

OIL CONSERVATION DIVISION

APR 12 1994

April 12, 1994

Director
Oil Conservation Division
State of New Mexico
Energy & Minerals Department
P. O. Box 2088
State Land Office Building
Santa Fe, New Mexico 87501

Gentlemen:

Would you kindly check your records regarding the attached parcel of land to see whether or not there have been issued any permits for drilling (oil and/or gas) on this property presently or in the past few years.

I am one of the direct heirs to 1/16th of the oil and/or gas rights on this property and would, therefore, appreciate hearing from you in this regard.

Thank you for your time and assistance.

Sincerely,

Cecilia G. (C'deBaca) Chapman
11812 West Dumbarton Drive
Morrison, CO 80465

/cc 203/972-4231

*We are interested if updated
info in this regard. Our atty,
Klaus Mueller, never did hear back.
from Jerome Johnson (was attached
as a respondent) after the 1/8/82
letter to me from Klaus Mueller.*

CERTIFIED COPY

OF

F-W.D. Page 94

HARDING COUNTY
NEW MEXICO

Juan M. C. de Baca and Petrita B.
Baca, his wife, and Guadalupe F. "Gen"
Baca

To

Herman J. Schloo

CORRECTION WARRANTY DEED

THIS INDENTURE, Made this 29th. day of June in the year of our Lord one thousand nine hundred and thirty-nine, between Juan M. C. de Baca and Petrita B. Baca, his wife, and Guadalupe F. Baca, parties of the first part, and Herman J. Schloo, party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten Dollars, and other good and valuable considerations, to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed, and acknowledged, have granted, bargained, sold, remised, conveyed, released and confirmed, and by these presents do grant, bargain, sell, remise, convey, release and confirm unto the said party of the second part, his heirs and assigns, forever, all the following-described lots or parcels of land and real estate, situate, lying and being in the County of Harding State of New Mexico, to-wit:

Lot Two (2), South half of the Northeast Quarter ($S\frac{1}{2}NE\frac{1}{4}$) and the Southeast quarter of the Northwest quarter ($SE\frac{1}{4}NW\frac{1}{4}$) Section Four, Township Twenty (20) North, Range Thirty (30) East of the New Mexico Meridian;

Also: The Northwest quarter ($NW\frac{1}{4}$) and the Northeast quarter ($NE\frac{1}{4}$) of Section Three (3), Township Twenty (20) North, Range Thirty (30) East of the New Mexico Meridian.

Containing three hundred Forty eight (348) acres, more or less.

The grantors herein hereby reserve one-sixteenth ($1/16$) of the oil rights on the lands hereby conveyed.

This correction warranty deed is given to correct a deed given by Juan M. C. de Baca, and Petrita B. Baca, and Guadalupe F. Baca, to Herman J. Schloo, on April 9th., 1928, filed on April 17th., 1928, at 4:50 o'clock p.m., and recorded April 17, 1928, in Vol. C, page 229 of Warranty deed records in Harding County, New Mexico, and corrects the oil rights reservation clause in said deed.

TOGETHER WITH ALL AND SINGULAR, The lands, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever, of the said parties of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, his heirs and assigns forever. And the said parties of the first part for themselves, their heirs, and assigns do covenant and agree, to and with the party of the second part _____ heirs and assigns, that at the time of the ensealing and delivery of these presents they are well seized of the premises above conveyed, as of a good, sure, perfect and indefeasible estate of inheritance, in law, in fee simple, and have

-continued-

Good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid; and that the same are free and clear from all other grants, bargains, sales, liens, taxes, assessments and incumbrances of what kind and nature soever; and the above bargained premises in the quiet and peaceful possession of the party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said parties of the first part shall and will warrant and forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year last above written.

Juan M. C. de Baca _____ (SEAL)
Petrita B. Baca _____ (SEAL)
Guadalupe F. Baca _____ (SEAL)

STATE OF COLORADO,)
) ss.
COUNTY OF DENVER,)

On this 29th. day of June, 1939, before me personally appeared Juan M. C. de Baca and his wife Petrita B. Baca, and Guadalupe F. Baca, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

My commission expires

My commission expires
Mar. 14, 1943.

(SEAL)

Martin W. Breuer
Notary Public, Notary Public County,
Denver Co., Colorado.

AFFIDAVIT OF HEIRSHIP

COPY

STATE OF COLORADO)
) ss.
County of _____)

CECILIA G. HENLEY, having been first duly sworn upon her oath, deposes and says:

1. The affiant was well and personally acquainted with Juan M. C. de Baca, Jr. and Petrita Maria de Baca, during their lifetimes, being their natural born daughter.

2. Petrita Maria de Baca married Juan M. C. de Baca, Jr., on September 8, 1905 in Harding County, Bueyeros, New Mexico. Petrita Maria de Baca was married only once and that to Juan M. C. de Baca, Jr. Petrita Maria de Baca and Juan M. C. de Baca, Jr. were divorced on or about June, 1952 in the City and County of Denver, State of Colorado.

3. Juan M. C. de Baca was remarried to Mary Gallegos on or about June, 1953. Juan M. C. de Baca had no children by this marriage.

4. Juan M. C. de Baca, Jr. died intestate in April, 1956 in the City of Trinidad, County of Las Animas, State of Colorado. Juan M. C. de Baca, Jr. was survived by his wife, Mary Gallegos, and five children, to-wit: Guadalupe F. de Baca, Lloyd C. de Baca, Cecilia G. Henley (nee Cecilia G. de Baca), Mary Alice King (nee Mary Alice de Baca), and Ann Bollinger (nee Ann de Baca). The estate of Juan M. C. de Baca, Jr. was negligible and therefore there was no administration of his estate.

