

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

**CODE OF VIRGINIA
§ 45.1-361.26**

BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF SOUGHT: An Order for Disbursement of Escrowed Funds
(and Authorization for Direct Payment of Royalties)

JURISDICTION: Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: EE-37
TRACT(S): Tracts 1F and 1G
LOCATION: Tazewell County, Virginia

TAX ID NUMBER: Tax Map Numbers Found on Tract Identification Sheets.

DOCKET NUMBER: VGOB-03-1021-1205-02

APPLICANTS: CNX Production Company on behalf of James T. Absher Heirs, Devisees, Successors or Assigns, including Jerry Absher, Travis Absher, Joel Absher, Charles Absher, Coy Absher, Larry Absher, Karen Johnson, Lewis Osborne, Linda Absher, Tammy Walker, Janet Walker and CNX Gas Company LLC pursuant to the "Agreed Order" of Case #CL11000906.

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia
April 17, 2012

APPEARANCES: Mark Swartz on behalf of CNX**PRIOR PROCEEDINGS:**

1. Original Pooling Order, Executed 12/15/03, Recorded 12/22/03, Deed Book 0898.
2. Supplemental Order, Executed 10/08/04, Recorded 10/19/04, Deed Book 0924.
3. Disbursement Order -01, Executed 12/19/11, Recorded 01/13/12, Deed Book 1107.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the **April 12, 2012** hearing and consider whether to:

- (1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to **Tracts 1F and 1G** identified in the attached miscellaneous petition.
- (2) Delete the requirement that the Unit Operator place future royalties attributable to **Tracts 1F and 1G** relative to the interests of the Applicants identified in the attached miscellaneous petition.
- (3) **Continue** the escrow account under this docket number.

FINDINGS: Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

James T. Absher Heirs, Devisees, Successors or Assigns, including Jerry Absher, Travis Absher, Joel Absher, Charles Absher, Coy Absher, Larry Absher, Karen Johnson, Lewis Osborne, Linda Absher, Tammy Walker, and Janet Walker are entitled to 100% of the royalties according to the final order which was entered on June 13, 2011, Case No. CL11-461, adjudicating the ownership of coalbed methane gas. Pursuant to the "Agreed Order" in Case No. CL11000906 which was entered on November 9, 2011, CNX Gas Company LLC is the current owner of the James Absher heirship property and has agreed to receive a one-time payout of 30% of the escrowed funds and the "plaintiffs" have agreed to receive a one-time payment of 70% of the escrowed funds attributable to production through March 2007 (May 2007 escrow balance). CNX will receive 100% of the royalties beginning with the June 2007 balance to present. This order allows the Applicant and Designated Operator to pay royalties directly to the prevailing plaintiffs identified in Exhibit EE annexed hereto and the annexed Exhibit A-1, further, specifies how said royalties are to be paid.

RELIEF GRANTED:

Table 1 – Pay first and pay the exact dollar amount found in the last column on the below table

VGOB Approved Disbursement
Unit EE-37
VGOB-03-1021-1205-02

Table 1 (pay exact dollar amount per court order based on account balance of 5/30/2007)
Tracts 1F and 1G

