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ATTORNEYS AT LAW

EL PATIO BUILDING

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SANTA FE, NEW MEXICO 87504-2265

TELEPHONE (505) 982-4285 TELEFAX (505) 982-2047

NATURAL RESOURCES-OIL AND GAS LAW

———

JASON KELLAHIN (RETIRED 1991)

*NEW MEXICO BOARD OF LEGAL SPECIALIZATION RECOGNIZED SPECIALIST IN THE AREA OF

W. THOMAS KELLAHIN*

August 29, 1995

11389

HAND DELIVERED

RECEIVED

AUG 2 9 1995

Oil Conservation Division

Mr. Michael E. Stogner Chief Hearing Examiner Oil Conservation Division 2040 South Pacheco Santa Fe, New Mexico 87504

Re: Stillings 7D Federal Well No. 1 (Unit D)

N/2NW/4 Section 7, T17S, R38E, NMPM

Application of Nearburg Exploration

Company for Compulsory Pooling and approx

Company for Compulsory Pooling and approval of a Directional Wellbore with an Unorthodox Subsurface Well Location, Lea County, New Mexico

Dear Mr. Stogner:

On behalf of Nearburg Exploration Company, please find enclosed our application which we request be set for hearing on the Examiner's docket now scheduled for September 21, 1995. Also enclosed is our proposed notice of publication for this case.

By copy of this letter, including the application, to all affected parties, we are notifying them by certified mail-return receipt requested, that they have the right to appear at the hearing, to make a statement to the Division, to present evidence and cross-examine witnesses either in support of or in opposition to the application.

Oil Conservation Division August 29, 1995 Page 2.

Pursuant to the Division's Memorandum 2-90, all interested parties are hereby informed that if they appear in the case, then they are requested to file a Pre-Hearing Statement with the Division not later than 4:00 pm on Friday, September 15, 1995, with a copy delivered to the undersigned.

W. Thomas Kellahin

Enclosure

cc: Nearburg Producing Company

cc: BY CERTIFIED MAIL-RETURN RECEIPT REQUESTED to all parties listed in application

CASE 1/389
: Application of Nearburg Exploration Company for compulsory pooling and approval of directional wellbore with an unorthodox subsurface location, Lea County, New Mexico. Applicant seeks an order pooling all mineral interests from the surface to the base of the Strawn formation underlying the N/2NW/4 of Section 7, T17S, R38E, NMPM, Lea County, New Mexico, forming a standard 80-acre spacing and proration unit for any and all formations and/or pools developed on 80-acre spacing within said vertical extent, which presently includes but is not necessarily limited to the South Humble City-Strawn Pool. Said unit is to be dedicated to its Stillings 7D Federal Well No. 1 which is located 660 feet FNL and 773 feet FWL and is to be re-entered and directionally drilled to within 100 feet of an unorthodox subsurface location 330 feet FNL and 2310 feet FWL of said Section 7. Also to be considered will be the value of the existing wellbore, the costs of re-entry, drilling and completing said well and the allocation of the costs thereof as well as actual operating costs and charges for supervision, designation of Nearburg Producing Company as the operator of the well and a charge for risk involved in said well.

Said unit is located approximately 4 miles north from Humble City, New Mexico.

RECEIVED

AUG 2 9 1995

Oil Conservation Division

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT OIL CONSERVATION DIVISION

IN THE MATTER OF THE APPLICATION
OF NEARBURG EXPLORATION COMPANY
FOR COMPULSORY POOLING AND APPROVAL OF
A DIRECTIONAL WELLBORE AT AN UNORTHODOX
SUBSURFACE LOCATION
LEA COUNTY, NEW MEXICO.

RECEIVED

AUG 2 9 1995

Oil Conservation Division

CASE NO. //389

APPLICATION

Comes now NEARBURG EXPLORATION COMPANY, by its attorneys, Kellahin & Kellahin, and in accordance with Section 70-2-17(c) (1978) applies to the New Mexico Oil Conservation Division for an order pooling all mineral interests from the surface to the base of the Strawn formation underlying the N/2NW/4 of Section 7, T17S, R38E, NMPM, Lea County, New Mexico, forming a standard 80-acre spacing and proration unit for any and all formations and/or pools developed on 80-acre spacing within said vertical extent, which presently includes but is not necessarily limited to the South Humble City-Strawn Pool. Said unit is to be dedicated to its Stillings 7D Federal Well No. 1 which is located 660 feet FNL and 773 feet FWL and is to be re-entered and directionally drilled to an estimated 12,500 feet TVD within 100 feet of an unorthodox subsurface location 330 feet FNL and 2310 feet FWL of said Section 7. Also to be considered will be the value of the existing wellbore, the costs of re-entry, drilling and completing said well and the allocation of the costs thereof as well as actual operating costs and charges for supervision, designation of NEARBURG PRODUCING COMPANY as the operator of the well and a charge for risk involved in said well.