5. Petrita Maria de Baca died intestate on January 9, 1977 in the City and County of Denver, State of Colorado. Petrita Maria de Baca was survived by five children, to-wit: Guadalupe F. de Baca, Lloyd C. de Baca, Cecilia G. Henley (nee Cecilia G. de Baca), Mary Alice King (nee Mary Alice de Baca), and Ann Bollinger (nee Ann de Baca). The estate of Petrita Maria de Baca was negligible and therefore there was no administration of her estate.

6. There are no surviving children either born to or adopted by Petritia Maria de Baca and Juan M. C. de Baca, Jr. during their lifetimes other than the surviving children named herein. The surviving heirs of Petrita Maria de Baca on the date of this Affidavit are as follows: Lloyd C. de Baca; Guadalupe F. de Baca, whose wife is Angelina de Baca; Cecilia G. Henley (nee Cecilia G. de Baca); Mary Alice King (nee Mary Alice de Baca), whose husband is Henry A. King, Sr.; and Ann

Bollinger (nee Ann de Baca), whose husband is Dr. Howard Bollinger.

7. Juan M. C. de Baca, Jr. was also known as Juan M. J. C. de Baca, Juan Maria C. de Baca and Juan Maria C. de Baca, Jr.

8. Petrita Maria de Baca was also known as Petrita B. Baca and Petrita Miera de Baca.

9. Guadalupe F. C. de Baca, Jr. is also known as Guadalupe F. Baca.

9. The purpose of this Affidavit is to show ownership in the oil and gas rights of certain property in Harding County, New Mexico, to-wit: Township 20 North, Range 30 East: N. M. P. M.; Section 3: Lots 1, 2, 3, 4, S1/2 N1/2; Section 4: Lot 2, S1/2 NE1/4, SE1/4 NW1/4; and as more particularly described in the deed records of Harding County, New Mexico.

Cecilia G. Henley
Cecilia G. Henley

Subscribed and sworn to before me this 17th day of June, 1982, by Cecilia G. Henley.

My commission expires: 1-19-85.

Rockelle Martick
Notary Public

180 Cook St., Suite 403
Notary Address

Denver, CO 80306

MILLER and SWEARINGEN

ATTORNEYS AT LAW
SUITE 300, BARRISTER BLDG.
1535 GRANT STREET
DENVER, COLORADO 80203

REESE MILLER
JAY W. SWEARINGEN

RICHARD B. WAGNER
FREDERICK C. KUHLWILM

DURANGO OFFICE:
140 EAST PARK AVENUE
DURANGO, COLORADO 81301
TELEPHONE (303) 259-1331

TELEPHONE (303) 861-0616

August 13, 1981

Cecilia G. Henley
11280 W. 20th Avenue, No. 70
Lakewood, Colorado 80215

Dear Chris:

As we discussed in our recent telephone conversation, we have reviewed the Abstract relative to the 1/16th of the oil rights owned by your family on the Harding County, New Mexico property. The chain of events regarding that 1/16th oil right is summarized as follows:

Prior to 1910: The owners of the property in question were M.C. deBaca and Petrita deBaca.

1910: M.C. deBaca conveys to Petrita and his son, Guadalupe deBaca.

1928: Petrita, Guadalupe and M.C. (though he no longer had any legal interest in the property) deBaca convey the property in question to Schloo, reserving 1/16th of the oil rights.

1939: Correction Deed is recorded correcting the oil reservation of oil rights from "grantee" to "grantor", a correction of an obvious typo in the 1928 deed.

1928: Schloo conveys to J. E. Smith, noting the 1/16th reservation to the deBacas.

1928: Smith conveys to Leo Garcia, noting the 1/16th reservation.

1981: Oil and gas leases for a 5 year period are executed by the heirs of Leo Garcia. No reference is made to the 1/16th reservation.

Jecilia G. Henley

The preceding results in the following situation. The 1/16th of the oil rights reserved represents 100% of the deBaca oil interest. That 100% was originally held by Petrita and Guadalupe. On Petrita's death Guadalupe held 50% of the 1/16th in his own right. Petrita's estate held the other 50% of the 1/16th. Each of the five children received 1/5th of the 50% held by Petrita's estate by way of intestate succession. Thus, Guadalupe owned 60% of the 1/16th of the oil rights. (50% he original owned and 10% he inherited from Petrita.) Each remaining child held 10% of the 1/16th. (1/5th of the 50% of the 1/16th held by Petrita's estate.)

The current assignee of the oil and gas leases is Jerome W. Johnson of Amarillo, Texas. The oil leases and the assignment warrant title but make no reference to the 1/16th. 2

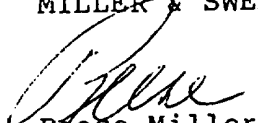
It appears at this time that we should take some action to insure that the current assignee of the leases recognizes your interest in the property. This could result in certain rental payments to you, although there would be no legal requirement of such. However, in the event of any production from the property, you would be entitled to a proportionate share of the royalties. Accordingly, it becomes obvious that it is important that we determine what activity, if any, has been conducted on the property.

I suggest that you review this material with your brothers and sisters and that we then determine whether an on-site visit is warranted or whether we should investigate the matter through contacts with Jerome Johnson and appropriate New Mexico oil and gas authorities.

I am sorry that we did not have a chance this week to get together to discuss this in detail; it turned out that I was out of town virtually the entire week. When I return on Monday, the 17th., I will call to find out if you are still in town and arrange a mutually acceptable date. In the meantime, if you have any questions, please call and leave a message and I will get back to you as soon as possible.

Sincerely,

MILLER & SWEARINGEN


Reese Miller

RM:sp