

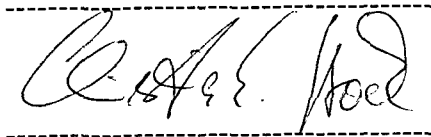
AFFIDAVIT OF PUBLICATION
STATE OF NEW MEXICO

I, Christina E. Stock
Legals Clerk

Of the Roswell Daily Record, a daily newspaper published at Roswell, New Mexico do solemnly swear that the clipping hereto attached was published in the regular and entire issue of said paper and not in a supplement thereof for a period of:

one time with the issue dated

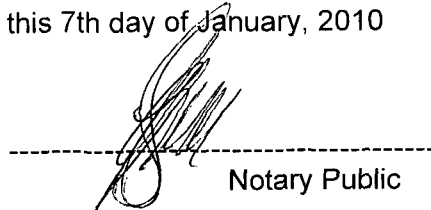
January 6, 2009



Clerk

Sworn and subscribed to before me

this 7th day of January, 2010



Notary Public

My Commission expires
June 13, 2010

(SEAL)

Publish January 6, 2010

NOTICE

To: H.N. Smith, Ethel Smith, Olive Bond, and Richard Birnie, or their heirs or devisees: Cimarex Energy Co. has filed an application with the New Mexico Oil Conservation Division seeking an order approving a non-standard oil spacing and proration unit (project area) in the Abo/Wolfcamp formation comprised of the W/2E/2 of Section 18, Township 15 South, Range 31 East, NMPM, Chaves County, New Mexico, to form a non-standard 160-acre oil spacing and proration unit (project area), and pooling all mineral interests in the Abo/Wolfcamp formation underlying the non-standard unit. The unit is to be dedicated to the Franklin 18 Fee Well No. 3, a horizontal well to be drilled at a surface location 330 feet from the north line and 2270 feet from the east line, with a terminus 330 feet from the south line and 2270 feet from the east line, of Section 18. Also to be considered will be the cost of drilling and completing the well and the allocation of the cost thereof, as well as actual operating costs and charges for supervision, designation of Cimarex Energy Co. of Colorado as operator of the well, and a 200% charge for the risk involved in drilling and completing the well. The application is scheduled to be heard at 8:15 a.m. on Thursday, January 21, 2010 at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. As an interest owner in the well unit, you have the right to enter an appearance and participate in the case. Failure to appear will preclude you from contesting this matter at a later date. The attorney for applicant is James Bruce, P.O. Box 1056, Santa Fe, New Mexico 87504. The unit is located approximately 14 miles north-northeast of Loco Hills, New Mexico.

Oil Conservation Division
Case No. 14415
Exhibit No. 5