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

APPLICATION OF ROCKWOOD RESOURCES, LLC, et al., TO REOPEN MEWBOURNE OIL COMPANY'S

POOLING CASE NO. 21390, LEA COUNTY, NEW MEXICO

Reopen Case No. 22539

Re: Case No. 21390; Order No. R-21527

APPLICATION OF ROCKWOOD RESOURCES, LLC, et al., TO REOPEN MEWBOURNE OIL COMPANY'S

POOLING CASE NO. 21391, LEA COUNTY, NEW MEXICO

Reopen Case No. 22540

Re: Case No. 21391; Order No. R-21528

MOTION TO ESTABLISH ESSENTIAL FACTS AND LEGAL CONCLUSIONS
FOR THE PURPOSE OF HOLDING AN EVIDENTIARY HEARING
IN CASE NOS. 22539 & 22540 ON MARCH 3, 2022

Rockwood Resources, LLC, Christine Brock, and Rebecca J. Babbitt (collectively referred

to herein as "Rockwood Group"), through its undersigned attorneys, hereby files this Motion to

Establish Essential Facts and Legal Conclusions for the Purpose of Holding an Evidentiary

Hearing in Case Nos. 22539 & 22540 on March 3, 2022 ("Rockwood's Motion") in response to

the Entry of Appearance and Objection to Case Being Presented by Affidavit filed by Mewbourne

Oil Company ("Mewbourne's Objection").

Introduction

The Rockwood Group successfully requested that the New Mexico Oil Conservation

Division ("Division") reopen the above-referenced cases based on the allegation that Mewbourne

Oil Company ("Mewbourne") deprived certain owners in the prior proceedings of proper notice in

violation of their fundamental right to due process. Such a request by its nature is premised on the assumption that this matter would be contested and could not be conducted by affidavit.

Mewbourne has filed an objection to the cases being presented by affidavit. Consequently, the Rockwood Group is filing this Motion to acknowledge the obvious need for an evidentiary hearing and to nullify Mewbourne's Objection which, if left to stand unanswered, would have converted the hearing on the merits at the properly scheduled date of March 3, 2022, into a status conference, thus, prolonging the harm engendered by Mewbourne's failures and delaying by months the relief owed.

In support of its Motion, the Rockwood Group states the following:

### I. Procedural History and Background:

- 1. On August 4, 2020, in Case No. 21390, Mewbourne entered an application to pool the N/2 N/2 of Sections 3 and 4, Township 18 South, Range 32 East, NMPM, Lea County, New Mexico, which was granted by Order No. R-21527. On the same date, in Case No. 21391, Mewbourne entered an application to pool the S/2 N/2 of said Sections 3 and 4, which was granted by Order No. R-21528 (the N/2 N/2 and S/2 N/2 of Sections 3 and 4 being referred to herein as the "Subject Lands").
- 2. In its applications, Mewbourne represented nine working interest ("WI") owners as allegedly "unlocatable." These nine WI owned an aggregate 19.096752% of the WI in the N/2 N/2 unit, representing approximately 61.1 net acres, and owned an aggregate of 9.729166% of the WI in the S/2 N/2 unit, representing approximately 31.1 net acres, for a total of 92.2 net acres. Rockwood Resources, LLC, ("Rockwood") found that a number of the WI owners, represented as unlocatable, were in fact readily locatable through reasonable diligence, in particular Christine Brock, Rebecca Babbitt and Delbert R. Utter, representing a majority 56.31 net acres of the 92.2

that Mewbourne obtained through an impermissible reliance on the state's compulsory pooling apparatus. The only notice that the locatable WI owners received was notice by publication, in violation of their fundamental due process rights. Ignoring these basic constitutionally guaranteed rights, Mewbourne asked the Division to exercise its police powers to transfer these property interests without the benefit of the rightful owners having received proper notice and opportunity to exercise their rights in the pooling and election process.

- 3. Rockwood first located Christine Brock, explaining to her power of attorney, Roy Lee Patterson, Ms. Brock's rights and the potential value of her interests based on her options for election and participation in the wells. Ms. Brock's interests in the N/2 N/2 unit constituted a full 6.212940% of the unit, approximately 20 net acres, and her interests in the S/2 N/2 unit constituted 3.125000% of the unit, or approximately 10 net acres; thus, Ms. Brock owned 30 net acres in the Subject Lands. On December 15, 2021, Rockwood entered into an agreement to acquire her interests in the Subject Lands, providing Ms. Brock with market value compensation based in part on her rights of election and participation.
- 4. Secondly, Rockwood was readily able to locate Rebecca J. Babbitt, who owns a 2.485176% WI in the N/2 N/2 unit, or approximately 8 net acres, and a 1.250000% WI in the S/2 N/2 unit, or approximately 4 net acres. Again, Rockwood explained to Ms. Babbitt the potential market value of her interests based on her options for election and participation in the wells and entered into an agreement to acquire Ms. Babbitt's interests.
- 5. After entering the agreement with Ms. Babbitt, Rockwood contacted Mewbourne on December 13, 2021, about participating in the units with the Babbitt interest. Mewbourne acknowledged Rockwood's right to participate with the WI and sent Rockwood an AFE and a

Ratification and Joinder of Operating Agreement, which Rockwood executed under adequate consideration and promptly returned to Mewbourne.

- 6. On December 16, 2021, Rockwood contacted Mewbourne about its intent to participate in the wells with the interest of Christine Brock. After having acknowledged Rockwood's right to participate with the Babbitt interest, Mewbourne unexpectedly refused Rockwood's election to participate with Ms. Brock's interest and refused Rockwood's request to provide it with the AFE or Ratification. If Christine Brock, Rebecca J. Rebecca, and similarly Delbert R. Utter are locatable, which they are, and they did not receive notice of the election period under Order Nos. 21527 and 21528, which they did not, then any claim by Mewbourne that the election period has expired is invalid and should not apply to the three owners.
- 7. Both Rebecca Babbitt and Christine Brock, as well as Robert N. Utter on behalf of Delbert R. Utter's interest, were grateful to Rockwood for locating them so that they could receive full market value of their interests, for which they had not received notice and therefore were completely unaware of the value of the interests, and to show their appreciation, they granted Rockwood the right to take measures, including the hiring of an attorney, to represent their interests. *See* Exhibits A of Rockwood's Applications to Reopen Case Nos. 21390 and 21391. Thus, Rockwood has standing to pursue this matter as owner of the interests of Ms. Brock and Ms. Babbitt, who were deprived of notice, thus, deprived of the ability to assess the value of their interest, and deprived of the options of participation and election in the proceedings. Robert N. Utter, who manages the affairs for the Estate of Delbert R. Utter, deceased, has also granted Rockwood the right to pursue this matter on behalf of the Utter interest in the same manner as Christine Brock and Rebecca J. Babbitt.

