

991
INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

#06-0000176
ORDER RECORDED UNDER CODE
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING

DOCKET NO. VGOB 05-0621-1473

ELECTION: UNIT C-43

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 hearing 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 requirements 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 June 21, 2005, and recorded at Deed Book 621, Page 656, in the Office of the Clerk of the Circuit Court, Buchanan County, on July 26, 2005 (herein "Board Order") and (2) 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 affidavit 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. Section 45.1-361.1 *et seq.*, Virginia Code, 1950 as amended.
2. Findings: The Board finds that:
 - (a) The Board Order directed GeoMet Operating Company, Inc. (herein the "Designated Operator"), to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by said Board Order;
 - (b) The Designated Operator filed its affidavit of mailing for elections dated August 8, 2005, 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 November 23, 2005, in accordance with Section 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.7C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interests, 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 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 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;
 - (e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia, PA 19109-1199, Attention: Rachel Rafferty, 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.
3. 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, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank, Corporate Trust, PA 1328, 123 South Broad Street, Philadelphia PA 19109-1199, Attn: Rachel Rafferty, 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 said affidavit to receive such funds and account to the Board therefor.

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 has been mailed, within seven (7) days from the date of receipt of this Order, to each Respondent whose interest or claim is 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 10th day of January, 2006
by a majority of the Virginia Gas and Oil Board.

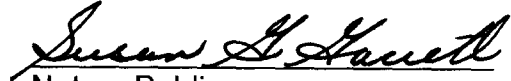

Chairman, Benny R. Wampler

DONE AND PERFORMED this 11th day of January, 2006
by the Order of this Board.


B. R. Wilson
Director to the Division
of Gas and Oil and
Principal Executive to the
Virginia Gas and Oil Board

STATE OF VIRGINIA·)
COUNTY OF Wise)

Acknowledged on this 10th day of January, 2006,
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 do so.


Notary Public

My commission expires: 7/31/06

STATE OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 11th day of January, 2005⁴,
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 Director to the Division of Gas and Oil and Principal Executive to the
Virginia Gas and Oil Board, that he executed the same and was
authorized to do so.


Diane J. Davis
Notary Public

My commission expires: 9-30-2009

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE: Application of GeoMet Operating Company, Inc. for Forced Pooling of Interests in CBM Unit Number C-43 VGOB Docket No. VGOB-05-0621-1473 in the Garden Magisterial District, Bradshaw Quadrangle of Buchanan County, Virginia.

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

Timothy E. Scott (herein Affiant), being duly sworn on oath, deposes and says:

1. That the Affiant is an attorney in the law firm of MCKINNIS & SCOTT, the Agent for the Designated Operator, with offices located at 135 W. Main Street, Suite 200, Kingsport, Tennessee 37660, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on July 21, 2005 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; 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;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all Respondents 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 July 26, 2005;
5. That the Designated Operator, by and through their agent, McKinnis & Scott, 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 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 Respondents delivered,

by mail or otherwise, written elections to the Unit Operator, within the thirty (30) day election period:

NONE

6. That the interest and/or claims of the following Respondents, listed on Exhibit E attached hereto, (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 as conflicting claimants to the coalbed methane gas; that opposite the name of each person named as a Respondent listed below is set forth;

<u>Tract</u>	<u>Lessor</u>	<u>Net Revenue Interest</u>	
<u>Coal Fee Ownership</u>			
1 LBR Holdings, LLC, et al. Tr. No. 2 (93.84% of Unit)	LBR Holdings, LLC	.01466250	RI
<u>Oil & Gas Fee Ownership</u>			
1 LBR Holdings, LLC, et al. Tr. No. 2 (93.84% of Unit)	Jason Poulos, single	.00244375	RI
	Gregory Poulos and Karen Poulos, H/W	.00244375	RI
	Pamela Poulos, single	.00244375	RI
	T. G. Rogers, III and Tracey Rogers, H/W	.00183281	RI
	Shaun Rogers and Nadine Davey Rogers, H/W	.00183281	RI
	Kevin Rogers and Katherine Rogers, H/W	.00183281	RI
	Derek Browning Rogers and Anne Rogers, H/W	.00183281	RI

7. That after the pooling hearing held in the captioned matter, the following Respondents have leased or entered into a voluntary agreement with the Designated Operator with regard to their interest and/or claims which are not subject to escrow:

NONE

8. That the following Respondents, listed on Exhibit B-3 attached hereto, 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:

<u>Tract</u>	<u>Name</u>		<u>Cash Consideration</u>
<u>Gas Estate Only</u>			
1 LBR Holdings, LLC, et al. Tr. No. 2	Jason Poulos, single	Deemed Leased	1.564 x \$20.00 = \$31.28
	Gregory Poulos and Karen Poulos, H/W	Deemed Leased	1.564 x \$20.00 = \$31.28
	Pamela Poulos, single	Deemed Leased	1.564 x \$20.00 = \$31.28
	T. G. Rogers, III and Tracey Rogers, H/W	Deemed Leased	1.173 x \$20.00 = \$23.46
	Shaun Rogers and Nadine Davey Rogers, H/W	Deemed Leased	1.173 x \$20.00 = \$23.46
	Kevin Rogers and Katherine Rogers, H/W	Deemed Leased	1.173 x \$20.00 = \$23.46
	Derek Browning Rogers and Anne Rogers, H/W	Deemed Leased	1.173 x \$20.00 = \$23.46
2 Pocahontas Mining Co. Tr. No. 69	CNX Gas Company, LLC Coalbed Methane Gas Lessee for Pocahontas Mining Limited Liability Company, Lessor	Deemed Leased	4.928 x \$20.00 = \$98.56

<u>Tract</u>	<u>Name</u>	<u>Cash Consideration</u>
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Coal Estate Only

CNX Gas Company, LLC	Deemed	4.928 x \$20.00 = \$98.56
Coalbed Methane Gas	Leased	
Lessee for		
Pocahontas Mining Limited		
Liability Company, Lessor		

9. That to the extent any of said persons listed on Exhibit B-2 have rights, interests and claims which are subject to escrow, they should be dismissed as Respondents; the Designated Operator requests that the following persons be dismissed as Respondents:

NONE

10. That the Respondents identified in Exhibit EE, have entered into royalty split agreements that allow the Applicant/Designated Operator to pay them directly without the need to escrow funds which would otherwise be in conflict:

NONE

That pursuant to the provisions of 4VAC 25-160-70.A.10 and C. and 4VAC 25-160-80 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 the interests and claims that require escrow of funds and that the services of the Escrow Agent are required in this matter pursuant to the terms of §§ 45.1-361.21.D and 45.1-361.22.A.3 and 4.

Dated at Kingsport, Tennessee, this 23rd day of November 2005.

Timothy E. Scott
Affiant

Taken, subscribed and sworn to before me by Timothy E. Scott, the Agent for GeoMet Operating Company, Inc., a corporation, on behalf of the corporation, this 23rd day of November 2005.

Cindy K. Childress
Notary Public

My commission expires: 8/28/07

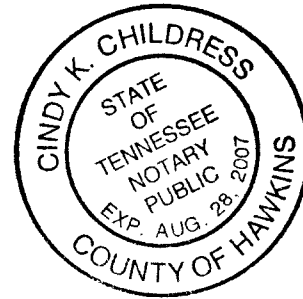


EXHIBIT B-3
ROGERS 197-CBM UNIT C-43
DOCKET NO. VGOB-05-0621-1473
PARTIES WHO HAVE NOT REACHED AGREEMENT WITH OPERATOR

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Gas Estate Only</u>				
<u>Tract 1</u> LBR Holdings, LLC et al. Tr. No. 2	Jason Poulos, single 10870 SW 95th Street Miami, FL 33176	Deemed Leased	1.955000%	1.564
	Gregory Poulos and Karen Poulos, H/W 48 Azalee Avenue Inglis, FL 34449	Deemed Leased	1.955000%	1.564
	Pamela Poulos, single 1444 Mendavia Avenue Coral Gables, FL 33146	Deemed Leased	1.955000%	1.564
	T.G. Rogers, III and Tracey Rogers, H/W 14229 Ballantyne Country Club Drive Charlotte, NC 28277	Deemed Leased	1.466250%	1.173
	Shaun Rogers and Nadine Davey Rogers, H/W c/o Talmage Rogers 3975 20 th , Suite J Vero Beach, FL 32960 (Updated Address)	Deemed Leased	1.466250%	1.173
	Kevin Rogers and Katherine Rogers, H/W 139 Wickham Road Garden City, NY 11530	Deemed Leased	1.466250%	1.173
	Derek Browning Rogers and Anne Rogers, H/W 2300 Carmel Road Charlotte, NC 28226 (Updated Address)	Deemed Leased	1.466250%	1.173
Subtotal:			11.730000%	9.384

