



PETROLEUM LAND SERVICES

November 22, 2010

Mr. Hayden P. Tresner  
Cimarex Energy Company  
600 N. Marienfeld Street, Suite 600  
Midland, TX 79701

RE: HIGH LONESOME PROSPECT  
H.N. Smith Information  
Eddy & Lea County, New Mexico

Mr. Tresner,

As requested, a file search has been completed in order to furnish you with any information we gathered in August/September of 2008 concerning the Estate of H.N. Smith in Eddy & Lea County, New Mexico. The information we had in the file is attached to this letter. If you should have any further questions, please don't hesitate in giving me a call at 687 7075.

Sincerely

Greg Avery  
Petroleum Landman

Cx Oil Conservation Division  
Case No. 1  
Exhibit No. 1



PETROLEUM LAND SERVICES

September 4, 2008

Elizabeth E. Moses  
1310 West Illinois, Suite 200  
Midland, TX 79708

**COPY**

RE: HIGH LONESOME PROSPECT  
H.N. Smith & Sigyn Lund Information  
Eddy & Lea County, New Mexico

Elizabeth:

As requested, a search was completed utilizing the Public Records of Eddy and Lea County, New Mexico and information obtained from the internet for any information we could find concerning H.N. Smith and Sigyn Lund. Below are our findings:

H.N. Smith:

H.N. Smith died in 1968 leaving all of his property to his wife, Ethel Smith, in that certain Probate #3722 filed in Eddy County, New Mexico. Thereafter, there were two (2) Affidavits of Heirship filed in 1981 and 1982 in Eddy County concerning the Estate of Ethel Smith which stated she died intestate, had no children but left all of her property to a niece, Olive Bond (13574 Ottoman Street, Arleta, California 91331) and to a nephew, Richard Birnie (c/o MGM Studios, 10202 W. Washington Blvd, Room 211, Administration Building, Culver City, California 90230).

Olive Frances Bond died in 1992 in Los Angeles, California but no other information could be found concerning her Estate.

Richard M. Birnie died in 1986 in Los Angeles, California. He was married to Virita L. Kowalski in 1972 but they divorced in 1983. No other information could be found concerning Richard M. Birnie but we did find that Virita L. Birnie did live at 22661 Marlin Place, West Hills, California 91307 ((818) 831-3865) in 1995 and, according to different address searches on the internet, apparently still resides at said address. Further information may be obtained by contacting Ms. Birnie.

Sigyn Lund:

Sigyn Lund conveyed an undivided 3/4 of her interest situated in the United State of America in that certain general Conveyance file dated January 31, 2005 (607 OPR 1212) in Eddy County to Texas Oil & Mineral Co., LLC (P.O. Box 10906, Midland, Texas 79702 Landman: Brad Carter). I visited with Mr. Carter yesterday afternoon and he has contact information for Sigyn Lund.

If you should have any questions concerning any of this information, please give me a call at 687-7075.

Thank You

Greg Avery  
Petroleum Landman

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H N Smith

Died in 1968 leaving everything to his wife Ethel Smith (3722 Probate)

There is are 2 Affidavids of Heirship filed in 81 & 82 Ethel Died on 10-20-75 intestate

She had no children but it lists 2 Heirs (203 Mis 822 & 210 Mis 507)

a niece Olive Bond living at 13574 Ottoman ST, Arleta, CA 91331 (as of 1981)

a nephew Richard Birnie % MGM Studio, 10202 W Washington Blvd Rm 211, Admin Bldg Culver City CA 90230

neither of who show up in title again

Date: Tue, 2 Sep 2008 21:13:26 -0500

From: mamakoo@hotmail.com

To: locolana@grandecom.net

Subject: HN Smith Family

*This message was written in a character set other than your own. If it is not displayed correctly, click here to open it in a new window.*

This is what I have so far on this family

If I am correct...

Olive Frances Bond died in 1992 in LA

I can't find any marriage records for her, but obviously she was married.

I also have not found any records of her having children.

Richard M Birnie died in 1986 in LA

He married a Virita L Kowalski in 1972 and they divorced in 1983 (possibly this was not his first marriage, so I'll try and look in other states and see, but I think he lived in CA for most of his life)

I can't find any other marriages for him or any children.

I looked to see if Virita had any children..by anyone and couldnt find anything

I did not find any records of a death for her, so possibly she is still alive.

I found a public record for her with address and phone number but the record was not dated.

Another possible last name for her is Sheppard.

Im gonna keep looking and try to find Olive's husband and search more for any kids.

Just because I can't find them doesnt mean there arent any. From all the records I have access to on here there are many states that don't have a birth index (at least its not on ancestry.com). So, its possible they had kids in another state.

Let me know if ya'll want the phone number and address I have for Virita.

Love ya,

me

Date: Tue, 2 Sep 2008 21:23:24 -0500

From: mamakoo@hotmail.com

To: locolana@grandecom.net

Subject: One more thing

*This message was written in a character set other than your own. If it is not displayed correctly, click here to open it in a new window.*

This is weird. I decided to Google Virita L Birnie and I found that she had a US Patent and on the websites it listed the same address I found for her on ancestry.com. So I know she lived at the address I have in 1995. She would be 72 now. But, if she's still alive and still living there, maybe she could give ya'll the info you need.

