

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 16-1115-4099

ELECTIONS: **UNIT Y-46** (Wells Y46 & Y46A)
(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 30, 2016**, which was recorded at **Deed Book 2016, Page 20357** in the Office of the Clerk of the Circuit Court of **Tazewell County**, Virginia, on **December 27, 2016**, (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 Y-46**;

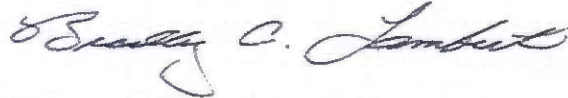
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, **First Bank & Trust Company 38 E. Valley Drive, Bristol, VA 24201, Attn: Escrow Agent** 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 19 day of January, 2017 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 19 day of January, 2017 by Order of the Virginia Gas and Oil Board.



Rick Cooper
Principal Executive to the
staff, Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 19th day of January, 2017, 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 the Chairman of the Virginia Gas and Oil Board and 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 was authorized to do so.



Sarah Jessee Gilmer, Notary Public
262946

My Commission expires: July 31, 2017



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 Y-46
VGOB 16-1115-4099 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 Land 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 November 30, 2016, 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 December 27, 2016;

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 November 30, 2016;

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:

None

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:

None

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 added and/or dismissed as respondents; the Operator requests that the following persons be added and/or dismissed as Respondents:

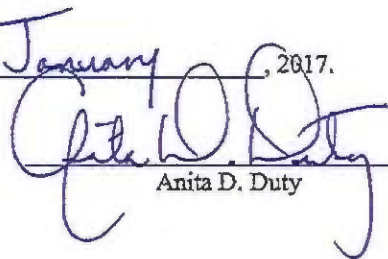
None

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

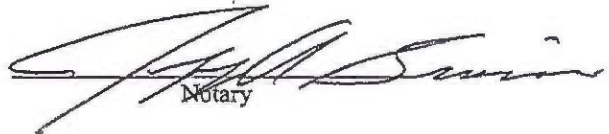
That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Cedar Bluff, Virginia, this 16th day of January, 2017.


Anita D. Duty

STATE OF VIRGINIA
COUNTY OF TAZEWELL

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Land LLC on behalf of the corporate Designated Operator, this 16th day of January, 2017.

