

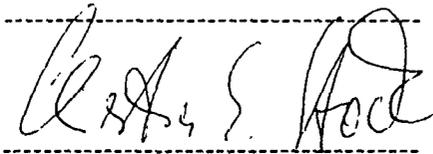
AFFIDAVIT OF PUBLICATION
STATE OF NEW MEXICO

I, Christina E. Stock
Legals Clerk

Of the Roswell Daily Record, a daily newspaper published at Roswell, New Mexico do solemnly swear that the clipping hereto attached was published in the regular and entire issue of said paper and not in a supplement thereof for a period of:

one time with the issue dated

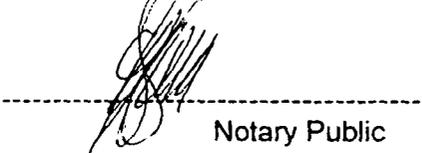
January 6, 2009



Clerk

Sworn and subscribed to before me

this 7th day of January, 2010



Notary Public

My Commission expires
June 13, 2010

(SEAL)

Publish January 6, 2010

NOTICE

To: H.N. Smith, Etal, Santa Fe, N.M. and B. J. and D. J. Smith, et al. members of devisees. Cimarex Energy Co. has filed an application with the New Mexico Oil Conservation Division seeking an order approving a non-standard oil spacing and proration unit project area in the Abo Volcanic formation comprised of the E2E2 of Section 18, Township 25S, Range 10E, N.M.P.M., Chaves County, New Mexico, (formerly known as the Abo Volcanic formation) and Abo Volcanic formation underlying the non-standard unit. The unit is located east to the Franklin 18, Fed. Com. Well No. 4, a horizontal well to be drilled on the surface location 375 feet from the south line and 375 feet from the west line, with a terminus 375 feet from the north line and 375 feet from the east line of Section 18. Also to be considered will be the cost of drilling and completing the well and the allocation of the cost thereof, well fees, shut-in fees, and charges for supervision, designation of a primary operator, and completion of the well. The application is scheduled to be heard on Thursday, January 21, 2009 at the Division, Office of Oil Conservation, Santa Fe, New Mexico 87505. An interested party may wish to appear in person to give an appearance and participate in the proceedings. The location of the well is from corner of the northeast corner of the section. The well is located Bruce, P.O. Box 100, Santa Fe, New Mexico 87505. The well is located approximately 14-1/2 miles north-northeast of Loco Hills, New Mexico.

Oil Conservation Division
Case No. 14416
Exhibit No. 5