

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER – **VACATE ORDER**
VGOB 98-1215-0707

ELECTIONS: **Unit X-45 (Well X45)**
 (herein Subject Drilling Unit)

TAX MAP IDENTIFICATION NUMBERS:

Tax map identification numbers for all parcels affected by this order are shown on Exhibit marked "Tract Identifications" which is attached to and a part of this order.

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 19, 1999**, which was recorded at **Deed Book 778, Page 456** in the Office of the Clerk of the Circuit Court of **Tazewell County, Virginia**, on **July 21, 1999**, (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 X-45**;

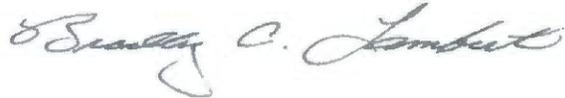
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, **First Bank & Trust Company** **38 E. Valley Drive, Bristol, VA 24201, Attn: Escrow Agent** 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.

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 7 day of December, 2016 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

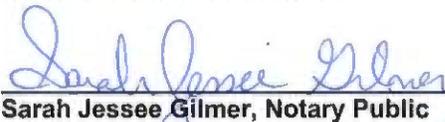
DONE AND PERFORMED this 7 day of December, 2016 by Order of the Virginia Gas and Oil Board.



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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 7th day of December, 2016, 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, 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 CBM Unit X-45
VGOB 98-1215-0707 in the Maiden Springs District of Tazewell 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 Gas Company 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 **May 3, 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 counties identified above; that said Order was recorded on **July 21, 1999**;

That all of the Respondents identified in Exhibit B-2 and B-3 hereto have entered into voluntary agreements whereby they have leased and/or otherwise agreed with Applicant to a plan to develop their interests and claims within the unit to CBM. Hence, said unit may be voluntarily pooled.

See attached Exhibit B-2 and B-3 (*Unit is 100% under Lease*).

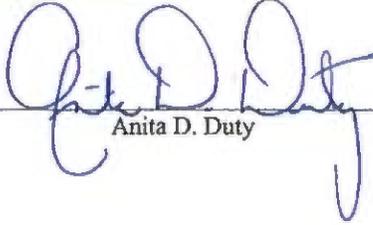
That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

James W. Harman, III, Jonathan H. Harman, Nancy Christina Harman, M-M-M New Life, Inc., CNX Gas Company LLC (previously M-M-M New Life, Inc.)

That in light of the fact(s) described above, the unit is voluntarily pooled and it is not necessary for the Board to maintain an escrow account/sub accounts pertaining to the above referenced CBM Unit.

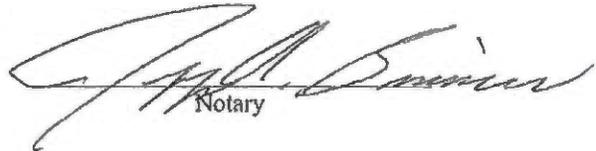
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Cedar Bluff, Virginia, this 6th day of December, 2016.


