

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

APPLICATION OF OGX RESOURCES LLC
FOR APPROVAL OF A NON-STANDARD OIL
SPACING AND PRORATION UNIT AND
COMPULSORY POOLING, LEA COUNTY,
NEW MEXICO.

Case No. 14,661

AFFIDAVIT OF GARLAND H. LANG III

COUNTY OF MIDLAND)
) ss.
STATE OF TEXAS)

Garland H. Lang III, 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 Land Manager for OGX Resources LLC.
3. Attached hereto as Exhibit 1 is a copy of the Texas probate proceedings in the Estate of Philip C. McGahey, Jr., Case 03-2635-1 in the Probate Court of Tarrant County. A New Mexico probate was not conducted on Mr. McGahey's estate.
4. Mr. McGahey owned his mineral interest in the well unit which is the subject of this case as community property with his wife, Marshalyn McGahey.
5. Under New Mexico statutes Marshalyn McGahey succeeded to the entire community property interest of her spouse.

Garland H. Lang III
Garland H. Lang III

SUBSCRIBED AND SWORN TO before me this 22nd day of June, 2011 by Garland H. Lang III.

My Commission Expires: 2-5-2015

Niki Gaule
Notary Public, State of Texas



Oil Conservation Division
Case No. A 14661
Exhibit No. A

**State of Texas
County of Tarrant**

I, SUZANNE HENDERSON, Clerk of the Probate Courts of Tarrant County, Texas, do hereby certify that the attached pages contain a true and correct copy of the following:

1. APPLICATION TO PROBATE WILL AS A MUNIMENT OF TITLE
2. POSTER CITATION ON APPLICATION FOR PROBATE OF WILL AS MUNIMENT OF TITLE
3. LAST WILL AND TESTAMENT OF PHILIP C. MCGAHEY, JR.
4. PROOF OF DEATH AND OTHER FACTS
5. ORDER ADMITTING WILL TO PROBATE AS A MUNIMENT OF TITLE

which said original documents and probate proceedings are on file in the Cause No. **2003-2635-1** styled the Estate of **PHILIP C. MCGAHEY, JR., DECEASED** on the Probate Docket and of record in the Probate Minutes of the Probate Court of Tarrant County, Texas.

Given under my hand and seal of office at Fort Worth, Texas, on the 5th day of October A. D. 2010.

SUZANNE HENDERSON
Clerk Probate, Tarrant County, Texas



By

Janice Chambers, Deputy
JANICE CHAMBERS

EXHIBIT

1

03-2635-1

No.

IN THE MATTER OF
THE ESTATE OF
PHILIP C. MCGAHEY, JR.
DECEASED

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IN THE PROBATE COURT
NUMBER _____
TARRANT COUNTY, TEXAS

FILED
TARRANT COUNTY TEXAS
OCT 10-2-03
-2 A 9-38
SUZANNE HENDERSON
COUNTY CLERK

DM

**APPLICATION TO PROBATE WILL AS A
MUNIMENT OF TITLE**

TO THE HONORABLE JUDGE OF SAID COURT:

Applicant Marshalyn McGahey, [REDACTED] [REDACTED] [REDACTED] furnishes the following information to the Court for the probate of the written Will of Philip C. McGahey, Jr., [REDACTED] Decedent, as a MUNIMENT of TITLE:

1.

Applicant is an individual interested in this Estate, domiciled in and residing at 1408 Clubview Court, Arlington, Tarrant County, Texas, 76013.

2.

Decedent died on September 14, 2003, in Arlington, Tarrant County, Texas at the age of 74 years.

3.

This Court has jurisdiction and venue because Decedent was domiciled and had a fixed place of residence in Tarrant County on the date of death, September 14, 2003.

4.

Decedent owned real and personal property described generally as residence, cash, investments, real and personal property of a probable value in excess of \$10,000.00.

APPLICATION TO PROBATE WILL AS A MUNIMENT OF TITLE - Page 1



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
SUZANNE HENDERSON, COUNTY CLERK

SCANNED

OCT 03 2003

5.

Decedent left a valid written Will ("Will") dated August 28, 1996, which was never revoked and is filed herewith. Such Will named Marshalyn McGahey, 1408 Clubview Court, Arlington, Texas 76013, Applicant herein, as Independent Executrix of Decedent's estate.

6.

The subscribing witnesses to the Will and their addresses are:

Julia C. Veselka, 4504 Lindberg Drive, Arlington, TX 76016
and
Amir Ghalibaf, 5908 End o'Trail, Fort Worth, TX 76112.

