

COPY

STATE OF NEW MEXICO
COUNTY OF SAN JUAN
ELEVENTH JUDICIAL DISTRICT COURT

DISTRICT COURT
SAN JUAN COUNTY NM
FILED

2006 JAN 18 AM 8 32

EDWIN SMITH, LLC, a New Mexico limited liability company; and JERRY T. WALMSLEY, trustee of the June Walmsley Bypass Trust under the will of June H. Walmsley dated April 7, 1992,

Plaintiffs,

v.

No. CV06-59-L

Class 1: SYNERGY OPERATING, LLC, a New Mexico limited liability company; RICHARD H. KOUNS; EVELYN K. KURTZ; CLARA PRANGLEY; ROBERT H. KOUNS; JODIE YATES; ROBERT E. KOUNS; CHARLA VARNER; MARGARET K. DUNN; KIMBERLY BRAUTIGAM; ANNEMARIE KELLER;

Class 2: THE UNKNOWN HEIRS OF: MARGARET HASSELMAN JONES, deceased; JULIA HASSELMAN KELLER, deceased; MAY HASSELMAN KOUNS, deceased; JENNIE HASSELMAN HILL, deceased;

Class 3: ALL UNKNOWN CLAIMANTS OF INTEREST IN THE PREMISES ADVERSE TO PLAINTIFFS,

Defendants.

COMPLAINT TO QUIET TITLE

COMES NOW Edwin Smith, LLC, a New Mexico limited liability company, and Jerry T. Walmsley, trustee of the June Walmsley Bypass Trust under the will of June H. Walmsley dated April 7, 1992, by and through their attorneys, Sutin, Thayer & Browne, P.C. (C. Shannon Bacon and Sarita Nair), pursuant to NMSA 1978, §§ 42-6-1, et. seq. (1953), and for their complaint, state:

1. Plaintiff Edwin Smith, LLC, is the owner in fee simple, and in possession of, an undivided one-half interest in the following described Premises situated in San Juan County, New Mexico:

The Southwest Quarter of Section 8, Township 29 North, Range 11 West, N.M.P.M., San Juan County, containing 160 acres, more or less

2. Plaintiff Jerry T. Walmsley, trustee of the June Walmsley Bypass Trust under the will of June H. Walmsley ("Walmsley") is owner in fee simple, and in possession of, an undivided one-half interest in the above-described Premises.

3. On April 28, 1951, Earl W. Kouns transferred an undivided one-half interest in the Premises to Margaret Hasselman Jones, Julia Hasselman Keller, May Hasselman Kouns, and Jennie Hasselman Hill (collectively, the "Hasselman Sisters") as joint tenants.

4. On August 15, 1958, Claude Smith and the Hasselman Sisters initiated a quiet title action (the "1958 Quiet Title").

5. In the 1958 Quiet Title, the District Court for San Juan County quieted the title to an undivided one-half interest in the surface rights to the Premises in the name of Claude Smith.

6. The ownership interest of Plaintiff Edwin Smith, LLC, as successor in interest to Claude Smith, is undisputed. However, as operator of an oil and gas well on the Premises, Plaintiff Edwin Smith, LLC, has an interest in determining title to the Premises in order to make appropriate payments from such well.

7. The 1958 Quiet Title also stated that title to an undivided one-half interest in the Premises was quieted in the names of the Hasselman Sisters.

8. On September 8, 1981, Jennie Hasselman Hill, as "the surviving joint tenant of Margaret Hasselman Jones, Julia Hasselman Keller and May Hasselman Kouns, all deceased," transferred an undivided one-half interest in the Premises to June Hill Walmsley.

9. Plaintiff Walmsley is the successor in interest to June Hill Walmsley.

10. Plaintiffs are credibly informed and believe that each of those Defendants listed in Class 1 of the caption makes a claim of right, title or interest in or lien upon the Premises, adverse to the title of the Plaintiffs. All of the Class 1 Defendants' claims are without merit, and are inferior in every respect to the claim of title and interest in the property by the Plaintiffs. Nevertheless, the Class 1 Defendants' claims constitute a cloud on the Plaintiffs' title in the Premises.

11. Plaintiffs are credibly informed and believe that each of those Defendants listed in Class 2 of the caption make a claim of right, title or interest in or lien upon the Premises, adverse to the title of the Plaintiffs. All of the Class 2 Defendants' claims are without merit, and are inferior in every respect to the claim of title and interest in the property by the Plaintiffs. Nevertheless, the Class 2 Defendants' claims constitute a cloud on the Plaintiffs' title in the Premises.

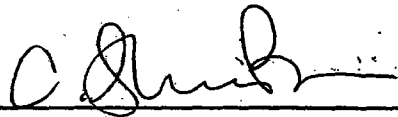
12. The persons listed under Class 3 of the caption cannot be identified and their whereabouts and places of residence are unknown and cannot be ascertained through due search or inquiry. Plaintiffs are credibly informed and believe, however, that each of those Defendants listed in Class 3 of the caption make a claim of right, title or interest in or lien upon the Premises described above, adverse to the title of the Plaintiffs. All of the Class 3 Defendants' claims are without merit, and are inferior in every respect to the claim of title and interest in the property by the Plaintiffs. Nevertheless, the Class 3 Defendants' claims constitute a cloud on the Plaintiffs' title in the Premises.

13. Plaintiffs have no adequate remedy at law.

WHEREFORE, Plaintiffs respectfully request that their title to the Premises be established as their property against the adverse claims of Defendants; that each Defendant be forever barred and estopped from having or claiming any right, title or interest in the Premises described adverse to Plaintiffs; and that Plaintiffs' title to the Premises forever be quieted.

Respectfully submitted,

SUTIN, THAYER & BROWNE, P.C.

By 

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