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Instrument Prepared By  
Va Gas Edil Brang

BOOK 536 PAGE 0952

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB-00/0516-0815

ELECTIONS: UNIT VC-1853  
(herein "Subject Drilling Unit")

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 hearings 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 requirement of the Virginia Gas and Oil Board Regulations, 4 VAC 25-160-70C by supplementing the Order previously issued by the Board for subject Docket on September 7, 2000, and recorded at Book 514, Page 096 in the Office of the Clerk of the Circuit Court, Russell County, Virginia on September 7, 2000 (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 Equitable Production Company, (herein the "Designated Operator") to mail copies of the Board Order to all respondents whose interests, if any, were pooled by the said Board Order;
  - (b) The Designated Operator filed its affidavit of mailing dated September 18, 2000, disclosing that it had mailed a 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 September 28, 2001, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160-70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, 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, interest, estates and claims in and to Coalbed Methane Gas 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 Interests as part of its Affidavit of Election. A copy of which is attached hereto as Exhibit B.
- (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, First Union National Bank, Corporate Trust, PA 1328, 123 Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Don Ballinghoff, 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. Current Board escrow standards were made applicable to Subject Drilling Unit by a Board Order dated December 23, 1992.
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth in paragraph 2 above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, First Union National Bank, Corporate Trust PA1328, 123 South Broad Street, Philadelphia, PA 19109-1199, (888) 396-0853, Attn: Don Ballinghoff, 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.
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 to each Respondent whose interest or claims are 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 3<sup>rd</sup> day of October, 2001, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler

DONE AND PERFORMED this 9<sup>th</sup> day of October, 2001, by Order of the Board.

  
B. R. Wilson  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA )  
COUNTY OF WISE: )

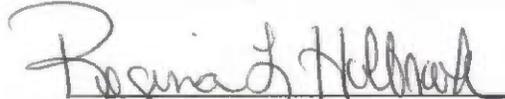
Acknowledged on this 3rd day of October, 2001, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to so do.

  
Susan G. Garrett  
Notary Public

My commission expires July 31, 2002

STATE OF VIRGINIA )  
COUNTY OF WASHINGTON: )

Acknowledged on this 9th day of October, 2001, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, 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 so do.

  
Regina D. Holbrook  
Notary Public

My commission expires July 31, 2002

VIRGINIA:

BOOK 536 PAGE 0955

**BEFORE THE VIRGINIA GAS AND OIL BOARD**

IN RE: Application of Equitable Production Company, for Forced Pooling of Interests in Unit Number VC-1853 VGOB Docket No. VGOB-00/0516-0815 in the Castlewood Magisterial District of Russell County, Virginia.

AFFIDAVIT OF WILHOIT & KAISER, Attorneys-at-Law, Agents for the Designated Operator REGARDING ELECTIONS, ESCROW ACCOUNTS AND SUPPLEMENTAL ORDER

James E. Kaiser (herein Affiant), being first duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of WILHOIT & KAISER, the Agent for the Designated Operator, with offices located at 220 Broad Street, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on September 7, 2000, by the Virginia Gas and Oil Board regarding the captioned coalbed methane 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, the Affiant was directed to cause 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 are added as Respondents at the hearing held in the captioned matter;
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 September 7, 2000.
5. That the Designated Operator, by and through their agent, Wilhoit & Kaiser, Attorneys-at-Law, have established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interest 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 periods:

Tract	Name	Cash Consideration
5	Raymond Musick & Patsy Musick, H/W	0.0041 Acres x \$5.00 = \$0.02

6. That the interest 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; that opposite the name of each person named as a Respondent listed below is set forth:

<u>TRACT</u>	<u>LESSOR</u>	<u>NET</u> <u>REVENUE</u> <u>INTEREST</u>	
5 Gas Estate	Nettie G. Kiser Wilson, Widow	0.00007986	RI
	Roland Delmer Kiser, Single	0.00007986	RI
	Ruby Ethel Kiser Estate	0.00007986	RI
	Kennie O'Dell Kiser & Thelma Kiser, H/W	0.00007986	RI
	Alma Simerly, Widow	0.00007986	RI
	Delphia Wilson & Roy Lee Wilson, W/H	0.00001141	RI
	Alden Wilson & Ella Wilson, H/W	0.00001141	RI
	Curtis Wilson & Connie Wilson, H/W	0.00001141	RI
	Lonnie Wilson & Pam Wilson, H/W	0.00001141	RI
	Giles Wilson & Charlotte Wilson, H/W	0.00001141	RI
	Johnny Lee Rosenbaum, Single	0.00000380	RI
	Joe Canter Address Unknown	0.00000380	RI
	Alicia Rosenbaum, single	0.00000380	RI
	Wanda Loudermilk Jones	0.00000285	RI
	Carolyn Rinehart & Richard Rinehart, W/H	0.00000285	RI

Sharon Jones & Bobby Jones, W/H Address Unknown	0.0000285	RI
Randall Head & Teresa A. Head, H/W	0.0000285	RI
Dallas Brooks Kiser, Single	0.00047917	RI
Ama Kiser Vance, Widow	0.00005990	RI
James Kiser & Christine Kiser, H/W	0.00005990	RI
Nellie Kiser Wells, Single Address Unknown	0.00005990	RI
Lila Elizabeth Kiser, Single	0.00005990	RI
Margaret Marie Kiser Heirs Address Unknown	0.00005990	RI
Elaine Craft Heirs Address Unknown	0.00005990	RI
William Arthur Kiser & Sylvia Kiser, H/W	0.00005990	RI
Woodrow Childs, Widower Address Unknown	0.00005990	RI
Delphia Musick Ball, Widow	0.00004356	RI
Willard Wilson, Single	0.00004356	RI
Thurman Musick	0.00004356	RI
Betty Musick, Widow	0.00004356	RI
Thelma Musick, Widow Address Unknown	0.00004356	RI
Elwood Musick, Single	0.00004356	RI
Ina Musick, Widow	0.00004356	RI
Hubert Musick & Jo Anne Musick, H/W	0.00004356	RI

Dorothy Johnson, Single	0.00004356	RI
Scarlet Baker & Henry Baker, W/H	0.00000871	RI
Sparker Floyd Musick & Dolly Musick, H/W	0.00000871	RI
Raymond Musick & Patsy Musick, H/W	0.00000871	RI
Samuel Musick & Linda Musick, H/W	0.00000871	RI
Patrick F. Musick	0.00000436	RI
Keith A. Musick	0.00000436	RI
Mildred Kendrick & Claude Kendrick, W/H Address Unknown	0.00000726	RI
Edith Matson, Widow	0.00000726	RI
Sally Musick, Widow	0.00000726	RI
Cecil Musick & Irene Musick, H/W	0.00000726	RI
James H. Musick & Annie Bea Musick, H/W	0.00000726	RI
Fred Musick & Allie Musick, H/W Address Unknown	0.00000726	RI
Velva Kiser Breeding & Cloid Breeding, W/H	0.00047917	RI
Gladys Gilbert, Widow	0.00011979	RI
Pauline Butler, Single	0.00011979	RI
Pridemore Powers & Betty Powers, H/W	0.00011979	RI
Maynard Powers, Deceased Address Unknown	0.00011979	RI

Bertie Counts, Widow	0.00009583	RI
<b><u>Julie Kiser Heirs</u></b>		
Anita Conaway & Wayne Conaway, W/H	0.00004792	RI
Donnie Kiser & Diann Kiser, H/W	0.00004792	RI
Maudie Stevens, Single	0.00009583	RI
Donald Kiser, Single	0.00009583	RI
Vadie Blankenship & Edwin Blankenship, W/H	0.00009583	RI
Anne J. Campbell, Widow	0.00015972	RI
Delphia Combs, Widow	0.00015972	RI
Inas Counts, Widow	0.00015972	RI
Elsie Mae Kiser Counts, Widow	0.00047917	RI
<b>Tract 5 Total</b>	<b>0.00431250</b>	

OR

<b>5</b>	Pittston Company	0.00431250	RI
<b>Coal</b>	c/o Clinchfield Coal Company		
<b>Estate</b>	Attn: Steve Smith		
	P. O. Box 7		
	Dante, VA 24237		

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 interest and/or claims.