The Will was made self-proved in the manner prescribed by law.

7.

No child or children were born to or adopted by Decedent after the date of the Will.

8.

Decedent was never divorced.

9.

There are no debts owed by Decedent which are not secured by liens upon real estate and there is no necessity for any administration of this Estate.

10.

No state, governmental agency of the state, or charitable organization is named by the Will as a devisee.

11.

Decedent, Philip C. McGahey, Jr. was an Attorney at Law, State Bar of Texas No. 13607000, who began practicing law in Tarrant County, Texas, on September 1, 1955. During the latter years of his professional practice, Decedent was a solo practitioner. He closed his office on or about December 31, 1998. There are no active files remaining from his law practice. On one file in which

APPLICATION TO PROBATE WILL AS A MUNIMENT OF TITLE – Page 2



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
SUZANNE HENDERSON, COUNTY CLERK

03 2675-1
Last Will and Testament

10/23/03
10:25:03
COUNTY CLERK
D.M.

OF

PHILIP C. MCGAHEY, JR.

STATE OF TEXAS *
COUNTY OF TARRANT ** KNOW ALL MEN BY THESE PRESENTS:
*

That I, PHILIP C. MCGAHEY, JR., of the County of Tarrant, State of Texas, being in good health, of sound and disposing mind and memory, and above the age of eighteen (18) years, do make and publish this my Last Will and Testament, hereby revoking all Wills at any time heretofore made by me.

I.

I direct that all my just debts be paid, including all expenses of last illness, funeral and burial, shall be paid by my Executrix or Executor as soon as reasonably convenient after my death.

II.

I hereby give, devise and bequeath all of my property, real, personal and mixed, of whatever nature and wherever situated, to my beloved wife, MARSHALYN MCGAHEY, for her own use and benefit forever.

III.

I hereby nominate and appoint my wife, MARSHALYN MCGAHEY, the Independent Executrix of this my Last Will and Testament, to serve without bond whatever and with full power to mortgage, sell and dispose of the whole or any part of my said estate without any action of the Probate Court. In the event of the death, inability, failure or refusal of my said wife, MARSHALYN MCGAHEY, to act as Independent Executrix of this my Last Will and Testament, then and in that event I hereby nominate and appoint ROBERT M. BURNETT the Independent Executor of this my Last Will and Testament, to serve without bond whatever and with full power to mortgage, sell and dispose of the whole or any part of my said estate without any action of the Probate Court.

LAST WILL AND TESTAMENT OF
PHILIP C. MCGAHEY, JR.
PAGE 1 OF 3

P.C.M.
P.C.M.

SCANNED

OCT 03 2003



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS.
SUZANNE HENDERSON, COUNTY CLERK

IV.

In the event my wife should predecease me or should our deaths occur at or about the same time as the result of a common disaster or calamity with no evidence as to which died first, or should our deaths occur within 30 days of each other, I do hereby give, devise and bequeath all my property, real, personal and mixed, of whatever kind and nature, and wherever situated, unto my children, JAMES MICHAEL MCGAHEY, PATRICK BRIAN MCGAHEY, and LYNN DEE MCGAHEY, and such children as may be born or adopted to me and my wife, after the execution of this Will, share and share alike, and their descendants forever, per stirpes.

V.

It is my will that no other action be had in the Probate Court in the administration of my estate than to prove and record this Will and to return an inventory, appraisement and list of claims of my estate.

IN WITNESS WHEREOF, I have hereunto set my hand this the 28th day of August, 1996.

Philip C. McGahey, Jr.
PHILIP C. MCGAHEY, JR.



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
SUZANNE HENDERSON, COUNTY CLERK

The foregoing was on this date signed by PHILIP C. MCGAHEY, JR. in our presence and in the presence of each of us, and at the time of his subscribing said instrument, he declared it was his Will and at his request and in his presence and in the presence of each other we have subscribed our names as witnesses thereto on the 25th day of August, 1996.

Julia C. Veselka
WITNESS

Ami Ghahlot
WITNESS

STATE OF TEXAS *
*
COUNTY OF TARRANT *

BEFORE ME, the undersigned authority, on this day personally appeared PHILIP C. MCGAHEY, JR., Julia C. Veselka, and Ami Ghahlot, known to me to be the Testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities and all of said persons being by me duly sworn, and the said PHILIP C. MCGAHEY, JR., Testator, declared to me and to the said witnesses in my presence that said instrument is his Last Will and Testament, and that he had willingly made and executed it as his free act and deed for the purposes therein expressed, that the said witnesses, each on their oath, stated to me, in the presence and hearing of the Testator, that the said Testator had declared to them that said instrument is his Last Will and Testament, and that he executed same as such and wanted each of them to sign the same as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of the said Testator and at his request; and that he was at the time 21 years of age or over and was of sound mind; and that each of said witnesses was then at least 14 years of age.