- 8. As a procedural matter, Rockwood respectfully asks the Division to recognize the importance of addressing a violation of notice, as recently discussed in the hearing for Case No. 22421, on January 6, 2022. In this case, the Division expressed reservations that the owners of 16 acres, which the Division noted as being a sizable amount, should be considered unlocatable given that federal lands were involved and leads to the owners' whereabouts are provided by federal records. Rockwood respectfully submits that in the present cases, ownership also involves federal lands and many of the addresses attempted by Mewbourne, as reflected on its green cards, were derived from addresses and leads on the BLM's Serial Register. Rockwood demonstrates herein that through reasonable diligence of searching the information provided by the Serial Register and the internet, the addresses on Mewbourne's green cards make it possible to find the current addresses and phone numbers for a number of the owners that Mewbourne clearly mischaracterized as unlocatable. *See* Exhibits A through C, attached hereto.
- 9. In Case No. 22421, the Division raised its eyebrows when the applicant claimed a full 16 net acres, or 11% of the unit, owned among five owners could not be located. In the present case, Mewbourne claimed that nine owners of approximately 92.2 net acres in the Subject Lands were unlocatable when clearly, at least three owners, representing approximately 56.31 net acres, were locatable. Applicants should not rely, nor get in the habit of relying, on the Division to provide clean-up through forced poolings of their failures to find and locate owners when this can be done through reasonable diligence of the applicant pursuant to the law and rules.
- 10. Other examples, beyond Ms. Brock's and Ms. Babbitt's interest, of Mewbourne's failure to exercise reasonable diligence to locate the parties that Mewbourne mischaracterized as "unlocatable" include the whereabouts of Delbert R. Utter and his heirs that are readily provided. For Delbert Utter, Mewbourne used the following address: 206 Beech Street, Bernice, OK 74331.

Searches in the free internet databases "Search People Free" and "True People Search" show that Delbert Utter is deceased and has a limited, thus easily searchable, number of relatives provided. *See* Exhibit C, attached hereto. One of the relatives, Robert N. Utter, who manages the affairs for the Delbert's interest, can be easily found in these databases with a current address of 4904 Fairview Rd., Bartleville, OK 74006, and an active phone number of 303-810-6381. Delbert R. Utter, and his relative, Robert N. Utter, are also easily locatable on the internet's White Pages. *See* Exhibit C-3, attached hereto. Delbert R. Utter's interest in the Subject Lands, which includes the two units, is 11.95 net acres.

### **II.** Legal Arguments:

- A. Mewbourne misrepresented as "unlocatable" Christine Brock, Rebecca J. Babbitt, and Delbert R. Utter, and therefore, as a conclusion of law, notice was defective and the pooling of their interest as an unlocatable party was improper.
- 11. Under Division Rules, Mewbourne was required to send notice to each owner of an interest in the mineral estate of the lands the applicant proposes to be pooled whose interest is evidenced by a written conveyance document either of record or known to the applicant. *See* NMAC 19.15.4.12. Christine Brock is the wife, and direct heir, of the original lessee on Federal Lease NMLC 0063345, and her name and address are listed on the BLM Serial Register. Mewbourne identified and listed Ms. Brock as a WI owner but testified to the Division that it attempted but was unable to locate Ms. Brock. The address Mewbourne attempted as shown on its green card is: P.O. Box 51, Montague, TX 76251, the same address on the Serial Register. *See* Mewbourne's Exhibit A-9.
- 12. Only "when an applicant has been unable to locate persons entitled to notice after exercising *reasonable diligence*" may the applicant rely on notice by publication. *See* NMAC 19.15.4.12B (emphasis added). Searches of any number of public databases available on the

internet would lead an applicant using reasonable diligence to Christine Brock's correct and current address (453 Marino Rd, Bryan, TX) as well as her power of attorney, who has the same address and phone number. *See* Exhibit A, as well as Sub-exhibits A-1 through A-6, attached hereto. Public records filed in Lea County, New Mexico, would have alerted an applicant that Roy Lee Patterson may likely be the power of attorney of Christine Brock, *see* Exhibit A-6, attached hereto, and his whereabouts are shown to be readily locatable on the internet. *See* Exhibit A, attached hereto.

- 13. In the same manner, the Division's rules and criteria for searching owners apply to finding Rebecca J. Babbitt, and Delbert R. Utter. In the case of Rebecca J. Babbitt, Mewbourne used a green card that shows the address attempted: 2106 Hazard Street, Houston, TX 77019. *See* Mewbourne's Exhibit A-9. It takes only a reasonable amount of diligence to search the publicly available databases on the internet in order to find Ms. Babbitt's correct and current address at 90 Paradise Valley Rd, Conroe, TX 77304, just about 50 miles from the address listed on her green card. *See* Exhibit B, and Sub-exhibits B-1 through B-3, attached hereto.
- 14. In the case of Delbert R. Utter, Mewbourne attempted to mail notice to 206 Beech Street, Bernice, OK 74331. *See* Mewbourne's Exhibit A-9. Reasonable searches on public databases of the internet show that Delbert Utter is deceased, and a limited number of relatives, easily searchable, are provided. *See* Exhibit C, and Sub-exhibits C-1 through C-3, attached hereto. One of the relatives provided is Robert N. Utter, manager of the affairs of Delbert's interest, with a current and correct address and phone number in Bartlesville, Oklahoma. *See* Exhibit C, attached hereto for direct steps from Delbert to Robert to arrive at the correct contact.