In support of its application, Nearburg Exploration Company, ("Nearburg") states:

- 8. In accordance with the Division's notice requirements, a copy of this application has been sent to the parties whose interest is to be pooled as listed on Exhibit "B" notifying each of this case and of the applicant's request for a hearing of this matter before the Division on the next available Examiner's docket now scheduled for September 21, 1995.
- 9. Based upon the economic savings realized by re-entering the existing well rather than drill a "new well" and the geologic considerations of attempting to maximize the opportunity to encounter the Strawn formation at its most favorable location in this spacing unit, Nearburg proposes to directionally drill this wellbore to the proposed unorthodox subsurface location.
- 10. Approval of a 100 foot radius "bottom hole target: will provide an economic savings to the cost bearing interest owners involved in this well.
- 11. The direction of encroachment is towards the northeast corner of this spacing unit, however all offset operators and in the absence of an operator the lessee or mineral owner is being notified as described in Exhibit "C" attached.

WHEREFORE, Nearburg, as applicant, requests that this application be set for hearing on September 21, 1995 before the Division's duly appointed Examiner, and that after notice and hearing as required by law, the Division enter its order pooling the mineral interest described in this spacing unit for the drilling of the subject well at a standard well location upon terms and conditions which include:

- (1) Nearburg Producing Company be named operator;
- (2) Provisions for applicant and all working interest owners to participate in the costs of the wellbore, the drilling, completing, equipping and operating the well;

NMOCD Application Nearburg Exploration Company Page 2.

- 1. Nearburg has a working interest ownership in the oil and gas minerals from the surface to the base of the Strawn formation underlying the N/2NW/4 of Section 7, T17S, R38E, NMPM, Lea County, New Mexico. See Exhibit "A".
- 2. The subject tract is located within one-mile of the current boundaries of the South Humble City-Strawn Pool, said pool being spaced on 80-acre oil spacing and proration units with stand well locations within 150 feet of the center of a quarter-quarter section all pursuant to Division Order R-6913 issued effective March 3, 1982.
- 3. Nearburg proposes to RE-ENTER the Stillings 7D Federal Well No. 1 which is located at a standard surface well location 660 feet FNL and 773 feet FWL (Unit D) of Section 7 and to kickoff at approximately 6500 feet (TVD) and drill directionally in a northeasterly direction to approximately 12,500 feet TVD and within 100 feet of an unorthodox subsurface location 330 feet FNL and 2310 feet FWL (Unit C) of said Section 7 to test for production in the Strawn formation.
- 4. Nearburg has the voluntary agreement of certain of the working interest ownership of the oil & gas minerals from the surface to the base of Strawn formation underlying the N/2NW/4 of Section 7.
- 5. Nearburg has proposed the subject re-entry and its spacing unit to the remaining working interest owners in this spacing unit as identified on Exhibit "B."
- 6. Despite its good faith efforts, Nearburg has been unable to obtain a written voluntary agreement from all of the parties listed on Exhibit "B."
- 7. Pursuant to Section 70-2-17(c) NMSA (1978) and in order to obtain its just and equitable share of potential production underlying this spacing unit, Nearburg needs an order of the Division pooling the identified and described mineral interests involved in order to protect correlative rights and prevent waste.

NMOCD Application Nearburg Exploration Company Page 4

- (3) In the event a working interest owner fails to elect to participate, then provision be made to recover out of production, reimbursement for the value of the wellbore, the costs of the drilling, completing, equipping and operating the well, including a risk factor penalty of 200%;
- (4) Provision for overhead rates per month drilling and per month operating and a provision providing for an adjustment method of the overhead rates as provided by COPAS;
- (5) Provisions pooling any non-participating interests owners; and
- (6) For such other and further relief as may be proper.

