

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB 98-04/21-0650

ELECTIONS: UNIT T-37
(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 pursuant to 4 VAC 25-160-70, Virginia Gas and Oil Board regulations, for the purpose of supplementing the Order previously entered in the captioned matter on June 10, 1998, which was recorded at Deed Book 477, Page 603 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia on June 16, 1998 (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose potential interests, if any, were pooled by the said Board Order (herein "Respondents")

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;

The Board Order required each Respondent who has not theretofore reached a voluntary agreement with the Designated Operator 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 interests and claims which require escrow pursuant to the requirements of Va. Code §§ 45.1-361.21 and 45.1-361.22; 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 that the escrow of funds is required with regard to Unit T-37.

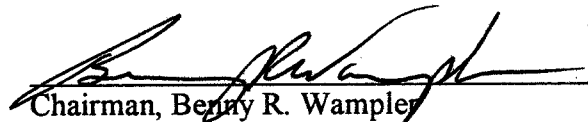
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. Above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Virginia Bank-Mountain Empire, c/o Trust Department, P. O. Box 1038, Abingdon, VA 24210, 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 therefor.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order 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.

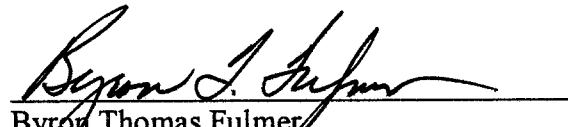
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

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

DONE AND EXECUTED this 2nd day of March, 1999 by a majority of the Virginia Gas and Oil Board.

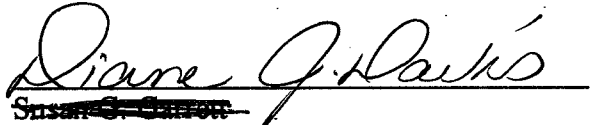

Chairman, Berry R. Wampler

DONE AND PERFORMED this 5th day of March 1999 by Order of the Board.


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

STATE OF VIRGINIA)
COUNT OF WISE)

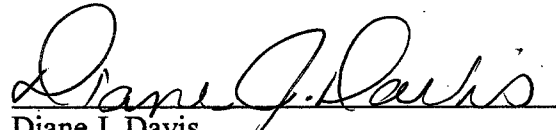
Acknowledged on this 2nd day of March 1999 personally appeared before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


~~Susan C. Cannon~~
Notary

My commission expires 9/30/2001
~~July 21, 2002~~

STATE OF VIRGINIA)
COUNT OF WASHINGTON)

Acknowledged on this 5th day of March 1999, personally appeared before me a notary public in and for the Commonwealth of Virginia, appeared Byron T. 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
Notary

My commission expires September 30, 2001

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB 98-04/21-0650

ELECTIONS: UNIT T-37
(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 pursuant to 4 VAC 25-160-70, Virginia Gas and Oil Board regulations, for the purpose of supplementing the Order previously entered in the captioned matter on June 10, 1998, which was recorded at Deed Book 477, Page 603 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia on June 16, 1998 (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose potential interests, if any, were pooled by the said Board Order (herein "Respondents")

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;

The Board Order required each Respondent who has not theretofore reached a voluntary agreement with the Designated Operator 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 interests and claims which require escrow pursuant to the requirements of Va. Code §§ 45.1-361.21 and 45.1-361.22; 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 that the escrow of funds is required with regard to Unit T-37.

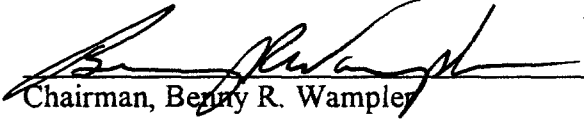
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. Above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Virginia Bank-Mountain Empire, c/o Trust Department, P. O. Box 1038, Abingdon, VA 24210, 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 therefor.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order 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 2nd day of March, 1999 by a majority of the Virginia Gas and Oil Board.

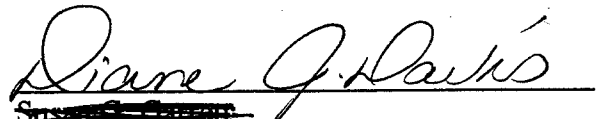

Chairman, Benny R. Wampler

DONE AND PERFORMED this 5th day of March 1999 by Order of the Board.


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

STATE OF VIRGINIA)
COUNT OF WISE)

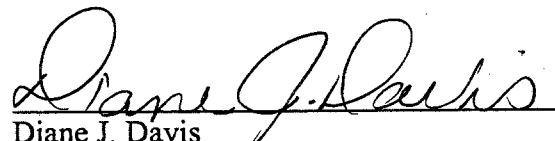
Acknowledged on this 2nd day of March 1999 personally appeared before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


~~Susan G. Carson~~
Notary

My commission expires 9/30/2001
~~July 21, 2002~~

STATE OF VIRGINIA)
COUNT OF WASHINGTON)

Acknowledged on this 5th day of March 1999 , personally appeared before me a notary public in and for the Commonwealth of Virginia, appeared Byron T. 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
Notary

My commission expires September 30, 2001

VIRGINIA:

BOOK 489 PAGE 63
Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit T-37 VGOB-98-04/21-0650 in the Garden District of Buchanan County, Virginia

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

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CONSOL Inc., as a Permit Specialist and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the designated operator,

That the Order entered on June 10, 1998, 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 Abingdon, 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 county identified above; that said Order was recorded on June 16, 1998;

That the designated operator POCAHONTAS GAS PARTNERSHIP 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 June 10, 1998;

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.

that to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are not subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

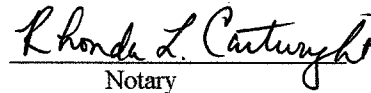
None.

