

**STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION**

**APPLICATION OF MARSHALL & WINSTON, INC.  
FOR APPROVAL OF A NON-STANDARD OIL SPACING  
AND PRORATION UNIT AND COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**Case No. 14,962**

**AFFIDAVIT OF NOTICE**

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

James Bruce, being duly sworn upon his oath, deposes and states:

1. I am over the age of 18, and have personal knowledge of the matters stated herein.
2. I am an attorney for Marshall & Winston, Inc.
3. Marshall & Winston, Inc. has conducted a good faith, diligent effort to find the names and correct addresses of the interest owners entitled to receive notice of the application filed herein.
4. Notice of the application was provided to the interest owners, at their last known addresses, by certified mail. Copies of the notice letter and certified return receipt are attached hereto as Exhibit 1.
5. Applicant has complied with the notice provisions of Division Rules NMAC 19.15.4.9 and 19.15.4.12.C.

  
James Bruce

SUBSCRIBED AND SWORN TO before me this 4<sup>th</sup> day of March, 2013 by James Bruce.

My Commission Expires: 3/14/13

  
Notary Public

Oil Conservation Division  
Case No. 6  
Exhibit No. 6

**JAMES BRUCE**  
ATTORNEY AT LAW

POST OFFICE BOX 1056  
SANTA FE, NEW MEXICO 87504

369 MONTEZUMA, NO. 213  
SANTA FE, NEW MEXICO 87501

(505) 982-2043 (Phone)  
(505) 660-6612 (Cell)  
(505) 982-2151 (Fax)

[jamesbruc@aol.com](mailto:jamesbruc@aol.com)

February 14, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: Persons on Exhibit A

Enclosed is a copy of an application for a non-standard well unit, an unorthodox location, and compulsory pooling filed with the New Mexico Oil Conservation Division by Marshall & Winston, Inc., regarding a well located in the S½ of Section 3, Township 19 South, Range 32 East, N.M.P.M., Lea County, New Mexico.

This matter is scheduled for hearing at 8:15 a.m. on Thursday, March 7, 2013, in Porter Hall at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from contesting the matter at a later date.

A party appearing in a Division case is required by Division Rules to file a Pre-Hearing Statement no later than Thursday, February 28, 2013. This statement must be filed with the Division's Santa Fe office at the above address, and should include: The names of the party and its attorney; a concise statement of the case; the names of the witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that need to be resolved prior to the hearing. The Pre-Hearing Statement must also be provided to the undersigned.

Very truly yours,



James Bruce

Attorney for Marshall & Winston, Inc.

EXHIBIT 1

EXHIBIT A

Endurance Properties, Inc.  
15455 Dallas Parkway, Suite 150  
Addison, Texas 75001

S & C Construction, Inc.  
P. O. Box 1509  
Whitefish, Montana 59937

SherrFive, LP  
812 Eagle Pointe  
Montgomery, Texas 77316

Yates Petroleum Corporation  
105 South Fourth Street  
Artesia, New Mexico 88210

Kenneth L. Hewitt  
50 Lamsden Lane SW  
Atlanta, Georgia 30327

J. C. Johnson, Individually and  
as Personal Representative of the  
Estate of Dorothy M. Johnson  
1000 Huff Road  
Pampa, Texas 79065

Jack G. Roberts  
5300 Hill North Dale Drive 4 Road 1768  
Farmington, New Mexico 87401

Larry M. Newell, Individually and  
as Independent Executor of  
the Estate of Clay Newell  
5016 Byers Avenue  
Fort Worth, Texas 76107

Helen G. Newell  
2002 Boyd Street  
Midland, Texas 79701

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Endurance Properties, Inc.  
15455 Dallas Parkway, Suite 150  
Addison, Texas 75001

2. Article Number

7008 1140 0003 5880 9046

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt *MW*

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *D. Trotter*☐ Agent☐ Addressee