What do ya'll do if everyone is dead and they did not leave a will or anything?

Love ya,

Me

Date: Wed, 3 Sep 2008 10:44:08 -0500

From: mamakoo@hotmail.com

To: locolana@grandecom.net

Subject: Virita L Birnie

*This message was written in a character set other than your own. If it is not displayed correctly, click here to open it in a new window.*

Here's the address to Richard Birnie's ex-wife.

22661 Marlin Pl  
West Hills CA 91307

Phone  
818-831-3865

Date: Tue, 26 Aug 2008 21:47:25 -0500

From: mamakoo@hotmail.com

To: locolana@grandecom.net

Subject: H N Smith

*This message was written in a character set other than your own. If it is not displayed correctly, click here to open it in a new window.*

Hello.

I found out that New Mexico is one of the states that does NOT have a good set way of finding their records. I found lots of H N Smiths and even more N H Smiths. I did add on Ethel as his spouse and added those 3 counties as places of residence. There was one H N Smith that died in San Saba recently, but I don't think that would be him. I can still get the info from him if you want me to.

I did find two H N Smiths in a Pulic Directories list that really stood out. Heres the info I got

H N Smith  
502 S 3rd St  
Tucumcari NM 88401  
505-461-3632

H N Smith  
615 S 1st St  
Tucumcari NM 88401  
505-461-1130

Those two records were from like 1997 to 2002 and said those or that person lived at that address(s) in 98, 99, 00, and 01.

Im thinking thats just when the record ends. They still may live there. Who knows.

Let me know if you want to dig a little deeper, I surely can.

Love ya,  
Me

File_Date	Range
Grantor	Beginning of field
Abstract	Exact match
File_Date	Range
Grantee	Beginning of field
Abstract	Exact match

**Caprock Title Midland LLC**

Eddy County, NM

08/28/2008

Page 1 of 1

Grantor	Inst Type	I Date	Recording Data	Abstract	Property Description
Grantee	F Date	F Date			Acres      Prior Reference
SMITH H N (EST)		9/24/1969	P / 37 / 22	NONE	LEA COUNTY NM PB#?
SMITH ETHEL (IND & EXEC)	PROB	9/24/1969			0.00 <i>Copy</i>
ANDERSON MARGARET B		9/2/1981	M / 203 / 822	NONE	
SMITH ETHEL (EST)	AFFH	9/02/1981			0.00 <i>Copy</i>
ANDERSON MARGARET B		11/30/1981	M / 210 / 507	NONE	
SMITH ETHEL (EST)	AFFH	4/09/1982			0.00 <i>Copy</i>

LAST WILL AND TESTAMENT

STATE OF NEW MEXICO )  
 ) SS  
 COUNTY OF LEA )

KNOW ALL MEN BY THESE PRESENTS:

That I, the undersigned H. N. Smith, being of sound and disposing mind and memory and above the age of twenty-one years, do hereby make and publish this my Last Will and Testament, hereby revoking all Wills, Testaments and Codicils by me at any time heretofore made.

I

I declare that I am a resident of Hobbs, New Mexico, and am married to Ethel Smith; that I have one daughter by a previous marriage, Mary Isabelle Blanchard, now living in Youngstown, Ohio; and that she is the only child I have ever had and that I have no children by adoption.

II

I bequeath the sum of Ten Dollars (\$10.00) to my daughter, Mary Isabelle Blanchard, if she survives me.

III

If my daughter, Mary Isabelle Blanchard, does not survive me, then I bequeath the sum of One Dollar (\$1.00) to each child or other descendant of my said daughter, Mary Isabelle Blanchard.

IV

All the rest, residue and remainder of my estate and property, real, personal and mixed, of whatsoever nature and wherever situate which I may own at my death and any estate and property which I may have the power to dispose of at my death, I give, devise, bequeath and appoint unto my wife, Ethel Smith, if she survives me, absolutely and in fee simple.

V

Without limitation of the powers conferred upon her by statute

*H. N. Smith*

or general rules of law, I authorize and empower my Executrix to make surface and mineral leases (including leases extending beyond the period of administration), and to make sales of any or all real or personal property belonging to my estate if the sale of the same shall, in her judgment, appear advisable, to conduct private sales and conveyances without notice and upon such terms as may in her discretion appear to the best interest of my estate, and to deliver all conveyances, deeds, leases and other instruments necessary or required in connection with any such sales or lease transactions and without ever the necessity of applying to any Court for authority or order to make any leases or sales, and I hereby grant to my Executrix the authority to continue for the period of administration the operation of any businesses in which I may be engaged at the time of my death and without liability for any losses which said businesses may incur.

VI

I hereby constitute and appoint my wife, Ethel Smith, to be the Executrix of this my Last Will and Testament and direct that she be allowed to serve without bond.

IN WITNESS WHEREOF, I, the said H. N. Smith, have hereunto set my hand to this my Last Will and Testament this the 22<sup>d</sup> day of

July, 1957.

