

200804851

000050 DEC-38

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE
OF VIRGINIA SECTION 45.1-361.26

1291

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING DOCKET NO. VGOB 07/07/17-1974

ELECTIONS, UNIT: VC-537190

(hereinafter "Subject Drilling Unit").

REPORT OF BOARD

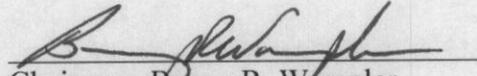
FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its 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 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 October 18, 2007 and recorded in Book with Instrument #200704473 in the Office of the Clerk of Circuit Court, Wise County, Virginia on October 29, 2007, (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interest 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 interest, if any, were pooled by said Board Order;
 - (b) The designated operator filed its affidavit of mailing dated November 26, 2007, disclosing that it had mailed a correct copy of the Board's Order to all Respondents whose interest, if any, were pooled by said Board Order;
 - (c) The Board Order required each Respondent whose interest, 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

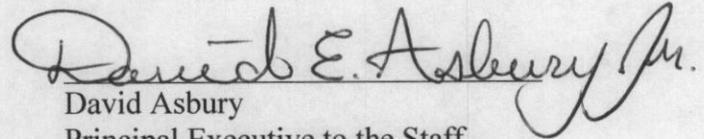
Designated Operator has filed its affidavit dated September 26, 2008, in accordance with § 7.C of the Virginia Gas and Oil Board Regulations and 4 VAC 25-160.70C (herein "Affidavit of Election"), wherein it has, for each Respondent whose interest, if any, were pooled by said Board Order, stated: (i) 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 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, Wachovia Bank, N. A., VA7515, P.O. Box 14061, Roanoke, VA 24038, (540) 563-7764, Attn: Judy Barger, 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 at paragraph 2 above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Wachovia Bank N. A., VA7515, P.O. Box 14061, Roanoke, VA 24038, (540) 563-7764, Attn: Judy Barger, 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 affidavits to receive such 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 person 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 30th day of October, 2008 by a majority of the Virginia Gas and Oil Board.

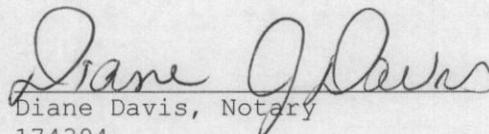

Chairman, Benny R. Wampler

DONE AND PERFORMED THIS 30th day of October, 2008 by Order of this Board.


David Asbury
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 30th day of October, 2008, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and David Asbury, 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.


Diane Davis, Notary
174394

My commission expires: September 30, 2009



VIRGINIA:***BEFORE THE VIRGINIA GAS AND OIL BOARD***

IN RE: Application of Equitable Production Company, for Forced Pooling of Interests in Unit Number VC-537190 VGOB Docket No. VGOB-07/07/17-1974 in the Lipps Magisterial District of Wise 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 August 21, 2007, 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 August 22, 2007.
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:

NONE

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 as either unknown claimants or conflicting claimants 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>LEASE STATUS</u>	<u>NET REVENUE INTEREST</u>
3	Cranes Nest Bible Church 12039 Floyd Rd. Coeburn, VA 24230	Unleased	0.00045000
OR			
3	Pine Mountain Oil & Gas, Inc. ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	Leased 241490/ T-890	0.00045000
4	Samuel R. and Karen Blevins, h/w 5925 Carroll Rd. Coeburn, VA 24230	Unleased	0.00087500
OR			
4	Pine Mountain Oil & Gas, Inc. ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	Leased 241490/ T-890	0.00087500

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.

NONE

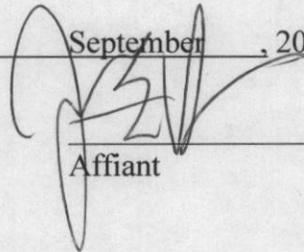
8. That the following persons have not made a timely election and have failed to enter into an agreement with the Designated Operator and their respective interests shall be deemed to have leased pursuant to and in accordance with paragraph 10 of the Order.

<u>Tract</u>	<u>Lessor</u>	<u>Cash Consideration</u>
3	Cranes Nest Bible Church 12039 Floyd Rd. Coeburn, VA 24230	0.2100 x \$5.00 = \$1.05

<u>Tract</u>	<u>Lessor</u>	<u>Cash Consideration</u>
4	Samuel R. and Karen Blevins, h/w 5925 Carroll Rd. Coeburn, VA 24230	0.4100 x \$5.00 = \$2.05

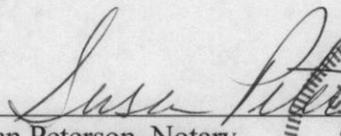
That pursuant to the provision of 4VAC 25-160.70C annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth that the services of the Escrow Agent are required in this matter pursuant to the terms of §§ 45.1-361.21.D.

