

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 00-0321-0775-03

ELECTIONS: **UNIT N39** (*Wells N39, N39A, N39B, N39C, N39D, N39F, N39G, N39H, N39I*)
(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 8, 2018** which was recorded at **Instrument 180000202** in the Office of the Clerk of the Circuit Court of **Buchanan** County, Virginia, on **January 29, 2018**, (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 N-39**

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.

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.

180000510

DONE AND EXECUTED this 28 day of February, 2018 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 28 day of February, 2018 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 28th day of February, 2018, 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 CNX Gas Company LLC for Forced Pooling of Interests in Unit N-39
VGOB 00-0321-0775-03 in the Garden District of Buchanan 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 Land Resources, Inc., 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 January 8, 2018, 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 January 29, 2018;

That the designated operator CNX GAS COMPANY 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 January 8, 2018;

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:

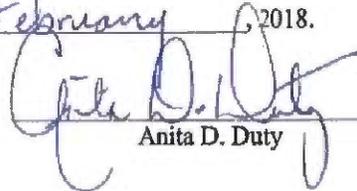
None

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.

See attached Exhibit EE

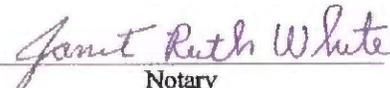
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Cedar Bluff, Virginia, this 26th day of February, 2018.