B. Received by (Printed Name)

*D. Trotter*

C. Date of Delivery

*2-19-13*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ YesU.S. Postal Service<sup>TM</sup> CERTIFIED MAIL<sup>TM</sup> RECEIPT

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ATLANTA, GA 30327

OFFICIAL USE

Postage

\$ 0.66

Certified Fee

\$3.10

Return Receipt Fee  
(Endorsement Required)

\$2.55

Restricted Delivery Fee  
(Endorsement Required)

\$0.00

Total Postage &amp; Fees

\$ 6.31

0500

NM 87501

Postmark

Here

FEB 14 2013

USPS

02/14/2013

Sent To

Kenneth L. Hewitt

50 Lamsden Lane SW

Atlanta, Georgia 30327

Street, Apt. No.,

or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

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ADDISON, TX 75001

OFFICIAL USE

Postage

\$ 0.66

0500

Certified Fee

\$3.10

Return Receipt Fee  
(Endorsement Required)

\$2.55

Restricted Delivery Fee  
(Endorsement Required)

\$0.00

Total Postage &amp; Fees

\$ 6.31



Sent To

Endurance Properties, Inc.

15455 Dallas Parkway, Suite 150

Addison, Texas 75001

City, State, ZIP+4

PS Form 3800, August 2006

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1. Article Addressed to:

Kenneth L. Hewitt  
50 Lamsden Lane SW  
Atlanta, Georgia 30327

2. Article Number

7008 1140 0003 5880 9091

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt *MW*

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Samuel S. Conner*☐ Agent☐ Addressee

B. Received by (Printed Name)

*Samuel S. Conner*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Yates Petroleum Corporation  
105 South Fourth Street  
Artesia, New Mexico 88210

2. Article Number

(Transfer from service label)

7008 1140 0003 5880 9107

PS Form 3811, February 2004

Domestic Return Receipt *mw*

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Underwood*
☒ Agent  
☐ Addressee

B. Received by (Printed Name)

*Underwood*

C. Date of Delivery

*2-19-13*

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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WHITEFISH, MT 59937

OFFICIAL USE

Postage \$ 0.66

Certified Fee \$3.10

Return Receipt Fee (Endorsement Required) \$2.55

Restricted Delivery Fee (Endorsement Required) \$0.00

Total Postage &amp; Fees \$ 6.31

0500

0500

Postmark

Here

FEB 14 2013

02/14/2013

Sent To

S &amp; C Construction, Inc.

Street, Apt. No.:

P. O. Box 1509

or PO Box No.

Whitefish, Montana 59937

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

U.S. Postal Service™

## CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ARTESIA, NM 88210

Postage \$ 0.66

Certified Fee \$3.10

Return Receipt Fee (Endorsement Required) \$2.55

Restricted Delivery Fee (Endorsement Required) \$0.00

Total Postage &amp; Fees \$ 6.31

0500

0500

Postmark

Here

FEB 14 2013

Sent To

Yates Petroleum Corporation

Street, Apt. No.:

105 South Fourth Street

or PO Box No.

Artesia, New Mexico 88210

City, State, ZIP+4

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1. Article Addressed to:

S & C Construction, Inc.  
P. O. Box 1509  
Whitefish, Montana 59937

2. Article Number

(Transfer from service label)

