

August 4, 2005 8 PM 12 08  
2005 AUG 8

New Mexico Oil Conservation Division  
 ATTN: Mr. Mark Fesmire, Director of the OCD  
 1220 S. Saint Francis Drive  
 Santa Fe, NM 87505

RE: Case #13538  
 Application for Non-Standard Spacing  
 Read & Stevens Brumley 17 Fed. Com #1  
 330' FSL & 485' FEL  
 Section 17-19S-39E  
 Lea County, New Mexico

Greetings:

Bank One Trust Company is Trustee of the Avis K. Miller Trust. This trust owns minerals in the E/2 of Section 18-19S-39E. Another royalty owner advised us of this Application for Non-Standard Spacing. We would like to protest this application based upon failure to expressly provide the Avis K. Miller Trust with proper written notice.

Since we were not given notice, I do not feel we should be held to any advance time limit to protest this action. Enclosed is a copy of the recorded document into the Avis K. Miller Trust. I have no reason to feel these lands were ever sold.

If we can answer any questions, my direct line is 405-419-3570.

Best regards,



Mike Turman  
 Mineral Management  
 Department

Bank One Private Client Services offers products and services through affiliates of Bank One Corporation, including Banc One Investment Advisors Corporation (a registered investment advisor) and Banc One Insurance Agency, Inc., Bank One Trust Company, N.A. and certain affiliate banks with fiduciary powers provide fiduciary and custody products and services. Brokerage services are provided by Banc One Securities Corporation (member NASD and SIPC). Private banking loan and deposit products are provided by Bank One, N.A. and its bank affiliates (member FDIC).

Investment accounts and insurance products are Not a Bank Deposit • Not FDIC Insured • No Bank Guarantee  
 • May Lose Value • Not a Condition of any Bank Loan, Product or Service • Not Insured by any Federal Government Agency

5978/8 15mm

Record & Return to:  
First National Bank &  
Trust Company of Tulsa  
Trust Energy Department  
P.O. Box 1  
Tulsa, Oklahoma 74193

5935

SPECIAL CONVEYANCE OF PROPERTIES BY  
TRUSTEE OF CLAUDINE BRADY TRUST  
TO TRUSTEE OF THE AVIS K. MILLER TRUST

TRANSFER OF BENEFICIAL INTEREST  
NO DOCUMENTARY STAMPS NECESSARY

WHEREAS, THE FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA, a national banking association (herein "First National Tulsa") is the duly designated, qualified and acting Trustee of the Trust created by Claudine Brady by a Declaration of Trust, dated August 5, 1980 (such Trust being referred to herein as the "Claudine Brady Trust") and the Claudine Brady Trust is the owner of the oil and gas mineral and royalty interests in the lands in the States of Texas, Illinois, New Mexico and Oklahoma more particularly described in Exhibit A and hereby made a part hereof; and

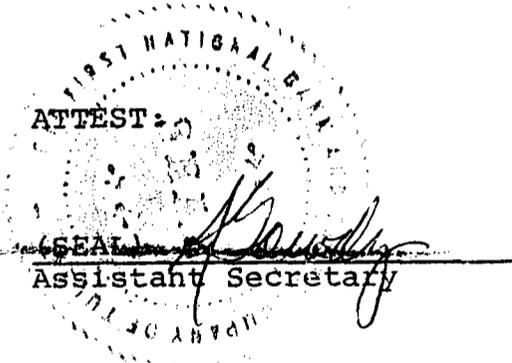
WHEREAS, under the provisions of the Brady Trust an undivided one-half of the interest of the Brady Trust is distributable to or for the account of AVIS K. MILLER who has created and established the AVIS K. MILLER TRUST (herein the "Miller Trust") under the provisions of a Declaration of Trust dated June 10, 1986, and has directed that the interests distributable to her from the Brady Trust be distributed to the Avis K. Miller Trust.

NOW, THEREFORE, for and in consideration of the sum of One Dollar and other valuable considerations, the receipt of which are hereby acknowledged by the Brady Trust, First National Tulsa, as Trustee of the Brady Trust, does hereby grant, convey and transfer unto The First National Bank and Trust Company of Tulsa, as Trustee of the Avis K. Miller Trust, AN UNDIVIDED ONE-HALF of each of the mineral and royalty interests described on Exhibit A hereto, hereby expressly retaining in and for the Brady Trust the remaining undivided one-half interest in each of the said mineral and royalty interests.