RESPECTFULLY SUBMITTED:

W. THOMAS KELLAHIN KELLAHIN & KELLAHIN

P. O. Box 2265^t

Santa Fe, New Mexico 87501

(505) 982-4285

Mallon Oil Co. Price Family Tr. #1 1 Nearburg Prod. Co. Price Family #1 Mallon Oil Co. Price Family Tr. #2	6 Nearburg Prod. Co Stokings 7D Fed. #1	5
Nearburg Prod. Co. Mary Ann #12-C Nearburg Prod. Co. Wright #1 12 I Nearburg Prod. Co. Wright #2	5 L BHL	8
Texas International Byers #1 Bonneville Fuels Ashland Fed. #1 13 Bonneville Fuels Norris #1 Bonneville Fuels Norris #2	. 18	177

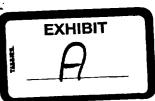
Nearburgh Producing Company

Lea County, New Mexico

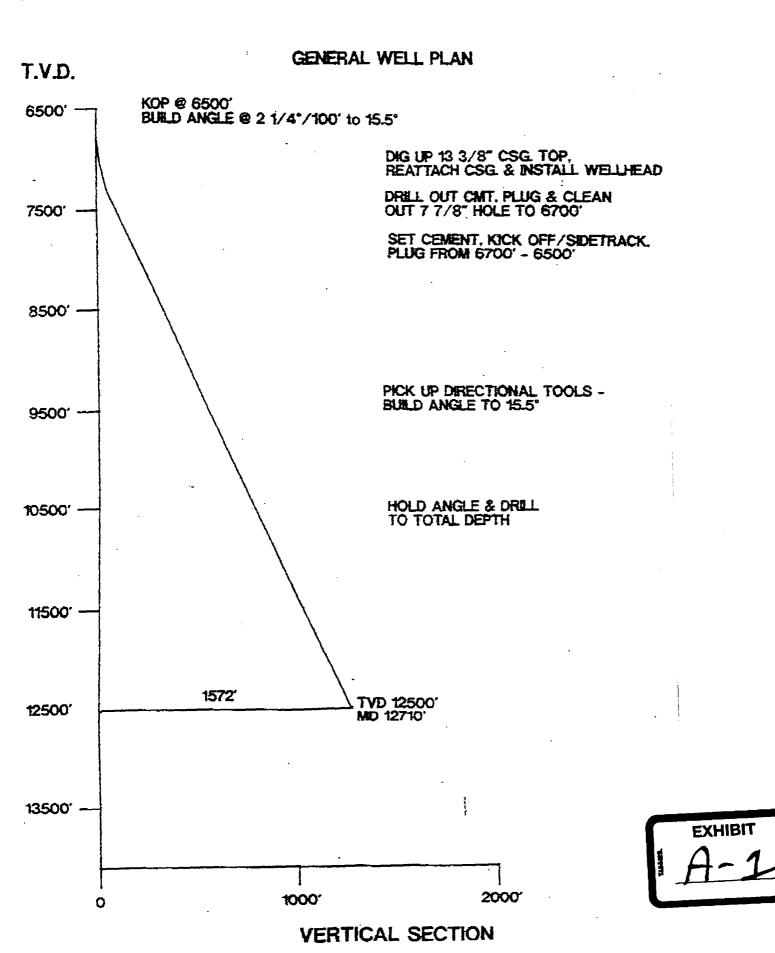
Stillings 7D Federal #1

Surface Location: 660' FNL & 773' FWL Subsurface Location: 330' FNL & 2310' FWL

Section 7, T-17-S , R-38-E



STILLINGS 7D FED. #1 LEA COUNTY, NEW MEXICO SEC. 7, T-17-S R-38-E



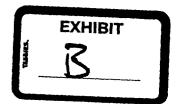
Stillings Well, N/2 NW/4 of Section 7, 17S, 38E, Lea County, New Mexico

The below parties are notified for compulsory pooling:

1) David E. Wood
P. O. Box 731
Hobbs, New Mexico 88241

- 2) Jo Ann Schwab Carlson and Joel Henry Carlson, as Trustees of the Jo Ann Schwab Carlson Trust dated 5/20/87 5415 East 39th Street Tulsa, Oklahoma 74135
- George Houston Nickle, as Trustee of the Katherine Emily Nickle Trust
 2381 State Route 181-N
 Greenville, Kentucky 42345-4206
- 4) Roy G. Barton, aka George Barton, Trustee of the Roy G. Barton Sr. and Opal Barton Revocable Trust
 P. O. Box 978
 Hobbs, New Mexico 88241
- Florida Conference Association of the
 Seventh Day Adventists, Corporately and
 as Trustee u/w/o Otto C. Brezina, deceased
 R. L. Walden, V.P.
 Floyd H. Powell, Sec.
 c/o Frank McMillan
 P. O. Box 2626
 Winter Park, Florida 32790-2626
- 7) Mary Elizabeth Carey414 Belmore WayPasadena, California 91103
- 8) Christini Riley 1801 Brockwell Monterrey Park, California 91754

