

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

**AMENDED** SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER  
**VGOB 01-0515-0889-02**

ELECTIONS: **UNIT C-32** (*Wells C32 & C32A*)  
 (herein "Subject Drilling Unit")

*Note: This Order is being Amended to correct the acreage labels shown on Tracts 4 & 5 of the Exhibit EE*

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 **June 29, 2017** which was recorded at **Instrument 170001571** in the Office of the Clerk of the Circuit Court of **Buchanan** County, Virginia, on **July 31, 2017**, (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 C-32**;

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.

180000076

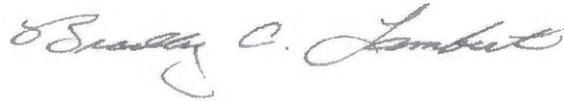
Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests 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.

180000076

DONE AND EXECUTED this 11 day of December, 2017 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

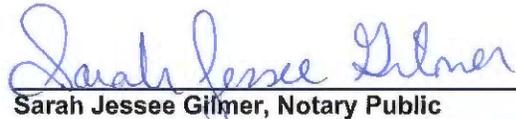
DONE AND PERFORMED this 11 day of December, 2017 by Order of the Virginia Gas and Oil Board.



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

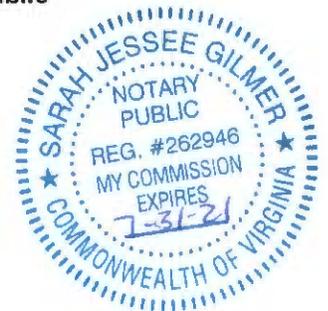
COMMONWEALTH OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 11<sup>th</sup> day of December, 2017, 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 appeared 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:

180000076

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in **Unit C-32**  
**VGOB 01-0515-0889-02** 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 **June 29, 2017**, 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 **July 31, 2017**;

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:

*Option 9.3 (Carried Operator)* - Jason G. Poulos, Gregory Poulos and Pamela F. Poulos

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 29, 2017**;

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 3<sup>rd</sup> day of October, 2017.

