

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOG-98-1020-0695

ELECTIONS: UNIT T-35
(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 January 4, 1999 which was recorded at Deed Book 486, Page 647 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on January 14, 1999, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CONSOL Inc. (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 that the escrow of funds is required with regard to Unit T-35;

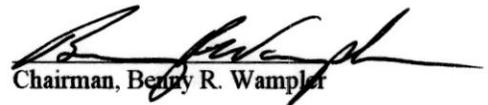
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Virginia Bank-Mountain 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 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 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.

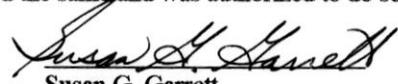
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 4th day of June, 1999, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

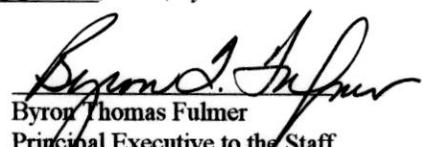
STATE OF VIRGINIA
COUNTY OF WISE

Acknowledged on this 4th day of June, 1999, personally 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. Garrett
Notary

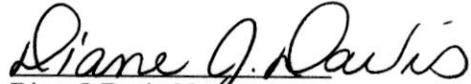
My commission expires: 7/31/02

DONE AND PERFORMED THIS 11th day of June, 1999, by Order of the Board.


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

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 4th day of June, 1999, 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, Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/2001

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Buchanan Production Company for Forced Pooling of Interests in CBM Unit T-35 VGOG-98-1020-0695 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF CONSOL Inc. (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 the designated operator,

That the Order entered on January 4, 1999, 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 January 14, 1999;

That the designated operator CONSOL Inc. 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 January 4, 1999;

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:

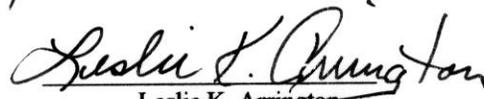
None.

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:

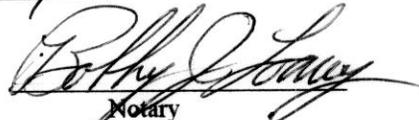
None.

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 26th day of MAY, 1999.


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 26th day of May, 1999.


Notary

My commission expires: 1-31-2001.

UNIT T-35
 Docket # VGOB-98-1020-0695
 Exhibit B-3
 List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit	Election
I. OIL & GAS FEE OWNERSHIP			
Tract #2, 10.26 acres			
(1) Thomas Stilwell, heirs	10.26 acres	12.82500%	
(a) David W. Stilwell 2107 7th Avenue Apt. 15 Belle Fourche, SD	0.1425 acres 1/72 of 10.26 acres	0.17813%	Deemed Leased
(b) Quentin A. Stilwell P. O. Box 1013 Rhame, ND 56525	0.1425 acres 1/72 of 10.26 acres	0.17813%	Deemed Leased
Tract #3, 0.02 acres			
(1) Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201	0.0050 acres 1/4 of 0.02 acres	0.00625%	Deemed Leased

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
Tract #2, 10.26 acres		
<u>COAL FEE OWNERSHIP</u>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	10.26 acres	12.82500%
<u>OIL & GAS FEE OWNERSHIP</u>		
(1) Thomas Stilwell, heirs	10.26 acres	12.82500%
(a) Beulah V. Osborne HC 62, Box 109 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.60313%
(b) Martha J. Stilwell HC 62, Box 95 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.60313%
(c) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.60313%
(d) Arthur M. Stilwell HC 62, Box 93 Raven, VA 24639	1.2825 acres 1/8 of 10.26 acres	1.60313%
(e) Exie Osborne General Delivery Shortt Gap, VA 24647	1.2825 acres 1/8 of 10.26 acres	1.60313%
(f) Hubbard Osborne HC 62, Box 89 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.17813%
(g) Linda S. Shelton P. O. Box 8 Shortt Gap, VA 24647	0.1425 acres 1/72 of 10.26 acres	0.17813%
(h) Jerline Davis 10 Davis Street North Tazewell, VA 24630	0.1425 acres 1/72 of 10.26 acres	0.17813%
(i) Arlin W. Osborne P. O. Box 446 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.17813%
(j) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.17813%
(k) Daniel J. Osborne HC 62, Box 80 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.17813%
(l) Sylvia A. Shelton St. Rt. Box 81A Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.17813%

UNIT T-35
 Docket # VGOB-98-1020-0695
 Exhibit E

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(m) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.1425 acres 1/72 of 10.26 acres	0.17813%
(n) Lois Casey P. O. Box 162 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.17813%
(o) Cora Arnold P. O. Box 626 Raven, VA 24639	0.4275 acres 1/24 of 10.26 acres	0.53438%
(o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.17813%
(p) Jay C. Stilwell P. O. Box 1035 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.17813%
(q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641	0.1425 acres 1/72 of 10.26 acres	0.17813%
(r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.1425 acres 1/72 of 10.26 acres	0.17813%
(s) Theodore Stilwell P. O. Box 626 Raven, VA 24639	0.1425 acres 1/72 of 10.26 acres	0.17813%
(t) Curtis Stilwell General Delivery Doran, VA 24612	0.1425 acres 1/72 of 10.26 acres	0.17813%
(u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.4275 acres 1/24 of 10.26 acres	0.53438%
(v) Gladys E. Pollert 702 21st South, Apt. 2 Fargo, ND 58103	0.1425 acres 1/72 of 10.26 acres	0.17813%
(w) David W. Stilwell 2107 7th Avenue Apt. 15 Belle Fourche, SD	0.1425 acres 1/72 of 10.26 acres	0.17813%
(x) Thomas H. Stilwell Rt. 1 Bowler, WS 54416	0.1425 acres 1/72 of 10.26 acres	0.17813%
(y) Quentin A. Stilwell P. O. Box 1013 Rhame, ND 56525	0.1425 acres 1/72 of 10.26 acres	0.17813%
(z) Daniel J. Stilwell 600 South 9th Street #64 Bismark, ND 58504	0.1425 acres 1/72 of 10.26 acres	0.17813%
(aa) Bernice R. Lamb 3100 Vermillion Hastings, MN 55033	0.1425 acres 1/72 of 10.26 acres	0.17813%

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
Tract #3, 0.02 acres		
COAL FEE OWNERSHIP		
<i>(Conflicting Owners)</i>		
(1) Alpha Stickley Heirs, et al. c/o H. S. T. Group, L.C. Attn: Bette Hawkins 3812 Wellesley Terrace Circle Richmond, VA 23233	0.005 acres 1/4 of 0.02 acres	0.00625%
(2) Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201	0.005 acres 1/4 of 0.02 acres	0.00625%
OIL & GAS FEE OWNERSHIP		
<i>(Conflicting Owners)</i>		
(1) Alpha Stickley Heirs, et al. c/o H. S. T. Group, L.C. Attn: Bette Hawkins 3812 Wellesley Terrace Circle Richmond, VA 23233	0.005 acres 1/4 of 0.02 acres	0.00625%
(2) Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201	0.005 acres 1/4 of 0.02 acres	0.00625%

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 11th day of June, 1999 at 10:31 M.
 Deed Book No. 493 and Page No. 131 TESTE: James M. Bevins, Jr., Clerk
 Returned this date to: Nan Davis TESTE: Shirley S. Jilka Deputy Clerk

INSTRUMENT #990001597
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JUNE 11, 1999 AT 12:33PM
JAMES M. BEVINS JR., CLERK

BY: _____