Anita D. Duty

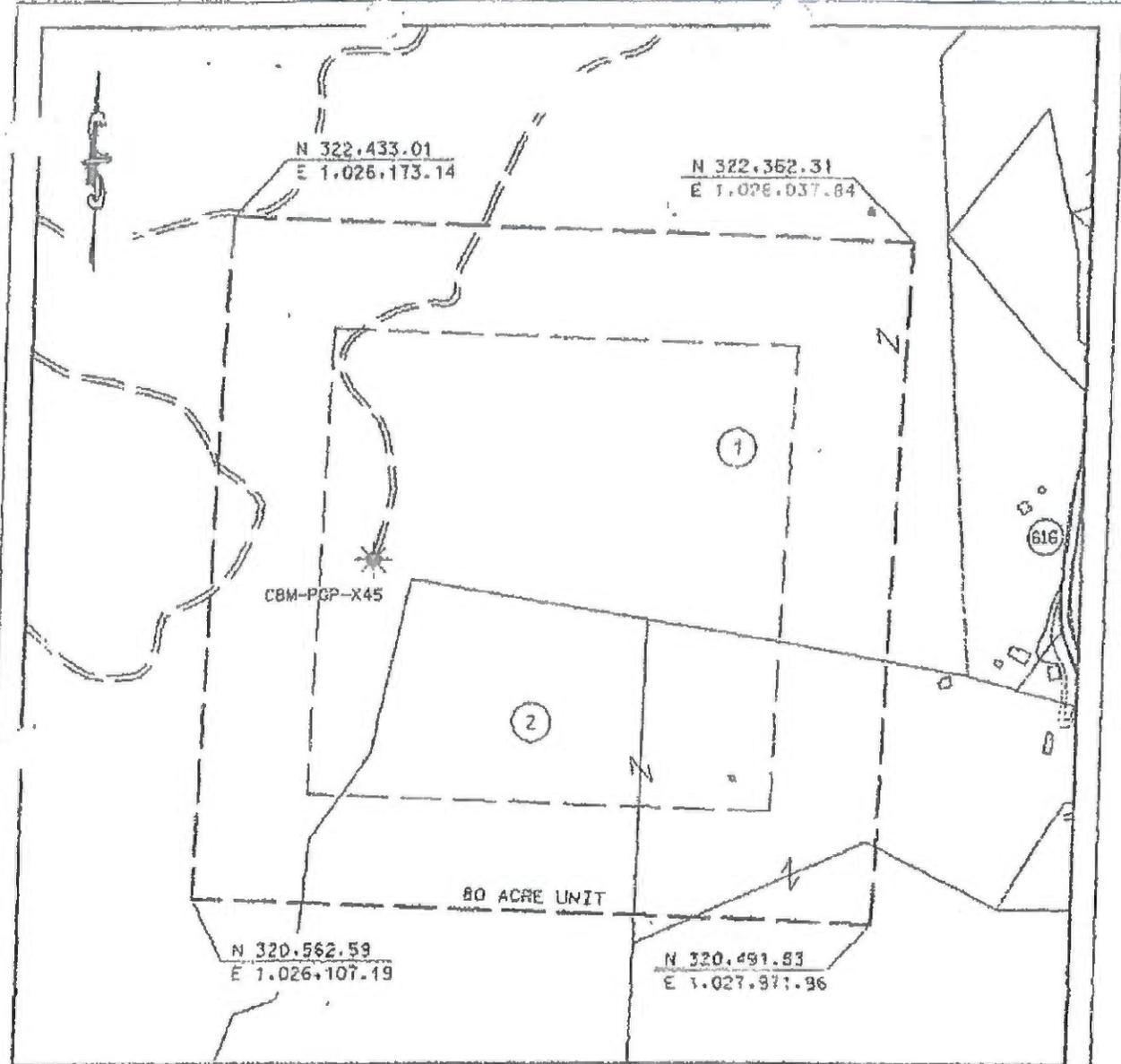
STATE OF VIRGINIA
COUNTY OF TAZEWELL

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 6th day of December, 2016.


Notary

My commission expires: August 31, 2020

Commonwealth of Virginia
Jeffrey A. Simmons - Notary Public
Commission ID: 7215200
My Commission Expires 08/31/2020



LEGEND

- ↖ TRACT LAND HOOK
- [2] TRACT LAND ID'S

EXHIBIT A
 OAKWOOD FIELD UNIT X-45
 FORCE POOLING
 VGOB-98-1215-0707

Company Pochoñicos Gas Partnership Well Name and Number UNIT X45
 Meter No. _____ Elevation _____ Quadrangle Newell Ridge
 Survey Idzavelli District Walden Springs Scale: 1" = 400' Date 11/14/98
 This plot is a new plot _____ or an updated plot _____ or a final plot _____

Form D90-60-0 _____
 Date 8-3 _____

 Licensed Professional Engineer for Licensed Land Surveying

POCAHONTAS GAS PARTNERSHIP
UNIT X-45
Tract Identifications

1. Coal Mountain Mining . Tr 39 - Fee
Consolidation Coal Co. - Below drainage coal Leased
United Coal Company - Above drainage coal Leased
Consolidation Coal Co. - Oil & Gas Lessee
Pocahontas Gas Partnership - CBM Lessee
53.96 acres 67.4500%

2. J. W. Harman, Jr - ½ P-3 seam Coal
S. Laird Harman - ½ P-3 seam Coal
M-M-M inc. - Remainder of Coal, Oil & Gas
Reserve Coal Properties Co. - P-3 Seam Coal Lessee
26.04 acres 32.5500%

Exhibit B-2
 Unit X-45
 Docket No. VGOB-08-1215-0707
 List of Owners to be Added/Dismissed