<u>Lessor's Name</u>	<u>Lease Number</u>
Alden & Ella Wilson	244332L33
Curtis & Connie Wilson	244332L34
<u>Lessor's Name</u>	<u>Lease Number</u>
Lonnie & Pam Wilson	244332L35
Wanda L. Jones	244332L40

Randall &amp; Teresa Head 244332L43

Ina Musick 244332L53

8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

Tract	Name	Cash Consideration
5	Roland Delmer Kiser	0.0376 Acres x \$5.00 = \$0.19
	Giles Wilson & Charlotte Wilson	0.0054 Acres x \$5.00 = \$0.03
	Johnny Lee Rosenbaum	<u>0.0018 Acres x \$5.00 = \$0.01</u>
	Joe Canter Address Unknown	0.0018 Acres x \$5.00 = \$0.01 <i>Subject to Escrow</i>
	Alicia Rosebaum	0.0018 Acres x \$5.00 = \$0.01
	Carolyn Rinehart & Richard Rinehart	0.0013 Acres x \$5.00 = \$0.01
	Sharon Jones & Bobby Jones Address Unknown	0.0013 Acres x \$5.00 = \$0.01 <i>Subject to Escrow</i>
	Ama Kiser Vance	0.0282 Acres x \$5.00 = \$0.15
	James Kiser & Christine Kiser	0.0282 Acres x \$5.00 = \$0.15
	Nellie Kiser Wells Address Unknown	<u>0.0282 Acres x \$5.00 = \$0.15</u> <i>Subject to Escrow</i>
	Lila Elizabeth Kiser	0.0282 Acres x \$5.00 = \$0.15
	Margaret Marie Kiser Heirs Address Unknown	0.0282 Acres x \$5.00 = \$0.15 <i>Subject to Escrow</i>
	Elaine Craft Heirs Address Unknown	0.0282 Acres x \$5.00 = \$0.15 <i>Subject to Escrow</i>
	William Arthur Kiser & Sylvia Kiser	0.0282 Acres x \$5.00 = \$0.15

Woodrow Childs Address Unknown	0.0282 Acres x \$5.00 = \$0.15 <i>Subject to Escrow</i>
Theima Musick Address Unknown	0.0205 Acres x \$5.00 = \$0.11 <i>Subject to Escrow</i>
Samuel Musick & Linda Musick	0.0041 Acres x \$5.00 = \$0.02
Mildred Kendrick & Claude Kendrick Address Unknown	0.0034 Acres x \$5.00 = \$0.02 <i>Subject to Escrow</i>
Edith Matson	0.0034 Acres x \$5.00 = \$0.02
Fred Musick & Allie Musick Address Unknown	0.0034 Acres x \$5.00 = \$0.02 <i>Subject to Escrow</i>
Gladys Gilbert	0.0564 Acres x \$5.00 = \$0.28
Pridemore Powers & Betty Powers	0.0564 Acres x \$5.00 = \$0.28
Maynard Powers Address Unknown	0.0564 Acres x \$5.00 = \$0.28 <i>Subject to Escrow</i>
Vadie Blankenship & Edwin Blankenship	0.0451 Acres x \$5.00 = 0.23

That pursuant to the provision of 4VAC 25-160.70C 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 that the services of the Escrow Agent are required in this matter pursuant to the terms of §§ 45.1-361.21.D.

Dated at Kingsport, Tennessee, this 28th day of September 2000.

James E. Kaiser  
Affiant

Taken, subscribed and sworn to before me by James E. Kaiser, the Agent of Equitable Production Company, a corporation, on behalf of the corporation, this 28th day of September 2000.

Jamie E. Fuller  
Notary

My commission expires: June 27, 2005



Recorded  
Under Section  
45.1-361.26  
Code of Virginia

0003655

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 10-10, 2001. This deed was this day presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 1:02 o'clock P.M, after payment of \$        tax imposed by Sec. 58.1-802.

Original returned this date to: Deane Davis

TESTE: Dollie M. Compton, CLERK  
BY: Judith L. Compton, D. CLERK