H. N. Smith

We the undersigned H. M. Rose and Laurene H. Johnson, both of Hobbs, New Mexico, do state that the foregoing instrument was subscribed, published and declared by H. N. Smith as and for his Last Will and Testament in the presence of each of us, who, at his request, in his presence and in the presence of each other, have hereunto subscribed our names as attesting witnesses the day and year last above written.

STATE OF NEW MEXICO }  
County of Eddy } ss

H. M. Rose

FILED SEP 24 1969  
at 10:15 a.m. with A. J. and man duty  
recogized in Book 27 of Records of  
Eddy County, New Mexico  
Blair Branch, County Clerk  
J. J. [Signature] Deputy

Laurene H. Johnson

Recording Requested By:  
IRVING L. KERPER, ESQ.

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

AFFIDAVIT OF HEIRSHIP AND MARITAL HISTORY

STATE OF NEW MEXICO     )  
                                  ) ss.  
COUNTY OF Eddy         )

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 know 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 to ETHEL SMITH married our brother in 1918.

H.N. and ETHEL SMITH married about 1921 in Duncan, Oklahoma. H.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 Bond, whose address is 13574 Ottoman Street, Arleta, California 91231. ETHEL SMITH also had a nephew, Richard Bixnie, 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.

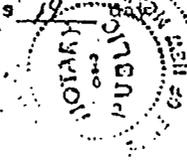
DATED: August 19, 1981

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 19<sup>th</sup> day of August, 1981.  
Eddy County, New Mexico

Heidi E. Bond  
My Commission Expires  
April 23, 1985



FILED SEP 2 1981 FOR RECORD  
at 11:30 clock A.M. and was duly recorded in Book 203 of Records of News Page 822  
Virgie Cole, County Clerk  
By: Ruth J. King, Deputy

## 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 swore 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 Butte, Oklahoma ~~xxxxxx~~, during her ~~(xxx)~~ lifetime? yes  
Duncan
3. How long did you know her ~~(xxx)~~? Since 1918-- 57 years
4. Is she ~~(xxx)~~ now alive? no. Approximate date of her ~~xxxxx~~ death October 20, 1975.
5. State whether or not she ~~(xx)~~ 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 ~~(xxxx)~~ Estate, within your knowledge? NO
  - a) Executor's name and address: N/A

b) 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:

<u>NAME</u>	<u>ADDRESS</u>	<u>AGE</u>	<u>IF DECEASED, DATE OF DEATH</u>
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:

<u>NAME</u>	<u>ADDRESS</u>	<u>AGE</u>	<u>IF DECEASED, DATE OF DEATH</u>	<u>CHILD OF</u>
NONE				

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

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

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

<u>NAME</u>	<u>ADDRESS</u>

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:

<u>NAME</u>	<u>ADDRESS</u>	<u>AGE</u>	<u>IF DECEASED, DATE OF DEATH</u>
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:

<u>NAME</u>	<u>ADDRESS</u>	<u>AGE</u>	<u>CHILD OF</u>
Olive Bonú	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

*Debra L. Bon...*  
Notary Public in the for  
Eddy  
of New Mexico



BUREAU OF REVENUE  
SANTA FE

SUCCESSION TAX DIVISION

STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED

JUL 3 - 1969

STATE OF NEW MEXICO )  
                                  ) SS.  
COUNTY OF SANTA FE )

Effie Haldiman, County Clerk  
By U. E. B. deputy

Sufficient evidence having been presented to this Division  
in the matter of the Estate of W. M. Smith  
by Etzel M. Smith and other interested parties  
in such Estate, and it appearing to this Division that the Estate is not  
of sufficient amount to justify the expense of administration thereof:

THEREFORE, upon such presentation of evidence and satisfaction  
shown to the Division, administration of the Estate of \_\_\_\_\_  
W. M. Smith is hereby waived under the Provisions  
of 31-16-17 New Mexico Statutes, 1953 Annotated:

And a copy of such information furnished this Division is  
attached hereto and made a part hereof. The tax liability is shown by  
the attached assessment of Succession Tax due or Certificate of No Tax,  
whichever the case may be.

DONE AT SANTA FE, NEW MEXICO, This 3rd day of July  
1969.

BUREAU OF REVENUE  
SUCCESSION TAX DIVISION

By [Signature]  
Manager

ATTEST:  
[Signature]  
Auditor

IN THE PROBATE COURT OF

#2 726  
STATE OF NEW MEXICO

COUNTY

STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED

In the Matter of the Estate of

No. Waiver

W. J. Smith

JUL 3 - 1969

### Certificate of No Tax Due

Fritz Hablman, County Clerk

By W. E. B.

This is to certify that the Bureau of Revenue has been fully advised of the appraised value of the above estate and of the proposed distribution thereof to heirs and beneficiaries and that there is no Succession Tax due to the State of New Mexico thereon.

Dated this \_\_\_\_\_ day of July, 1969

Attest:

*Bill Arnesen*

Auditor

BUREAU OF REVENUE  
SUCCESSION TAX SECTION

By *Bill Arnesen*

Section Chief