

1429

BK 1075PG0046

INSTRUMENT PREPARED BY VIRGINIA GAS AND OIL BOARD. ORDER RECORDED UNDER CODE OF VIRGINIA SECTION 45.1-361.26

1658

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB 07-1016-2042

ELECTIONS: UNIT AW-132 (herein Subject Drilling Unit)

Tax map identification numbers for this unit are found on Exhibit --A--

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 January 31, 2008 which was recorded at Deed Book 1021, Page 424 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on February 8, 2008, (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 AW-132;

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 PO Box 3860 Kingsport, TN 37664, Attn: Debbie Davis 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.

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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.

DONE AND EXECUTED this 4 day of March, 2010, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 4 day of March, 2010, by Order of the Board.

David E. Asbury, Jr.
David E. Asbury, Jr.,
Principal Executive to the Staff of the Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 4th day of March, 2010, 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 Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury Jr., 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 were authorized to do so.

Diane J. Davis
Diane J. Davis, Notary
174394

My commission expires: September 30, 2013



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VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM Unit AW-132
VGOB 07-1016-2042 in the Maiden Springs District of Tazewell 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 Gas Company LLC, 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 January 31, 2008, 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 Abingdon, 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 February 8, 2008;

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:

None

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 January 31, 2008;

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:

See attached Exhibit E

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:

See attached Exhibit B-2

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:

Claude Jackson, Ruth Lewey Campagna, Neil Boyd, Christine Brown, Peggy Reese, Wanda Martin, Pamela Short, et vir.

That the persons identified in Exhibit EE attached hereto 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.

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 Bluefield, West Virginia, this 22nd day of January, 2010.

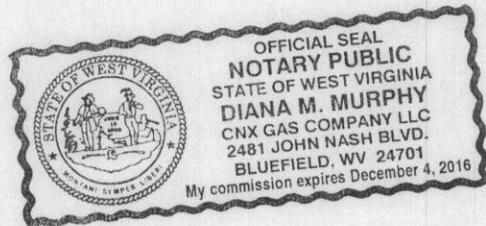
Anita D. Duty
Anita D. Duty

STATE OF WEST VIRGINIA
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 22nd day of January, 2010.

Diana M. Murphy
Notary

My commission expires: December 4 2016



PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

1075P60050

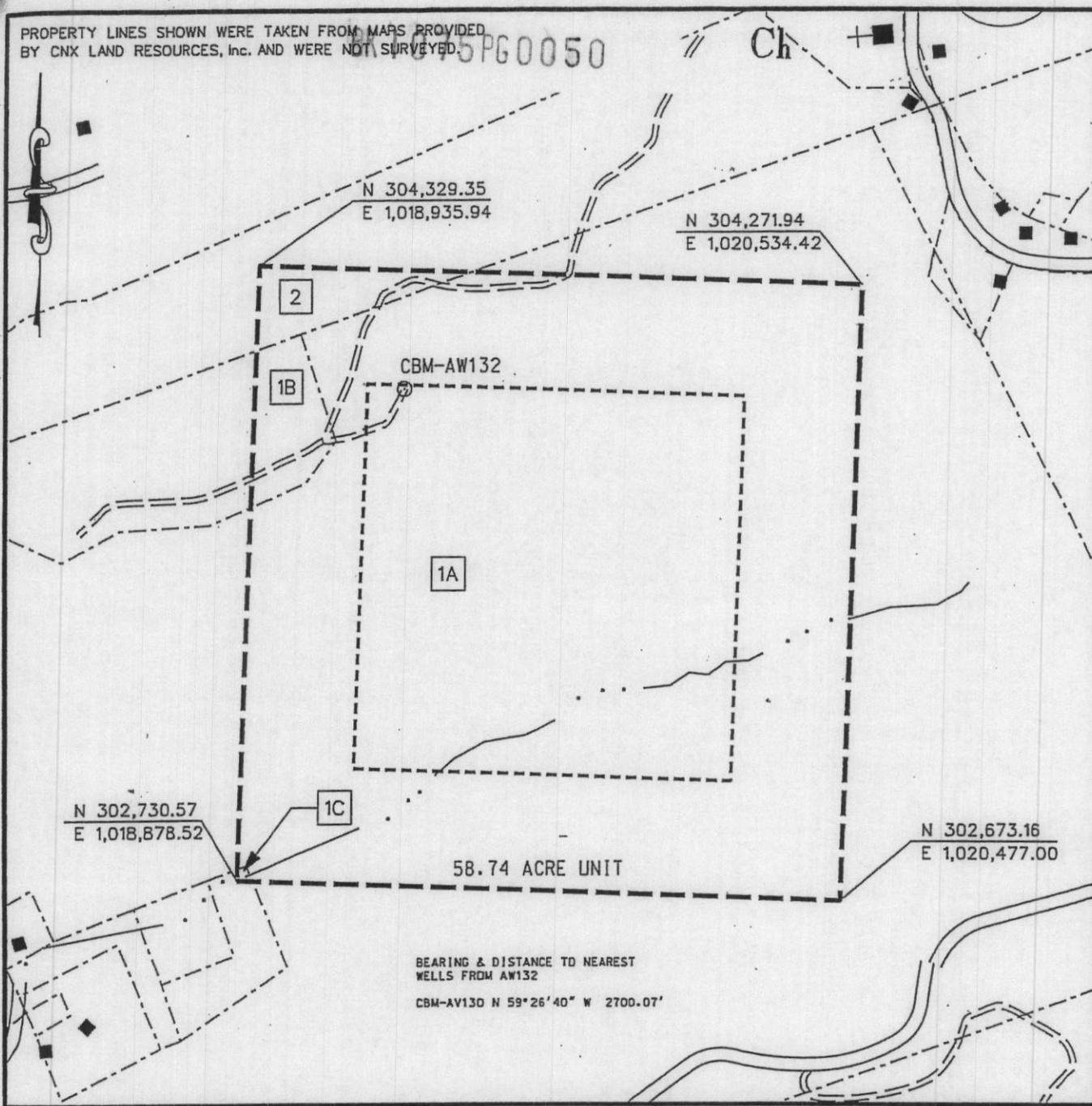
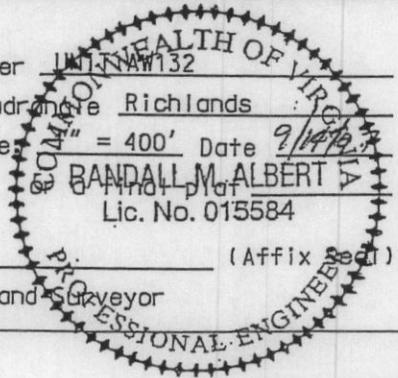


