

STATE OF NEW MEXICO

COUNTY OF EDDY

IN THE DISTRICT COURT

MICHAEL P. GRACE II and)
CORINNE GRACE,)
))
Petitioners,)
))
vs.)
))
OIL CONSERVATION COMMISSION)
OF NEW MEXICO,)
))
Respondent.)

No. 28181

MOTION TO JOIN PERSONS NEEDED AND INDISPENSABLE
FOR JUST ADJUDICATION

Comes now the defendant above named by its attorney, and moves the court pursuant to Section 21-1-1 (19) N.M.S.A., 1953 Comp. Rules of Civil Procedure and Section 65-3-22(b), N.M.S.A., 1953 Comp. for an order adding

as additional parties defendants to this cause, and as ground for said motion respectively shows to the court that said persons are subject to service of process, that said additional defendants are needed as each of said persons has an interest relating to the subject matter of the action and is so situated that the disposition of the action in the absence of any one of said additional defendants may as a practical matter impair or impede his ability to protect that interest, that certain of said parties held an adverse position in the hearing below, and for that reason all are indispensable parties to this action.

WHEREFORE, Respondent prays:

1. That

be joined as parties defendant in the above-entitled action, or in the alternative, that the above-entitled action be dismissed for failure to join indispensable parties.

DAVID L. NORVELL, ATTORNEY GENERAL
of the State of New Mexico

GEORGE M. HATCH
Special Assistant Attorney General
representing the Oil Conservation
Commission of New Mexico
P. O. Box 2088, Santa Fe, New Mexico

IN THE DISTRICT COURT

MICHAEL P. GRACE II and)
CORINNE GRACE,)
))
Petitioners,)
))
vs.)
))
OIL CONSERVATION COMMISSION)
OF NEW MEXICO,)
))
Respondent.)

No. 28181

MOTION TO JOIN PERSONS NEEDED FOR JUST ADJUDICATION

Comes now the defendant above named by its attorney, appearing specially and for the purposes of this motion only, and without submitting itself to the jurisdiction of this court, and for no other purposes, moves the court pursuant to Section 21-1-1 (19) N.M.S.A., 1953 Comp. Rules of Civil Procedure for an order adding

as additional parties defendants to this cause, and as ground for said motion respectively shows to the court that said additional defendants are needed as each of said persons has such an interest relating to the subject matter of the action and is so situated that the disposition of the action in the absence of any one of said additional defendants may as a practical matter impair or impede his ability to protect that interest, and for that reason is an indispensable party to this action.

WHEREFORE, Defendant prays:

1. That

be joined as parties defendant in the above-entitled action.

2. That the above-entitled action be dismissed for failure to join indispensable parties.

3. For such other and further relief as the court may deem just and proper.

GEORGE M. HATCH
Special Assistant Attorney General
representing the Oil Conservation
Commission of New Mexico
P. O. Box 2088, Santa Fe, New Mexico

I hereby certify that on the _____ day of _____,
1972, a copy of the foregoing pleading was mailed to opposing
counsel of record.

GEORGE M. HATCH

STATE OF NEW MEXICO

COUNTY OF EDDY

IN THE DISTRICT COURT

MICHAEL P. GRACE II and)
CORINNE GRACE,)
))
Petitioners)
))
vs.)
))
OIL CONSERVATION COMMISSION)
OF NEW MEXICO,)
))
Respondent.)

No. 28181

AFFIDAVIT

A. L. PORTER, JR., being first duly sworn upon oath deposes and says:

1. That he is now, and at all times hereinafter mentioned was the Secretary-Director of the New Mexico Oil Conservation Commission and a member of the New Mexico Oil Conservation Commission.
2. That as a member of the New Mexico Oil Conservation Commission he heard Commission Case No. 4693 from which issued Order No. R-1670-L.
3. That as Secretary-Director of the Commission he is the official custodian of the records of the Commission.
4. That this action was commenced by the service of summons and complaint on deponent on or about _____, 1972.
5. That the complaint, a copy of which is attached hereto and made a part hereof by reference as Exhibit "A", seeks that Commission Order No. R-1670-L be reversed, set aside, and held for naught.
6. That said Order No. R-1670-L, a copy of which is attached hereto and made a part hereof by reference as Exhibit "B", provided for the institution of prorationing in the South Carlsbad-Morrow Gas Pool and the establishment of a proration formula for said pool.
7. That Commission records reflect that each of the following named persons operate wells in the South Carlsbad-Morrow Gas Pool and will by reason thereof be directly affected by and subject to any order entered by the court in this proceeding.

8. That Commission records reflect that each of the following named persons made an appearance in Case No. 4693 held before the Commission from which Order No. R-1670-L issued and that each of said persons took a position in that case adverse to that of Petitioners Michael P. Grace II and Corinne Grace.

AFFIANT

Subscribed and sworn to before me this _____ day of
September, 1972.

NOTARY PUBLIC

My commission expires:

I hereby certify that on the _____ day of September, 1972,
a copy of the foregoing pleading was mailed to opposing counsel
of record.

GEORGE M. HATCH

STATE OF NEW MEXICO

COUNTY OF EDDY

IN THE DISTRICT COURT

MICHAEL P. GRACE II and)
CORINNE GRACE,)
) Petitioners,)
vs.)
))
OIL CONSERVATION COMMISSION)
OF NEW MEXICO,)
))
Respondent.)

No. 28181

ORDER

This matter having come this day for hearing, pursuant to a notice of motion for an order making

parties defendant in this action, with _____
appearing as counsel for plaintiff, and _____
appearing as counsel for defendant, and good cause appearing
therefor,

It is hereby ordered, adjudged, and decreed:

1. That

be made parties defendants in the action herein;

2. That the summons and complaint be amended accordingly;

3. That a copy of this order, and a copy of the amended summon^ses and complaint, be served on each of the above-named persons, *by the Petitioners in this case* within _____ days from the date of this order.

Dated _____, 1972.

DISTRICT JUDGE
Fifth Judicial District
Eddy County, New Mexico