

0001812

120001583

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 08-0219-2128

ELECTIONS: UNIT L-73
(herein Subject Drilling Unit)

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 March 20, 2008 which was recorded at Document 080001197 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on March 27, 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 L-73;

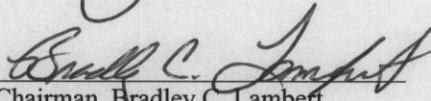
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Bank & Trust Company 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.

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.

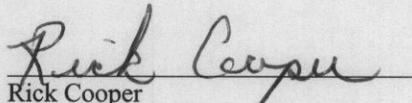
Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 6 day of June, 2012, by a majority of the Virginia Gas and Oil Board.

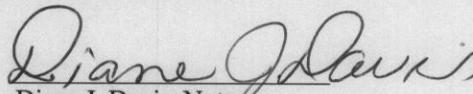

Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 6th day of June, 2012, by Order of the Board.

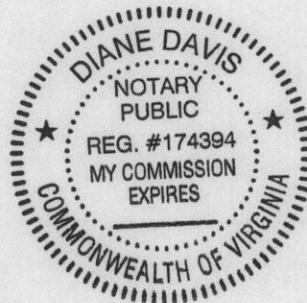

Rick Cooper
Principal Executive to the Staff of the Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 6th day of June, 2012, 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 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 were authorized to do so.


Diane J. Davis, Notary
174394

My commission expires: September 30, 2013



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 L-73
VGOB 08-0219-2128 in the Rock Lick 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 March 20, 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 March 27, 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:

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 March 20, 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:

Margaret Brock, Brenda Nelson, Danny Keith Clevinger, Teresa Lynn Chambers

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.

None

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 23rd day of May, 2012.

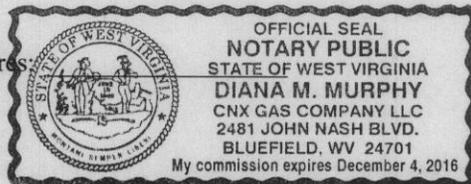
Anita D. Duty
Anita D. Duty

STATE OF WEST VIRGINIA
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land Resources Inc., on behalf of the corporate Designated Operator, this 23rd day of May, 2012.

Diana M. Murphy
Notary

My commission expires



PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX GAS COMPANY LLC. AND WERE NOT SURVEYED.