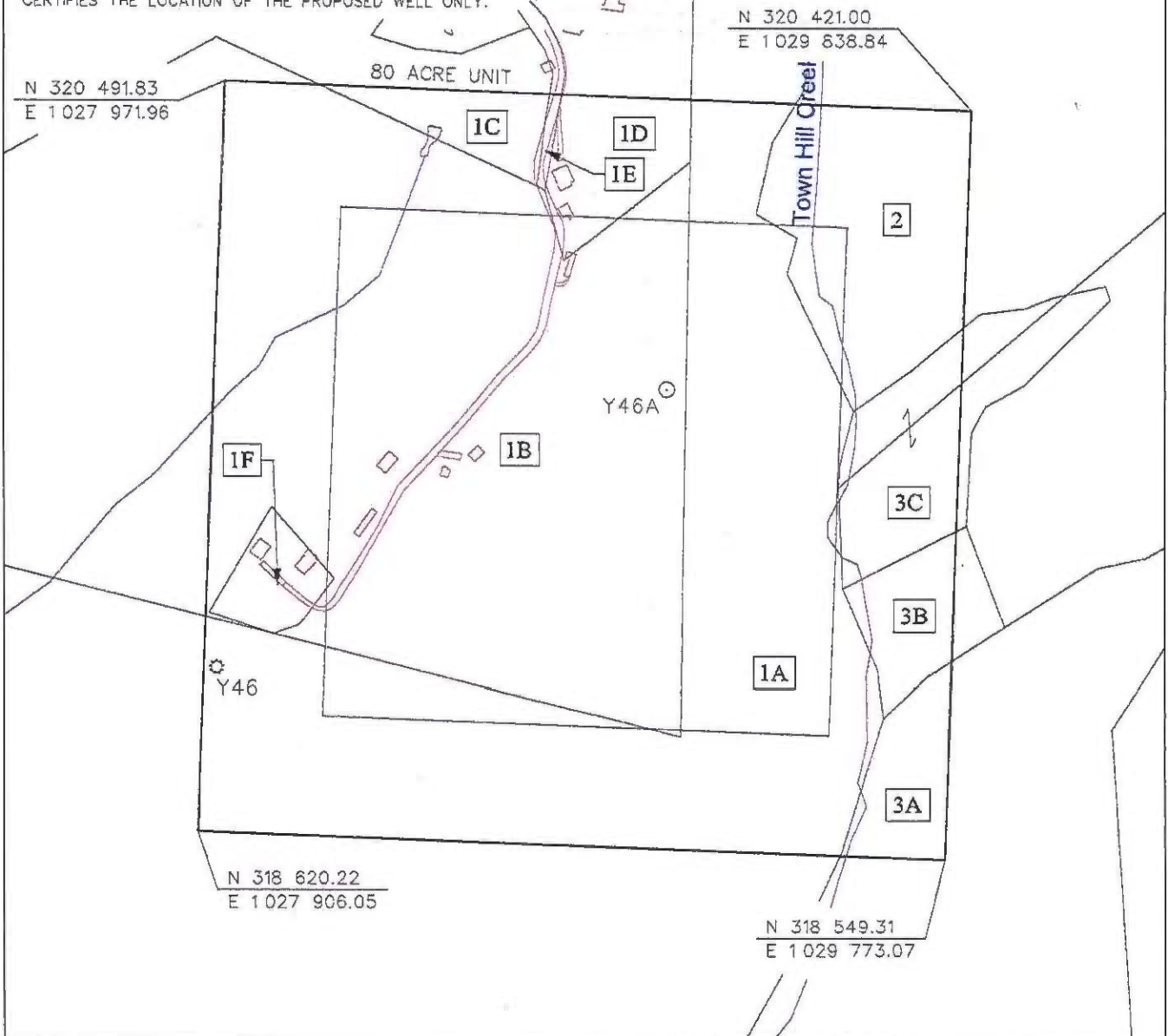

Notary

My commission expires: 8-31-2020.

Commonwealth of Virginia
Jeffrey A. Simmons - Notary Public
Commission ID: 7215200
My Commission Expires 08/31/2020

BK2017 P001285

PROPERTY LINES SHOWN ON THIS PLAT WERE PROVIDED BY CNX GAS LLC AND WERE TAKEN FROM DEED DESCRIPTIONS AND CHAIN OF TITLE OF RECORD IT DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY. THE CERTIFICATION HEREON CERTIFIES THE LOCATION OF THE PROPOSED WELL ONLY.



CBM WELL
 PROPOSED CBM WELL

EXHIBIT A
 OAKWOOD FIELD
 UNIT Y46
 FORCE POOLING
 VGOB-16-1115-4099

Company CNX Gas Company LLC Well Name and Number UNIT Y46
 Tract No. _____ Elevation _____ Quadrangle JEWELL RIDGE
 County TAZEWELL District MAIDEN SPRINGS Scale: 1" = 400' Date 10/20/16
 This plat is a new plat X ; an updated plat _____ ; or a final plat No. 002289

Form DGO-GD-7
 Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor



BK 2017 PG 01286
CNX Gas Company LLC
UNIT Y46
Tract Identifications

1. James W. Harman, Jr., et al (Harman-Huffman 1,010.98 Acre Tract) - Coal In P-3 Seam
CONSOL Mining Company LLC – All Coal above the Tiller Seam
Buchanan Mining Company LLC – All Coal below the Tiller Seam except P-3 Seam
Buchanan Mining Company LLC – Coal in P-3 Seam Leased
CNX Gas Company LLC - CBM in P-3 Seam Leased
Buchanan Mining Company LLC – Coal below Tiller Leased
CNX Gas Company LLC – Oil & Gas
Tax Map 65A Parcel 13
66.55 Acres 83.1875 %

- 1A. Buchanan Mining Company LLC – Surface
1B. Unknown Surface Owner
1C. Unknown Surface Owner
1D. Unknown Surface Owner
1E. Commonwealth of Virginia – Surface
1F. Unknown Surface Owner

