

Swazo, Sonny, EMNRD

From: Macquesten, Gail, EMNRD
Sent: Tuesday, February 05, 2008 10:52 AM
To: Swazo, Sonny, EMNRD
Subject: FW: Case 14078

From: Jim Frazier [mailto:jfrazier@orbitpetro.com]
Sent: Tuesday, February 05, 2008 9:42 AM
To: Macquesten, Gail, EMNRD
Subject: Case 14078

Dear Ms. Macquesten: I am contacting you to inform you that Orbit Petroleum, Inc. acquired ERS Resources, LLC in Sept. 2007. As such we have acquired all liabilities related to the Artesia Metex Unit. We have paid for Bonding related to this field and understand from the previous owners that there is a compliance order to be issued on February 7. Orbit is prepared to accept responsibility for compliance, bonding, fines, etc. We do have a plan to reactivate the field and are working on that plan with the OCD. For your information, we have also completed two other transactions, we sold our Chevaroo Field to Ridgeway Petroleum, aka, EOR of Houston, TX in September of 2007 and purchased Tipton Oil and Gas Acquisition in October 2007. We have not yet filed the proper C-115 production reports for TOGA due to the post closing reconciliation and verification of production. This should be completed soon and the C-115 reports will be updated and brought current.

Please contact me to discuss these matters and to let me know if we need to have representation on Thursday for the ERS hearing. You may reach me at the office today or on my cell at 405-919-5902.

Jim Frazier
President

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ERS Resources, LLC
Case 14078
OCD Exhibit No. 5

2/6/2008