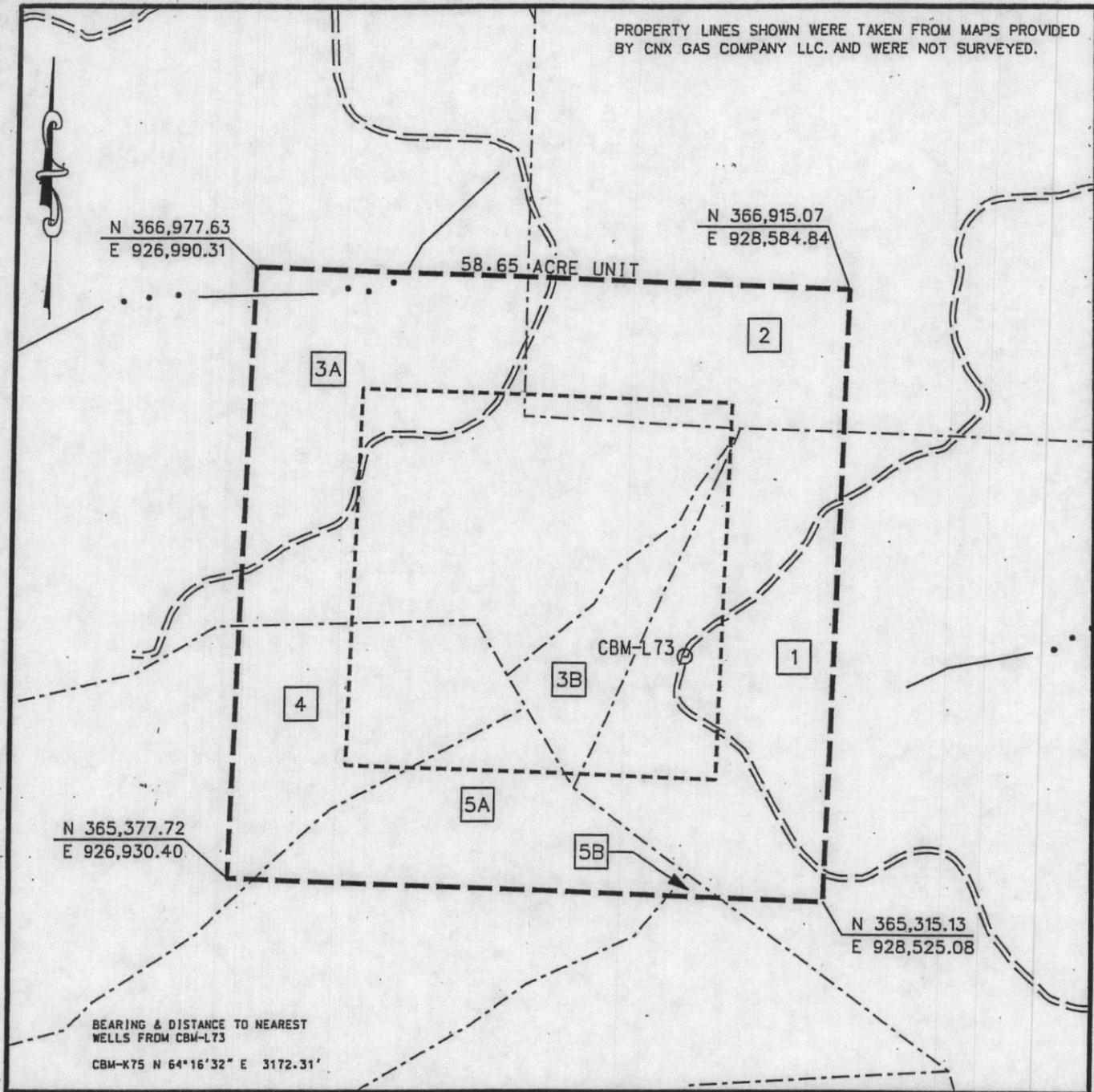


EXHIBIT A
NORA FIELD
UNIT L-73
FORCE POOLING
V.G.O.B. - CLAUDE D. MORGAN
Lic No 1095B

CLAUDE D. MORGAN
ENGINEER

Company CNX Gas Company LLC Well Name and Number UNIT L73
 Tract No. _____ Elevation _____ Quadrangle SS Harman
 County Buchanan District Rocklick Scale: 1" = 400' Date 1/11/08
 This plat is a new plat ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7 _____ (Affix Seal)
 Rev. 9/91
 Licensed Professional Engineer or Licensed Land Surveyor

CNX Gas Company LLC

Unit L 73

Tract Identifications

1. Bull Creek Coal Company (John E. Stiltner Tract 68 Acre Tract) – Coal, Oil and Gas
Rapoca Energy – Coal In Hagy and Above Seams Leased
Rapoca Energy – Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
Chesapeake Appalachia LLC – Oil and Gas Leased
CNX Gas Company LLC – CBM Leased
Barbara C. McCoy - Surface
13.41 Acres 22.8645%

2. Bull Creek Coal Company (Grant Davis 471.60 Acre Tract) – Fee
Rapoca Energy – Coal In Hagy and Above Seams Leased
Rapoca Energy – Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
Chesapeake Appalachia LLC – Oil and Gas Leased
CNX Gas Company LLC – CBM Leased
7.29 Acres 12.4297%

- 3A. Bull Creek Coal Company (Silas Clevinger 113.17 Acre Tract) – Coal
The Black Diamond Company – Coal Leased
Rapoca Energy – Coal In Hagy and Above Seams Leased
Rapoca Energy – Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
CNX Gas Company LLC – CBM Leased (Coal owner's claim)
Ira. Ralph Clevinger, et al – Surface and All Minerals except Coal
20.70 Acres 35.2941%

- 3B. Bull Creek Coal Company (Silas Clevinger 113.17 Acre Tract) – Coal
The Black Diamond Company – Coal Leased
Rapoca Energy – Coal In Hagy and Above Seams Leased
Rapoca Energy – Coal In Splashdam Seam Leased (Subleased from Penn Virginia
Resource Partners)
CNX Gas Company LLC – CBM Leased (Coal owner's claim)
Barbara Carol McCoy – Surface and All Minerals except Coal
Chesapeake Appalachia LLC - Oil & Gas Leased
2.91 Acres 4.9616%

4. Anna Belcher Trust, et al (52.00 Acre Tract) – Fee
Southern Kentucky Energy Co. – Clintwood and Splashdam Seams of Coal Leased
Chesapeake Appalachian, LLC – Oil and Gas Leased
CNX Gas Company LLC – CBM Leased
7.53 Acres 12.8389%

5. Melba Sexton, et al – All Minerals
Southern Kentucky Energy Co. – Clintwood and Splashdam Seams of Coal Leased
Chesapeake Appalachian, LLC – Oil and Gas Leased
CNX Gas Company LLC – CBM Leased
6.81 Acres 11.6113%

- 5A. Ronnie Belcher, et al - Surface
- 5B. Unknown Surface Owner

Exhibit B-2
Unit L-73
Docket #VGOB 08-0219-2128
List of Respondents to be Dismissed
(58.65 Acre Unit)