2. Southern Region Industrial Realty Corporation, Tr. 8 (338.43 Acre Tract) – All Coal except P-3 Seam
Pardee Royalty LLC and Pardee Minerals LLC – Coal Owner's Claim to CBM
Buchanan Mining Company LLC – Coal in P-3 Seam
White Wolf Energy, inc - All Coal Leased except P-3, Raven, Tiller and Lower Seaboard Seams
CNX Gas Company LLC – CBM Leased
CNX Gas Company LLC – CBM in P-3 Seam
Donald R. Joyce, et al - Surface, Oil and Gas
Tax Map 46A Parcel 15
6.74 Acres 8.4250 %

- 3A. James W. Harman, Jr., et al (Harman-Huffman 1,097.14 Acre Tract) - Coal In P-3 Seam
CONSOL Mining Company LLC – All Coal above the Tiller Seam
Buchanan Mining Company LLC – All Coal below the Tiller Seam except P-3 Seam
Buchanan Mining Company LLC – Coal in P-3 Seam Leased
CNX Gas Company LLC – CBM in P-3 Seam Leased
CNX Gas Company LLC – Oil and Gas
Buchanan Mining Company LLC – Surface
Tax Map 65A Parcel 14
1.99 Acres 2.4875 %

- 3B. James W. Harman, Jr., et al (Harman-Huffman 1,097.14 Acre Tract) - Coal In P-3 Seam
CONSOL Mining Company LLC – All Coal above the Tiller Seam
Buchanan Mining Company LLC – All Coal below the Tiller Seam except P-3 Seam
Buchanan Mining Company LLC – Coal in P-3 Seam Leased
CNX Gas Company LLC – CBM in P-3 Seam Leased
Barbara Sue Baxter, et al – Surface, Oil and Gas
CNX Gas Company LLC – Oil, Gas and CBM Leased
Tax Map 65A Parcel 00
1.69 Acres 2.1125 %

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

CNX Gas Company LLC
UNIT Y46
Tract Identifications

BK 2017 PG 01287

- 3C. James W. Harman, Jr., et al (Harman-Huffman 1,097.14 Acre Tract) - Coal In P-3 Seam
CONSOL Mining Company LLC – All Coal above the Tiller Seam
Buchanan Mining Company LLC – All Coal below the Tiller Seam except P-3 Seam
Buchanan Mining Company LLC – Coal in P-3 Seam Leased
CNX Gas Company LLC – CBM in P-3 Seam Leased
Donald R. Joyce, et al - Surface, Oil and Gas
Tax Map 46A Parcel 15
3.03 Acres 3.7875 %

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

Exhibit B-3
Unit Y46
VGOB # 16-1115-4099
List of Unleased Owners/Claimants
(30.00 Acre Unit)

	Acres in Unit	Percent of Unit
II. OIL & GAS OWNERSHIP		
<u>Tract #2 - 6.74 acres</u>		
(1) Donald R. Joyce, et al	6.74 acres	8.4250%
(a) Donald Ray Joyce 5656 Fox Ridge Rd, 72 Eunice, NC 28623	4.493 acres 2/3 of 6.74 acres	5.6167%
(b) Emory Dean Joyce 782 Stone Road Jewell Ridge, VA 24622	2.247 acres 1/3 of 6.74 acres	2.8083%
(c) Teresa Lynn Joyce	<i>Conveyed 3/17/2014 by deed of gift DB 2014/3588</i>	
(c.1) Ray Dennis Joyce 780 Stone Road Jewell Ridge, VA 24622	<i>Life Estate</i>	
(d) Betty Ruth Joyce	<i>Life Estate extinguished</i>	
<u>Tract #3C - 3.03 acres</u>		
(1) Donald R. Joyce, et al	3.03 acres	3.7875%
(a) Donald Ray Joyce 5656 Fox Ridge Rd, 72 Eunice, NC 28623	2.020 acres 2/3 of 3.03 acres	2.5250%
(b) Emory Dean Joyce 782 Stone Road Jewell Ridge, VA 24622	1.010 acres 1/3 of 3.03 acres	1.2625%
(c) Teresa Lynn Joyce	<i>Conveyed 3/17/2014 by deed of gift DB 2014/3588</i>	
(c.1) Ray Dennis Joyce 780 Stone Road Jewell Ridge, VA 24622	<i>Life Estate</i>	
(d) Betty Ruth Joyce	<i>Life Estate extinguished</i>	
<u>TOTAL OIL & GAS ESTATE UNLEASED:</u>		
Acreage in Unit Unleased	9.77	
Percentage of Unit Unleased		12.2125%