Item	Tract	Disbursement Table	Fractional Ownership in Tract	Net Acreage Ownership in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed	Disbursement \$
		Total acreage in escrow prior to 03/13/07 (prior to -01 disbursement)				34.4600		
	1F	Tract 1F (total acreage)	6.96					
	1F	Estate of James T. Absher - O, G & CBM (sold to CNX Gas 3/13/07)						
1	1F	Jerry Thomas Absher 4276 Road Ridge Turnpike, Raven, VA 24639	1/9	0.7733	70.0%	0.5413	1.5709%	\$ 1,258.67
2	1F	Travis Benton Absher 5324 Road Ridge Turnpike, Raven, VA 24639	1/9	0.7733	70.0%	0.5413	1.5709%	\$ 1,258.67
3	1F	Joel Lewis Absher 4674 Road Ridge Turnpike, Raven, VA 24639	1/9	0.7733	70.0%	0.5413	1.5709%	\$ 1,258.67
4	1F	Charles Wayne Absher 134 Broadway St., Versailles, KY 40383	1/9	0.7733	70.0%	0.5413	1.5709%	\$ 1,258.67
5	1F	Coy Allen Absher 5832 Road Ridge Turnpike, Raven, VA 24639	1/9	0.7733	70.0%	0.5413	1.5709%	\$ 1,258.67
6	1F	Larry Gale Absher P.O. Box 907, Raven, VA 24639	1/9	0.7733	70.0%	0.5413	1.5709%	\$ 1,258.67
7	1F	Karen Lynn Johnson 4782 Road Ridge Turnpike, Raven, VA 24639	1/9	0.7733	70.0%	0.5413	1.5709%	\$ 1,258.67
8	1F	Lewis Yuvon Osborne 4832 Road Ridge Turnpike, Raven, VA 24639	1/9	0.7733	70.0%	0.5413	1.5709%	\$ 1,258.67
9	1F	Linda Sue Absher 4103, Chateau Dr., Greensboro, NC 27407	1/27	0.2578	70.0%	0.1804	0.5236%	\$ 419.56
10	1F	Tammy Voleeda Walker 751 Ward Curry Road, Lexington, NC 27292	1/27	0.2578	70.0%	0.1804	0.5236%	\$ 419.56
11	1F	Janet Bliss Walker 4719 Clifton Park Drive, Jamestown, NC 27282	1/27	0.2578	70.0%	0.1804	0.5236%	\$ 419.56
12	1F	CNX Gas Company LLC - O, G & CBM 1000 Consol Energy Drive, Canonsburg, PA 15317	100%	6.9600	30.0%	2.0880	6.0592%	\$ 4,854.86
13	1F	Coal Mountain Mining Co. Limited Partnership, LLP - Coal (no payment)	0%	---	---	---	---	---
	1G	Tract 1G (total acreage)	6.05					
	1G	Estate of James T. Absher - O, G & CBM (sold to CNX Gas 3/13/07)						
1	1G	Jerry Thomas Absher 4276 Road Ridge Turnpike, Raven, VA 24639	1/9	0.6722	70.0%	0.4706	1.3655%	\$ 1,094.10
2	1G	Travis Benton Absher 5324 Road Ridge Turnpike, Raven, VA 24639	1/9	0.6722	70.0%	0.4706	1.3655%	\$ 1,094.10
3	1G	Joel Lewis Absher 4674 Road Ridge Turnpike, Raven, VA 24639	1/9	0.6722	70.0%	0.4706	1.3655%	\$ 1,094.10
4	1G	Charles Wayne Absher 134 Broadway St., Versailles, KY 40383	1/9	0.6722	70.0%	0.4706	1.3655%	\$ 1,094.10
5	1G	Coy Allen Absher 5832 Road Ridge Turnpike, Raven, VA 24639	1/9	0.6722	70.0%	0.4706	1.3655%	\$ 1,094.10
6	1G	Larry Gale Absher P.O. Box 907, Raven, VA 24639	1/9	0.6722	70.0%	0.4706	1.3655%	\$ 1,094.10
7	1G	Karen Lynn Johnson 4782 Road Ridge Turnpike, Raven, VA 24639	1/9	0.6722	70.0%	0.4706	1.3655%	\$ 1,094.10
8	1G	Lewis Yuvon Osborne 4832 Road Ridge Turnpike, Raven, VA 24639	1/9	0.6722	70.0%	0.4706	1.3655%	\$ 1,094.10
9	1G	Linda Sue Absher 4103, Chateau Dr., Greensboro, NC 27407	1/27	0.2241	70.0%	0.1569	0.4552%	\$ 364.70
10	1G	Tammy Voleeda Walker 751 Ward Curry Road, Lexington, NC 27292	1/27	0.2241	70.0%	0.1569	0.4552%	\$ 364.70
11	1G	Janet Bliss Walker 4719 Clifton Park Drive, Jamestown, NC 27282	1/27	0.2241	70.0%	0.1569	0.4552%	\$ 364.70
12	1G	CNX Gas Company LLC - O, G & CBM 1000 Consol Energy Drive, Canonsburg, PA 15317	100%	6.0500	30.0%	1.8150	5.2670%	\$ 4,220.10
13	1G	Coal Mountain Mining Co. Limited Partnership, LLP - Coal (no payment)	0%	---	---	---	---	---

Table 2 – Pay second and pay the percentage in the last column after deducting the above amount from the current dollars in escrow.