Philip C. McGahey, Jr.
PHILIP C. MCGAHEY, JR., Testator

Julia C. Veselka
WITNESS

Ami Ghahlot
WITNESS

202 E. Barden #300
ADDRESS

5012 Kembel St
ADDRESS

Arlington TX 76010
CITY, STATE, ZIP

Ft. Worth TX 76103
CITY, STATE, ZIP

SUBSCRIBED AND ACKNOWLEDGED BEFORE ME by the said PHILIP C. MCGAHEY, JR., Testator, and subscribed and sworn to before me by the said Julia C. Veselka, and Ami Ghahlot witnesses this the 25th day of August, 1991.



Janet Neal
Notary Public, State of Texas
Notary's Printed Name:
My commission expires: _____



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
SUZANNE HENDERSON, COUNTY CLERK

03-2635-1

No. _____

FILED
TARRANT COUNTY TEXAS

IN THE MATTER OF
THE ESTATE OF
PHILIP C. MCGAHEY, JR.
DECEASED

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IN THE PROBATE COURT
NUMBER ⁰³⁻⁰⁶¹
SUZANNE HENDERSON
COUNTY CLERK
TARRANT COUNTY, TEXAS

PROOF OF DEATH AND OTHER FACTS

Marshalyn McGahey, ("Affiant"), on this day personally appeared in open court, and after being duly sworn, deposes and says that:

1. Decedent, Philip C. McGahey, Jr., died on September 14, 2003, at the age of 74 years in Tarrant County, Texas, and four years have not elapsed since the date of Decedent's death.
2. Decedent was domiciled and had a fixed place of residence in this County at the date of his death.
3. The document, now shown to me and which purports to be Decedent's Will, was never revoked so far as I know. The document is dated August 28, 1996.
4. Neither the State of Texas, nor any agency thereof, nor any charitable organization is named by the Will as a devisee.
5. No children were born to or adopted by Decedent after the date of the Will.
6. Decedent was never divorced.
7. I have personal and full knowledge of the financial affairs of the Decedent. There is no necessity for any administration of Decedent's estate because there are no debts owed by Decedent, which are not secured by liens upon real estate.



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
SUZANNE HENDERSON, COUNTY CLERK

SIGNED on Oct 13, 2003 Marshalyn M. McGahey
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME by Marshalyn McGahey on the 13 day of Oct, 2003, to certify which witness my hand and seal of office.

SCANNED

OCT 16 2003

SOLO PAGE



SUZANNE HENDERSON, COUNTY CLERK
TARRANT COUNTY, TEXAS

BY Joy Thompson
Joy Thompson, Deputy

03-2635-1

No. _____

IN THE MATTER OF

THE ESTATE OF

PHILIP C. MCGAHEY, Jr.
DECEASED

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IN THE PROBATE COURT

NUMBER 1

TARRANT COUNTY, TEXAS

ORDER ADMITTING WILL TO PROBATE AS A MUNIMENT OF TITLE

On this day the Court heard the Application for Probate of Will as a Muniment of Title filed by Marshalyn McGahey, Applicant, in the Estate of Philip C. McGahey, Jr., Deceased.

The Court heard the evidence and reviewed the Will and the other documents filed herein, finds that the allegations contained in the Application are true; that notice and citation have been given in the manner and for the length of time required by law; that Decedent is dead and four years have not elapsed since the date of Decedent's death; that this Court has jurisdiction and venue of Decedent's Estate; that Decedent left a Will dated August 28, 1996; that said Will was executed with the formalities and solemnities and under the circumstances required by law to make it a valid Will; that on such date Decedent had attained the age of 18 years and was of sound mind; that the Will was never revoked by Decedent; that no objection to or contest of the probate of the Will has been filed; that all of the necessary proof required for the probate of the Will has been made; that the Will is entitled to probate; that there are no unpaid debts owing by the Estate of Decedent other than those secured by liens on real estate; and that there is no necessity for administration of such Estate.