TO HAVE AND TO HOLD all and singular the interests hereby conveyed to The First National Bank and Trust Company of Tulsa as Trustee of the Avis K. Miller Trust and its successors in trust and assigns.

IN WITNESS WHEREOF The First National Bank and Trust Company of Tulsa, as Trustee of the Brady Trust, has caused these presents to be executed in its name and on its behalf this 1<sup>st</sup> day of April, 1987, by its Vice President and Senior Trust Officer duly authorized.

THE FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA, as Trustee of the Claudine Brady Inter Vivos Trust created by Declaration of Trust dated August 5, 1980.

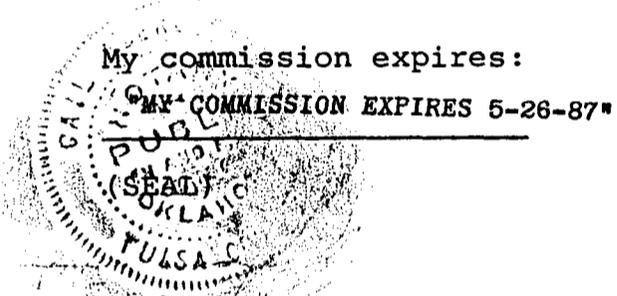


BY Jake H. Torbert  
Jake H. Torbert  
Vice President and Senior Trust Officer

STATE OF OKLAHOMA )  
 ) SS.  
COUNTY OF TULSA )

The foregoing document of conveyance was acknowledged before me this 1<sup>ST</sup> day of APRIL, 1987, by JAKE H. TORBERT, a Vice President and Senior Trust Officer of The First National Bank and Trust Company of Tulsa, a national banking association, on behalf of the said national banking association which acted in its capacity as Trustee of the Claudine Brady Inter Vivos Trust established and created under a Declaration of Trust executed by Claudine Brady on August 5, 1980.

Gail Abercrombie  
Notary Public  
GAIL ABERCROMBIE



My commission expires:

MY COMMISSION EXPIRES 5-26-87

Record and Return to:

The First National Bank and  
Trust Company of Tulsa  
P.O. Box One  
Tulsa, Oklahoma 74193

EXHIBIT A - PART I

Gaines County, Texas

1. An undivided 5/480ths interest in and to the oil, gas and other minerals in and under and that may be produced from:

The South 240 acres of Section 17, Block C-31, Public School Lands, in Gaines County, Texas.

Kent County, Texas

2. An undivided 1/512th interest in and to the oil, gas and other minerals in and under and that may be produced from:

The Section 47, Block 5, H&GN Ry Company Survey, Kent County, Texas.

Loving County, Texas

3. An undivided 1/128 interest in and to the oil, gas and other minerals in and under and that may be produced from:

Sections 25 and 26, Block 76, Township One, Public School Land, Loving County, Texas.

Gaines County, Texas

4. An undivided 14/192 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The East Half of the West Half (E/2 W/2) of Section 8, Block C-31, Public School Lands, Gaines County, Texas.

Gray County, Texas

5. An undivided 1/18 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The North Half (N/2) and the Southeast Quarter (SE/4) of Section No. 17, Block No. 3, I.&G.N. RR. Company Survey, Gray County, Texas.

Pecos County, Texas

6. An undivided 7/128 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The South Half (S/2) of Section Nine (9), Block One Hundred Forty-six (146), T. & St.L. Ry. Co. Survey, Pecos County, Texas.

Sutton County, Texas

7. An undivided 5/1280 interest in and to all of the oil royalty, gas royalty and royalty in casinghead gas, gasoline and royalty in other minerals in and under, and that may be

produced from the following described lands in Sutton County, Texas:

<u>Abstract</u>	<u>Survey</u>	<u>Certif.</u>	<u>Block</u>	<u>Original Grantee</u>	<u>Acres</u>
1045	62	0/268	7	T.W.N.G. Ry. Co.	640
642	67	0.271	7	T.W.N.G. Ry. Co.	640

(such interest acquired by Claudine Brady from John M. Winters, Jr. under Royalty Deed dated 11/10/49.

Terry County, Texas

8. An undivided 1/20 interest in and to all of the oil, gas and other minerals, in and under, and that may be produced from the East 200 acres of the West 400 acres of Section 19, Block C-31, Public School Lands, Abstract No. 1769, Terry County, Texas.

Titus County, Texas

9. An undivided 1/8 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

All of Lot Four in Block Twenty of the Townsite of Talco, Titus County, Texas (150 feet by 150 feet square, more or less).