Dated at Kingsport, Tennessee, this 26th day of September, 2008.

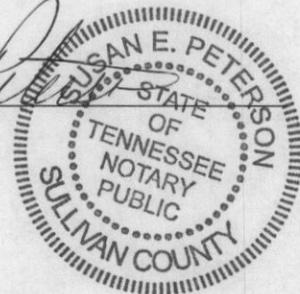


Affiant

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 26th day of September 2008.



Susan Peterson, Notary



My commission expires: November 12, 2008.

EXHIBIT "B"
VC-537190 *ny*
VGOB 07/07/17-1984

<u>TRACT</u>	<u>LESSOR</u>	<u>LEASE STATUS</u>	<u>INTEREST WITHIN UNIT</u>	<u>GROSS ACREAGE IN UNIT</u>	<u>NET REVENUE INTEREST</u>	
<u>Gas Estate Only</u>						
1	Pine Mountain Oil & Gas, Inc. ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	Leased 241490/ T-890	98.790000%	58.0600	0.12348750	RI
	Equitable Production				0.86441250	WI
Tract 1 Totals			98.790000%	58.0600	0.98790000	
2	ACIN, LLC ATTN: John Mooney P. O. Box 2827 Huntington, WV 25727	Leased 904576/WI-174	0.150000%	0.0900	0.00018750	RI
	Equitable Production				0.00131250	WI
Tract 2 Totals			0.150000%	0.0900	0.00150000	
3	Cranes Nest Bible Church 12039 Floyd Rd. Coeburn, VA 24230	Unleased	0.360000%	0.2100	0.00045000	RI
	Equitable Production				0.00315000	WI
Tract 3 Totals			0.360000%	0.2100	0.00360000	
4	Samuel R. and Karen Blevins, h/w 5925 Carroll Rd. Coeburn, VA 24230	Unleased	0.700000%	0.4100	0.00087500	RI
	Equitable Production				0.00612500	WI
Tract 4 Totals			0.700000%	0.4100	0.00700000	
TOTAL GAS ESTATE			100.000000%	58.7700	1.00000000	
<u>Coal Estate Only</u>						
1	Pine Mountain Oil & Gas, Inc. ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	Leased 241490/ T-890	98.790000%	58.0600	0.12348750	RI

Equitable Production				0.86441250	WI
Tract 1 Totals			98.790000%	58.0600	0.98790000
2	ACIN, LLC	Leased	0.150000%	0.0900	0.0018750
TAX ID 019156	ATTN: John Mooney P. O. Box 2827 Huntington, WV 25727	904576/WI-174			RI
Equitable Production				0.00131250	WI
Tract 2 Totals			0.150000%	0.0900	0.00150000
3	Pine Mountain Oil & Gas, Inc.	Leased	0.360000%	0.2100	0.00045000
TAX ID 038386	ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	241490/ T-890			RI
Equitable Production				0.00315000	WI
Tract 3 Totals			0.360000%	0.2100	0.00360000
4	Pine Mountain Oil & Gas, Inc.	Leased	0.700000%	0.4100	0.00087500
TAX ID 039028	ATTN: Jerry Grantham P.O. Box 2136 Abingdon, VA. 24212	241490/ T-890			RI
Equitable Production				0.00612500	WI
Tract 4 Totals			0.700000%	0.4100	0.00700000
TOTAL COAL ESTATE			100.000000%	58.7700	1.00000000

INSTRUMENT #200804851
RECORDED IN THE CLERK'S OFFICE OF
WISE COUNTY ON
DECEMBER 3, 2008 AT 03:25PM

J. JACK KENNEDY, JR., CLERK
RECORDED BY: ADH

Adrian D. H. Kennedy

Instrument Control Number

[Empty box for Instrument Control Number]

000047 DEC-38

Commonwealth of Virginia
Land Record Instruments
Cover Sheet - Form A

INSTRUMENT #200804851
RECORDED IN THE CLERK'S OFFICE OF
WISE COUNTY ON
DECEMBER 3, 2008 AT 03:25PM

J. JACK KENNEDY, JR., CLERK
RECORDED BY: ADH

[Handwritten Signature]

[ILS VLR Cover Sheet Agent 1.0.93]

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Date of Instrument: [12/3/2008]

Instrument Type: [ORDER]

Number of Parcels [4]