VGOB Approved Disbursement
Unit EE-37
VGOB-03-1021-1205-02

Table 2 (pay percentage on balance after deducting the above dollar amount per court order)
Tracts 1F and 1G

Item	Tract	Disbursement Table	Fractional Ownership in Tract	Net Acreage Ownership in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed
		Total acreage in escrow before -02 disbursement				15.2400	
	1F	Tract 1F (total acreage)	6.96				
1	1F	CNX Gas Company LLC - O, G & CBM 1000 Consol Energy Drive, Canonsburg, PA 15317	100%	6.9600	100.0%	6.9600	45.6693%
2	1F	Coal Mountain Mining Co. Limited Partnership, LLP - Coal (no payment)	0%	---	---	---	---
	1G	Tract 1G (total acreage)	6.05				
1	1G	CNX Gas Company LLC - O, G & CBM 1000 Consol Energy Drive, Canonsburg, PA 15317	100%	6.0500	100.0%	6.0500	39.6982%
2	1G	Coal Mountain Mining Co. Limited Partnership, LLP - Coal (no payment)	0%	---	---	---	---

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1 and 2.

2. The Escrow Agent is ordered to **continue** the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted **and IT IS SO ORDERED.**

APPEALS:

Appeals of this Order are governed by the provisions of the *Code of Virginia* § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

DONE AND EXECUTED this 8 day of February, 2013 by a majority of the Virginia Gas and Oil Board.

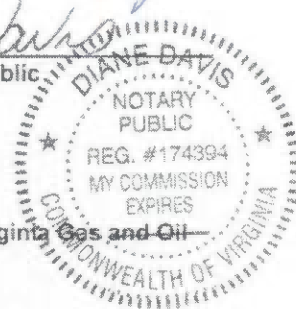
Bradley C. Lambert

Chairman, Bradley C. Lambert

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSEL)

Acknowledged on this 8th day of Feb, 2013 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, that he executed the same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Diane J. Davis, Notary Public
174394



My Commission expires: September 30, 2013

DONE AND PERFORMED this 11 day of February, 2013 by Order of the Virginia Gas and Oil Board.

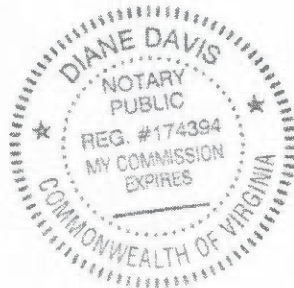
Rick Cooper

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

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSEL)

Acknowledged on this 11th day of Feb, 2013 personally before me a notary public in and for the Commonwealth of Virginia, appeared Rick Cooper, being duly sworn did depose and say that he is the Principal Executive to the staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Diane J. Davis, Notary Public
174394



My Commission expires: September 30, 2013

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 03-1021-1205-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 1F & 1G
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: April 17, 2012

DRILLING UNIT: EE-37

TAZEWELL COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to **Tract(s) 1F & 1G** as depicted upon the annexed Exhibit A-1; and (2) authorization to begin paying royalties directly to **CNX Gas Company LLC** and the prevailing plaintiffs; **James T. Absher Heirs, Devises, Successors or Assigns** including Jerry Absher, Travis Absher, Joel Absher, Charles Absher, Coy Absher, Larry Absher, Karen Johnson, Lewis Osborne, Linda Absher, Tammy Walker and Janet Walker (herein after referred to as "plaintiffs"). Pursuant to the "Agreed Order" of Case #CL11000906, CNX Gas Company LLC has agreed to receive 30% of the escrowed funds and the "plaintiffs" have agreed to receive a one-time payment of 70% of the escrowed funds attributable to production through March 2007 (May 2007 escrow balance). CNX will receive 100% of the royalties beginning with June 2007 balance to present.

3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. **Type of well(s):** Coalbed methane.

5. **Factual basis for relief requested :** James T. Absher Heirs, Devises, Successors or Assigns including Jerry Absher, Travis Absher, Joel Absher, Charles Absher, Coy Absher, Larry Absher, Karen Johnson, Lewis Osborne, Linda Absher, Tammy Walker and Janet Walker are entitled to 100% of the royalties according to the final order which was entered on June 13, 2011, Case No: CL11-461, adjudicating the ownership of coalbed methane gas. Pursuant to the "Agreed Order" in Case #CL11000906 which was entered on November 9, 2011, CNX Gas Company LLC is the current owner of the James Absher heirship property and has agreed to receive a one-time payout of 30% of the escrowed funds and the "plaintiffs" have agreed to receive a one-time payment of 70% of the escrowed funds attributable to production through March 2007 (May 2007 escrow balance). CNX will receive 100% of the royalties beginning with June 2007 balance to present. This order allows the Applicant and Designated Operator to pay royalties directly to the prevailing plaintiffs identified in Exhibit EE annexed hereto and the annexed Exhibit A-1, further, specifies how said royalties are to be paid.

6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: _____

Anita D. Duty
Pooling Supervisor
CNX Land Resources Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701



PROPERTY LINES SHOWN WERE TAKEN FROM & PROVIDED BY CONSOL INC. AND WERE NOT SURVEYED.