EXHIBIT A
MIDDLE RIDGE FIELD
UNIT AW-132
FORCE POOLING
VGOB-07-1016-2042

Company CNX Gas Company LLC Well Name and Number UNIT AW132
 Tract No. _____ Elevation _____ Quadrangle Richlands
 County Tazewell District Maiden Springs Scale " = 400' Date 9/14/19
 This plat is a new plat X ; an updated plat _____ ; of a final plat _____

Randall M. Albert



Form DGO-GO-7
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

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CNX Gas Company LLC

Unit AW 132

Tract Identifications

(58.74 Acre Unit)

- 1A. Coal Creek Coal Company Tr. 2 (237 Acre Tract) – Coal Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Coal In Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Robin Hodges – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 85 Parcel 6)
55.67 acres 94.7736%
- 1B. Coal Creek Coal Company Tr. 2 (237 Acre Tract) – Coal Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Coal In Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Robin Hodges – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 85 Parcel 6)
1.60 acres 2.7239%
- 1C. Coal Creek Coal Company Tr. 2 (237 Acre Tract) – Coal Reserve Coal Properties Company – All Coal Leased
Knox Creek Coal Company – Coal In Tiller Seam Sublessee
CNX Gas Company LLC – CBM Leased
Billy Jackson, et al – Surface and All Minerals except Coal
(Tax Map 84A Parcel 125)
0.03 acres 0.0511%
2. Commonwealth Coal Corporation Tr. 10 (200 Acre Tract) - Coal Reserve Coal Properties Company - Below Drainage Coal Leased
Knox Creek Coal Corporation – Coal In Tiller and Above Leased
CNX Gas Company LLC – CBM Leased
Robin L. Hodges – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased
(Tax Map 84A Parcel 122A)
1.44 acres 2.4515%

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Exhibit B-2
 Unit AW-132
 Docket #VGOB 07-1016-2042
 List of Respondents to be Added and/or Dismissed
 (58.74 Acre Unit)

	Acres in Unit	Interest in Unit	Reason for Dismissal	Reason for Addition
II. OIL & GAS OWNERSHIP				
<u>Tract #1C, 0.03 acres</u>				
(1) Billy Jackson, et al	0.03 acres	0.0511%		
(b) Elizabeth Jackson c/o Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.0150 acres 1/2 of 0.03 acres	0.0255%		Due Diligence
(c) Claude Jackson P.O. Box 634 Raven, VA 24639	0.0038 acres 1/8 of 0.03 acres	0.0064%	Not an owner	
(d) Ruth Lewey Campagna 3795 Glan Laurel Ct. Cumming, GA 30040	0.0038 acres 1/8 of 0.03 acres	0.0064%	Not an owner	
(e) Neil Boyd 3911 Pepper Bush Rd. Greensboro, NC 27405	0.0038 acres 1/8 of 0.03 acres	0.0064%	Not an owner	
(f) Christine Brown 3007 Shamrock Dr. Greensboro, NC 27408	0.0038 acres 1/8 of 0.03 acres	0.0064%	Not an owner	
(g) Peggy Reese 322 Knox Rd. Gibsonville, NC 27249	0.0038 acres 1/8 of 0.03 acres	0.0064%	Not an owner	
(h) Wanda Martin 7084 Shiloh Rd. Liberty, NC 27298	0.0038 acres 1/8 of 0.03 acres	0.0064%	Not an owner	