mg\stilling.lst



STILLINGS AREA LEA COUNTY, NEW MEXICO OFFSET LEASEHOLD OWNERS OR UNLEASED MINERAL OWNERS

8E/4 OF SECTION 1. TOWNSHIP 17. SOUTH, RANGE 37-EAST, N.M.P.M., LEA COUNTY, NEW MEXICO

Anson Gas Corporation P.O. Box 24060 Okiahoma City, Okiahoma 73124

Aquila Energy Resources Corporation 19370 Richmond Avenue, Suite 700 Houston, Texas 77042-4137

Beasley Öli Company 2017 Haritaga Park Drive Oklahoma City, Oklahoma 73120

J. Craig Northcutt 309 St. James Edmund, Oklahoma 73034

Hai Wi Hawthome 124 N. Bradbury Edmund, Oklahoma 73034

Retwood Energy Parisers c/o Anson Gas Corporation 124 N. Bradbury Edmund, Oklahoma 73034

The Methodist Home 111 Hering Wato, Texas

Jerry Mahoney P.O. Box 270273 Corpus Christi, Texas 78247

Nations Bank Poart Boverie Hendricks, Trustes of Clement Hendricks 303 West Wall Street Midland, Taxes 78701

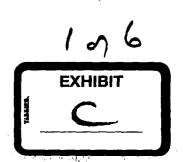
Waverly A. Duggar Greg M. Duggar P.O. Box 1930 Roswell, New Mexico 88201

Nancy Kay Handricks Liakos e married women dealing in her sole and separate property. P.O. Box 1939 Roswell, New Mexico 88201

Elmer H. Wahi, Inc. 3464 Potomac Avenue Dallas, Taxaa 76106

C.S. Daley address unknown

Myrtie L. Davis Trust Travis W. Brown, Trustee P.O. Box 26246 Oklahuma City, Oklahoma 73128



Eurieen Duel Mills, Executiva of the Estate of Earle Marvin Simon 2528 N.W. 58th Place Oklahoma City, Oklahoma 73112

J. Kenneth Fasken 1535 South Gliette Tuisa, Okiahoma 74104

Harrison Levy 5715 N. Western Okiahoma City, Okiahoma 73118

C.H. Nelson, Jr. 1118 North Garlield Sand Springs, Oklahoma 74663

Joseph Nelson address unknown

Vera K. Neison, a widow 2412 Argosy Way Hollywood, Galifornia

Lewis Weldon Beard 1510 Belment Jackson, Mississippi 18202

Joseph G. Blake, a wife Lena Ann Blake 515 South Macomb El Rena, Oklahoma

The Colorado Gorporation a bankrupt corporation William C. Lam, Trustee U.S. District Gourt for the District of Colorado Case No. 71-8-1215

Audrey M. Curry Baker P.O. Box 1283 Midliand, Texas 78702

Libby Linn Underwood Moorish and husband Alan Moorish 822 West Oak Drumright, Okiahoma 74020

George Rittenhouse Ellison Estate Susan Lamb Griffith, Executor 1810 Belmont Jackson, Mississippi 39202

John Austin Rittenhouse Susen Lemb Griffith, Executor 1510 Belmont Jackson, Missiesippi 39202

Susan Lamb Griffith 1510 Belmont Jackson, Mississippi 38302

Charles Donald Eilison, Jr. P.O. Box 2544 Denton, Taxas 76201

Judith Ritienhouse 2434 B. Contess Mesa, Arizona \$5213

al service and property sales of the

April Elizabeth Tucker 2434 Contessa Mesa, Arizona 85213

Susan Lemb Griffith (AIF) Thomas Weldon Tucker 1510 Belmont Jackson, Mississippi 39202

Floyd M. Melton, Jr. Quardian for the Estate of Holly Catherine Lamb Loran Tyler Lamb P.O. Box 534 Greenwood, Mississippi 38820

Beams Minerals Company 844 Energy Square 4925 Greenville Avenue Dallas, Texas 78208

Nell R. Blackmar 2619 Bharrill Lane Roswell, New Mexico 88201

Pamela B. Link w29 Carriage Road Charleston, West Virginia 25314

SECTION 6. TOWNSHIP 17-SOUTH, RANGE 38-EAST, N.M.P.M., LEA COUNTY, NEW MEXICO.

