

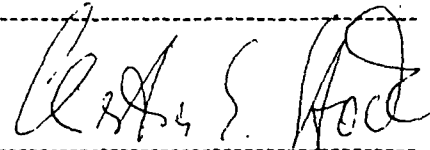
AFFIDAVIT OF PUBLICATION
STATE OF NEW MEXICO

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

John H. Smith, Daniel Smith, Daniel Smith, Jr., and Daniel Smith, Jr. are the owners or 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 A-2 Wolfcamp formation comprised of the E282 of Section 18, Township 18N, Range 10E, Section 18, T18N, R10E, NMP McChaves County, New Mexico. The project area is 160 acres of section 18 and proration unit (project area) and 160 acres of section 18 and proration unit. The Wolfcamp formation underlies the non-standard unit. The unit is located to the Franklin 18, Fed. Com. Well No. 4, a horizontal well is located at a surface location 375 feet from the south line and 375 feet from the east 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 completing the well and the allocation of the cost thereof. The well is to be completed by the operator of the well and a 200' x 200' area for the well is to be completed and the well. The application is scheduled to be heard at 10:00 a.m. on Thursday, January 21, 2009 at the Division Office at 1200 South Main Street, Santa Fe, New Mexico 87505. As an interested party, you have the right to enter an appearance and participate in the proceedings. If you are unable to appear, you may file a written statement of your position with the Division Office. The Division Office is located at approximately 14 1/2 miles north-northeast of Loco Hills, New Mexico.

Oil Conservation Division
Case No. 14416
Exhibit No. 5B