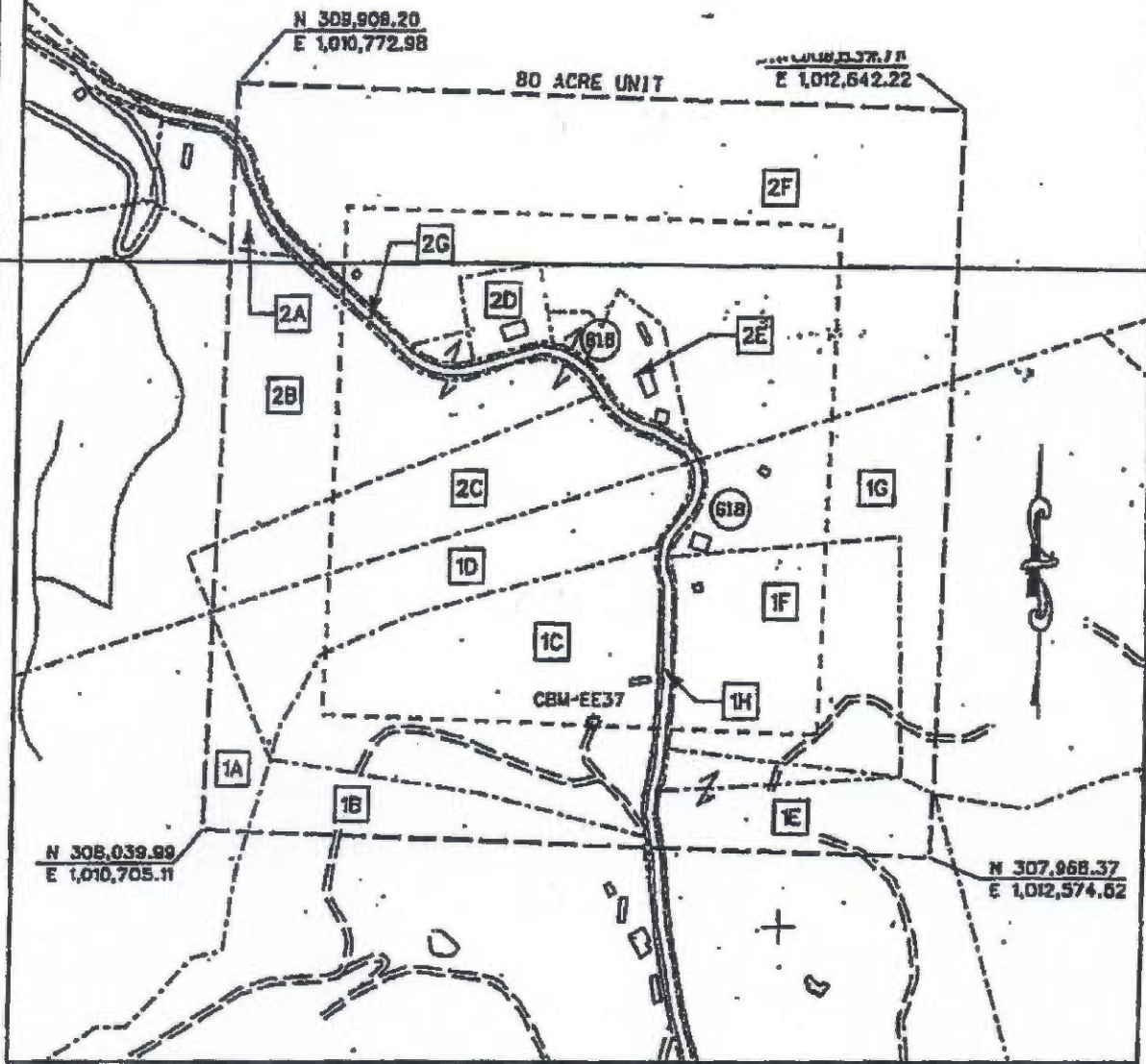
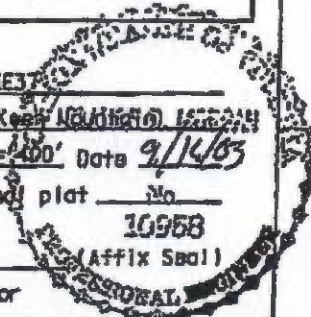