Upton County, Texas

10. An undivided 15/1280 interest in and to all of the oil royalty, gas royalty and royalty in casinghead gas, gasoline and royalty in other minerals in and under, and that may be produced from Section 34, Abstract 874, Certificate 414, C&M Ry. Co. Survey, Upton County, Texas.

11. An undivided 1/128 interest in and to all of the oil royalty, gas royalty and royalty in casinghead gas, gasoline and royalty in other minerals in and under and that may be produced from Section 13, Block B, Certificate 4/1105, G.C.&S.F. Railway Co. Survey, Upton County, Texas (640 acres, more or less).

Yoakum County, Texas

12. An undivided 1/128 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The North Half (N/2) of Section 359 and the West Half (W/2) of Section 360, Block D, John H. Gibson Survey, Yoakum County, Texas (640 acres, more or less).

Knox County, Texas

13. An undivided 1/96 of the oil, gas and other minerals in and under and that may be produced from the following described lands located in Knox County, Texas:

Sections 52, 53, 54, 55, 67, 68, 69, 70, 81, 82, 83 and 84 in Block "C", H&TC Ray. Co. Survey,

and

The South Half of Section 66 and the West Half of Section 39, all in the said Block "C", H&TC Ry. Co. Survey, in Knox County, Texas.

Hutchinson County, Texas

14. (a) An undivided 1/18 interest in and to all of the oil, gas and other minerals in and under and that may be produced from the South Half (S/2) of Section 68, Block 46, H&TC Survey; and

(b) An undivided 1/144 interest in and the oil, gas and other minerals in and under and that may be produced from all of Section 72, Block 46, H&TC Survey.

EXHIBIT A

Midland County, Texas

5/1294.6 mineral interests in and to Section 31, Block 40, Township 2 South, T&R Ry. Co. Survey, containing 640 acres, and in and to all of Section 43, S. A. Holcombe Survey in Block 40, Township 2 South, containing 654.6 acres, Certificate Number 6245, Midland County, Texas.

EXHIBIT A - Part I

STATE OF NEW MEXICO

Eddy County, New Mexico

1. An undivided 1/32 of 8/8 overriding royalty interest in and to all of the oil, gas and other minerals in and under and that may be produced from the West Half of the Northeast Quarter (W/2 NE/4) of Section 17, Twp. 18 South, Rge. 29 East, Eddy County, New Mexico (280 acres, more or less).

> Lea County, New Mexico

2. An undivided 5936/188160 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The East Half of the East Half of Section 7, and the West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 8, Twp. 20 South, Rge. 37 East, Lea County, New Mexico.

3. An undivided 3/128 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The East Half of the Southeast Quarter (E/2 SE/4) of Section 27, Twp. 22 South, Rge. 37 East, Lea County, New Mexico.

4. An undivided 1/128 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The West Half of Section 34, Twp. 14 South, Rge. 33 East, Lea County, New Mexico.

5. An undivided 1/512 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The Northeast Quarter of Section 34, Twp. 22 South, Rge. 37 East, Lea County, New Mexico.

6. An undivided 17/120 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The Southwest Quarter of the Northwest Quarter and the West Half of the Southwest Quarter of Section 23, Twp. 20 South, Rge. 35 East, Lea County, New Mexico.

7. An undivided 1/64 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The Northwest Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 27, Township 22 South, Range 37 East, and the East Half of Section 33, Township 14 South, Range 33 East, Lea County, New Mexico.

8. An undivided 1/16 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The Southeast Quarter of Section 24-T19S-R38E, and the East Half of Section 18-T19S-R39E, and the Southwest Quarter of the Southwest Quarter of Section 5-T20S-R37E, Lea County, New Mexico.

9. An undivided 1/64 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The Northwest Quarter and the North Half of the Northeast Quarter and the Northeast Quarter of the Southwest Quarter of Section 13, and the Northeast Quarter of the Northeast Quarter of Section 14, Township 20 South, Range 37 East, Lea County, New Mexico.

10. An undivided 1/32 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The South Half of the North Half of Section Eight, Township 17 South, Range 37 East, and the West Half of the Northeast Quarter and the East Half of the Northwest Quarter of Section 26, Township 19 South, Range 36 East, Lea County, New Mexico.

11. An undivided 23/160 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The Southeast Quarter of Section 29, Twp. 14 South, Rge. 38 East, Lea County, New Mexico.

12. An undivided 1/8 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The SE/4 Section 5-T19S-R35E, and the NE/4 Section 17-T20S-R36E, and the SW/4 NW/4 and the W/2 SW/4 Section 9-T19S-R35E and the SE/4 NW/4 of Section 35-T22S-R37E, Lea County, New Mexico.