Anita D. Duty  
Anita D. Duty

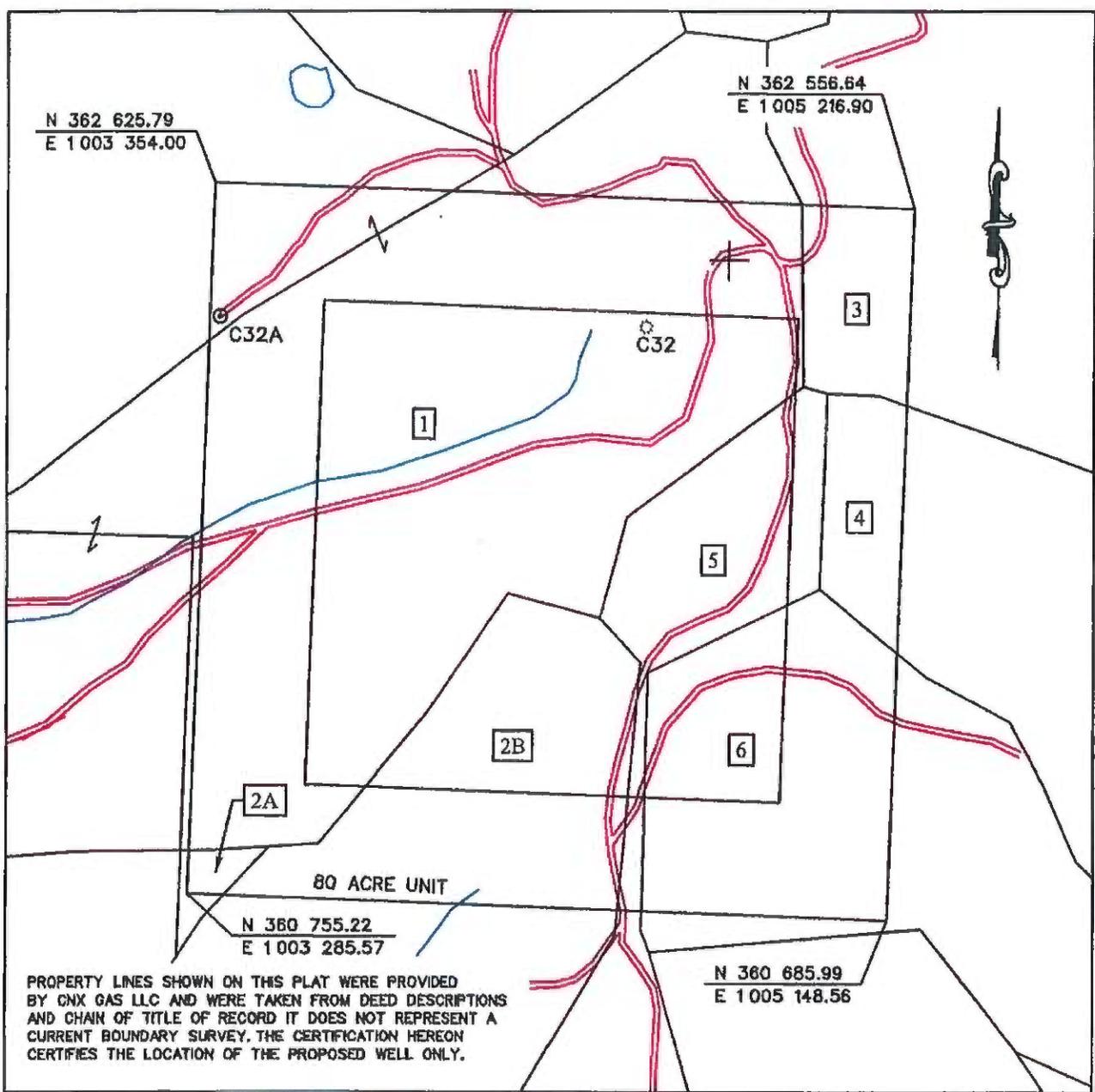
STATE OF VIRGINIA  
COUNTY OF TAZEWELL

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 3<sup>rd</sup> day of October, 2017.

Janet Ruth White  
Notary

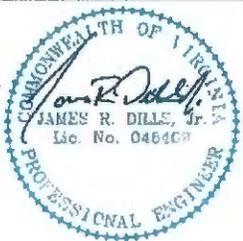
My commission expires: 3/31/20.

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



PROPERTY LINES SHOWN ON THIS PLAT WERE PROVIDED BY CNX GAS LLC AND WERE TAKEN FROM DEED DESCRIPTIONS AND CHAIN OF TITLE OF RECORD IT DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY. THE CERTIFICATION HEREON CERTIFIES THE LOCATION OF THE PROPOSED WELL ONLY.

- ☉ CNX WELL
- ⊙ PROPOSED CNX WELL



Digitally signed by James R Dills Jr.  
 DN: c=US, o=IdenTrust ACES Business Representative, ou=D. R. PRICE ENGINEERING AND LAND SURVEYING INC PC, cn=James R Dills Jr.,  
 0.9.2342.19200300.100.1.1=A010 9690000012E01701153000027EA  
 Date: 2017.06.28 15:23:29 -04'00'

**EXHIBIT A  
 OAKWOOD FIELD  
 UNIT C32  
 FORCE POOLING  
 VGOB-01-0515-0889-02**

Company CNX Gas Company LLC Well Name and Number UNIT C32  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle PATTERSON  
 County BUCHANAN District GARDEN Scale: 1" = 400' Date 1/16/17  
 This plat is a new plat  ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-60-7 \_\_\_\_\_ (Affix Seal)  
 Rev. 9/91 Licensed Professional Engineer or Licensed Land Surveyor

**CNX Gas Company LLC**  
**Unit C32**  
**Tract Identifications**

1. C. L. Ritter Lumber Company Tr. 29 (241.80 Acre Tract) – All Minerals  
 Island Creek Coal Company – All seams of coal underlying the Tiller seam expect the P3 Leased  
 Buchanan Mining Company LLC – P3 seam Leased  
 Jewell Smokeless Coal Corporation – Coal In Tiller Seam and Above Leased  
 Hard Rock Exploration and Carter Oil & Gas - Oil and Gas Leased  
 CNX Gas Company LLC – CBM Leased  
 Kim K. Smith – Surface  
 43.33 Acres            54.1625%
  
2. C. L. Ritter Lumber Company Tr. 31 (243.90 Acre Tract) – All Minerals  
 Island Creek Coal Company – All seams of coal underlying the Tiller seam expect the P3 Leased  
 Buchanan Mining Company LLC – P3 seam Leased  
 Jewell Smokeless Coal Corporation – Coal In Tiller Seam and Above Leased  
 Hard Rock Exploration, et al and Carter Oil & Gas - Oil and Gas Leased  
 CNX Gas Company LLC – CBM Leased  
 12.19 Acres            15.2375%
  