EXHIBIT A
OAKWOOD FIELD UNIT EE-37
FORCE POOLING
VGOB-03-1021-1205

Company CNX Gas Company LLC Well Name and Number UNIT EE37
 Tract No. _____ Elevation _____ Quadrangle Keokuk (Maiden Springs)
 County Iazawell District Maiden Springs Scale: 1" = 400' Date 9/14/03
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGD-GG-7
Rev. 9/91

Charles A. Major
Licensed Professional Engineer or Licensed Land Surveyor



**CNX GAS COMPANY LLC
UNIT EE-37
Tract Identifications**

- 1A. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
James M. McGlothlin, et ux - Surface and All Minerals except Coal
(Tax Map 84A Parcel 1)
1.32 acres 1.6500%**
- 1B. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Harold D. McGlothlin, et ux. - Surface And All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
(Tax Map 84A Parcel 4)
2.73 acres 3.4125%**
- 1C. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Larry Absher, et ux. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
(Tax Map 84A Parcel 106A)
10.28 acres 12.8625%**
- 1D. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Grady G. McGlothlin - Surface and All Minerals except Coal
(Tax Map 84A Parcel 2)
5.43 acres 6.7875%**
- 1E. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Jerry T. Absher, et ux. - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
(Tax Map 84 01 Parcel 5A)
3.50 acres 4.3750%**
- 1F. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
James T. Absher - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
(Tax Map 84 01 Parcel 5)
6.96 acres 8.7000%**

CNX GAS COMPANY LLC
UNIT EE-37
Tract Identifications

- 1G.** Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
James T. Absher - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
(Tax Map 84A Parcel 4)
6.05 acres 7.5625%
- 1H.** Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Jeremiah Cordill Heirs OR Commonwealth of Virginia - All Minerals except Coal
Commonwealth of Virginia - Surface
(Tax Map 84A Parcel 00)
0.91 acres 1.1375%
- 2.** Coal Mountain Mining Co. Limited Partnership, LLP Tr. 38 - All Minerals
Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
(Tax Map 84A Parcel 102)
42.81 acres 53.5125%
- 2A.** Charlie G. McGlothlin, et ux. - Surface
2B. James M. MCGlothlin - Surface
2C. Grady G. McGlothlin, et ux. - Surface
2D. Kenneth Thomas Osborne, et ux. - Surface
2E. Daniel Lee Johnson, et ux. - Surface
2F. James T. Absher - Surface
2G. Commonwealth of Virginia - Surface

BK 2013 PB05877
Altizer, Walk and White PLLC

Attorneys at Law
209 East Main Street
P. O. Box 30
Tazewell, Virginia 24651

David Grant Altizer (VA & WV)
Thomas P. Walk
Robert A. White
B. Alan McGraw
Mandy Varney French

Telephone (276) 988-7979
Facsimile (276) 988-6707
Website: www.awwlaw.com

John W. Gilliespie, 1908-1996
Jack P. Chambers, Retired

M. Shaun Lundy (VA, WV, TN & NC)

October 26, 2011

T. Shea Cook, Esquire
Attorney at Law
P. O. Box 507
Richlands, VA 24641

Re: *Jerry Thomas Absher, et al. vs. CNX Gas Company LLC
and Coal Mountain Mining Company, LLP*
Tazewell Case No.: CL11000906
AWW File 26934

Dear Shea:

This letter confirms our agreement that as to the above matter, the parties will divide the escrow as to Tracts 1f and 1g in Unit EE37, Tracts 2b, 2p, and 2q in Unit EE38, and Tract 2b in Unit EE39, and which is attributed to production through March 13, 2007, which amount, including accrued interest, is believed to be \$111,758.39. Your clients will receive 70% of that amount and the defendants will receive 30% of that amount. CNX is entitled to any amounts subsequent to March 13, 2007. The parties will enter into an Agreed Order as attached hereto. Upon entry of the Order, CNX will commence the process of having the escrowed funds released. You and your clients agree to cooperate in any way necessary to effect the release of the escrowed funds.

If this letter accurately reflects our agreement, please sign below where indicated and return one original to me. The other original is for your file.

Appreciating your assistance, we remain

Yours very truly,

Altizer, Walk and White PLLC


By: David Grant Altizer

DGA/sam
Enclosure: Agreed Order

VIRGINIA: IN THE CIRCUIT COURT OF TAZEWELL COUNTY

JERRY THOMAS ABSHER, ET AL., -----PLAINTIFFS

VS.