Anita D. Duty

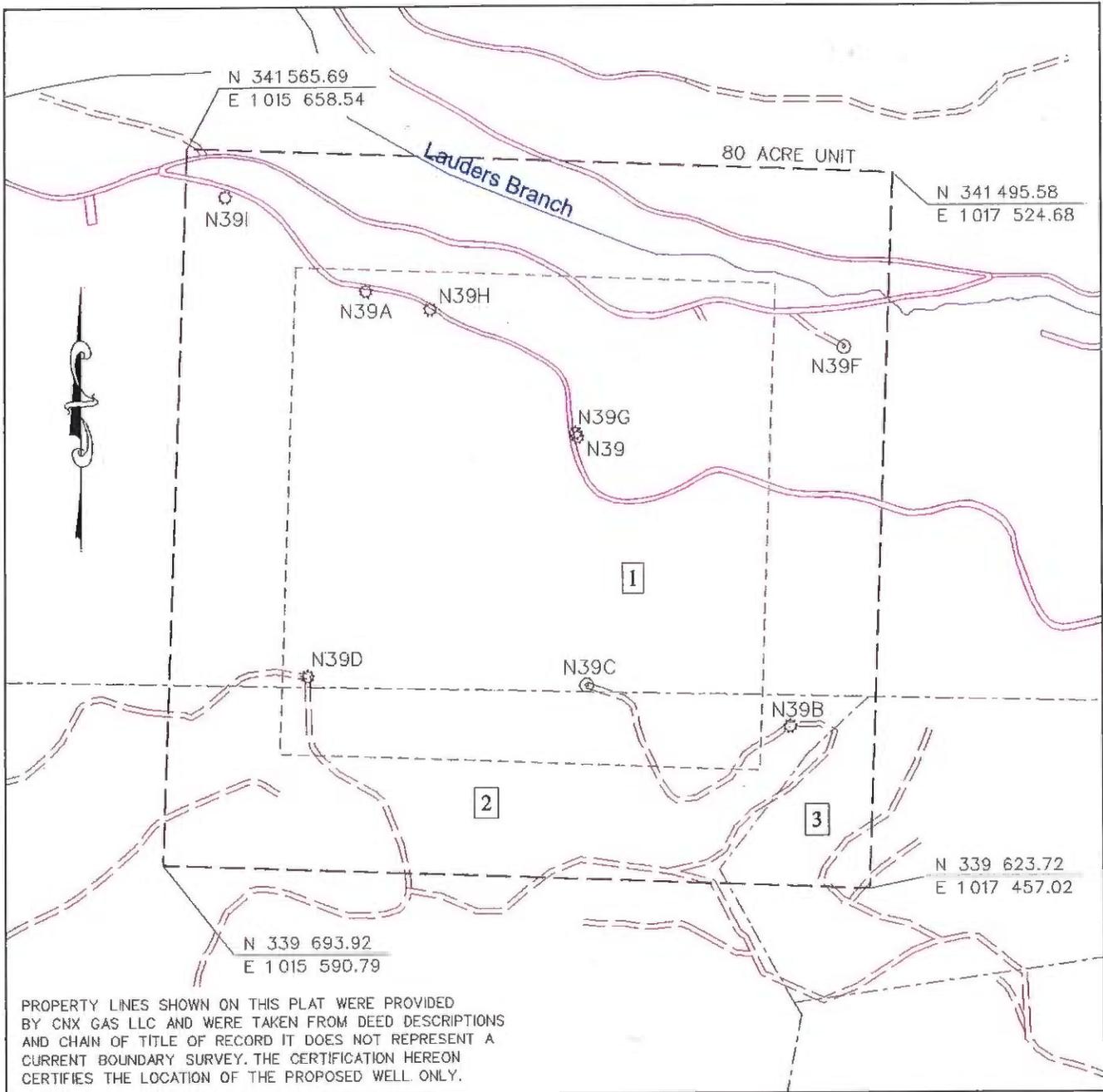
STATE OF VIRGINIA
COUNTY OF TAZEWELL

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company on behalf of the corporate Designated Operator, this 26th day of February, 2018.

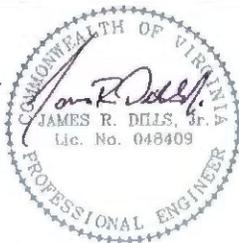

Notary

My commission expires: 3/31/20.

JANET RUTH WHITE
NOTARY PUBLIC
Commonwealth of Virginia
Reg# 7667821
My Commission Expires 3/31/20



- ⊙ CBM WELL
- ⊙ PROPOSED CBM WELL



Digitally signed by James R Dilts Jr.
DN: c=US, o=IdenTrust ACES Business Representative, ou=D. R. PRICE ENGINEERING AND LAND SURVEYING INC PC, cn=James R Dilts Jr., 0.9.2342.19200300.100.1.1=A010 9690000012E01701153000027EA Date: 2017.11.08 11:06:54 -05'00'

EXHIBIT A
OAKWOOD FIELD
UNIT N39
FORCE POOLING
VGOB-00-0321-0775-03

Company CNX Gas Company LLC Well Name and Number UNIT N39
 Tract No. _____ Elevation _____ Quadrangle KEEN MOUNTAIN
 County BUCHANAN District GARDEN Scale: 1" = 400' Date 11/8/17
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-60-7
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

Exhibit B-3
 UNIT N-39
 Docket # VGOB-00-0321-0775-03
 List of Unleased Owners/Claimants

180000510

	Acres in Unit	Percent of Unit	Division of Interest in		
			2 East Panel 0.4009%	3 East Panel 17.5300%	4 East Panel 16.4325%
II. OIL & GAS OWNERSHIP					
Tract No. 1, 59.35 Acres					
(1) P.J. Brown Heirs, et al (573.80 Acre Tract)	59.35 acres	74.1875%			
(f) James B. Brown Heirs, Devisees, Successors or Assigns					
(f.5) Henry F. Brown Heirs, Devisees, Successors or Assigns					
(f.5.4) Eugene Lee Brown Heirs, Devisees, Successors or Assigns					
(f.5.4.2) Virginia Brown Palmer 26068 NC Highway 8 Denton, NC 27239	0.016 acres 1/3780 of 59.35 acres	0.0196%	0.0001%	0.0034%	0.0032%
(f.5.4.3) Benjamin Patton Brown 72 Beiths Lane Cedar Bluff, VA 24609	0.016 acres 1/3780 of 59.35 acres	0.0196%	0.0001%	0.0034%	0.0032%
(f.5.4.4) Charles Henry Brown 14376 Peaceful Valley Road Abingdon, VA 24210	0.016 acres 1/3780 of 59.35 acres	0.0196%	0.0001%	0.0034%	0.0032%
(f.5.4.5) William David Brown 609 Fulton Street Millville, NJ 08332	0.016 acres 1/3780 of 59.35 acres	0.0196%	0.0001%	0.0034%	0.0032%
(f.5.4.6) Eugene L. Brown, Jr. 3875 Gratton Road Tazewell, VA 24651	0.016 acres 1/3780 of 59.35 acres	0.0196%	0.0001%	0.0034%	0.0032%