proceeding population about 19 possible

Swift Energy Company 18825 Northchase Drive Suite 400 Houston, Taxes 17060

Osborn Heirs Company 1250 N.E. Loop 410 San Antonio, Texas 78209

Amax Petroleum Garporation P.O. Box 42000 Houston, Texas 77042

Marcus T. Barrett, ili 2718 S.W. Milkary San Antonio, Texas 78224

William Osborn Barrett 2712 S.W. Military Sen Antonio, Texas 78224

Rebei Oil Gompany Ellie Spears, President 603 Seco Drive Hobbs, New Mexico 28240

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Douglas C. Koch P.O. Box 10851 Midland, Texas 79702

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McCuiliss Resources Go., Inc. 621 17th Street, Suite 2155 Denver, Colorado 80293

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Cerolyn Schlicher P.O. Box 606 Roswell, New Mexico 88202

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James Robert Fincham 1808 N.W. Lymen Roed Topeka, Kansas 66608

Mary Katherine Fincham Johnson P.O. Box 28 Breman, Kansas 66412

Raymond Galvin Fincham 2122 N. Kansas Avenus Topeka, Kansas 66698

Majoria Fay Fincham Read 179 Holman Street Topaka, Kanzas 88808

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Everett Fowler 704 Stratford Drive Enginites, California 92024

Lioyd G. Fowler 3426 East Hawthome Street Tucson, Artzona 86700

Lillian Smalley Henning 1768 N. Sante Ana Avenue Guste Mesa, Galifornia 92020

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John H. Sales P.O. Sox 234 Los Molinas, California 86055

Clifford Bales 418 South 18th Street Council Bluffs, Iowa 81501

Hazel Loosing

Arlington, Nebraska 88002

Francis Smith 27722 Bercelona Avenue Hayward, California 94545

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Vickie Dawson 1905 Lazy Creek Pearland, Texas 77581

Pearland, Texas 7750: Nina Bates 2209 "M" Street

Omeha, Nebraska 58107

Harriett Sperry 2200 "M" Street Omaha, Habraska 68107

Elaine Woodward 1109 "M" Street Omaha, Nebraska 88107

i.onean Afstox 2852 4th Avenue Council Biuffs, lowa 51591

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Violet Ruth Covell 1941 Larry Court Denver, Galorada 20229

Garaline Rice 841 West Sunnyside, Spot #2N Chicego, Illinois 60640

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Charles Gingma P.O. Box 58 Rys, Colorado 81969

Adaline Gingras eddress unknown

Theima Mullen RFD Nassau, New York 12123

Eleanor Moak

Greenville, New York 12081

Jennie M. Parks c/o Melvin Parks Freehold, New York 12431

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Minnie Bekler 5623 Los Palos Circle Buena Park, California 90620

Sherriii Lee Woodle 8281 Bishop Street Cypress, California 98623

Earl LeRoy Beltier 5523 Los Palos Circle Buena Park, Galifornia 90620

Russell George Beitler 5823 Los Palos Circle Buena Park, Çalifornia 90820 Charles Svan Boltler 8623 Los Palos Circle Buena Park, California 80620

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Dean Beitler

Ojai, California 93025

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Helen Vence Hospel 2166 Missouri Street San Diego, California 92109

Barbara Vance

Van Nuys, California 91409

Wallace Vance 2581 Ohio Street, #8 South Gute, California 90280

Roy G. Barton, Jr., Trustee of the Roy G. Barton, Jr. and Opal Barton Revocable Trust P.C. Box 978 Hobbs, New Mexico 88240

NEW OF SECTION 12. TOWNSHIP 17-SQUTH. RANGE 37-EAST. N.M.P.M., LEA COUNTY, NEW MEXICO.

David Petroleum Corporation 118 West First Street Roswell, New Mexico 88201

Colin R. McMillan 116 West First Street Roswell, New Mexico 88201

Pred Schiicher 179 Partician Way, Apt. 183-C Pasadena, California 81108

Dan E. Bruhi 308 S. Henderson Port Worth, Texas 76104

BECTION 7. TOWNSHIP 17-SOUTH, RANGE 28-EAST, N.M.P.M., LEA COUNTY, NEW MEXICO.