Exhibit B-3
Unit AW-132
Docket #VGOB 07-1016-2042
List of Unleased Owners/Claimants
(58.74 Acre Unit)

PK 1075PG0053

	Acres in Unit	Interest in Unit
II. <u>OIL & GAS OWNERSHIP</u>		
<u>Tract #1C, 0.03 acres</u>		
(1) Billy Jackson, et al	0.03 acres	0.0511%
(a) Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.0150 acres 1/2 of 0.03 acres	0.0255%
(b) Elizabeth Jackson c/o Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.0150 acres 1/2 of 0.03 acres	0.0255%

Exhibit E
Unit AW-132
Docket #VGOB 07-1016-2042
List of Conflicting Owners/Claimants that require escrow
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
<u>Tract #1C, 0.03 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Creek Coal Company, Tr.2 P.O. Box 323 Tazewell, VA 24651	0.03 acres	0.0511%
<u>OIL & GAS OWNERSHIP</u>		
(1) Billy Jackson, et al	0.03 acres	0.0511%
(a) Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.0150 acres 1/2 of 0.03 acres	0.0255%
(b) Elizabeth Jackson c/o Billy Jackson 116 Franklin Ave. Richlands, VA 24641	0.0150 acres 1/2 of 0.03 acres	0.0255%
<u>Tract #2, 1.44 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Commonwealth Coal Corporation Tr.10 PO Box 1269 Bristol, VA 24203	1.44 acres	2.4515%
<u>OIL & GAS OWNERSHIP</u>		
(1) Robin Hodges PO Box 1480 Bassett, VA 24055-4999	1.44 acres	2.4515%

Exhibit EE
Unit AW-132
Docket #VGOB 07-1016-2042
List of Conflicting Owners/Claimants with Royalty Split Agreements
(58.74 Acre Unit)

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	Acres in Unit	Interest in Unit
<u>Tract #1, 55.67 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Creek Coal Company, Tr.2 * P.O. Box 323 Tazewell, VA 24651	55.67 acres	94.7736%
<u>OIL & GAS OWNERSHIP</u>		
(1) Robin Hodges * PO Box 1480 Bassett, VA 24055-4999	55.67 acres	94.7736%
<u>Tract #1B, 1.60 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Creek Coal Company, Tr.2 * P.O. Box 323 Tazewell, VA 24651	1.60 acres	2.7239%
<u>OIL & GAS OWNERSHIP</u>		
(1) Robin Hodges * PO Box 1480 Bassett, VA 24055-4999	1.6 acres	2.7239%

* The Royalty Division Agreement varies per tract.

INSTRUMENT #100001658
RECORDED IN THE CLERK'S OFFICE OF
TAZEVELL COUNTY ON
MAY 19, 2010 AT 04:18PM
ANGELA O. RAY
JAMES E. BLEVINS, CLERK
RECORDED BY: ADR



OFFICIAL RECEIPT
TAZEWELL COUNTY CIRCUIT COURT
101 EAST MAIN STREET
TAZEWELL, VA 24651
276.988.1222

DEED RECEIPT

DATE: 05/19/10 TIME: 16:18:37 ACCOUNT: 185CLR100001658 RECEIPT: 10000007396
CASHIER: ADR REG: TC15 TYPE: ODU PAYMENT: FULL PAYMENT
INSTRUMENT : 100001658 BOOK: 1075 PAGE: 46 RECORDED: 05/19/10 AT 16:18
GRANTOR: VIRGINIA GAS AND OIL BOARD EX: N LOC: CO
GRANTEE: CNX GAS COMPANY LLC EX: N PCT: 100%

AND ADDRESS :
RECEIVED OF : COMM OF VA

CHECK: \$20.00 45282964

DESCRIPTION 1: SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER PAGES: 10 O/P 0
2: VGOB 07-1016-2042 NAMES: 0

CONSIDERATION: .00 A/VAL: .00 MAP:
PIN:

301 DEEDS 20.00

TENDERED : 20.00
AMOUNT PAID: 20.00
CHANGE AMT : .00

CLERK OF COURT: JAMES E. BLEVINS

PAYOR'S COPY
RECEIPT COPY 1 OF 3