

ROLLA R. HINKLE III
PETROLEUM LANDMAN
ROSWELL, NEW MEXICO 88202-2292

June 24, 2010

Allison L. Birnie
Robin E. Birnie
Cameron Birnie
14435 Benefit Street, # 2 or 22
Sherman Oaks, CA 91423

Re: Oil and Gas Leasehold Ownership
Chaves County, New Mexico

Greetings:

I am sending a follow-up letter in hopes of getting a response to my previous letter dated February 24, 2010.

Your father, Richard Birnie, and his sister, Olive Frances Bond, inherited this interest from H.N. and Ethel Smith through the laws of descent and distribution of the State of New Mexico. I have enclosed a copy of two (2) affidavits containing supporting statements.

We remain interested in purchasing your interest and would like to talk to you about same.

I am hoping all three of you and your cousin (Cindy) are still alive so that this interest does not disintegrate further.

Should you receive this correspondence, please feel free to contact me at the phone or address above or e-mail rhinkle@dfn.com.

Very truly yours,


Rolla R. Hinkle III
Petroleum Landman

Santa Fe, New Mexico
Consolidated Case No 's 14415 & 14416
Exhibit No 4
Submitted by:
HEIRS OF H N SMITH
Hearing Date March 17, 2011

Recording Requested By:
IRVING L. HERPER, ESQ.

And When Recorded Mail To:
IRVING L. HERPER, ESQ.
18915 Nordhoff Street
Woodstone Plaza, Suite 3
Northridge, CA 91324

AFFIDAVIT OF HEIRSHIP AND MARITAL HISTORY

STATE OF NEW MEXICO)
COUNTY OF Eddy) ss.

MARGARET B. ANDERSON and LOTTIE COULSTON, of legal age, being first duly sworn, depose and say:

That they and each of them reside at 1002 West Main, Artesia, New Mexico 88210.

That ETHEL SMITH has been known to us and each of us since 1918. Our families have been intermixed by marriage since that time. Although we are technically not related, a sister of ETHEL SMITH married our brother in 1918.

H.N. and ETHEL SMITH married about 1921 in Duncan, Oklahoma. H.N. SMITH died in 1967 or 1968 in Hollywood, California. ETHEL SMITH died on October 20, 1975, in Guthrie, Oklahoma.

To our knowledge, ETHEL SMITH had only two (2) heirs. One is a niece, Olive Hord, whose address is 13574 Ottoman Street, Arleta, California 91331. ETHEL SMITH also had a nephew, Richard Birnie, who works as a Production Manager for MGM Studios, Hollywood, California.

ETHEL SMITH died without a will, and to our knowledge she has no outstanding debts or taxes against her estate.

DATED: August 19, 1981

Margaret B. Anderson
Lottie Coulston

SUBSCRIBED AND SWORN TO before me, the undersigned, a Notary Public in and for said County and State, this 19th day of August, 1981.
Eddy County, New Mexico

Notary Public
My Comm. Expires 12/31/85

STATE OF NEW MEXICO }
County of Eddy

FILED SEP 21 1981

at 11:00 A.M. and was duly recorded in Book 203 of Records of Eddy County, New Mexico, Page 82.
By Notary Public, Eddy County, New Mexico

11-20-21

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AFFIDAVIT OF HEIRSHIP

STATE OF New MexicoCOUNTY OF Eddy

BEFORE ME, the undersigned authority, on this day personally appeared Margaret B. Anderson well known to me to be a credible person, who being by me sworn to tell the truth, the whole truth, and nothing but the truth, made the following answers in my presence, and having completed said answers, he subscribed them in my presence, and swore the same were true to the best of his knowledge and belief.

1. State your name, age and present address: Margaret B. Anderson
Age--73 years Address--102 W. Main, Artesia, N.M., 88210
2. Were you acquainted with Ethel Smith of Clinton, Oklahoma 1002 during her (X) life yes
3. How long did you know (her) (him)? Since 1918-- 57 years
4. Is (she) (he) now alive? no Approximate date of (her) (his) death October 20, 1975
5. State whether or not (she) (he) was ever married She was married
 - a) How many times? once
 - b) Name of spouse or spouses and approximate date of marriage of each Hugh Nelson Smith--About 1924
 - c) State whether spouses are now alive or dead, and if dead, give approximate date of death 1967 or 1968 dead
 - d) Did any spouse leave any Will, within your knowledge? no
 - e) Was there any administration upon any spouse's estate, within your knowledge? no If so, where?
 - f) If decedent was divorced from any spouse, state name, date and place N/A
6. Did Ethel Smith leave any Will within your knowledge? No
7. Was there any administration upon (her) (his) estate, within your knowledge? No
 - a) Executor's name and address: N/A

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- b) Name all brothers and sisters of the decedent, both living and dead, stating the ages and addresses of those now living and the date of death of those now dead:

NAME	ADDRESS	AGE	IF DECEASED, DATE OF DEATH
Bertha Birnie	San Fernando, Cal		April 12, 1974

- c) If there are any deceased brothers or sisters, give the names, addresses and ages of the surviving of the surviving children of each:

NAME	ADDRESS	AGE	CHILD OF
Olive Bond	13574 Ottoman St., Arleta, Ca. 91331	60	Bertha Birnie
Richard Birnie	% MGM Studio, 10202 W. Washington Blvd Rm 211--Admin. Bldg Culver City, Ca., 90230	55	Bertha Birnie

Margaret B. Anderson
AFFIANT

Subscribed and sworn to before me this 30 day of
November, 19 81.

My commission Expires: April 22, 1985

Buckley
Notary Public in the for
Eddy
of New Mexico

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CONCORRATING AFFIDAVIT

(To be executed by party other than above affiant)

STATE OF New Mexico

COUNTY OF Eddy

Lottie Coulston, of lawful age, being first duly sworn, on oath states:

That this affiant was well and personally acquainted with Margaret B. Anderson in (her) ~~own~~ lifetime (being the person referred to in Question #2 of the foregoing affidavit); that this affiant has read the foregoing Affidavit of Notarship, knows the contents thereof, and that each and every statement therein contained is true to the best of his knowledge and belief.

Lottie Coulston

Lottie Coulston

AFFIANT

Subscribed and sworn to before me this 30 day of November, 1981.

My Commission Expires:

April 22, 1985

Buck E. Smith
Notary Public in and for
Eddy County, New Mexico
of New Mexico

STATE OF NEW MEXICO, County of Eddy, ss. I hereby certify that this instrument was filed for record on the 9 day of April, 1982 at 10:25 o'clock A.M., and recorded in the Records of Miscellaneous, Book 210 Page 507

VIRGIE COLL, County Clerk

By Thom E. Smith, Deputy

certification