Joe H. Staley Matate c/o Staley Oil Co. P.O. Box 810 Wichita Falls, Texas 78307

Brian H. Searborough P.O. Box 2474 Midland, Texas 79702-2472

Nelson W. Jones address unknown Roy G. Berton, Jr., Trustee of the Roy G. Berton, Sr. and Opel Berton Revocable Trust I.D.# 25-6050504 P.O. Box 878 Hobbs, New Mexica 88240

Claire C. Beajj Route 2, Box 513 Vashon, Washington 95070

imeida Brueh address unknown

Richard Lyons Moore and Michael Harrison Moore, Trustees u/w/o Stephen Scott Moore 318 West Wall Street, Suite 404 Midland, Texas 79701

Richard Lyons Moore 310 West Well Street, Suite 404 Midland, Texas 78701

Michael Harrison Moore 310 Wast Well Street, Suite 404 Midland, Texas 78701

Mrs. T.D. Settle

Les County, New Mexico

M.B. and M.H. Jones

Les County, New Mexico

R.J. Fulier 1702 Eccles Drive Dallas, Texes 75227

Van Zant Oli Company J.L. Van Zant II, President P.O. Box 17323 Fort Worth, Texas 76102-0323

The Sullivan Family Partnership Keith Sullivan, El Zalene Sullivan, Ann Sullivan Avent, and James K. Sullivan 1211 S.E. 3th Street Fort Lauderdale, Florida 33316

Ted Melugin 1205 S. 9th Street Sieton, Texas 79364

Merk T. Long, Successor Trustee of the Merk T. Long Trust 339 indiandale Road SE Cadar Rapids, fows 82403

Michael S. Braun P.O. Box 1171 Michand, Texas 79702

ina Belie Page 11576 Ridga Road Nevada City, California 85959 Charles Oxborne Walker, et ux Judith Walker 9363 Huntero Cirole Dallas, Taxas 75243

James D. McLean P.O. Box 981 Addison, Texas 78001

William Allen Wallace
individually and as Trustee of
the Robert R. Wallace Testamentary
Community Property Trust,
Kethryn Ann Wallace, Individually,
Robert McGreger Wallace, Individually,
John H. Philips, Independent Executor
of the Estate of Weide Gene Allen Wallace
8680 Lange Choic
Dallas, Texas 78214

Reverly Glate 2621 N. 84th Street Lincoln, Nebraska 88807

Nancy A. Morgan, at vir Graig Morgan 1806 Archary Luna Garland, Tuxaa 78042

Devid E. Wood P.O. Box 731 Hobbs, New Mexico 88240

Eunice James Gray, Trustee of the Eunice James Gray and Wallee Gray Revocable Trust 177 Tweed Blvd. Nyack, New York 10880

Stephen Nelson James 8408 Scout Island Circle Austin, Texas 78731

Majory Lou Harris 918 Rusk Amarilio, Texas 79102

T, Miller Devidge P.O. Box 477 Denton, Texas 76201

L.M. Harris, Jr. Rosto 2, Box 144 Center, Texas 75235

Elizabath Mae Carr 14362 Bushard, #143 Thest Minister, California 92683

Jo Ann Schwab Carlson and Joel Henry Carlson, Trustees of the Jo Ann Schwab Carlson Trust 8418 East 39th Street Tulse, Oklahoms 74138

George Houston Nickle, Trustee of the Katherine Emily Nickle Trust P.O. Box 187 Drekesbard, Kantucky 42337 Colin R. McMillian 116 Thest First Street Roswell, New Medco 88201

Carolyn Schlicher P.O. Box 606 Roswell, New Maxico 88202

iva Della Harris Ri. 2, Box 144 Canter, Texas 75935

Florida Conference Association of Seventh Day Adventists, Trustee WW/Q Otto C. Brezina, R.L. Welden, U.P., Floyd H. Powell, Sec. Oranga County, California

Mary Elizabath Carey, et vir Robert V. Carey 414 Belmore Way Pasadena, California 91103

Christine Rijey 1801 Brockweli Montery Park, California 91754

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Hal W. Hawthorne 124 N. Bradbury Edmund, Oklahoma 73034

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Dan E. Bruh! 308 S. Henderson Fort Worth, Texas 78104

Anson Gas Corporation P.O. Box 24980 Oklahoma City, Oklahoma 73124

Aquile Energy Resource Corporation 10370 Richmond Avenue, Suite 700 Houston, Texas 77042-4137

Beesley Oil Company 2017 Heritage Park Drive Oklahoma City, Oklahoma 72120

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Hal W. Hawthome 124 N. Bradbury Edmund, Okiahoma 73034

J. Craig Northoutt 308 St. James Edmund, Oklahoma 73034