

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER - VACATE ORDER  
VGOB 09-0915-2599

ELECTIONS: UNIT BB-90  
(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 November 4, 2009 which was recorded at Document 090003751 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on December 4, 2009, (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 BB-90;

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 8 day of Sept, 2011, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert  
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 8<sup>th</sup> day of September, 2011, by Order of the Board.

Rick Cooper  
Rick Cooper  
(Acting) Principal Executive to the Staff, Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 8<sup>th</sup> day of September, 2011, 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 Acting Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane Davis  
Diane Davis, Notary Public  
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 BB-90  
VGOB 09-0915-2599 in the Hurricane 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 November 4, 2009, 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 Lebanon, 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 December 4, 2009;

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

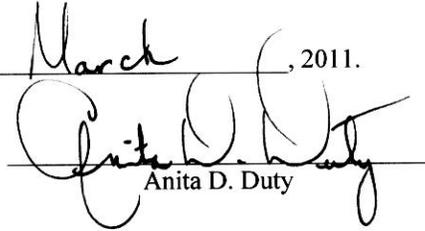
That all of the Respondents identified in Exhibit B-3 hereto have entered into voluntary agreements whereby they have leased and/or otherwise agreed with Applicant to a plan to develop their interests and claims within the unit to CBM. Hence, said unit may be voluntarily pooled.

See attached Exhibit B-2 and B-3 (Unit is 100% under Lease and/or Agreement).

That in light of the Agreement(s) described above, it is no longer necessary for the Board to maintain an escrow account/sub accounts pertaining to the above referenced CBM Unit, if applicable.

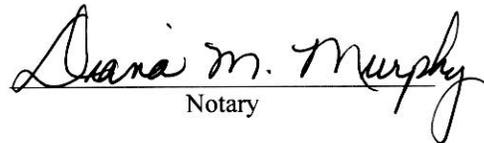
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 9<sup>th</sup> day of March, 2011.

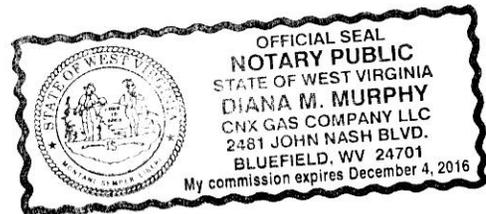
  
Anita D. Duty

STATE OF WEST VIRGINIA  
COUNTY OF MERCER

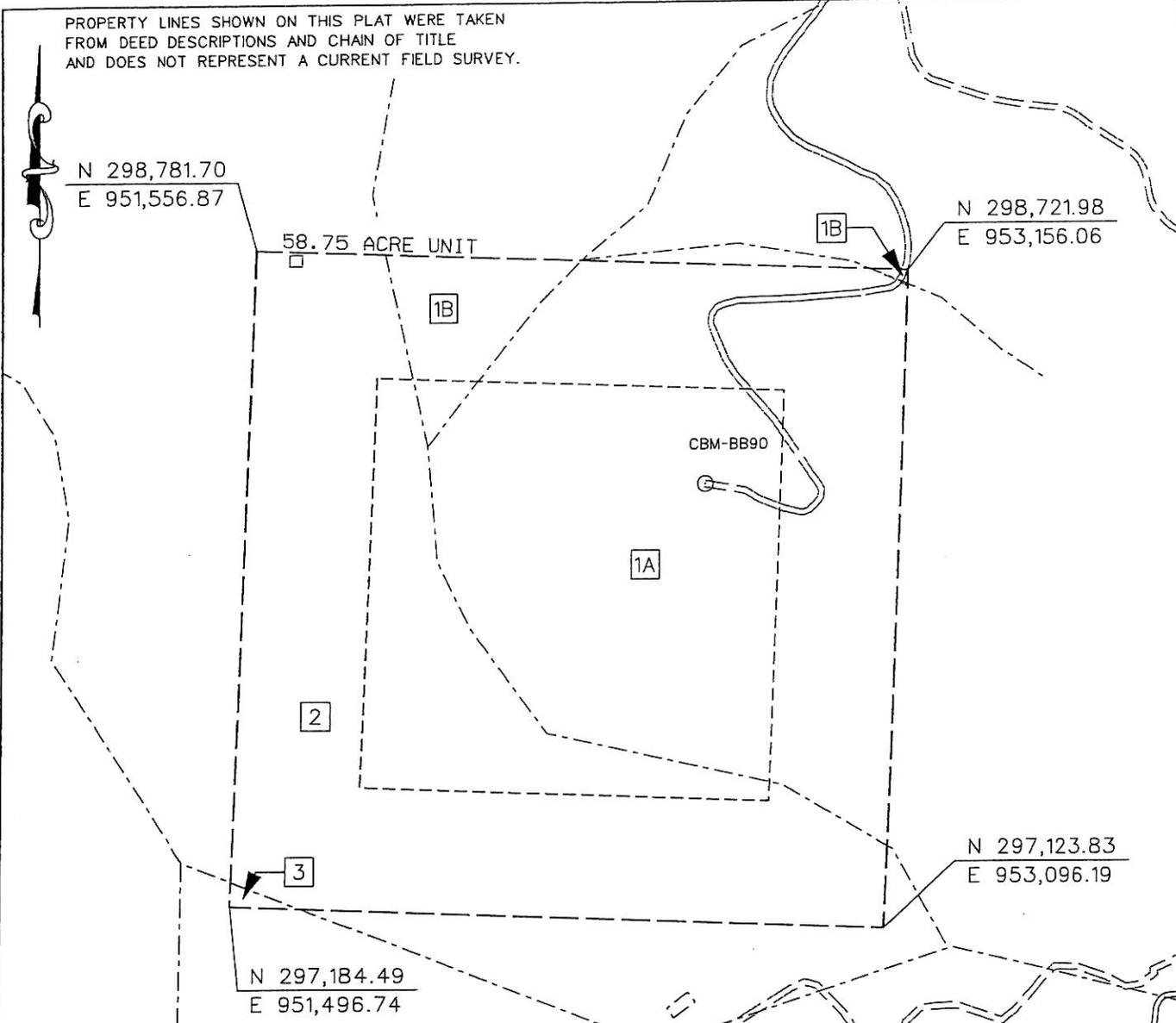
Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land Resources, Inc., on behalf of the corporate Designated Operator, this 9<sup>th</sup> day of March, 2011.