13. An undivided 1/128 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The Southeast Quarter of Southwest Quarter and South Half of Southeast Quarter and Northeast Quarter of Southeast Quarter of Section 23, and the West Half of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 25, and the East Half of the Northeast Quarter of Section 26, all in Township 19 South, Range 36 East, Lea County, New Mexico.

EXHIBIT A - Part I  
(Continued)

STATE OF OKLAHOMA

Coal County, Oklahoma

1. An undivided 1/16 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The North Half of the Southwest Quarter (N/2 SW/4) of Section 18, Twp. 2 North, Rge. 9 East, Coal County, Oklahoma.

Hughes County, Oklahoma

2. An undivided 1/48 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The West Half of the Southwest Quarter and the West Half of the East Half of the Southwest Quarter of Section 8, Township 5 North, Range 10 East; and

The Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter and the West Half of the Southeast Quarter of the Northwest Quarter and the West Half of the Northeast Quarter of the Southwest Quarter of Section 12, Township 5 North, Range 9 East, Hughes County, Oklahoma.

3. An undivided 1/24 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The East Half of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 8, Twp. 5 North, Rge. 10 East, Hughes County, Oklahoma.

Oklahoma County, Oklahoma

4. An undivided 1/32 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The Northwest Quarter of Section 11, Twp. 11 North, Rge. 3 West, Oklahoma County, Oklahoma.

Tulsa County, Oklahoma

5. An undivided 1/8 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The East Half of the Northeast Quarter of the Northwest Quarter (E/2 NE/4 NW/4) of Section 30, Twp. 21 North, Rge. 13 East, Oklahoma County, Oklahoma.

Pittsburg County, Oklahoma

6. An undivided 4/5 mineral interest in and to the East Half of the Southeast Quarter of the Southwest Quarter (E/2 SE/4 SW/4) of Section Nine (9), Township Eight (8) North, Range Sixteen (16) East, Pittsburg County, Oklahoma, according to the U.S. Government Survey:

An undivided 4/5 mineral interest in and to the South Half of the Southwest Quarter of the Northwest Quarter (S/2 SW/4 NW/4) and the South Half of the North Half of the Southwest Quarter of the Northwest Quarter (S/2 N/2 SW/4 NW/4), all in Section Fifteen (15), Township Eight (8) North, Range Sixteen (16) East, Pittsburg County, Oklahoma, according to the U.S. Government Survey.

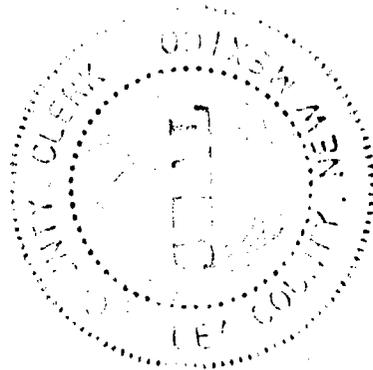
EXHIBIT A - PART I  
(Continued)

STATE OF ILLINOIS

White County, Illinois

1. An undivided 10/352.06 interest in and to all of the oil, gas and other minerals in and under and that may be produced from:

The South Half of the Northwest Quarter of Section 33, except lots 2 and 3 of the Subdivision of the South Half of the Southeast Fourth of the Northwest Quarter of Section 33; and except that part of lot Number 1 of said Subdivision described by metes and bounds as follows: Beginning at the Southeast corner of said lot Number 1 of said Subdivision and running thence west along the south line of said Lot 1 forty rods, thence North 239 feet to the Southwest Corner of Lot Number 2 of said Subdivision, thence East 40 rods along the South line of said lot number 2, thence South 239 feet to the place of Beginning; Also the Northwest Fourth of the Southwest Quarter of Section 33: Also the North Half of the Southeast Quarter of Section 32, all in Township 5 South, Range 10 East, and containing 192.06 acres more or less; Also the Northwest Quarter of Section 32, Township 5 South, Range 10 East and containing 160 acres, White County, Illinois.



5935

STATE OF NEW MEXICO  
COUNTY OF LEA  
FILED

APR 17 1987

at 12:30 o'clock  
and recorded in book 435 M  
Page 48  
Shirley May County Clerk  
By *[Signature]* Deputy

Record & Return to:  
The First National Bank &  
Trust Company of Tulsa  
Trust Energy Department  
P.O. Box 1  
Tulsa, Oklahoma 74193