

ROLLA R. HINKLE III.
PETROLEUM LANDMAN
ROSWELL, NEW MEXICO 88202-2292

575
505/622-5061
FAX 505/622-0612

June 24, 2010

Allison L. Birnie
Robin E. Birnie
Cameron Birnie
14435 Benefit Street, # 2 or 22
Sherman Oaks, CA 91423

Re: Oil and Gas Leasehold Ownership
Chaves County, New Mexico

Greetings:

I am sending a follow-up letter in hopes of getting a response to my previous letter dated February 24, 2010.

Your father, Richard Birnie, and his sister, Olive Frances Bond, inherited this interest from H.N. and Ethel Smith through the laws of descent and distribution of the State of New Mexico. I have enclosed a copy of two (2) affidavits containing supporting statements.

We remain interested in purchasing your interest and would like to talk to you about same.

I am hoping all three of you and your cousin (Cindy) are still alive so that this interest does not disintegrate further.

Should you receive this correspondence, please feel free to contact me at the phone or address above or e-mail rhinkle@dfn.com.

Very truly yours,


Rolla R. Hinkle III
Petroleum Landman

BEFORE THE OIL CONSERVATION DIVISION
Santa Fe, New Mexico
Consolidated Case No.'s 14415 & 14416
Exhibit No. 4
Submitted by:
HEIRS OF H. N. SMITH
Hearing Date: March 17, 2011

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Recording Requested By:
IRVING L. KERPER, ESQ.

And When Recorded Mail To:
IRVING L. KERPER, ESQ.
18915 Northhoff Street
Woodstone Plaza, Suite 3
Northridge, CA 91324

AFFIDAVIT OF HUSBANDSHIP AND MARITAL HISTORY

STATE OF NEW MEXICO)

COUNTY OF Eddy) ss.

MARGARET B. ANDERSON and LOTTIE COULSTON, of legal age, being first duly sworn, depose and say:

That they and each of them reside at 1002 West Main, Artesia, New Mexico 88210.

That ETHEL SMITH has been known to us and each of us since 1918. Our families have been intermixed by marriage since that time. Although we are technically not related, a sister of ETHEL SMITH married our brother in 1918.

M.N. and ETHEL SMITH married about 1921 in Duncan, Oklahoma. M.N. SMITH died in 1967 or 1968 in Hollywood, California. ETHEL SMITH died on October 20, 1975, in Guthrie, Oklahoma.

To our knowledge, ETHEL SMITH had only two (2) heirs. One is a niece, Olive Boyd, whose address is 13574 Ottoman Street, Arleta, California 91301. ETHEL SMITH also had a nephew, Richard Burnie, who works as a Production Manager for MGM Studios, Hollywood, California.

ETHEL SMITH died without a will, and to our knowledge she has no outstanding debts or taxes against her estate.

DATED: August 19, 1981

Margaret B. Anderson
Lottie Coulston

STATE OF NEW MEXICO }
County of Eddy,

SUBSCRIBED AND SWORN to before me, the undersigned, a Notary Public in and for said County and State, this 19th day of August, 1981.

Eddy County, New Mexico

Notary Public
My Comm. Expires 1985
Sept. 2, 1985

FILED SEP 2 1981

at 11:00 clock A.M., and was duly recorded in Book 203 of Records of *Trust* Page 82.
Vergie Cole, County Clerk
By *Paul J. King*, Deputy

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AFFIDAVIT OF HEIRSHIP

STATE OF New MexicoCOUNTY OF Eddy

BEFORE ME, the undersigned authority, on this day personally appeared Margaret B. Anderson well known to me to be a credible person, who being by me sworn to tell the truth, the whole truth, and nothing but the truth, made the following answers in my presence, and having completed said answers, he subscribed them in my presence, and swears the same were true to the best of his knowledge and belief.