- 2A. Unknown Surface Owner  
 2B. Patty L. Mullins, et al – Surface
  
3. C. L. Ritter Lumber Company Tr. 28 (98.77 Acre Tract) – All Minerals  
 Island Creek Coal Company – All seams of coal underlying the Tiller seam expect the P3 Leased  
 Buchanan Mining Company LLC – P3 seam Leased  
 Jewell Smokeless Coal Corporation – Coal In Tiller Seam and Above Leased  
 Hard Rock Exploration and Carter Oil & Gas - Oil and Gas Leased  
 CNX Gas Company LLC – CBM Leased  
 Unknown Surface Owner  
 3.29 Acres            4.1125%
  
4. LBR Holdings, LLC (30.20 Acre Tract) – Coal  
 Island Creek Coal Company – Coal Below Jawbone Seam Leased  
 CNX RCPC LLC – P-3 Seam Subleased  
 Jewell Smokeless Coal Corporation – Coal In Jawbone Seam and Above Leased  
 LBR Holdings, LLC – Oil, Gas and CBM (75%)  
 EQT Production Company – Oil, Gas and CBM Leased (75%)  
 T.G. Rogers, III, et al – Oil, Gas and CBM (25%)  
 Unknown Surface Owner  
 2.89 Acres            3.6125%
  
5. LBR Holdings, LLC (39.40 Acre Tract) – Coal  
 Island Creek Coal Company – Coal Below Jawbone Seam Leased  
 CNX RCPC LLC – P-3 Seam Subleased  
 Jewell Smokeless Coal Corporation – Coal In Jawbone Seam and Above Leased  
 LBR Holdings, LLC – Oil, Gas and CBM (75%)  
 EQT Production Company – Oil, Gas and CBM Leased (75%)  
 T.G. Rogers, III, et al – Oil, Gas and CBM (25%)  
 Mary Ann Mullins, et al – Surface  
 6.86 Acres            8.575%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

**CNX Gas Company LLC**  
**Unit C32**  
**Tract Identifications**

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6. C. L. Ritter Lumber Company Tr. 30 (48.53 Acre Tract) – All Minerals  
Island Creek Coal Company – All seams of coal underlying the Tiller seam except the P3 Leased  
Buchanan Mining Company LLC – P3 seam Leased  
Jewell Smokeless Coal Corporation – Coal In Tiller Seam and Above Leased  
Hard Rock Exploration and Carter Oil & Gas - Oil and Gas Leased  
CNX Gas Company LLC – CBM Leased  
Unknown Surface Owner  
11.44 Acres      14.3000%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

Exhibit B-3  
Unit C-32  
VGOB 01-0515-0889-02  
List of Unleased Owners/Claimants

180000076

	Acres in Unit	Percent of Unit
<b>II. OIL &amp; GAS OWNERSHIP</b>		
<u>Tract #4, 2.89 Acres</u>		
(1) LBR Holdings, LLC, et al. <i>(25.50 Acre Tract)</i>	2.89 acres	3.6125%
(a) LBR Holdings, LLC ** P.O. Box 22427 Lexington, KY 40522-2427	2.17 acres 3/4 of 2.89 acres	2.7094%
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.09 acres 1/32 of 2.89 acres	0.1129%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.09 acres 1/32 of 2.89 acres	0.1129%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.09 acres 1/32 of 2.89 acres	0.1129%
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.09 acres 1/32 of 2.89 acres	0.1129%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.12 acres 1/24 of 2.89 acres	0.1505%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.12 acres 1/24 of 2.89 acres	0.1505%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.12 acres 1/24 of 2.89 acres	0.1505%

\*\* Note: The Oil and Gas Estates are leased by EQT Production Company.