EXHIBIT B-3
ROGERS 197-CBM UNIT C-43
DOCKET NO. VGOB-05-0621-1473
PARTIES WHO HAVE NOT REACHED AGREEMENT WITH OPERATOR

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Tract 2</u> Pocahontas Mining Co. Tr. No. 69	CNX Gas Company LLC Coalbed Methane Gas Lessee P.O. Box 947 Bluefield, VA 24605 (for: Pocahontas Mining Limited Liability Company, Lessor P.O. Box 1339 Bluefield, WV 24701)	Deemed Leased	6.160000%	4.928
		Subtotal:	<u>6.160000%</u>	<u>4.928</u>
	Percentage of Unit Deemed Leased—Gas Estate		17.890000%	
	Acreage in Unit Deemed Leased—Gas Estate			14.312

EXHIBIT B-3
ROGERS 197-CBM UNIT C-43
DOCKET NO. VGOB-05-0621-1473
PARTIES WHO HAVE NOT REACHED AGREEMENT WITH OPERATOR

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>
<u>Coal Estate Only</u>				
<u>Tract 2</u> Pocahontas Mining Co. Tr. No. 69	CNX Gas Company LLC Coalbed Methane Gas Lessee P.O. Box 947 Bluefield, VA 24605 (for: Pocahontas Mining Limited Liability Company, Lessor P.O. Box 1339 Bluefield, WV 24701)	Deemed Leased	6.160000%	4.928
		Subtotal:	<u>6.160000%</u>	<u>4.928</u>
	Percentage of Unit Deemed Leased-Coal Estate		6.160000%	
	Acreage in Unit Deemed Leased-Coal Estate			4.928

EXHIBIT E
ROGERS 197-CBM UNIT C-43
DOCKET NO. VGOB-05-0621-1473
LIST OF CONFLICTING OWNERS/CLAIMANTS THAT REQUIRE ESCROW

	PERCENTAGE OWNERSHIP OF TRACT IN DISPUTE	PERCENTAGE OWNERSHIP OF UNIT IN DISPUTE
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Tract 1 (93.84% of unit)

**LBR
Holdings,
LLC et al.
Tr. No. 2**

**12-1/2% OF THE COALBED METHANE INTEREST,
THE OWNERSHIP OF WHICH IS IN DISPUTE BETWEEN
THE FOLLOWING COAL OWNER AND OIL AND GAS OWNERS:**

COAL FEE OWNERSHIP

(1)	LBR Holdings, LLC Fon Rogers, II, Manager P. O. Box 22427 Lexington, KY 40522-2427	12.500000%	11.730000%
	Total—Coal	<u>12.500000%</u>	<u>11.730000%</u>

OIL & GAS FEE OWNERSHIP

(1)	Jason Poulos, single 10870 SW 95th Street Miami, FL 33176	2.083334%	1.955000%
(2)	Gregory Poulos and Karen Poulos, H/W 48 Azalee Avenue Inglis, FL 34449	2.083333%	1.955000%
(3)	Pamela Poulos, single 1444 Mendavia Avenue Coral Gables, FL 33146	2.083333%	1.955000%
(4)	T.G. Rogers, III and Tracey Rogers, H/W 14229 Ballantyne Country Club Drive Charlotte, NC 28277	1.562500%	1.466250%

EXHIBIT E
ROGERS 197-CBM UNIT C-43
DOCKET NO. VGOB-05-0621-1473
LIST OF CONFLICTING OWNERS/CLAIMANTS THAT REQUIRE ESCROW

		PERCENTAGE OWNERSHIP OF TRACT IN DISPUTE	PERCENTAGE OWNERSHIP OF UNIT IN DISPUTE
(5)	Shaun Rogers and Nadine Davey Rogers, H/W c/o Talmage Rogers 3975 20 th , Suite J Vero Beach, FL 32960 (Updated Address)	1.562500%	1.466250%
(6)	Kevin Rogers and Katherine Rogers, H/W 139 Wickham Road Garden City, NY 11530	1.562500%	1.466250%
(7)	Derek Browning Rogers and Anne Rogers, H/W 2300 Carmel Road Charlotte, NC 28226 (Updated Address)	1.562500%	1.466250%
	Total—Gas	<u>12.500000%</u>	<u>11.730000%</u>

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is together with the certificate of acknowledgment annexed, admitted to record this 18th day of January, 20 06 2:19 P. M.
 Deed Book No. — and Page No. —.
 Returned to: Donna TESTE: James M. Bevens, Jr. Clerk
Shirley S. Siler Deputy Clerk

ENTERED

INSTRUMENT #060000176
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
JANUARY 12, 2006 AT 02:19PM
JAMES M. BEVINS, CLERK
RECORDED BY: AKT

BV

#29

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