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 Tazewell, Virginia, this 20th day of August, 1998.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Permit Specialist of CONSOL Inc., on behalf of the corporate Designated Operator, this 20th day of August, 1998.


Notary

My commission expires: 10/31/01.

UNIT T-37
Docket # VGOB-98-0421-0650
Exhibit B-3
List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit	Election
I. OIL & GAS FEE OWNERSHIP			
Tract #1A, 4.64 acres			
(1) Willard Osborne HC 62, Box 109 Raven, VA 24639	4.64 acres	5.80000%	Deemed Leased
Tract #1B, 1.25 acres			
(1) Mitchell Counts P. O. Box 57 Shortt Gap, VA 24647	1.25 acres	1.56250%	Deemed Leased
Tract #1C, 0.07 acres			
(1) Albert Ball heirs, devisees, successors or assigns, et al Address unknown	0.07 acres	0.08750%	Deemed Leased
(a) Donald E. Ball Rt. 1, Box 16 Raven, VA 24639	0.007 acres 1/10 of 0.07 acres	0.00875%	Deemed Leased
(b) Lawrence E. Ball P. O. Box 1016 Raven, VA 24639	0.007 acres 1/10 of 0.07 acres	0.00875%	Deemed Leased
(c) Melissa R. Lawson P. O. Box 155 Raven, VA 24639	0.007 acres 1/10 of 0.07 acres	0.00875%	Deemed Leased
(d) Steve R. Ball Rt. 1, Box 970 Pounding Mill, VA 24637	0.007 acres 1/10 of 0.07 acres	0.00875%	Deemed Leased
(e) Danny R. Ball Rt. 1, Box 15B Raven, VA 24639	0.007 acres 1/10 of 0.07 acres	0.00875%	Deemed Leased
(f) A. E. Shreve P. O. Box 8 Doran, VA 24612	0.0175 acres 1/4 of 0.07 acres	0.02188%	Deemed Leased
(g) D. Faye Rowe 2706 Brown Street Richlands, VA 24641	0.00583 acres 1/12 of 0.07 acres	0.00729%	Deemed Leased
(h) Nell L. Shreve Rt. 3, Box 778 Bluefield, VA 24701	0.00583 acres 1/12 of 0.07 acres	0.00729%	Deemed Leased
(i) Nancy Young 801 Pyrtle Drive Salem, VA 24153	0.00583 acres 1/12 of 0.07 acres	0.00729%	Deemed Leased

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
Tract #1A, 4.64 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	4.64 acres	5.80000%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Willard Osborne HC 62, Box 109 Raven, VA 24639	4.64 acres	5.80000%
Tract #1B, 1.25 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	1.25 acres	1.56250%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Mitchell Counts P. O. Box 57 Shortt Gap, VA 24647	1.25 acres	1.56250%
Tract #1C, 0.07 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	0.07 acres	0.08750%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Albert Ball heirs, devisees, successors or assigns, et al Address unknown	0.07 acres	0.08750%
(a) Donald E. Ball Rt. 1, Box 16 Raven, VA 24639	0.007 acres 1/10 of 0.07 acres	0.00875%
(b) Lawrence E. Ball P. O. Box 1016 Raven, VA 24639	0.007 acres 1/10 of 0.07 acres	0.00875%
(c) Melissa R. Lawson P. O. Box 155 Raven, VA 24639	0.007 acres 1/10 of 0.07 acres	0.00875%
(d) Steve R. Ball Rt. 1, Box 970 Pounding Mill, VA 24637	0.007 acres 1/10 of 0.07 acres	0.00875%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(e) Danny R. Ball Rt. 1, Box 15B Raven, VA 24639	0.007 acres 1/10 of 0.07 acres	0.00875%
(f) A. E. Shreve P. O. Box 8 Doran, VA 24612	0.0175 acres 1/4 of 0.07 acres	0.02188%
(g) D. Faye Rowe 2706 Brown Street Richlands, VA 24641	0.00583 acres 1/12 of 0.07 acres	0.00729%
(h) Nell L. Shreve Rt. 3, Box 778 Bluefield, VA 24701	0.00583 acres 1/12 of 0.07 acres	0.00729%
(i) Nancy Young 801 Pyrtle Drive Salem, VA 24153	0.00583 acres 1/12 of 0.07 acres	0.00729%

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 99th day of March, 1999, at 2:04 P.M.
Deed Book No. 89-60 and Page No. 60 TESTE: James M. Bevins, Jr., Clerk
Returned this date to: 20mmz TESTE: Patricia L. Mel Deputy Clerk

INSTRUMENT #9900000647

3/1/99

RECORDED IN THE CLERK'S OFFICE OF BUCHANAN COUNTY ON

RECORDED

3/1/99

RECORDED

3/1/99

3/1/99

3/1/99

3/1/99

RECORDED

3/1/99

3/1/99

3/1/99

3/1/99

RECORDED

3/1/99

3/1/99

3/1/99

3/1/99

RECORDED

3/1/99

3/1/99

3/1/99

3/1/99

RECORDED

3/1/99

3/1/99

3/1/99

3/1/99

INSTRUMENT #9900000647
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MARCH 3, 1999 AT 02:04PM
JAMES M. BEVINS JR., CLERK

BY:

LD