procedures to review all mail received and all written documents received by means 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 Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election period:

None.
6. That the interests and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia;

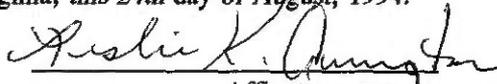
SEE ATTACHED ESCROW SHEET

7. 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 with regard to their interests and/or claims which are not subject to escrow and should, therefore, be dismissed as Respondents:

William Cochran - Leased
Commonwealth of Virginia - Deemed Leased

8. That pursuant to the provisions of VR 480-05-22.27.C and VR 480-05-22.2.8, annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth and identifies the conflicting claims and/or interests which require escrow of funds pursuant to the terms of §§ 45.1-361.21.D, 45.1-361.22.A.3 and 4.;

Dated at Bluefield, Virginia, this 24th day of August, 1994.


Affiant

Taken, subscribed and sworn to before me by Leslie K. Arrington, the Permit Specialist, of Pocahontas Gas Partnership, a corporation, on behalf of the corporation, this 24th day of August, 1994.

My commission expires: 11/30/95

Notary

ESCROW EXHIBIT
POCAHONTAS GAS PARTNERSHIP
NELW-10 Unit
391.11 Acres

Wells Located Within this Unit: CBM-PGP-68, CBM-PGP-69, CBM-PGP-69A, CBM-PGP-70, CBM-PGP-70A, CBM-PGP-71, CBM-PGP-71A

TRACT OWNER/LESSEE NAME	MAP TRACT I.D.	ACRES	% UNIT	POCAHONTAS GAS PARTNERSHIP CONTROL				ADVERSE				TYPE INTEREST			CONFLICTING CLAIM			
				OWNED		LEASED		ACRES	PERCENT	FEE	COAL	OIL & GAS	YES	NO				
				ACRES	PERCENT	ACRES	PERCENT											
C.L. Ritter Lumber Company**	41	6	1.5341			6	1.5341										X	
Yukon Pocahontas Coal Company**	42	4	1.0227			4	1.0227											X
Yukon Pocahontas Coal Company**	43	10	2.5568			10	2.5568											X
Yukon Pocahontas Coal Company**	44	22	5.625			22	5.625											X
Yukon Pocahontas Coal Company**	45	38	9.7159			38	9.7159											X
Hugh MacRae Land Trust*	46	2	0.5114			2	0.5114											X
Hugh MacRae Land Trust*	47	115.3	29.4802			115.3	29.4802											X
Hugh MacRae Land Trust*	48	2.5	0.6392			2.5	0.6392											X
Yukon Pocahontas Coal Company**	49	0.21	0.0537			0.21	0.0537											X
Yukon Pocahontas Coal Company**	50	16	4.0909			16	4.0909											X
Yukon Pocahontas Coal Company**	51	75	19.1762			75	19.1762											X
Hugh MacRae Land Trust*	52	55	14.0625			55	14.0625											X
Hugh MacRae Land Trust*	53	3.3	0.8436			3.3	0.8436											X
Hugh MacRae Land Trust*	54	10	2.5568			10	2.5568											X
Hugh MacRae Land Trust*	55	5.6	1.4319			5.6	1.4319											X
William Cochran**	56	0.4	0.1023			0.4	0.1023											X
Commonwealth of Virginia**	57	5	1.2784			5	1.2784											X
Hugh MacRae Land Trust*	58	0.8	0.2045			0.8	0.2045											X
Hugh MacRae Land Trust*	59	20	5.1137			20	5.1137											X
TOTAL		391.11	100			385.51	98.5681					6	1.5342					
OIL & GAS FEE OWNERSHIP																		
C.L. Ritter Lumber Company**	41	6	1.5341			6	1.5341											X
Yukon Pocahontas Coal Company**	42	4	1.0227			4	1.0227											X
Yukon Pocahontas Coal Company**	43	10	2.5568			10	2.5568											X
Yukon Pocahontas Coal Company**	44	22	5.625			22	5.625											X
Yukon Pocahontas Coal Company**	45	38	9.7159			38	9.7159											X
Consolidation Coal Company*	46	2	0.5114			2	0.5114											X
Garden Realty Corporation*	47	115.3	29.4802			115.3	29.4802											X
Consolidation Coal Company*	48	2.5	0.6392			2.5	0.6392											X
Yukon Pocahontas Coal Company**	49	0.21	0.0537			0.21	0.0537											X
Yukon Pocahontas Coal Company**	50	16	4.0909			16	4.0909											X
Yukon Pocahontas Coal Company**	51	75	19.1762			75	19.1762											X
Garden Realty Corporation*	52	55	14.0625			55	14.0625											X
Modern Homes, Inc.*	53	8	2.0454			8	2.0454											X
Walter Wade Heirs*	53	2	0.51136			2	0.51136											X
Carl Wade	53	1.66666666	0.426133333			1.66666666	0.426133333											X
Eunice Wade Baldwin	53	1.66666666	0.426133333			1.66666666	0.426133333											X
Stella Wade Gillespie	53	1.66666666	0.426133333			1.66666666	0.426133333											X
Gayla Wade Boyd	53	1.66666666	0.426133333			1.66666666	0.426133333											X
Vinnie Wade Newberry	53	1.66666666	0.426133333			1.66666666	0.426133333											X
Eady Wade Smith Heirs	53	1.66666666	0.426133333			1.66666666	0.426133333											X
Lula Smith Robins	53	1.66666666	0.426133333			1.66666666	0.426133333											X
Tom C. Smith	53																	X
Dolphus Smith	53																	X
Raymond S. Smith	53																	X
Luifer Smith	53																	X
Lydia VanDyke*	54	2.64	0.67504			2.64	0.67504											X