7008 1140 0003 5880 9121

PS Form 3811, February 2004

Domestic Return Receipt *mw*

102595-02-M-1540

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Stalder*☒ Agent☐ Addressee

B. Received by (Printed Name)

*Stalder*

C. Date of Delivery

*2/19/13*

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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|----------------------|-------------------|--|-----------------------------|-------------------------|---|
| 70081140000358809114 | First-Class Mail® | Notice Left                            | February 19, 2013, 5:11 pm  | MONTGOMERY, TX 77316    | Expected Delivery By:<br>February 19, 2013<br>Certified Mail™<br>Return Receipt |
|                      |                   | Arrival at Unit                        | February 19, 2013, 12:02 pm | MONTGOMERY, TX 77358    |   |
|                      |                   | Depart USPS Sort Facility              | February 17, 2013           | NORTH HOUSTON, TX 77315 |   |
|                      |                   | Processed at USPS Origin Sort Facility | February 17, 2013, 4:34 am  | NORTH HOUSTON, TX 77315 |   |
|                      |                   | Dispatched to Sort Facility            | February 14, 2013, 4:19 pm  | SANTA FE, NM 87501      |   |
|                      |                   | Acceptance                             | February 14, 2013, 2:07 pm  | SANTA FE, NM 87501      |   |

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| For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>   |         |
| MONTGOMERY TX 77316  |         |
| <b>OFFICIAL USE</b>  |         |
| Postage  | \$ 0.66 |
| Certified Fee  | \$3.10  |
| Return Receipt Fee (Endorsement Required)  | \$2.55  |
| Restricted Delivery Fee (Endorsement Required)   | \$0.00  |
| Total Postage & Fees   | \$6.31  |
| Sent To: <b>ShenFive, LP</b><br>812 Eagle Pointe<br>Montgomery, Texas 77316<br>Street, Apt. No., or PO Box No.<br>City, State, ZIP+4 |         |
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|----------------------|-------------------|--|----------------------------|-----------------------|---|
| 70081140000358809053 | First-Class Mail® | Depart USPS Sort Facility              | March 01, 2013             | ALBUQUERQUE, NM 87101 | Expected Delivery By:<br>February 19, 2013<br>Certified Mail™<br>Return Receipt |
|                      |                   | Processed through USPS Sort Facility   | March 01, 2013, 2:24 am    | ALBUQUERQUE, NM 87101 |   |
|                      |                   | Depart USPS Sort Facility              | February 25, 2013          | MIDLAND, TX 79711     |   |
|                      |                   | Processed at USPS Origin Sort Facility | February 24, 2013, 5:02 am | MIDLAND, TX 79711     |   |
|                      |                   | Dispatched to Sort Facility            | February 14, 2013, 4:19 pm | SANTA FE, NM 87501    |   |
|                      |                   | Acceptance                             | February 14, 2013, 2:03 pm | SANTA FE, NM 87501    |   |

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| (Domestic Mail Only; No Insurance Coverage Provided)   |  |                                      |        |
| For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> |  |                                      |        |
| MIDLAND, TX 79701  |  |                                      |        |
| Postage  |  | \$                                   | \$0.66 |
| Certified Fee  |  | \$                                   | \$3.10 |
| Return Receipt Fee (Endorsement Required)  |  | \$                                   | \$2.55 |
| Restricted Delivery Fee (Endorsement Required)   |  | \$                                   | \$0.00 |
| Total Postage & Fees   |  | \$                                   | \$6.31 |
| Sent To  |  | Helen G. Newell                      |        |
| Street, Apt. No., or PO Box No.  |  | 2002 Boyd Street                     |        |
| City, State, ZIP+4   |  | Midland, Texas 79701                 |        |
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| 7006114000035809060 | First-Class Mail® | Arrival at Unit             | February 16, 2013, 9:23 am | FORT WORTH, TX 76107 | Expected Delivery By:<br>February 19, 2013<br>Certified Mail™<br>Return Receipt |
|                     |                   | Dispatched to Sort Facility | February 14, 2013, 4:19 pm | SANTA FE, NM 87501   |   |
|                     |                   | Acceptance                  | February 14, 2013, 2:04 pm | SANTA FE, NM 87501   |   |