- B. Reasonable diligence as an integral part of the due diligence and due process owed to the owners under the law is a necessary obligation and duty of Mewbourne in order for its pooling order to be valid and binding on the owners.
- 15. In *Uhden v. New Mexico Oil Conservation Comm'n, 1991-NMSC-089, 112 N.M.*528, the New Mexico Supreme Court set forth the due process requirements of fairness and reasonableness for pooling proceedings, noting that "administrative proceedings must conform to fundamental principles of justice and the requirements of due process of law." *Id.* at ¶10. In fact, the *Uhden* court viewed notice as a very serious issue in an adjudicatory hearing before the Division where property rights are directly at stake, holding that lack of such notice is a violation of due process of law and contravenes "article II, Section 18 of the New Mexico Constitution and the fourteenth amendment of the United States Constitution." *Id.* at ¶6.
- 16. The *Uhden* court held that working interest from a leasehold right is clearly "a property right in an oil and gas lease." *Id.* at ¶8. As a practice, the Division does not conduct a systematic fair market value assessment of the property interests involved in a case. Therefore, an owner's ability to determine the potential value of its property interest hinges exclusively on the notice it receives prior to the hearing, which allows an owner to decide what to do with the interest, whether to participate itself, or to sell it to the applicant, in this case Mewbourne, or sell it to an interested third party, such as Rockwood, based on offers sought. Mewbourne's misrepresentation of the owners as "unlocatable" deprived the owners of these options and opportunities. The *Uhden* court held that protecting an owner from such deprivation through notice "has a firm basis in New Mexico law, the law of other jurisdictions, and in the rulings of the United States Supreme Court." *See id.* at ¶6.

<sup>&</sup>lt;sup>1</sup> "In this state [of New Mexico], a grant or reservation of the underlying oil and gas, or royalty rights provided for in a mineral lease as commonly used in this state, is a grant or reservation of real property." *Duvall v. Stone*, 54 N.M. 27, 32 (1949).

- 17. In fact, the *Udhen* court, in its analysis, relied heavily on the conclusions of the U.S. Supreme Court in *Mullane v. Central Hanover Bank & Trust*, 339 U.S. 306, 314-315, which stated:
  - "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and to afford them an opportunity to present their objections....[b]ut when notice is a person's due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it." *Id.* at ¶9, citing *Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306, 314-315*.
- 18. The *Udhen* court held that the due process requirements of fairness and reasonableness as stated in *Mullane* are consistent with the case law of New Mexico. *See Udhen*, at ¶10. A party, entitled to notice in an administrative hearing, must be given a full opportunity to be heard with all rights related thereto. *See id*. In accordance with these principles, the *Uhden* court noted that the state's case law places "great emphasis" on "whether the identity and whereabouts of the person entitled to notice are reasonably ascertainable." *Id.* at ¶13. The *Uhden* court emphasized this requirement to the extent that if the location of the parties described by the applicant as "unlocatable" are in fact reasonably ascertainable by exercise of diligence, then "notice by publication does not satisfy constitutional due process requirements." *See id.* at ¶12; *see also id.* at ¶9 (The Udhen court noting the stance of the U.S. Supreme Court: "Significantly, the Court refused to sanction notice by publication to those whose identity and whereabouts were ascertainable by sources at hand.")
- 19. Exhibits A through C, attached hereto, provide a number of routes by which an applicant, if desirous of actually informing the parties, could have notified the parties through reasonable diligence, as the Exhibits show that their whereabouts were "reasonably ascertainable." Because the three owners, representing approximately 56.31 net acres, were locatable through

reasonable diligence, the Division should follow the holdings of the *Udhen* court and rule that Order Nos. R-21527 and R-21528 are void with respect to the owners.

### C. Conclusion:

- 20. The relevant facts and conclusions of law needed for the Division to make a ruling in the present cases are provided herein and can be readily decided on March 3, 2022, through an evidentiary hearing, which is the most administratively efficient means of concluding this dispute. Mewbourne's objection to the cases being heard by affidavit in an effort to convert the hearing to a status conference is misplaced because these are the type of cases that could not be conducted by affidavit, and a status conference would only prolong the harm to the owners, and any assigns, caused by Mewbourne's failure to provide proper notice.
- 21. In essence, there is only one fact that needs to be evaluated and determined in these proceedings prior to a final decision: That the owners described as "unlocatable" Christine Brock, Rebecca J. Babbitt, and Delbert R. Utter -- were in fact locatable through "reasonable diligence," as required under the Division's rules. Likewise, there is only one conclusion of law that must be met: That since the whereabouts of these owners could be reasonably ascertained, the Division's Order Nos. 21527 and 21528 should not apply, and are void with respect, to Christine Brock, Rebecca J. Babbitt, and Delbert R. Utter, all such persons being readily locatable. As a consequence of this conclusion, the owners, and any assigns, should be granted all rights due based on ownership of the property interests, including the rights of election and participation which have been denied. For purposes of clarity, this fact and conclusion of law is proposed in Exhibit D, attached hereto.
- 22. In the present cases, the risk of not locating owners, when they are in fact locatable, resides with Mewbourne alone. Federal acreage comprised of 92.2 net acres represents an

excessive amount of acreage for procedurally deeming the owners as "unlocatable," and Mewbourne should have exhausted all efforts of reasonable diligence to locate the owners. If Mewbourne had done so, the rights of a number of the owners, representing 56.31 net acres, would

have been protected.

WHEREFORE, the Rockwood Group respectfully requests that the Division grant its motion, requesting that the Division review and evaluate the evidence contained herein, in relation to the evidence and arguments that Mewbourne may provide in its response, and for the sake of administrative efficiency, hold an evidentiary hearing on March 3, 2022, during which it can be taken under advisement that the owners listed herein were locatable through reasonable diligence, and therefore, Order Nos. 21527 and 21528 are void for said owners, and any assigns, pursuant to New Mexico case law, thus, restoring their full rights, including the right of election and participation.

