

AFFIDAVIT

State of Kansas Sedgwick County of

Tom Burden

being first duly sworn, on this 18th day of

that he is a person of lawful age; that he is and has been for 18 years last past a resident of Sedgwick County, State of Kansas, and further

deposes and states: That affiant has made a thorough investigation in an attempt to locate Mr. Olaf Enderud and/or his wife, Cora Enderud, or any heirs at law of same, said parties being owners of a 4/24 mineral interest in and under the N1/2SW1/4SW1/4NW1/4 of Section 35-23S-28E, Eddy County, New Mexico. Investigation attempts led the affiant to Mr. D. B. Stalling, attorney at law, in the City of Caldwell, State of Kansas. Mr. Stalling stated that Mr. and Mrs. Enderud were at one time residents of Caldwell, Kansas, but that they moved to San Diego, California in the early part of the 1940's to work in the naval shipyards in that city. However, Mr. Stalling was fairly certain that both parties are now deceased. Mr. Stalling stated that Mr. Enderud had one brother and no children. His brother's name was Ekrun Enderud and was also a resident of San Diego, California. Since the two brothers were approximately the same age, it was assumed by Mr. Stalling that Ekrun Enderud is also deceased. The affiant checked with the Department of Motor Vehicles in Sacramento, California in an attempt to locate any of the previously mentioned parties since they would probably own an automobile titled to them with an address on the State records. No such parties were listed. Affiant also checked with the Bureau of Vital Statistics in Sacramento to ascertain if any of the parties in question died a resident of the State of California since any death certificate would indicate the name and address of the next of kin. However, there were no such parties listed on the state records. Thereupon, the affiant re-contacted Mr. Stalling for additional information to no avail. Therefore, affiant feels that a thorough investigation has been made in an effort to locate Mr. and Mrs. Olaf Enderud and/or their heirs at law without results and that they are not locatable.

Further, Affiant saith not:

BEFORE EXAMINER STATEMENTS OIL CONSERVATION DIVISION HNS EXHIBIT NO. 5 CASE NO. 6431 Submitted by Hearing Date

STATE NOTARY PUBLIC DORENE K. DUNN Sedgwick County, Ks. My Appmt. Exp. 1-13-80 (SEAL)

Signed: Tom Burden

Subscribed and sworn to before me this 5th day of January, A. D. 19 79.

Dorene K. Dunn Notary Public

My Commission Expires 19

STATE OF Kansas COUNTY OF Sedgwick } ss. ACKNOWLEDGMENT FOR INDIVIDUAL (Kans. Okla. and Colo.) Before me, the undersigned, a Notary Public, within and for said County and State, on this 5th day of January, 19 79, personally appeared Tom Burden and

to me personally known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

My commission expires

STATE NOTARY PUBLIC DORENE K. DUNN Sedgwick County, Ks. My Appmt. Exp. 1-13-80

Dorene K. Dunn Notary Public