ESCROW EXHIBIT
POCAHONTAS GAS PARTNERSHIP
NELW-10 Unit
391.11 Acres
Wells Located Within this Unit: CBM-PGP-66, CBM-PGP-69, CBM-PGP-70, CBM-PGP-71, CBM-PGP-71A, CBM-PGP-71B, CBM-PGP-71C, CBM-PGP-71D, CBM-PGP-71E, CBM-PGP-71F, CBM-PGP-71G, CBM-PGP-71H, CBM-PGP-71I, CBM-PGP-71J, CBM-PGP-71K, CBM-PGP-71L, CBM-PGP-71M, CBM-PGP-71N, CBM-PGP-71O, CBM-PGP-71P, CBM-PGP-71Q, CBM-PGP-71R, CBM-PGP-71S, CBM-PGP-71T, CBM-PGP-71U, CBM-PGP-71V, CBM-PGP-71W, CBM-PGP-71X, CBM-PGP-71Y, CBM-PGP-71Z

TRACT OWNER/LESSEE NAME	MAP TRACT I.D.	ACRES	% UNIT	OWNED		LEASED		ADVERSE		TYPE INTEREST			CONFLICTING CLAIM		
				ACRES	PERCENT	ACRES	PERCENT	ACRES	PERCENT	FEE	COAL	OIL & GAS	YES	NO	
Walter Wade Heirs*	54	0.56	0.16876			0.56	0.16876								
Carl Wade	54	0.55	0.1406333			0.55	0.1406333								
Eunice Wade Baldwin	54	0.55	0.1406333			0.55	0.1406333								
Stella Wade Gillespie	54	0.55	0.1406333			0.55	0.1406333								
Glady's Wade Boyd	54	0.55	0.1406333			0.55	0.1406333								
Vinnie Wade Newberry	54	0.55	0.1406333			0.55	0.1406333								
Eady Wade Smith Heirs	54	0.55	0.1406333			0.55	0.1406333								
Lula Smith Robins	54														
Tom C. Smith	54														
Dolphus Smith	54														
Raymond S. Smith	54														
Luther Smith	55	5.4	1.4319			5.4	1.4319								
William Cochran**	56	0.4	0.1023			0.4	0.1023								
Commonwealth of Virginia**	56	5	1.2784			5	1.2784								
Commonwealth of Virginia*	57														
Pepelco of Norfolk*	58	0.64	0.1636			0.64	0.1636								
Walter Wade Heirs*	58	0.16	0.0409			0.16	0.0409								
Carl Wade	58	0.1333333	0.0340833			0.1333333	0.0340833								
Eunice Wade Baldwin	58	0.1333333	0.0340833			0.1333333	0.0340833								
Stella Wade Gillespie	58	0.1333333	0.0340833			0.1333333	0.0340833								
Glady's Wade Boyd	58	0.1333333	0.0340833			0.1333333	0.0340833								
Vinnie Wade Newberry	58	0.1333333	0.0340833			0.1333333	0.0340833								
Eady Wade Smith Heirs	58	0.1333333	0.0340833			0.1333333	0.0340833								
Lula Smith Robins	58														
Tom C. Smith	58														
Dolphus Smith	58														
Raymond S. Smith	58														
Luther Smith	58														
Yukon Pocahontas Coal Company**	59	20	5.1137			20	5.1137								
TOTAL		391.11	100			385.71	98.4505		6.2				2.09564		

*Total to be escrowed in-house due to conflicting claims: 197.21 acres - 50.4232%
 **Total to be paid (no conflicting claim) - 193.9 acres - 49.5768%
 ***Total to be escrowed with the Virginia Escrow Agent - 0.00

NOTE: Consol docket no. 708-504 tracts force pooled. This force pooling was for unleased parties, it did not include conflicting claims.

a:\NELW10.WK1

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 28th day of December 1994 at 4:21 P. M. Deed Book No. 431 and Page No. 47.
 TESTE: James M. Bevins, Jr., Clerk
 Returned this date to: Walter Wade Heirs TESTE: [Signature] Deputy Clerk

3156

CLERK'S OFFICE CIRCUIT COURT
HARRISBURG COUNTY VIRGINIA
Filed and admitted to record
this 21st day of August 1994
at 9:21 o'clock P M.
Recorded Deed Book _____ Page _____
039 State Tax _____
213 County Tax _____
212 Transfer _____
301 Recording 16.00
038 State Tax _____
220 Local Tax _____
145 VSIF _____
Total 17.00
Teste James M. Bevin, Jr., Clerk
By HT D.C.

Diane Davis