Respectfully submitted,

ABADIE & SCHILL, PC

/s/ Darin C. Savage

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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed with the New Mexico Oil Conservation Division and was served on counsel of record via electronic mail on February 11, 2022:

Dana S. Hardy Michael Rodriguez HINKLE SHANOR LLP P.O. Box 2068 Santa Fe, NM 87504-2068 Phone: (505) 982-4554

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/s/ Darin C. Savage

Darin C. Savage

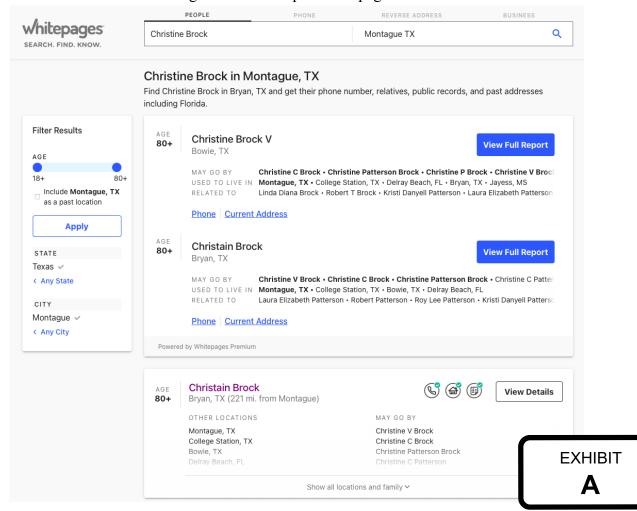
### Exhibit A

## The Location of Christine Brock

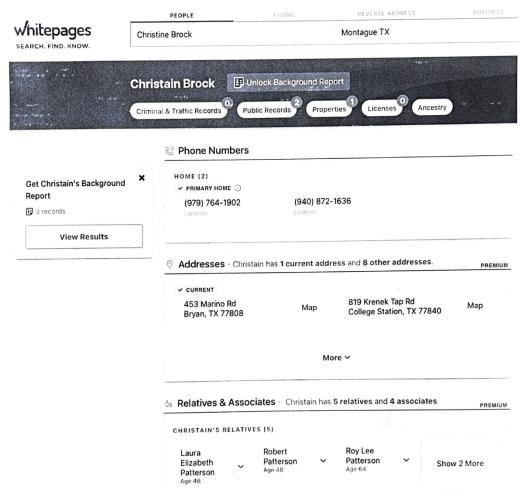
Mewbourne Oil Company ("Mewbourne"), in its application, listed interest owner Christine Brock as unlocatable after attempting, and failing prematurely to reach her at P.O. Box 51, Montague, TX 76251. See Case No. 21390, Mewbourne Oil, Exhibit A-9. This is an old address for Christine Brock. A simple internet search would have turned up the correct, current address for Christine Brock. Three separate, easily accessible methods of determining Christine Brock's current address are demonstrated in this Exhibit.

### Method 1:

The first method that Mewbourne could have used to determine Christine Brocks's correct current address is a simple search of the Whitepages. At least two documents recorded in Lea County provide an address for Christine Brock. The first is the Durable Power of Attorney for Health Care and Business and Directive to Physician recorded in Book 716 at Page 22, Lea County, New Mexico, attached as Exhibit A-1. See Exhibit A-1. The second is the Assignment of Oil and Gas Lease in which Christine Brock acquired her interest at issue in the present case, recorded in Book 765 at Page 304, Lea County, New Mexico, attached as Exhibit A-2. See Exhibit A-2. Both list Christine Brock's address as P.O. Bow 51, Montague, TX 76251, which is also the address listed in the BLM Serial Register. See Exhibit A-1; See also Exhibit A-2. The Montague, TX, is the address that Mewbourne used on its green cards. A search of Whitepages for "Christine Brock" in "Montague TX" turns up this webpage:



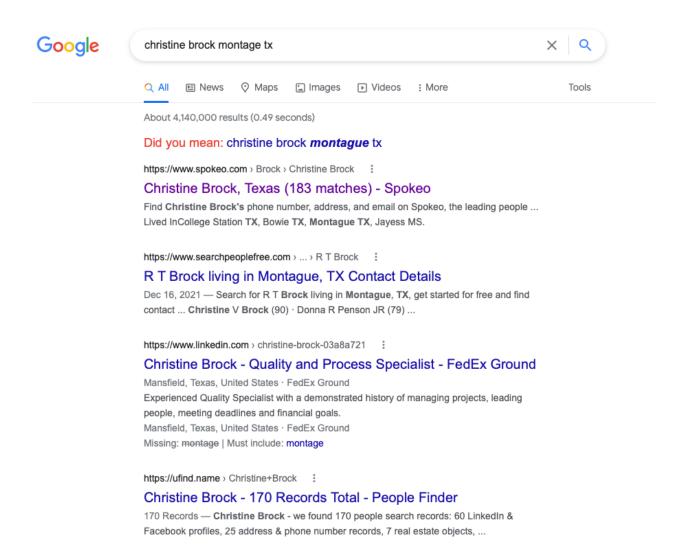
Although Christine Brock's name is misspelled as "Christain Brock" on the free result, it is reasonable to infer that this is the same person. The locations match up, and under "May Go By" on this listing, it has multiple iterations of Christine Brock's correct full name. Selecting "View Details" on the free-to-access result will turn up this webpage:



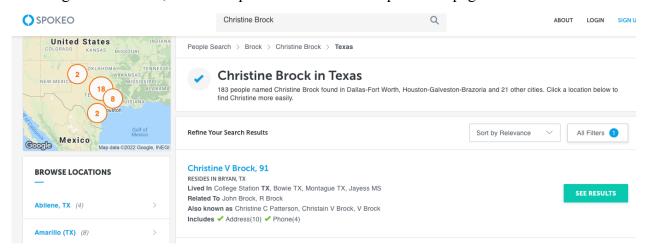
This webpage lists a "current" address that is indeed Christine Brock's correct and current address: 453 Marino Rd, Bryan, TX 77808. This correct address, as demonstrated above, can be found by searching the Whitepages for "Christine Brock – location: Montague TX" and opening the report for the first result. A contiguous reproduction of the above attached webpages is attached hereto as Exhibit A-3. It should also be noted that a "Roy Lee Patterson" is listed as one of Christine Brock's relatives on this page. This Roy Lee Patterson is Christine Brock's power of attorney. *See* Exhibit A-1. An exploration of this lead is detailed at the bottom of this exhibit under the headline "Alternative Method."