  
Notary

My commission expires: December 4, 2016



PROPERTY LINES SHOWN ON THIS PLAT WERE TAKEN FROM DEED DESCRIPTIONS AND CHAIN OF TITLE AND DOES NOT REPRESENT A CURRENT FIELD SURVEY.



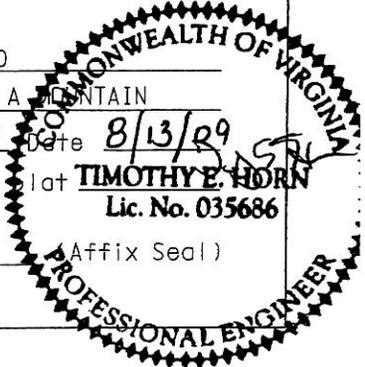
BEARINGS AND DISTANCES TO OTHER WELLS WITHIN 2,500' RADIUS OF CBM-BB90  
 CBM-BC91 S 41° 32' 07" E 1950.67'  
 CBM-BB91 N 89° 23' 50" E 1632.15'  
 CBM-BA90 N 8° 34' 29" E 1353.93'  
 CBM-BA91 N 47° 46' 21" E 1285.51'

EXHIBIT A  
 NORA FIELD  
 UNIT BB90  
 FORCE POOLING  
 VGOB-09-0915-2599

Company CNX Gas Company LLC Well Name and Number UNIT BB90  
 Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle BIG A MOUNTAIN  
 County BUCHANAN District HURRICANE Scale: 1" = 400' Date 8/13/09  
 This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GD-7  
 Rev. 9/91

*[Signature]*  
 Licensed Professional Engineer or Licensed Land Surveyor



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**CNX Gas Company LLC  
UNIT BB90  
Tract Identifications  
(58.75 Acre Unit)**

1. **Levisa Coal Company, Tract 43 (121.49 Acre Tract) – All Minerals except Oil and Gas  
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased  
John W. Pobst, Jr., et al – All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
31.73 Acres                      54.0085%**
  
- 1A. **Tony Glenn Greene, et ux – Surface**  
1B. **Terry Compton, et al – Surface**
  
2. **Garden Realty Corporation, et al (87.30 Acre Tract) – All Minerals  
Jewell Smokeless Coal Corporation – Coal In Tiller Seam and Above Leased  
Equitable Production Company (50%) / Range Resources-Pine Mountain, Inc. (50%) – Oil, Gas and  
CBM Leased (50%)  
CNX Gas Company LLC – Oil, Gas and CBM Leased (50%)  
George Presley, et ux - Surface  
26.90 Acres                      45.7872%**
  
3. **Levisa Coal Company, Tract 45 (309.92 Acre Tract) – All Minerals except Oil and Gas  
Jewell Smokeless Coal Corporation – Coal Above Drainage Leased  
John W. Pobst, Jr., et al – All Minerals except Coal  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Vernal L. Boyd - Surface  
0.12 Acres                      0.2043%**

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**Exhibit B-2**  
**Unit BB-90**  
**Docket #VGOB 09-0915-2599**  
**List of Respondents to be Dismissed**  
**(58.75 Acre Unit)**