CASE NO.: CL11000906

CNX GAS COMPANY LLC

and

COAL MOUNTAIN MINING COMPANY, LLP, -----DEFENDANTS

AGREED ORDER

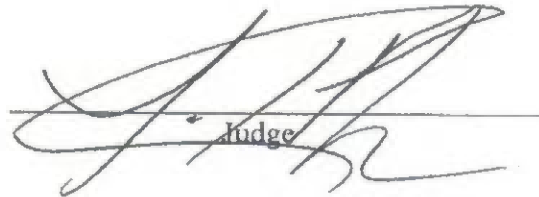
This day came the Plaintiffs and the Defendant, CNX Gas Company LLC, by counsel, and the Defendant, Coal Mountain Mining Company, LLP, in person, and represented unto the Court that all matters in this case were resolved. Upon representation of the parties, the Court hereby finds the following:

1. The proper parties are before the Court.
2. Under current law, Coal Mountain Mining Company, LLP is the owner of coal only as to Tracts 1f and 1g in Unit EE37; Tracts 2b, 2p, and 2q in Unit EE38; and Tract 2b in Unit EE39. James T. Absher and his estate were the owners of the Coalbed Methane as to said tracts until March 13, 2007 when the same was conveyed to the Defendant, CNX Gas Company LLC. Since that date, the Defendant, CNX Gas Company LLC, is the owner of the Coalbed Methane in said tracts.
3. The Plaintiffs and the Defendant, CNX Gas Company LLC have entered into an Agreement for the division of the escrow funds attributed to production through March 13, 2007 as to the above tracts. The Defendant, CNX Gas Company LLC, is entitled to all escrow amounts for said tracts from March 13, 2007 forward.

4. As to all areas where Coal Mountain Mining Company, LLP is the coal owner and James T. Absher was the gas owner, under current law, CNX Gas Company LLC is the current owner of all Coalbed Methane.

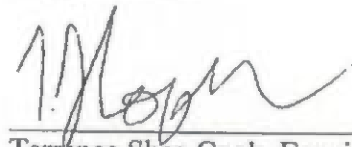
Nothing further remaining, it is hereby **ORDERED** that this case be stricken from the docket of this Court.

ENTER this **ORDER** this November 9, 2011.

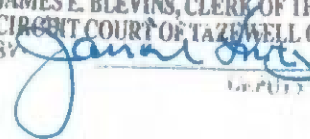


Judge

REQUESTED:




Terrence Shea Cook, Esquire, Counsel for
Plaintiffs

A COPY, TESTE
JAMES E. BLEVINS, CLERK OF THIS
CIRCUIT COURT OF TAZEWELL COUNTY
BY 
CLERK

SEEN WITHOUT OBJECTION:



David Grant Altizer, Counsel for CNX
Gas Company LLC



George Williams, Managing Partner for
Coal Mountain Mining Company LLP

VIRGINIA: IN THE CIRCUIT COURT OF TAZEWELL COUNTY

JERRY THOMAS ABSHER, ET AL., -----PLAINTIFFS

VS.

CASE NO.: CL11000906

CNX GAS COMPANY LLC

and

COAL MOUNTAIN MINING COMPANY, LLP, -----DEFENDANTS

AGREED ORDER

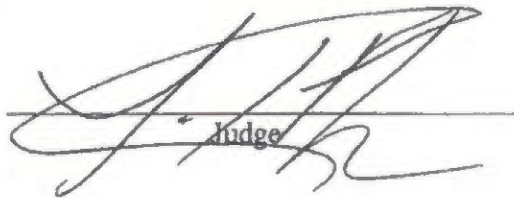
This day came the Plaintiffs and the Defendant, CNX Gas Company LLC, by counsel, and the Defendant, Coal Mountain Mining Company, LLP, in person, and represented unto the Court that all matters in this case were resolved. Upon representation of the parties, the Court hereby finds the following:

1. The proper parties are before the Court.
2. Under current law, Coal Mountain Mining Company, LLP is the owner of coal only as to Tracts 1f and 1g in Unit EE37; Tracts 2b, 2p, and 2q in Unit EE38; and Tract 2b in Unit EE39. James T. Absher and his estate were the owners of the Coalbed Methane as to said tracts until March 13, 2007 when the same was conveyed to the Defendant, CNX Gas Company LLC. Since that date, the Defendant, CNX Gas Company LLC, is the owner of the Coalbed Methane in said tracts.
3. The Plaintiffs and the Defendant, CNX Gas Company LLC have entered into an Agreement for the division of the escrow funds attributed to production through March 13, 2007 as to the above tracts. The Defendant, CNX Gas Company LLC, is entitled to all escrow amounts for said tracts from March 13, 2007 forward.