### Method 2:

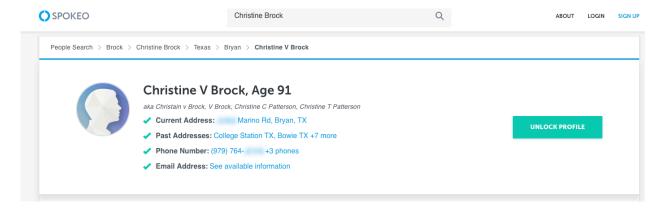
A second method that Mewbourne could have used to easily locate Christine Brock's current address is a simple Google search. Typing "christine brock montage tx" into the Google search bar returns the following results:



### Selecting the first result, a hit for "spokeo.com" will turn up this webpage:



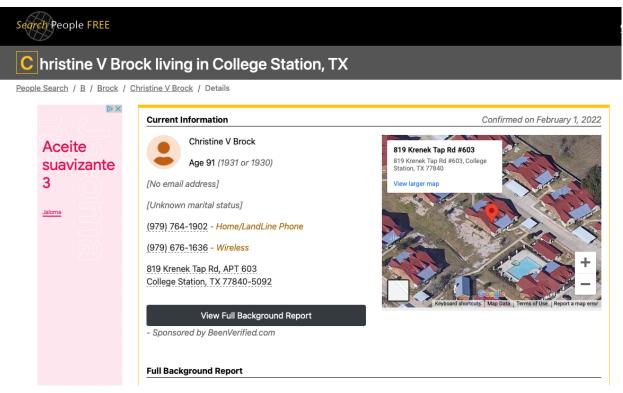
This webpage lists a "Christine V Brock, 91" who lived in Montague, TX, among other places, and currently lives in Bryan, TX. Selecting "See Results" on this entry will open this webpage:



This webpage hides the number unless you pay a nominal fee to "Unlock Profile" but it is easy to infer that this entry lists the correct current address for Christine Brock: 453 Marino Rd, Bryan, TX 77808. This correct current address, as demonstrated above, can be found by googling "christine brock montage tx" (in this instance Montague was spelled incorrectly and a correct listing was still the top result) and selecting the top result. A contiguous reproduction of this series of webpages is attached hereto as Exhibit A-4.

### Method 3:

A third method that Mewbourne could have used to locate the correct current address for Christine Brock is using the free database readily available on the internet, "Search People FREE". A search for "Christine Brock Montague Texas" on Search People FREE turns up this webpage:



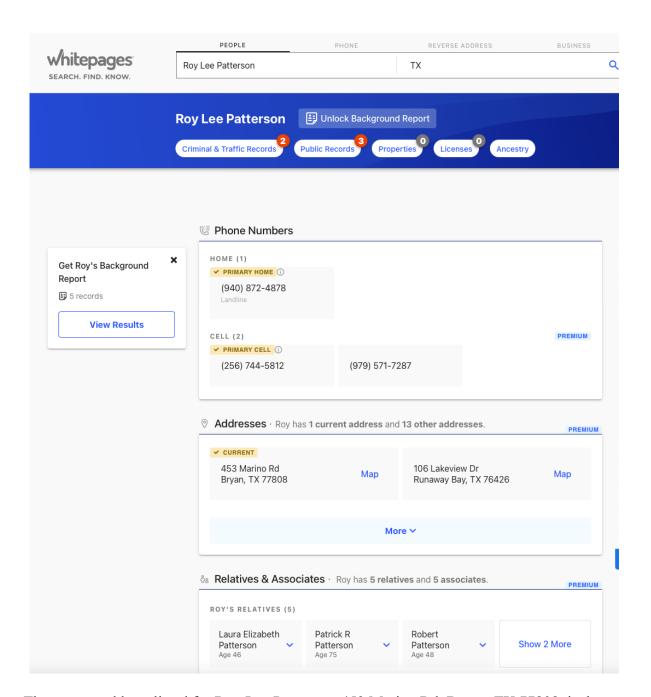
While this page states that Christine V Brock lives in College Station, TX, reasonable diligence would reveal the correct address. Selecting "View Full Background Report" turns up this webpage:

ome address, vacation, business, rental and apartment p	roperty addresses for Christine
Po Box 3535, Bryan, TX 77805-3535 - reported in September 2007 (1 year)	814 Krenek Tap Rd, College Station, TX 77840-5028 - reported in June 2006 (1 year)
3902 E 29th St, APT H6, Bryan, TX 77802-4218 - reported in June 2006 (1 year)	506 N Mason St, Bowie, TX 76230-4245 - reported in April 2005 (1 year)
1402 Jefferson St, Bowie, TX 76230-2923 - reported in November 1998 (1 year)	453 Marino Rd, Bryan, TX 77808-6205 - reported in November 2016 (1 year)
819 Krenek Tap Rd, APT 603, College Sta, TX 77840- 5092 - reported in March 2010 (1 year)	Po Box 51, Montague, TX 76251-0051 - reported in September 2007 (5 years)
204 Hope Rd, Jayess, MS 39641-8026 - reported in September 2012 (4 years)	3902 E 29th St, Bryan, TX 77802-4203 - reported in February 2016 (1 year)
3010 Kim St, Bryan, TX 77803-0822 - reported in July 2005 (1 year)	
ull Background Report - Sponsored by TruthFinder.com	
Current & Past Contact Info	Property & Assets
Addresses & Phone Numbers	Public Records

The most recently reported address for Christine Brock is her correct current address, 453 Marino Rd, Bryan, TX 77808, reported in November 2016. This correct current address, as demonstrated above, can be found by searching for "Christine Brock Montague Texas" on the service Search People Free, and selecting "View Full Background Report" on the first entry that comes up. A copy of the webpages demonstrating this search is attached hereto as Exhibit A-5.

### **Alternative Method:**

Another method Mewbourne could have used to find the correct current address for Christine Brock is by searching for Roy Lee Patterson. Roy Lee Patterson was appointed Alternate Agent or Attorney-in-Fact in the same instrument appointing Christine Brock power of attorney over R.T. Brock's estate, which was recorded in Lea County. *See* Exhibit A-1. Roy Lee Patterson is listed in this instrument under a Texas address. *Id.* Searching the Whitepages for "Roy Lee Patterson – TX" turns up the following entry:



The current address listed for Roy Lee Patterson, 453 Marino Rd, Bryan, TX 77808, is the correct, current address for both Roy Lee Patterson and Christine Brock. Moreover, one of the phone numbers listed is Roy Lee Patterson's current correct phone number. This correct address and phone number, as demonstrated above, can be found by searching "Roy Lee Patterson – TX". A copy of the webpages demonstrating this search is attached hereto as Exhibit A-6.

DURABLE POWER OF ATTORNEY FOR HEALTH CARE AND BUSINESS
AND DIRECTIVE TO PHYSICIAN

THE STATE OF TEXAS
COUNTY OF MONTAGUE

KNOW ALL MEN BY THESE PRESENTS:

I.