1. State your name, age and present address: Margaret B. Anderson
Age--73 years Address--102 W. Main, Artesia, N.M., 88210
2. Were you acquainted with Ethel Smith of Salt Lake, Oklahoma ~~XXXXXX~~, during ~~her~~ ~~(XXX)~~ lifetime? yes
3. How long did you know ~~(her)~~ ~~(XXX)~~? Since 1913-- 57 years
4. Is ~~(she)~~ ~~(XXX)~~ now alive? no. Approximate date of ~~(her)~~ ~~(XXX)~~ death October 20, 1975
5. State whether or not ~~(she)~~ ~~(XXX)~~ was ever married She was married.
 - a) How many times? once
 - b) Name of spouse or spouses and approximate date of marriage of each Hugh Nelson Smith--About 1924
 - c) State whether spouses are now alive or dead, and if dead, give approximate date of death 1967 or 1968 dead
 - d) Did any spouse leave any Will, within your knowledge? no
 - e) Was there any administration upon any spouse's Estate, within your knowledge? no. If so, where? _____
 - f) If decedent was divorced from any spouse, state name, date and place N/A
6. Did Ethel Smith leave any Will within your knowledge? No
7. Was there any administration upon ~~(her)~~ ~~(XXX)~~ Estate, within your knowledge? No
 - a) Executor's name and address: N/A

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- 1) Please state to the best of your knowledge whether or not all debts and taxes of (her)(his) estate have been paid: Yes

8. Give names of all (her)(his) children, including adopted children, if any, including any children who are now dead, and give the present addresses and ages of all living children:

NAME	ADDRESS	AGE	IF DECEASED, DATE OF DEATH
NONE			

NOTE: If no children are death, Question #9 need not be answered.

9. a) If any children are dead, state whether or not any such child left a will. N/A

- b) Give the name and present address of the surviving spouse, if any, of each such deceased child. N/A

- c) Give the names of all children, both living and dead, of each such deceased child and the present addresses and the ages of the living children:

NAME	ADDRESS	AGE	IF DECEASED, DATE OF DEATH	CHILD OF
NONE				

NOTE: If decedent was survived by children or children of deceased children, Question #10 need not be answered.

10. If Ethel Smith was survived by neither children nor their descendants, then please answer the following questions:

- a) Did (her)(his) father or mother survive (her)(his), and if so, give their names and present addresses: NO

NAME	ADDRESS
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- b) Name all brothers and sisters of the decedent, both living and dead, stating the ages and addresses of those now living and the date of death of those now dead:

NAME	ADDRESS	AGE	IF DECEASED, DATE OF DEATH
Bertha Birnie	San Fernando, Cal		April 12, 1974

- c) If there are any deceased brothers or sisters, give the names, addresses and ages of the surviving of the surviving children of each:

NAME	ADDRESS	AGE	CHILD OF
Olive Bond	13574 Ottoman St., Arleta, Ca. 91331	60	Bertha Birnie
Richard Birnie	MGM Studio, 10202 W. Washington Blvd Rm 211--Admin. Bldg Culver City, Ca., 90230	55	Bertha Birnie

Margaret B. Anderson
AFFIANT

Subscribed and sworn to before me this 30 day of
November, 19 81.

My commission Expires: April 22, 1985

Beckin C. Anderson
Notary Public in the for
Eddy
of New Mexico

CORROBORATING AFFIDAVIT

(To be executed by party other than above affiant)

STATE OF New MexicoCOUNTY OF EddyLottie Coulston, of lawful age, being first duly sworn, on oath states:

That this affiant was well and personally acquainted with Margaret B. Anderson in (her) ~~XXXX~~ lifetime (being the person referred to in Question #2 of the foregoing affidavit); that this affiant has read the foregoing Affidavit of Relationship, knows the contents thereof, and that each and every statement therein contained is true to the best of his knowledge and belief.

Lottie Coulston

Lottie Coulston

AFFIANT

Subscribed and sworn to before me this 30 day of November, 1981.

My Commission Expires:

April 22, 1985

Buck E. Smith
Notary Public in and for
Eddy County, New Mexico
of New Mexico

STATE OF NEW MEXICO, County of Eddy, ss. I hereby certify that this instrument was filed for record on the 2 day of April, 1982, at 10:25 o'clock A.M., and recorded in the Records of Miscellaneous, Book 210 Page 307.
VIRGIE COLL, County Clerk
By Sharon L. DeBorde, Deputy

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CERTIFICATION

All microficheographic images of documents on this file shall be of sufficient size and in the possession of this agency to be used in the preparation of microfiche copies of this agency. These documents are hereby microfilmed as a necessary condition to the submission of the microfiche document file.