Total Unleased O&G Estates
 Acres 0.0785
 Percent 0.0981%

Exhibit EE
 Unit N-39
 Docket # VGOB-00-0321-0775-03
 List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres In Unit	Percent of Unit	Division of Interest in		
			2 East Panel 0.4009%	3 East Panel 17.5300%	4 East Panel 16.1325%
Tract #3, 2.65 Acres					
<i>There is a Title Conflict pertaining to the ownership of the Gas Estate on this tract but Royalty Division Agreements were executed between all of the parties.</i>					
COAL OWNERSHIP					
(1) Ruth Culbertson Heirs <i>Tract 7A (Mary A. Day Tract - 67.50 acres)</i>	2.65 acres	3.3125%	0.0133%	0.5807%	0.5344%
(a) Ruth Culbertson Heirs, Devisees, Successors or Assigns <i>(1/4 Minerals except Gas)</i>					
(a.1) George M. Culbertson 22400 NE 23rd Court Ridgefield, WA 98642	0.17 acres 1/16 of 2.65 acres	0.2070%	0.0068%	0.0363%	0.0334%
(a.2) William A. Culbertson Heirs, Devisees, Successors or Assigns					
(a.2.1) Cornelia A. (aka Susie) Culbertson P.O. Box 185 Doran, VA 24612	0.17 acres 1/16 of 2.65 acres	0.2070%	0.0068%	0.0363%	0.0334%
(a.3) Carole Lee Culbertson Meada P.O. Box 123 Williamson, SC 29697	0.17 acres 1/16 of 2.65 acres	0.2070%	0.0068%	0.0363%	0.0334%
(a.4) Nancy Elaine Culbertson Ratliff 175 Acre Lane Cedar Bluff, VA 24609	0.17 acres 1/16 of 2.65 acres	0.2070%	0.0068%	0.0363%	0.0334%
(b) Cora Metcalf Franks Estate <i>(1/4 Minerals except C</i> c/o Nelson Franks 2712 Maplewood Rd Henrico, VA 23228	0.66 acres 1/4 of 2.65 acres	0.8281%	0.0033%	0.1452%	0.1336%
(c) Buchanan Mining Company LLC <i>(1/2 of Coal In t</i> 10545 Riverside Drive Oakwood, VA 24631	1.33 acres 1/2 of 2.65 acres	1.6563%	0.0066%	0.2903%	0.2672%
(d) Ronald Clyborne <i>(1/2 Coal Above Jawbone Sei</i> 9325 Olympic View Drive Edmonds, WA 98020-2397	1.33 acres 1/2 of 2.65 acres	1.6563%		0.2903%	0.2672%
*** NOTE: The coal above the Jawbone seam is above drainage and was not perforated/fractured and therefore is of No Issue.					
OIL & GAS OWNERSHIP					
(1) CNX Gas Company LLC PO Box 643830 Pittsburgh, PA 15264-3830	2.65 acres	3.3125%	0.0133%	0.5807%	0.5344%
- OR -					
(1) CNX Gas Company LLC, et al <i>Tract 7A (Mary A. Day Tract - 67.50 acres)</i>	2.65 acres	3.3125%			
(a) CNX Gas Company LLC PO Box 643830 Pittsburgh, PA 15264-3830	1.33 acres 1/2 of 2.65 acres	1.6563%	0.0068%	0.2903%	0.2672%
(b) Cora Metcalf Franks Estate c/o Nelson Franks 2712 Maplewood Rd Henrico, VA 23228	0.66 acres 1/4 of 2.65 acres	0.8281%	0.0033%	0.1452%	0.1336%
(c) Ruth Culbertson Heirs, Devisees, Successors or Successors or Assigns <i>(1/4)</i>					
(c.1) George M. Culbertson 22400 NE 23rd Court Ridgefield, WA 98642	0.17 acres 1/16 of 2.65 acres	0.2070%	0.0068%	0.0363%	0.0334%
(c.2) William A. Culbertson Heirs, Devisees, Successors or Assigns					
(c.2.1) Cornelia A. (aka Susie) Culbertson P.O. Box 185 Doran, VA 24612	0.17 acres 1/16 of 2.65 acres	0.2070%	0.0068%	0.0363%	0.0334%
(c.3) Carole Lee Culbertson Meada P.O. Box 123 Williamson, SC 29697	0.17 acres 1/16 of 2.65 acres	0.2070%	0.0068%	0.0363%	0.0334%
(c.4) Nancy Elaine Culbertson Ratliff 175 Acre Lane Cedar Bluff, VA 24609	0.17 acres 1/16 of 2.65 acres	0.2070%	0.0068%	0.0363%	0.0334%

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INSTRUMENT 180000510
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY CIRCUIT COURT ON
March 26, 2018 AT 03:38 PM
BEVERLY S. TILLER , CLERK
RECORDED BY: CXE