	Acres in Unit	Percent of Unit	Election
<b>I. <u>COAL OWNERSHIP</u></b>			
<b><u>Tract #2 - 26.90 acres</u></b>			
(1) Garden Realty Corporation, et al. (87.30 Acre Tract)	26.90 acres	45.7872%	
(b) University of Charleston, Inc. * 2300 MacCorkle Avenue S.E. Charleston, WV 25304	5.604 acres 5/24 of 26.90 acres	9.5390%	Deemed Leased via JOA
(c) Meredith E. Jennings * 2418 West Linden Street Nashville, TN 37212	5.604 acres 5/24 of 26.90 acres	9.5390%	Deemed Leased via JOA
(d) Fairview Limited Partnership * c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	1.121 acres 1/24 of 26.90 acres	1.9078%	Deemed Leased via JOA
(e) Carol C. Irvin * 4710 Hunterwood Circle Richmond, TX 77406	0.467 acres 5/288 of 26.90 acres	0.7949%	Deemed Leased via JOA
(f) Martha E. Combs * P.O. Box 1404 Abingdon, VA 24210	0.327 acres 7/576 of 26.90 acres	0.5564%	Deemed Leased via JOA
(g) F.H. Combs Testamentary Trust * c/o Kelly Necessary, Trustee P.O. Box 841 Tazewell, VA 24651	0.327 acres 7/576 of 26.90 acres	0.5564%	Deemed Leased via JOA
<b>II. <u>OIL &amp; GAS OWNERSHIP</u></b>			
<b><u>Tract #2 - 26.90 acres</u></b>			
(1) Garden Realty Corporation, et al. (87.30 Acre Tract)	26.90 acres	45.7872%	
(b) University of Charleston, Inc. * 2300 MacCorkle Avenue S.E. Charleston, WV 25304	5.604 acres 5/24 of 26.90 acres	9.5390%	Deemed Leased via JOA
(c) Meredith E. Jennings * 2418 West Linden Street Nashville, TN 37212	5.604 acres 5/24 of 26.90 acres	9.5390%	Deemed Leased via JOA
(d) Fairview Limited Partnership * c/o John C. Irvin, Managing Partner 4710 Hunterwood Circle Richmond, TX 77406	1.121 acres 1/24 of 26.90 acres	1.9078%	Deemed Leased via JOA
(e) Carol C. Irvin * 4710 Hunterwood Circle Richmond, TX 77406	0.467 acres 5/288 of 26.90 acres	0.7949%	Deemed Leased via JOA
(f) Martha E. Combs * P.O. Box 1404 Abingdon, VA 24210	0.327 acres 7/576 of 26.90 acres	0.5564%	Deemed Leased via JOA
(g) F.H. Combs Testamentary Trust * c/o Kelly Necessary, Trustee P.O. Box 841 Tazewell, VA 24651	0.327 acres 7/576 of 26.90 acres	0.5564%	Deemed Leased via JOA

\* The Oil, Gas and CBM is leased by Range Resources - Pine Mountain, Inc.

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Exhibit B-3  
Unit BB-90  
Docket #VGOB 09-0915-2599  
List of Unleased Owners/Claimants  
(58.75 Acre Unit)

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Acres in Unit	Percent of Unit
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This unit is now 100% Leased and/or under agreement.

INSTRUMENT #110002332  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
SEPTEMBER 27, 2011 AT 03:00PM

BEVERLY S. TILLER, CLERK  
RECORDED BY: SLB

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## Hagy, Sharon (DMME)

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**From:** VITASHARE System [vitashare@vita.virginia.gov]  
**Sent:** Friday, October 07, 2011 9:19 AM  
**To:** Hagy, Sharon (DMME)  
**Subject:** Status Change for Transaction X3N0W8ZIKM8X28WX

Sharon Hagy,

The status for your job id X3N0W8ZIKM8X28WX, has changed to 'gloria.clark@dmme.virginia.gov downloaded the file(s) '.

You can view your job here

<<https://vitashare.vita.virginia.gov/fcweb/viewJobLink.do?JOBIDX=X3N0W8ZIKM8X28WX>> .

Date: Thu, Oct 6, at 16:52

Transaction Details:

Acknowledge Security Policy: I understand that this system is not intended for sensitive data.

Recipient's Email example- [user1@virginia.gov](mailto:user1@virginia.gov), [user2@virginia.gov](mailto:user2@virginia.gov):

[AnitaDuty@consolenergy.com](mailto:AnitaDuty@consolenergy.com),[gloria.clark@dmme.virginia.gov](mailto:gloria.clark@dmme.virginia.gov),[hilareymullins@consolenergy.c](mailto:hilareymullins@consolenergy.c)

om

Message - Describe file attachment: See the recorded dockets: 0942-01 1258 1778 2523 2595

2599 2755 Thank you, Sharon

Notify me when the file is downloaded?: Yes

Pin: 27747

Files:

1258\_Supplemental-Original.tif  
0942-01\_Supplemental-Original.tif  
1778\_Supplemental-Original.tif  
2523\_Supplemental-Original.tif  
2595\_Supplemental-Original.tif  
2599\_Supplemental-Original.tif  
2755\_Supplemental-Original.tif