Number of Pages [8]

City County [Wise County] (Box for Deed Stamp Only)

First and Second Grantors

Last Name	First Name	Middle Name or Initial	Suffix
[Virginia Gas and Oil Bo]	[]	[]	[]
[]	[]	[]	[]

First and Second Grantees

Last Name	First Name	Middle Name or Initial	Suffix
[Range Resources-Pine]	[]	[]	[]
[ACIN]	[]	[]	[]

Grantee Address (Name) [Equitable Production]
(Address 1) [PO Box 23536]
(Address 2) []
(City, State, Zip) [Pittsburgh] [PA] [15222]

Consideration [0.00] Existing Debt [0.00] Assumption Balance [0.00]

Prior Instr. Recorded at: City County [Wise County] Percent. in this Juris. [100]
Book [] Page [] Instr. No []

Parcel Identification No (PIN) []

Tax Map Num. (if different than PIN) [038386]

Short Property Description [Pooling Order]

Current Property Address (Address 1) []

(Address 2) []

(City, State, Zip) [] [] []

Instrument Prepared By [Virginia Gas and Oil Board]

Recording Paid for By [DMME]

Return Recording To (Name) [Diane Davis]

(Address 1) [P. O. Box 1416]

(Address 2) []

(City, State, Zip) [Abingdon] [VA] [24212]

Customer Case ID [0707171974] [] []



Instrument Control Number

[Empty box for Instrument Control Number]

000048 DEC-38

Commonwealth of Virginia Land Record Instruments Continuation Cover Sheet Form C

[ILS VLR Cover Sheet Agent 1.0.93]

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Date of Instrument: [12/3/2008]

Instrument Type: [ORDER]

Number of Parcels [4]

Number of Pages [8]

City County [Wise County] (Box for Deed Stamp Only)

Grantors/Grantees/Parcel Continuation Form C

Last Name	First Name	Middle Name or Initial	Suffix
<input type="checkbox"/> [Cranes Nest Bible Chu]	<input type="checkbox"/> []	<input type="checkbox"/> []	<input type="checkbox"/> []
<input type="checkbox"/> [Blevins]	<input checked="" type="checkbox"/> [Samuel]	<input type="checkbox"/> [R]	<input type="checkbox"/> []
<input type="checkbox"/> [Blevins]	<input checked="" type="checkbox"/> [Karen]	<input type="checkbox"/> []	<input type="checkbox"/> []
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Prior Instr. Recorded at: City County [Wise County] Percent. in this Juris. [100]
 Book [] Page [] Instr. No []
 Parcel Identification No (PIN) []
 Tax Map Num. (if different than PIN) [019156]
 Short Property Description [Pooling Order]
 Current Property Address (Address 1) []
 (Address 2) []
 (City, State, Zip) [] [] []

Prior Instr. Recorded at: City County [Wise County] Percent. in this Juris. [100]
 Book [] Page [] Instr. No []
 Parcel Identification No (PIN) []
 Tax Map Num. (if different than PIN) [019550]
 Short Property Description [Pooling Order]
 Current Property Address (Address 1) []
 (Address 2) []
 (City, State, Zip) [] [] []



Instrument Control Number

[Empty box for Instrument Control Number]

000049 DEC-38

Commonwealth of Virginia
Land Record Instruments
Continuation Cover Sheet
Form C

[ILS VLR Cover Sheet Agent 1.0.93]

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Date of Instrument: [12/3/2008]

Instrument Type: [ORDER]

Number of Parcels [4]

Number of Pages [8]

City County [Wise County] (Box for Deed Stamp Only)

Grantors/Grantees/Parcel Continuation Form C

Last Name	First Name	Middle Name or Initial	Suffix
[]	[]	[]	[]
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[]	[]	[]	[]
[]	[]	[]	[]
[]	[]	[]	[]
[]	[]	[]	[]
[]	[]	[]	[]

Prior Instr. Recorded at: City County [Wise County] Percent. in this Juris. [100]
 Book [] Page [] Instr. No []
 Parcel Identification No (PIN) []
 Tax Map Num. (if different than PIN) [039028]
 Short Property Description [Pooling Order]
 Current Property Address (Address 1) []
 (Address 2) []
 (City, State, Zip) [] [] []

Prior Instr. Recorded at: City County [] Percent. in this Juris. []
 Book [] Page [] Instr. No []
 Parcel Identification No (PIN) []
 Tax Map Num. (if different than PIN) []
 Short Property Description []
 Current Property Address (Address 1) []
 (Address 2) []
 (City, State, Zip) [] [] []