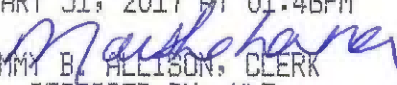
Exhibit EE
Unit Y46
VGOB #16-1115-4099
List of all Owners/Claimants with Royalty Splits/Court Orders/HB2058
(80.00 Acre Unit)

	Acres in Unit	Percent of Unit
<u>Tract #1 - 66.55 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) J. W. Harman, Jr. et al (1010.98 Acre Tract)	66.55 acres	83.1875%
(a) J. W. Harman, Jr. Heirs, Devisees, Successors or Assigns (1/2 Pocahontas No. 3 Seam)		
(a.1) James W. Harman, III 1206 Medley Valley Rd Tazewell, VA 24651	16.64 acres 1/4 of 66.55 acres	20.7969%
(a.2) Jonathan H. Harman 2727 Mountain View Bluefield, WV 24701	16.64 acres 1/4 of 66.55 acres	20.7969%
(b) Samuel Laird Harman Heirs, Devisees, Successors or Assigns (1/2 Pocahontas No. 3 Seam)		
(b.1) Nancy Christina Harman 233 Grace Lane, NE Riner, VA 24149	33.28 acres 1/2 of 66.55 acres	41.5938%
(2) Buchanan Mining Company LLC (All Coal except P3 Seam) 10545 Riverside Dr. Oakwood, VA 24631	66.55 acres	83.1875%
<u>OIL & GAS OWNERSHIP</u>		
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	66.55 acres	83.1875%
<u>Tract #3A - 1.99 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) James W. Harman, Jr., et al. (Coal in the P-3 Seam Only) (Harman-Huffman 1,097.14 Acre Tract)	1.99 acres	2.4875%
(a) James W. Harman Jr. Heirs, Devisees, Successors or Assigns (1/7) NOTE: The interest of James W. Harman Jr. was devised equally to James W. Harman, III (1/14) and Jonathan H. Harman (1/14).		
(b) Evelyn H. Harman Heirs, Devisees, Successors or Assigns (1/7) NOTE: The interest of Evelyn H. Harman was devised equally to James W. Harman, III (1/14) and Jonathan H. Harman (1/14).		
(c) James W. Harman, III (Includes the interest from (a) & (b) above) 1206 Medley Valley Rd. Tazewell, VA 24651	0.5686 acres 2/7 of 1.99 acres	0.7107%
(d) Jonathan H. Harman (Includes the interest from (a) & (b) above) 2727 Mountain View Avenue Bluefield, WV 24701	0.5686 acres 2/7 of 1.99 acres	0.7107%
(e) S. Laird Harman Heirs, Devisees, Successors or Assigns (1/7)		
(e.1) Nancy Christina Harman 233 Grace Ln, NE Riner, VA 24149	0.2843 acres 1/7 of 1.99 acres	0.3554%

Exhibit EE
 Unit Y46
 VGOB #16-1115-4099
 List of all Owners/Claimants with Royalty Splits/Court Orders/HB2058
 (80.00 Acre Unit)

	Acres In Unit	Percent of Unit
(f) Bettie H. St Clair 104 Dial Rock Road North Tazewell, VA 24630	0.2843 acres 1/7 of 1.99 acres	0.3554%
(g) Minnie E. Harman Estate, Inc.	Conveyed by Instr. 16-1272 5/3/2016	
(g.1) Coal Creek Coal Company PO Box 323 Tazewell, VA 24651	0.2843 acres 1/7 of 1.99 acres	0.3554%
(2) Buchanan Mining Company LLC <i>(All Coal except P3 Seam)</i> 10545 Riverside Dr. Oakwood, VA 24631	1.99 acres	2.4875%
<u>OIL & GAS OWNERSHIP</u>		
(1) CNX Gas Company LLC 1000 Consol Energy Drive Canonsburg, PA 15317	1.99 acres	2.4875%

CONFLICTS RESOLVED
 Acres 68.54
 Percet 85.6750%

INSTRUMENT #170000289
 RECORDED IN THE CLERK'S OFFICE OF
 TAZEWELL COUNTY ON
 JANUARY 31, 2017 AT 01:46PM

 TAMMY B. ALLISON, CLERK
 RECORDED BY: MLT