		Net Acres in Unit	Interest in Unit	Reason for Dismissal
I. COAL OWNERSHIP				
<u>Tract #2 - 26.04 acres</u>				
(1)	J. W. Harman, Jr. et al (1010.98 Acre Tract)	26.04 acres	32.5500%	
(a)	J. W. Harman, Jr. Heirs, Devisees, Successors or Assigns (1/2 Pocahontas No. 3 Seam)			
(a.1)	James W. Harman, III 1206 Medley Valley Rd Tazewell, VA 24651	6.51 acres 1/4 of 26.04 acres	8.1375%	Leased
(a.2)	Jonathan H. Harman 2727 Mountain View Bluefield, WV 24701	6.51 acres 1/4 of 26.04 acres	8.1375%	Leased
(b)	Samuel Laird Harman Heirs, Devisees, Successors or Assigns (1/2 Pocahontas No. 3 Seam)			
(b.1)	Nancy Christina Harman 233 Grace Lane, NE Riner, VA 24149	13.02 acres 1/2 of 26.04 acres	16.2750%	Leased
(2)	M-M-M New Life Inc. (All coal exc. P3 Seam)			Deeded to Reserve Coal Properties Company 1/8/2001; Deed Book 812, Page 295
	Reserve Coal Properties PO Box 643830 Pittsburgh, PA 15264-3830	26.04 acres	32.5500%	Leased
II. OIL & GAS OWNERSHIP				
<u>Tract #2 - 26.04 acres</u>				
(1)	M-M-M New Life Inc.			Deeded to Reserve Coal Properties Company 1/8/2001; Deed Book 812, Page 295
	Reserve Coal Properties			Deeded to CNX Gas Company LLC 5/22/2003 under DB 879/Page 112
(a)	CNX Gas Company LLC PO Box 643830 Pittsburgh, PA 15264-3830	26.04 acres	32.5500%	Leased

Exhibit B-3
Unit X-45
Docket No. VGOB-98-1215-0707
List of Unleased Owners/Claimants

Net Acres
in Unit

Interest In
Unit

This unit is 100% leased

BK 2016 PG 20499

Exhibit E
Unit X-45
Docket #VGOB 98-1215-0707
List of all Owners in escrow

Net Acres
in Unit

Interest in
Unit

Escrowing not required

Exhibit EE
Unit X-45
Docket #VGOB 98-1215-0707
List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Net Acres in Unit	Interest in Unit
I. COAL OWNERSHIP		
<u>TRACT #2 - 26.04 acres</u>		
(1) J. W. Harman, Jr. et al (1010.98 Acre Tract)	26.04 acres	32.5500%
(a) J. W. Harman, Jr. Heirs, Devisees, Successors or Assigns (1/2 Pocahontas No. 3 Seam)		
(a.1) James W. Harman, III 1206 Medley Valley Rd Tazewell, VA 24651	6.51 acres 1/4 of 26.04 acres	8.1375%
(a.2) Jonathan H. Harman 2727 Mountain View Bluefield, WV 24701	6.51 acres 1/4 of 26.04 acres	8.1375%
(b) Samuel Laird Harman Heirs, Devisees, Successors or Assigns (1/2 Pocahontas No. 3 Seam)		
(b.1) Nancy Christina Harman 233 Grace Lane, NE Riner, VA 24149	13.02 acres 1/2 of 26.04 acres	16.2750%
(2) M-M-M New Life Inc. (All coal exc. P3 Seam)	<i>Deeded to Reserve Coal Properties Company 1/8/2001 under Deed Book 812, Page 295</i>	
Reserve Coal Properties PO Box 643830 Pittsburgh, PA 15264-3830	26.04 acres	32.5500%

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TRACT #2 - 26.04 acres

(1) M-M-M New Life Inc.		
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Reserve Coal Properties		
<i>Deeded to CNX Gas Company LLC 5/22/2003 under DB 879/Page 112</i>		
(a) CNX Gas Company LLC PO Box 643830 Pittsburgh, PA 15264-3830	26.04 acres	32.5500%

Tract #1, Tax Map 85A, Parcel 10
Tract #2, Tax Map 85A, Parcel 40

INSTRUMENT #160003731
RECORDED IN THE CLERK'S OFFICE OF
TAEWELL COUNTY ON
DECEMBER 27, 2016 AT 10:32AM
Angelica Ray
TAMMY B. ALLISON, CLERK
RECORDED BY: ADR