	Acres in Unit	Percent of Unit	Reason for Dismissal
II. OIL & GAS OWNERSHIP			
<u>Tract #3A - 20.70 acres</u>			
(1) Ira Ralph Clevinger, et al.	20.70 acres	35.2941%	
(c) Pud Clevinger Heirs, Devisees, Successors or Assigns			
(c.2) Margaret Brock 343 Weathington Road SW Rome, GA 30165	0.35 acres 1/60 of 20.70 acres	0.5882%	Leased
(c.4) Brenda Nelson 18 Wilfred Drive Ranger, WV 25557	0.35 acres 1/60 of 20.70 acres	0.5882%	Leased
(c.6) Danny Clevinger Heirs, Devisees, Successors or Assigns			
(c.6.1) Danny Keith Clevinger 211 Mountain Road Richlands, VA 24641	0.17 acres 1/120 of 20.70 acres	0.2941%	Leased
(c.6.2) Teresa Lynn Chambers 1827 9th Street Richlands, VA 24641	0.17 acres 1/120 of 20.70 acres	0.2941%	Leased

Exhibit B-3
Unit L-73
Docket #VGOB 08-0219-2128
List of Unleased Owners/Claimants
(58.65 Acre Unit)

	Acres in Unit	Percent of Unit
II. OIL & GAS OWNERSHIP		
<u>Tract #3A - 20.70 acres</u>		
(1) Ira Ralph Clevinger, et al.	20.70 acres	35.2941%
(a) Ira Ralph Clevinger Box 115 Maxie, VA 24628	16.56 acres 4/5 of 20.70 acres	28.2353%
(b) Louverna Clevinger Heirs, Devisees, Successors or Assigns		
(b.1) Kenneth Ferrell Clevinger Heirs, Devisees, Successors or Assigns		
(b.1.1.) Laura Clevinger PO Box 30 Maxie, VA 24628	2.07 acres 1/10 of 20.70 acres	3.5294%
(c) Pud Clevinger Heirs, Devisees, Successors or Assigns		
(c.5) Sherry Stanley Address Unknown	0.35 acres 1/60 of 20.70 acres	0.5882%
<u>Tract #3B - 2.91 acres</u>		
(1) Barbara Carol McCoy Rt. 2 Box 468A Grundy, VA 24614	2.91 acres	4.9616%

Exhibit E
Unit L-73
Docket #VGOB 08-0219-2128
List of Conflicting Owners/Claimants that require escrow
(58.65 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #3A - 20.70 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Bull Creek Coal Company P.O. Box 187 Tazewell, VA 24651	20.70 acres	35.2941%
<u>OIL & GAS OWNERSHIP</u>		
(1) Ira Ralph Clevinger, et al.	20.70 acres	35.2941%
(a) Ira Ralph Clevinger Box 115 Maxie, VA 24628	16.56 acres 4/5 of 20.70 acres	28.2353%
(b) Louverna Clevinger Heirs, Devisees, Successors or Assigns		
(b.1) Kenneth Ferrell Clevinger Heirs, Devisees, Successors or Assigns		
(b.1.1.) Laura Clevinger PO Box 30 Maxie, VA 24628	2.07 acres 1/10 of 20.70 acres	3.5294%
(c) Pud Clevinger Heirs, Devisees, Successors or Assigns		
(c.1) Jeffery Clevinger 264 Essex Drive Bluff City, TN 37618	0.35 acres 1/60 of 20.70 acres	0.5882%
(c.2) Margaret Brock 343 Weathington Road SW Rome, GA 30165	0.35 acres 1/60 of 20.70 acres	0.5882%
(c.3) Randall Clevinger P.O. Box 96 Turtle Creek, WV 25203	0.35 acres 1/60 of 20.70 acres	0.5882%
(c.4) Brenda Nelson 18 Wilfred Drive Ranger, WV 25557	0.35 acres 1/60 of 20.70 acres	0.5882%
(c.5) Sherry Stanley Address Unknown	0.35 acres 1/60 of 20.70 acres	0.5882%
(c.6) Danny Clevinger Heirs, Devisees, Successors or Assigns		
(c.6.1) Danny Keith Clevinger 211 Mountain Road Richlands, VA 24641	0.17 acres 1/120 of 20.70 acres	0.2941%
(c.6.2) Teresa Lynn Chambers 1827 9th Street Richlands, VA 24641	0.17 acres 1/120 of 20.70 acres	0.2941%

INSTRUMENT #120001583
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
AUGUST 7, 2012 AT 11:38AM
BEVERLY S. TILLER, CLERK
RECORDED BY: SLB

Tract #3B - 2.91 acres

COAL OWNERSHIP

(1) Bull Creek Coal Company P.O. Box 187 Tazewell, VA 24651	2.91 acres	4.9616%
---	------------	---------

OIL & GAS OWNERSHIP

(1) Barbara Carol McCoy Rt.2 Box 468A Grundy, VA 24614	2.91 acres	4.9616%
--	------------	---------