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| For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> . |         |  |  |
| FORT WORTH TX 76107  |         | OFFICIAL USE   |  |
| Postage  | \$ 0.66 | 0500<br>SANTA FE NM 87501<br>Postmark Here<br><b>FEB 14 2013</b><br>USPS |  |
| Certified Fee  | \$3.10  |  |  |
| Return Receipt Fee (Endorsement Required)  | \$2.55  |  |  |
| Restricted Delivery Fee (Endorsement Required)   | \$0.00  |  |  |
| Total Postage &  | \$6.31  | 02/14/2013   |  |
| Sent To  |         | Larry M. Newell, Individually and  |  |
|  |         | as Independent Executor of the Estate of Clay Newell                     |  |
| Street, Apt. No., or PO Box No.  |         | 5016 Byers Avenue  |  |
| City, State, ZIP+4   |         | Fort Worth, Texas 76107  |  |
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|----------------------|-------------------|--|-----------------------------|-----------------------|---|
| 70081140000358809077 | First-Class Mail® | Notice Left                            | February 15, 2013, 6:07 am  | FARMINGTON, NM 87401  | Expected Delivery By:<br>February 16, 2013<br>Certified Mail™<br>Return Receipt |
|                      |                   | Arrival at Unit                        | February 15, 2013, 7:09 am  | FARMINGTON, NM 87401  |   |
|                      |                   | Depart USPS Sort Facility              | February 15, 2013           | ALBUQUERQUE, NM 87101 |   |
|                      |                   | Processed at USPS Origin Sort Facility | February 14, 2013, 11:35 pm | ALBUQUERQUE, NM 87101 |   |
|                      |                   | Dispatched to Sort Facility            | February 14, 2013, 4:19 pm  | SANTA FE, NM 87501    |   |
|                      |                   | Acceptance                             | February 14, 2013, 2:05 pm  | SANTA FE, NM 87501    |   |

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| <b>OFFICIAL USE</b>  |                |
| Postage  | \$ 0.66        |
| Certified Fee  | \$3.10         |
| Return Receipt Fee<br>(Endorsement Required)   | \$2.55         |
| Restricted Delivery Fee<br>(Endorsement Required)  | \$0.00         |
| <b>Total Postage &amp; Fees</b>  | <b>\$ 6.31</b> |

0548 PM 87501  
Postmark  
FEB 14 2013  
SANTA FE NM 87501  
USPS  
02/14/2013

|                                    |  |
|------------------------------------|--|
| Sent To                            | Jack G. Roberts  |
| Street, Apt. No.,<br>or PO Box No. | 5300 Hill North Dale Drive 4 Road 1768<br>Farmington, New Mexico 87401 |
| City, State, ZIP+4                 |  |

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## YOUR LABEL NUMBER

70081140000358009084

## SERVICE

First-Class Mail®

## STATUS OF YOUR ITEM

Arrival at Unit

## DATE &amp; TIME

February 16, 2013, 7:24 am

## LOCATION

PAMPA, TX 79065

## FEATURES

Expected Delivery By:  
February 19, 2013

Certified Mail™

Return Receipt

Depart USPS Sort  
Facility

February 16, 2013

AMARILLO, TX 79120

Processed at USPS  
Origin Sort Facility

February 15, 2013, 11:28 pm

AMARILLO, TX 79120

Dispatched to Sort  
Facility

February 14, 2013, 4:19 pm

SANTA FE, NM 87501

Acceptance

February 14, 2013, 2:05 pm

SANTA FE, NM 87501

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| OFFICIAL USE   |    |  |
| Postage  | \$ | \$0.66   |
| Certified Fee  |    | \$3.10   |
| Return Receipt Fee<br>(Endorsement Required)   |    | \$2.55   |
| Restricted Delivery Fee<br>(Endorsement Required)  |    | \$0.00   |
| Total Postage & Fees   |    | \$6.31   |
| Sent To  |    | J. C. Johnson, Individually and<br>as Personal Representative of the<br>Estate of Dorothy M. Johnson |
| Street, Apt. No.,<br>or PO Box No.   |    | 1000 Huff Road<br>Pampa, Texas 79065   |
| City, State, ZIP+4   |    |  |
| PS Form 3800, August 2006  |    | See Reverse for Instructions   |

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