That I, R. T. BROCK, of Montague, Montague County, Texas, have made, constituted and appointed and by these presents do make, constitute and appoint CHRISTINE T. BROCK of Montague, Montague County, Texas, my true and lawful attorney, for me in my name, place and stead, to do any and every act and exercise any and every power that I might or could do or exercise through any other person that to my said afterney shall be proper or advisable, or intending to vest in my said attorney a full and universal power of attorney in my behalf.

The powers herein granted specifically include, but shall not be limited to, the following powers:

- (a) To take possession of the lands, tenements, hereditaments and real estate of any kind whatsoever whether located in Montague County, Texas, or elsewhere, to or in which I am now or may hereafter be in any way entitled to own, or have an interest in; to contract to sell and to convey the same, or any part thereof, to any grantee whomsoever, for such sum for cash and/or credit, on such terms and with such agreements as to my said attorney shall seem proper; to make, execute, acknowledge, and deliver good and sufficient conveyances for same upon any such consideration with any clauses, covenants and agreements to be therein contained, as my said attorney shall think proper; to exchange the property, or any part thereof, for other real or personal property, or for part cash and part property as at the discretion of my attorney shall seem proper; to grant easements and rights of way without consideration, to sub-divide same and/or impose building restrictions to such property, or any part thereof, and to make dedications of streets and to make and file subdivision maps or plats with respect to such property; and until the same shall be sold, to lease or let the said real estate to such person or persons and for such rent and for such period of time as he may see fit; to prevent by all lawful means, the commission of any trespass or waste or other injury thereupon, and at my expense to sue for protection against any such injury, and to collect, recover and the commission of any trespass or waste upon such land, or any part thereof, by any person or persons whomsoever.
- (b) To borrow money for and in my behalf, and in my behalf to accept or endorse any bill of exchange, check or promissory note, which it may seem to him to be proper to execute, sign, draw, accept, or endorse.
- (c) To borrow money for and in my behalf upon the security of any life insurance, endowment or annuity policies owned by me and on the security of any land situated in any county in the State of Texas or elsewhere, and to make, sign, execute, acknowledge and deliver to or for the benefit of the lender or lenders of such money, a mortgage or mortgages, either with or without a power of sale, or deed of trust or deeds of trust, in, upon, covering, or encumbering any of my real or personal property, with or containing such terms, stipulations, conditions,

clauses, covenants, agreements, appointments of trustee and powers as to my said attorney-in-fact shall seem proper to secure the payment of such notes or obligations given for such loan or loans.

- (d) To ask, demand, recover, collect and receive all sums of money which shall become due and owing to me because of a sale, conveyance or lease, or the ownership of any note or notes secured by vendor's lien, deed of trust or chattel mortgage, contracts for deed, or otherwise, and to take all lawful ways and means for recovery thereof, to compound and agree for the same, and to execute and deliver sufficient acquittances, releases and discharges therefor, as well as of any lien or liens securing any obligation arising in connection therewith in my name, place and stead. This authority to collect shall include authority to bring the ordinary and appropriate action for the collection of such debts, including foreclosure of liens or any other proceedings authorized by law.
- (e) To sell, transfer, or assign any contracts for deed, conditional sales contracts, note or notes and liens securing same, and any stocks, bonds, motor vehicles, machinery, equipment, furniture, fixtures and other securities or personal property owned by me, and to purchase any stocks or bonds or invest my assets in any other type account or venture, all upon such terms as my said attorney shall deem proper, and to do any and all acts necessary or appropriate to transfer, grant or assign all rights, title and interest in said property.
- (f) To negotiate oil, gas and mineral leases on the minerals in, on or under said lands in any county in the State of Texas or elsewhere, or any part thereof, upon such terms as my said attorney shall deem proper, and to execute such leases, pooling agreements or other instruments necessary to effect such leases, and to execute division orders and other documents in connection with production from any such leases.
- (g) To defend, in my name, any actions, suits or legal proceedings that may be instituted against me, and to bring such suit or suits in courts of competent jurisdiction that he shall deem necessary, and for such purposes my said attorney is authorized to employ counsel, to arbitrate, to compromise, to submit to judgment, or to prosecute an appeal.
- (h) To render property for taxes and to pay all taxes and assessments accruing during the time this power of attorney is in force.
- (i) To deposit in any bank all monies which shall come to his hands as such attorney, and all drafts, checks, promissory notes and other securities for money payable or belonging to me, and for that purpose to sign my name and endorse the same for deposit or collection; to withdraw or take possession of any and all bank accounts, savings accounts, monies, drafts, checks, promissory notes, and other securities, in my name and for that purpose to draw checks and execute other instruments in my name; at the discretion of my said attorney, any bank account may be maintained or established in the name of my said attorney as trustee or agent and checks may be drawn on such account with only the signature of my attorney, this being a matter left to his discretion; and to enter any safe deposit box standing in my name and remove any or all of the contents thereof.
- (j) To make and enter into any contract or agreement of any kind whatsoever which my said attorney may deem desirable in connection with the exercise of the powers and authority heretofore granted, or which my said attorney deems advisable in connection with the handling and management and operation of all of my property, real or personal, tangible or intangible.
- (k) To convey, transfer and assign all or any part of my property of any kind, real or personal, tangible or intangible,

wherever located, at any time and from time to time, to a Trustee of a trust to be established under a trust agreement to be signed by my said attorney, in my behalf, as the grantor of such trust, as follows:

- (1) the Trustee of such trust shall be any person designated by my attorney,
- (2) the grantors of such trust may be my wife, Christine T. Brock, acting in her individual capacity, and myself, acting through my attorney under the authority herein granted,
- (3) there may be transferred to such trust community property of myself and my wife and separate property of either or both of us,
- (4) such trust may provide that all property transferred to it shall be conclusively regarded as being the community property of myself and my wife, except as may otherwise be expressly provided in such trust,
- (5) the trust shall not continue beyond the time of the last to die of myself and my wife, Christine T. Brock,
- (6) my wife, Christine T. Brock, and I shall be the beneficiaries of such trust until it terminates; and
- (7) such trust may be established by my attorney and may contain such other terms and provisions, which are not inconsistent with the foregoing, as my said attorney determines, in such attorney's sole and absolute discretion, are desirable.
- (1) To take any actions and to sign any documents with respect to (i) Medicare or other government sponsored program claims or related matters and (ii) any claims under any medical or hospital insurance policies or with respect to any matters relating to medical or hospital insurance policies, including applying for or maintaining any such insurance coverage.
- (m) It is understood that this power of attorney shall remain in full force and effect until revoked by an instrument in writing entered of record in the office of the County Clerk of Montague County, Texas, but as to any bank, savings association or brokerage firm, such revocation shall be effective only by delivery of a copy of such recorded revocation to such bank, savings association or brokerage firm.
- (n) No individual dealing with my said attorney shall be obligated to see that the provisions of this agreement or the terms of this agreement have been complied with, or to inquire as to the limitations or restrictions of the power or the authority in my said attorney, or be obliged or privileged to inquire into the necessity or expediency of any act or acts of my said attorney.
- (o) To make gifts on my behalf of any size, to any person. It is expressly understood that my attorney may make gifts to herself individually in any size or amount.
- (p) To disclaim all or any portion of any inheritance that I may be entitled to receive.