ORDER ADMITTING WILL TO PROBATE
AS A MUNIMENT OF TITLE - Page 1 of 2

SCANNED
OCT 16 2003



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
SUZANNE HENDERSON, COUNTY CLERK

IT IS ORDERED that the Will is admitted to probate as a Muniment of Title only, and the Clerk of this Court is ORDERED to record the Will, together with the Application in the minutes of this Court. This Order shall constitute sufficient legal authority to any and all persons purchasing from or otherwise dealing with Decedent's estate and to those persons owing any money, having custody of any property, or acting as registrar or transfer agent of any evidence of interest, indebtedness, property, or right belonging to Decedent's estate, for payment or transfer by them, without liability, to the persons described in such Will. The person or persons entitled to property under the provisions of such Will shall be entitled to deal and treat with properties to which they are so entitled in the same manner as if the record of title thereof were vested in their names, all of the above provided for and authorized in Section 89C, Texas Probate Code, and the filing of an Affidavit stating the fulfilled and unfulfilled terms of the Will by Applicant is hereby ~~ORDERED~~ WAIVED.

SIGNED this 13th day Oct., 2003.

Pat Ferrell
JUDGE PRESIDING

Wayne A. Rohne
Attorney at Law
State Bar No. 17207000
1805 Cedar Elm Drive West
Arlington, TX 76012
Telephone: 817-277-4078

ATTORNEY FOR ESTATE

ORDER ADMITTING WILL TO PROBATE
AS A MUNIMENT OF TITLE - Page 2 of 2



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY TEXAS:
SUZANNE HENDERSON, COUNTY CLERK

***** TARRANT COUNTY TEXAS *****

10-7-03
2003 OCT -7 A 8:39

**POSTER CITATION
ON APPLICATION FOR PROBATE OF WIDUITY CLERK
AS MUNIMENT OF TITLE**

SUZANNE HENDERSON
WIDUITY CLERK
[Signature]

Cause No. 03-2635-1

To any Sheriff or any Constable within the State Texas, GREETINGS:

You are here commanded to cause to be posted for ten days, exclusive of the day of posting, before the return day hereof, at the Courthouse door, of Tarrant County, Texas or at the place in or near said Courthouse where public notices customarily are posted, a copy of the following notice:

THE STATE OF TEXAS

TO ALL PERSONS INTERESTED IN THE ESTATE OF PHILIP C. MCGAHEY, JR. AKA PHILIP C. MCGAHEY, DECEASED.

MARSHALYN MCGAHEY filed in the Probate Court of Tarrant County, an Application for the probate of Will of PHILIP C. MCGAHEY, JR. AKA PHILIP C. MCGAHEY, DECEASED as a Muniment of Title upon said Estate, which will be heard on the first Monday after service is perfected to-wit on the 13th day of October A. D. 2003, at the Courthouse thereof, in the City of Fort Worth, at which time all persons interested in said estate may appear and contest said application, should they desire to do so.

HEREIN FAIL NOT, but have you then and there before said Court this Writ, with your return thereon endorsed showing how you executed same.

Given under my hand and seal of said Court on the 2nd day of October A. D. 2003.



SUZANNE HENDERSON, Clerk of the
Probate Courts of Tarrant County, Texas
[Signature]
Deputy
Darlene McKeown

TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY TEXAS
SUZANNE HENDERSON, COUNTY CLERK

SCANNED
OCT 07 2003

OFFICER'S RETURN

Came to hand on the _____ day of _____ A.D. _____ and
executed on the _____ day of _____ A.D. _____, by delivering to the
within named _____

a true copy of this _____

Returned this _____ day of _____ A.D. _____.

Fee, \$ _____

Authorized Person/Constable/Sheriff

_____ County, Texas

By: _____, Deputy

OFFICER'S RETURN

Came to hand on the 2 day of Oct A.D. 2003 and executed on the
2 day of Oct A.D. 2003 by posting a copy of the above and
foregoing citation for ten days, exclusive of the day of posting, before the day of hearing hereof,
at the Court House Door of Tarrant County, Texas, or at the place in or near the said court house
where public notices customarily are posted.

Fee, \$20.00

**JERRY CROWDER
CONSTABLE PRECINCT 1**

Constable - Pct. 1, Tarrant County, Texas

By W.F. Seana, Deputy

VERIFICATION OF SERVICE

(If served outside the State of Texas or if served by Authorized Person)

Signed and sworn to by the said _____
before me this _____ day of _____ A.D. _____ to certify which
witness my hand and seal of office
(Seal)

Notary's Name Printed _____

County of _____ State of _____



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS:
SUZANNE HENDERSON, COUNTY CLERK