Tract #5, 6.86 Acres

(1) LBR Holdings, LLC, et al. <i>(25.50 Acre Tract)</i>	6.86 acres	8.5750%
(a) LBR Holdings, LLC ** P.O. Box 22427 Lexington, KY 40522-2427	5.15 acres 3/4 of 6.86 acres	6.4313%
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.21 acres 1/32 of 6.86 acres	0.2680%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.21 acres 1/32 of 6.86 acres	0.2680%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.21 acres 1/32 of 6.86 acres	0.2680%

Exhibit B-3  
 Unit C-32  
 VGOB 01-0515-0889-02  
 List of Unleased Owners/Claimants

180000076

	Acres in Unit	Percent of Unit
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.21 acres 1/32 of 6.86 acres	0.2680%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.29 acres 1/24 of 6.86 acres	0.3573%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.29 acres 1/24 of 6.86 acres	0.3573%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.29 acres 1/24 of 6.86 acres	0.3573%

*\*\* Note: The Oil and Gas Estates are leased by EQT Production Company.*

TOTAL OIL & GAS ESTATE:

Acreage in Unit Unleased	9.75	
Percentage of Unit Unleased		12.1675%

Exhibit EE  
Unit C-32  
VGOB 01-0515-0889-02  
List of Respondents with Royalty Split Agreements/Court Orders/HB2058

	Acres in Unit	Percent of Unit
<b><u>Tract #4, 2.89 Acres</u></b>		
<b><u>COAL OWNERSHIP</u></b>		
(1) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427	2.89 acres	3.6125%
<b><u>OIL &amp; GAS OWNERSHIP</u></b>		
(1) LBR Holdings, LLC, et al. <i>(30.20 Acre Tract)</i>	2.89 acres	3.6125%
(a) LBR Holdings, LLC ** P.O. Box 22427 Lexington, KY 40522-2427	2.17 acres 3/4 of 2.89 acres	2.7094%
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.09 acres 1/32 of 2.89 acres	0.1129%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.09 acres 1/32 of 2.89 acres	0.1129%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.09 acres 1/32 of 2.89 acres	0.1129%
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.09 acres 1/32 of 2.89 acres	0.1129%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.12 acres 1/24 of 2.89 acres	0.1505%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.12 acres 1/24 of 2.89 acres	0.1505%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.12 acres 1/24 of 2.89 acres	0.1505%

\*\* Note: The Oil and Gas Estates are leased by EQT Production Company.

*\*Prevailing plaintiff under Case No. 550-13  
Awarded 100% of the CBM royalty.*

**Tract #5, 6.86 Acres**

**COAL OWNERSHIP**

(1) LBR Holdings, LLC P.O. Box 22427 Lexington, KY 40522-2427	6.86 acres	8.5750%
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**OIL & GAS OWNERSHIP**

(1) LBR Holdings, LLC, et al. <i>(39.40 Acre Tract)</i>	6.86 acres	8.5750%
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**Exhibit EE  
Unit C-32  
VGOB 01-0515-0889-02  
List of Respondents with Royalty Split Agreements/Court Orders/HB2058**

	<b>Acres in Unit</b>	<b>Percent of Unit</b>
(a) LBR Holdings, LLC ** P.O. Box 22427 Lexington, KY 40522-2427	5.15 acres 3/4 of 6.86 acres	6.4313%
(b) T.G. Rogers, III 3014 Shalford Lane Matthews, NC 28104	0.21 acres 1/32 of 6.86 acres	0.2680%
(c) Derek Browning Rogers 2300 Carmel Road Charlotte, NC 28226	0.21 acres 1/32 of 6.86 acres	0.2680%
(d) Kevin Rogers 139 Wickham Rd. Garden City, NY 11530	0.21 acres 1/32 of 6.86 acres	0.2680%
(e) Shaun Rogers 121 NE 100th St. Miami Shores, FL 32907-2423	0.21 acres 1/32 of 6.86 acres	0.2680%
(f) Gregory Poulos 1894 Glenwood St., SE Palm Bay, FL 32907-2423	0.29 acres 1/24 of 6.86 acres	0.3573%
(g) Jason Poulos 10870 SW 95 St. Miami, FL 33176	0.29 acres 1/24 of 6.86 acres	0.3573%
(h) Pamela Poulos 5000 SW 83rd St. Miami, FL 33143-8510	0.29 acres 1/24 of 6.86 acres	0.3573%

*\*\* Note: The Oil and Gas Estates are leased by EQT Production Company.*

*\*Prevailing plaintiff under Case No. 550-13  
Awarded 100% of the CBM royalty.*

<b><u>TOTAL CONFLICTS RESOLVED</u></b>	
<b>Acres</b>	<b>9.75</b>
<b>Percent</b>	<b>12.1875%</b>

INSTRUMENT 180000076  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY CIRCUIT COURT ON  
January 10, 2018 AT 11:27 AM  
BEVERLY S. TILLER, CLERK  
RECORDED BY: CXE