And also for me, and in my name, place and stead, to engage, hire and employ all kinds of technical advisers, legal, accounting and other professional assistants, workers, employees, agents, brokers, clerks, and assistants, for the better and more effectual enabling of my attorney to operate and manage said lands and property, and discharge such assistants when the same be necessary.

DESIGNATION OF HEALTH CARE AGENT.

I, R. T. BROCK, appoint:

Name: Christine T. Brock

Address: P. O. Box 51, Montague, Texas 76251

Phone: (817)

as my agent to make any and all health care decisions for me, except to the extent I state otherwise in this document. This durable power of attorney for health care takes effect if I become unable to make my own health care decisions and this fact is certified in writing by my physician.

THERE ARE NO LIMITATIONS ON THE DECISION MAKING AUTHORITY OF MY AGENT.

DESIGNATION OF ALTERNATE AGENT OR ATTORNEY-IN-FACT.

If the person designated as my agent or attorney-in-fact is unable or unwilling to make health care decisions or carry out any other duties set out herein for me, I designate the following persons to serve as my agent or attorney-in-fact to make health care decisions or any other power set out herein for me as authorized by this document, who serve in the following order:

# A. First Alternate Agent or Attorney-in-Fact

Name: ROY LEE PATTERSON, P. O. Box 1295, Bowie, Texas 76230; (817) 872-5735.

The original of this document is kept under my control or direction.

The following individuals or institutions have signed copies:

Name: Christine T. Brock;

Name: Chuck Bartush Jr., Attorney at Law, 408 North Main Street, Muenster, Texas 76252; (817) 759-2913.

DURATION.

I understand that this power of attorney exists indefinitely from the date I execute this document unless I establish a shorter time or revoke the power of attorney. If I am unable to make health care decisions for myself when this power of attorney expires, the authority I have granted my agent continues to exist until the time I become able to make health care decisions for myself.

PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

I, R. T. BROCK, being of sound mind, willfully and voluntarily make known my desire that my life shall not be artificially prolonged under the circumstances set forth below, and do hereby declare:

If at any time I should have an incurable condition caused by injury, disease, or illness certified to be a terminal condition by two physicians, and where the application of life-sustaining procedures would serve only to artificially prolong the moment of my death and where my attending physician determines that my death is imminent whether or not life-sustaining procedures are utilized, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally.

In the absence of my ability to give directions regarding the use of such life-sustaining procedures, it is my intention that this directive shall be honored by my family and physicians as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences from such refusal,

I understand that Texas law allows me to designate another person to make a treatment decision for me if I should become comatose, incompetent, or otherwise mentally or physically incapable of communication. I hereby designate Christine T. Brock, who resides at Montague, Texas to make such a treatment decision for me if I should become incapable of communicating with my physician. If the person I have named above is unable to act on my behalf, I authorize the following person to do so:

Name: Roy Lee Patterson, Bowie, Texas.

I have discussed my wishes with these persons and trust their judgment.

This directive shall be in effect until it is revoked.

I understand the full import of this directive and I am emotionally and mentally competent to make this directive.

I understand that I may revoke this directive at any time.

I understand that if I become incapable of communication, my physician will comply with this directive unless I have designated another person to make a treatment decision for me, or unless my physician believes this directive no longer reflects my wishes.

This power of attorney and directive shall not terminate on my disability or incapacity and the powers granted my attorney or agent by this document shall be exercisable even if I become disabled or incompetent. All acts done by my said attorney or agent pursuant to this power of attorney, during any period of my disability or incompetence, shall have the same effect and shall inure to the benefit of and bind me as if I were not disabled or incompetent.

This power of attorney and directive can only be revoked by me by filing a revocation of this document in the Deed Records of Montague County, Texas.

I have been provided with a disclosure statement explaining the effect of this durable power of attorney for health care. I have read and understand that information contained in the disclosure statement.

I sign my name to this durable power of attorney for health care and business and directive to physicians on the 24th day of February, 1992, at Muenster, Texas.

R. T. Brock

STATEMENT OF WITNESSES.

I declare under penalty of perjury that the principal has identified himself or herself to me, that the principal signed or acknowledged this durable power of attorney and directive to physicians in my presence, that I believe the principal to be of sound mind, that the principal has affirmed that the principal is aware of the nature of the document and is signing it voluntarily and free from duress, that the principal requested that I serve as witness to the principal's execution of this document, that I am not the person appointed as agent by this document, and that I am not a provider of health or residential care, an employee of a provider of health or residential care, the operator of a community care facility, or an employee of an operator of a health care facility.

I declare that I am not related to the principal by blood, marriage, or adoption and that to the best of my knowledge I am not entitled to any part of the estate of the principal on the death of the principal under a will or by operation of law.

Witness Signature:

CHUCK BARTUSH JR.

Name (Printed): Address:

P. O. Box 68

Muenster, Texas 76252 (817) 759-2913

Witness Signature:

DIANE GREWING

Name (Printed): Address:

P. O. Box 2 Muenster, Texas (817) 759-2881 76252

BEFORE ME, the undersigned authority, on this date personally appeared R. T. BROCK, and Chuck Bartush Jr. and Diane Grewing as Witnesses, and all being duly sworn, the said R. T. BROCK stated that the above instrument was his Durable Power of Attorney for Health Care and Business and Directive to Physician and that he had made and executed it for the purposes therein expressed. The Witnesses declared to me that they are each 18 years of age or older, that they saw the said R. T. BROCK sign the instrument, that they signed the instrument as Witnesses, and that the said R. T. BROCK appeared to them to be of sound mind.