4. As to all areas where Coal Mountain Mining Company, LLP is the coal owner and James T. Absher was the gas owner, under current law, CNX Gas Company LLC is the current owner of all Coalbed Methane.

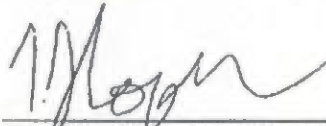
Nothing further remaining, it is hereby ORDERED that this case be stricken from the docket of this Court.

ENTER this ORDER this November 9, 2011.




Judge

REQUESTED:



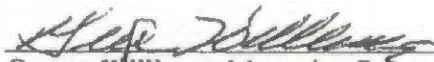
Terrence Shea Cook, Esquire, Counsel for
Plaintiffs

A COPY, TRUE
JAMES E. BLEVINS, CLERK OF THIS
CIRCUIT COURT OF TAZEWELL COUNTY
BY 
DEPUTY CLERK

SEEN WITHOUT OBJECTION:



David Grant Altizer, Counsel for CNX
Gas Company LLC



George Williams, Managing Partner for
Coal Mountain Mining Company LLP

Exhibit A-1
Tract-by-Tract Escrow Calculation
Account Balances as of 5/30/2007

Unit EE37
 VGOB 03-1021-1205-02
 Acres Escrowed: 34.46000

Owners	Tract #	Acres	Fractional Interest	Owner Acres	Total Tract Percent of Escrow	Total Owners' Percent of Escrow (70%)	Total Owners' Percent of Escrow (30%)	Amount Due Owners
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	1f	6.96			20.1973%	14.1381%		
Estate of James T. Absher - O, G & CBM (Sold to CNX Gas 3/13/07)			1/9	0.7733		1.5709%		\$1,258.67 * Pay exact amount
Jerry Thomas Absher			1/9	0.7733		1.5709%		\$1,258.67 * Pay exact amount
Travis Benton Absher			1/9	0.7733		1.5709%		\$1,258.67 * Pay exact amount
Joel Lewis Absher			1/9	0.7733		1.5709%		\$1,258.67 * Pay exact amount
Charles Wayne Absher			1/9	0.7733		1.5709%		\$1,258.67 * Pay exact amount
Coy Allen Absher			1/9	0.7733		1.5709%		\$1,258.67 * Pay exact amount
Larry Gale Absher			1/9	0.7733		1.5709%		\$1,258.67 * Pay exact amount
Karen Lynn Johnson			1/9	0.7733		1.5709%		\$1,258.67 * Pay exact amount
Lewis Yuvon Osborne			1/9	0.7733		1.5709%		\$1,258.67 * Pay exact amount
Linda Absher (widow of Thurman David Absher)			1/27	0.2578		0.5236%		\$419.56 * Pay exact amount
Tammy Voleeda Walker (Child of Thurman David Absher)			1/27	0.2578		0.5236%		\$419.56 * Pay exact amount
Janet Bliss Walker (Child of Thurman David Absher)			1/27	0.2578		0.5236%		\$419.56 * Pay exact amount
CNX Gas Company LLC - O, G, & CBM							6.0692%	\$4,854.86 * Pay exact amount
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	1g	6.05			17.5566%	12.2896%		
Estate of James T. Absher - O, G & CBM (Sold to CNX Gas 3/13/07)			1/9	0.6722		1.3655%		\$1,094.10 * Pay exact amount
Jerry Thomas Absher			1/9	0.6722		1.3655%		\$1,094.10 * Pay exact amount
Travis Benton Absher			1/9	0.6722		1.3655%		\$1,094.10 * Pay exact amount
Joel Lewis Absher			1/9	0.6722		1.3655%		\$1,094.10 * Pay exact amount
Charles Wayne Absher			1/9	0.6722		1.3655%		\$1,094.10 * Pay exact amount
Coy Allen Absher			1/9	0.6722		1.3655%		\$1,094.10 * Pay exact amount
Larry Gale Absher			1/9	0.6722		1.3655%		\$1,094.10 * Pay exact amount
Karen Lynn Johnson			1/9	0.6722		1.3655%		\$1,094.10 * Pay exact amount
Lewis Yuvon Osborne			1/9	0.6722		1.3655%		\$1,094.10 * Pay exact amount
Linda Absher (widow of Thurman David Absher)			1/27	0.2241		0.4552%		\$364.70 * Pay exact amount
Tammy Voleeda Walker (Child of Thurman David Absher)			1/27	0.2241		0.4552%		\$364.70 * Pay exact amount
Janet Bliss Walker (Child of Thurman David Absher)			1/27	0.2241		0.4552%		\$364.70 * Pay exact amount
CNX Gas Company LLC - O, G, & CBM							5.2670%	\$4,220.10 * Pay exact amount

Account Balances as of 1/31/2012 *
 Unit EE37
 VGOB 03-1021-1205-02
 Acres Escrowed: 15.24000

Owners	Tract #	Acres	Fractional Interest	Owner Acres	Total Tract Percent of Escrow	Total Owners' Percent of Escrow (100%)	Amount Due Owners
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	1f	6.96				45.6693%	\$27,714.73
CNX Gas Company LLC - O, G, & CBM							
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	1g	6.05				39.6982%	\$24,091.11
CNX Gas Company LLC - O, G, & CBM							

Wells contributing to the escrow account: EE37 and EE37A

* This figure is the result of the 1/31/12 balance of \$90,935.58 and subtracting the exact payout total of \$30,249.87

List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
<u>Tract #1A, 1.32 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.32 acres	1.6500%
<u>OIL & GAS OWNERSHIP</u>		
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317 <i>(Previously James M. McGlothlin, et ux)</i>	1.32 acres	1.6500%
<u>Tract #1H, 0.91 acres</u>		
<i>Escrow due to Unknown/Unlocatable</i>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.91 acres	1.1375%
<u>OIL & GAS OWNERSHIP</u>		
(1) Jeremiah Cordill Heirs, Devisees, Successors or Assigns <i>Heirs / Addresses Unknown</i>	0.91 acres	1.1375%
- OR -		
(1) Commonwealth of Virginia Dept. of Transportation 870 Bonham Rd. Bristol, VA 24201-2002	0.91 acres	1.1375%

List of Conflicting Owners/Claimants with Royalty Agreements and/or Court Decisions

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #1B, 2.73 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	2.73 acres	3.4125%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Harold D. and Letha J. McGlothlin 4495 Roadridge Turnpike Raven, VA 24639	2.73 acres	3.4125%	n/a
<u>Tract #1C, 10.29 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	10.29 acres	12.8625%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Larry Absher, et ux. P.O. Box 907 Raven, VA 24639	10.29 acres	12.8625%	n/a
Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11-461 The Corrected Final Order was executed June 13, 2011 and plaintiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.			
<u>Tract #1D, 5.43 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	5.43 acres	6.7875%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Joel Absher 4674 Road Ridge Turnpike Raven, VA 24639 (Previously Grady G. McGlothlin)	5.43 acres	6.7875%	n/a
Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11-461 The Corrected Final Order was executed June 13, 2011 and plaintiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.			
<u>Tract #1E, 3.50 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	3.50 acres	4.3750%	n/a

List of Conflicting Owners/Claimants with Royalty Agreements and/or Court Decisions

	Acres in Unit	Interest in Unit	Percent of Escrow
OIL & GAS OWNERSHIP			
(1) Jerry T. Absher, et ux. 4276 Roadridge Turnpike Raven, VA 24639	3.50 acres	4.3750%	n/a

Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11-461
The Corrected Final Order was executed June 13, 2011 and plaintiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.

Tract #1F, 6.96 acres

COAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	6.96 acres	8.7000%	n/a
--	------------	---------	-----

OIL & GAS OWNERSHIP

(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317 (Previously James T. Absher)	6.96 acres	8.7000%	38.6693%
---	------------	---------	----------

INSTRUMENT #130001106
RECORDED IN THE CLERK'S OFFICE OF
TAEWELL COUNTY ON
APRIL 1, 2013 AT 03:35PM
JAMES E. BLEVINS, CLERK
RECORDED BY: MLT

Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11000906
The Final Order was executed November 9, 2011 and plaintiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.

* There will be a one time payout of 70% of the escrow to the heirs of James T. Absher and 30% to CNX Gas Company LLC (CNX) for their propoortinate share up to March 2007 production. CNX purchased the property on 3/17/07 and will be paid at 100% from April 2007 production forward.

Tract #1G, 6.05 acres

COAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	6.05 acres	7.5625%	n/a
--	------------	---------	-----

OIL & GAS OWNERSHIP

(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317 (Previously James T. Absher)	6.05 acres	7.5625%	39.6982% *
---	------------	---------	------------

Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 11000906
The Final Order was executed November 9, 2011 and plaintiffs were awarded 100% of the Coalbed Methane Gas underlying this tract.

There will be a one time payout of 70% of the escrow to the heirs of James T. Absher and 30% to CNX Gas Company LLC (CNX) for their propoortinate share up to March 2007 production. CNX purchased the property on 3/17/07 and will be paid at 100% from April 2007 production forward.