SUBSCRIBED AND SWORN TO BEFORE ME by the above named R. T. BROCK, and Chuck Bartush Jr. and Diane Grewing, Witnesses, on this the 24th day of February, 1992.



Notary Public in and for the State

My Commission Expires: 7-29.9)

STATE OF NEW MEXICO COUNTY OF LEA · FILED

MAR 2 2 1996

# 101912

# ASSIGNMENT OF OIL AND GAS LEASE

KNOW ALL MEN BY THESE PRESENTS: That R. T. Brock, a married man dealing in his sole and separate property, hereinafter called "Assignor", for and in consideration of Ten or more dollars paid by Christine Brock, his wife, a married woman dealing in her separate property, whose post office address is P. O. Box 51, Montague, Texas 76251, hereinafter called "Assignee", does hereby sell, assign and convey to the Assignee all of his right, title and interest in and to that certain oil and gas lease #NMLC-063345 made by the United States Department of the Interior, Bureau of Land Management to Paul Love under date of September 22, 1939, only insofar as said lease covers the following land in Lea County, New Mexico to wit:

Lots 3 and 4 SW/4 NW/4 of Section 4, T18S, R32E, NMPM below 5,000 feet subsurface, covered by such lease, together with the rights incident thereto, and the personal property thereon, if any, or pertinent thereto, or used or obtained in connection therewith, subject to all presently existing burdens on production.

With special warranty covenants.

R. T. BROCK, a married man dealing in his separate property

BOOK 765 PAGE 304

**EXHIBIT** 

STATE OF NEW MEXICO )
SS:
COUNTY OF LEA )

R. T. Brock, being first duly sworn upon oath states: I have read the foregoing instrument, know and understand the contents thereof and that the matters and things therein stated are true and correct to the best of my knowledge, information and belief.

R. T. BROCK

SUBSCRIBED AND SWORN TO before me this 9th day of October, 1996.

My Commission Expires:

1-8-2000

STATE OF NEW MEXICO COUNTY OF LEA FILED

DEC 1 11996

10:12 o'clock 765

SEAL S

BOOK 765 PAGE 305

reasar

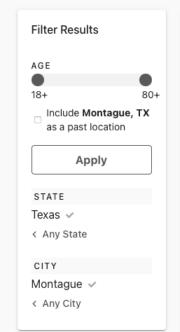


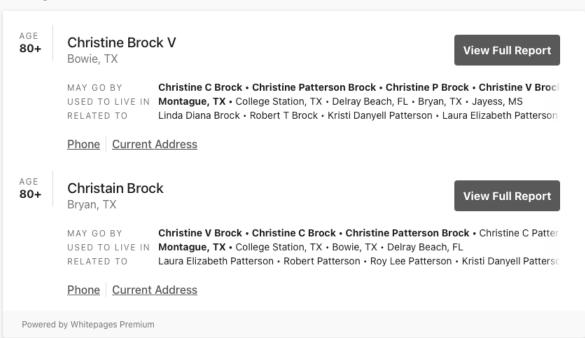
PEOPLE PHONE REVERSE ADDRESS BUSINESS

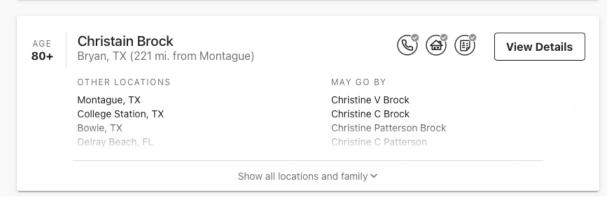
Christine Brock Montague TX Q

## Christine Brock in Montague, TX

Find Christine Brock in Bryan, TX and get their phone number, relatives, public records, and past addresses including Florida.







EXHIBIT

Δ-3



Christine Brock

Montague TX



Get Christain's Background Report

3 records

**View Results** 

Phone Numbers

HOME (2)

Landline

×

PRIMARY HOME

(979) 764-1902

(940) 872-1636

Landine

Addresses · Christain has 1 current address and 8 other addresses.

PREMIUM

✓ CURRENT

453 Marino Rd Bryan, TX 77808

Map

819 Krenek Tap Rd College Station, TX 77840

Map

More ∨

8 Relatives & Associates · Christain has 5 relatives and 4 associates.

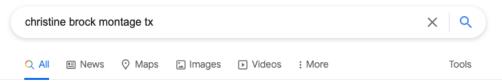
PREMIUM

CHRISTAIN'S RELATIVES (5)

Laura Elizabeth Patterson Age 46 Robert Patterson Age 48 Roy Lee Patterson Age 64

Show 2 More





About 4,140,000 results (0.49 seconds)

### Did you mean: christine brock montague tx

https://www.spokeo.com > Brock > Christine Brock

### Christine Brock, Texas (183 matches) - Spokeo

Find **Christine Brock's** phone number, address, and email on Spokeo, the leading people ... Lived InCollege Station **TX**, Bowie **TX**, **Montague TX**, Jayess MS.

https://www.searchpeoplefree.com > ... > R T Brock

### R T Brock living in Montague, TX Contact Details

Dec 16, 2021 — Search for R T Brock living in Montague, TX, get started for free and find contact ... Christine V Brock (90) · Donna R Penson JR (79) ...

https://www.linkedin.com > christine-brock-03a8a721

### Christine Brock - Quality and Process Specialist - FedEx Ground

Mansfield, Texas, United States · FedEx Ground

Experienced Quality Specialist with a demonstrated history of managing projects, leading people, meeting deadlines and financial goals.

Mansfield, Texas, United States · FedEx Ground

Missing: montage | Must include: montage

https://ufind.name > Christine+Brock :

### Christine Brock - 170 Records Total - People Finder

170 Records — Christine Brock - we found 170 people search records: 60 LinkedIn & Facebook profiles, 25 address & phone number records, 7 real estate objects, ...

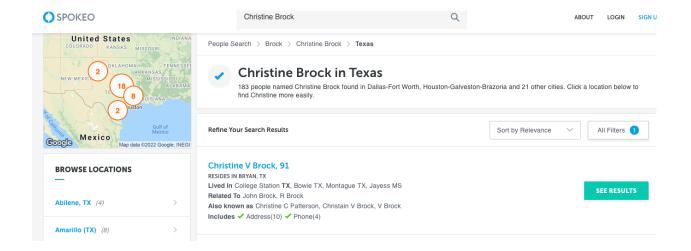
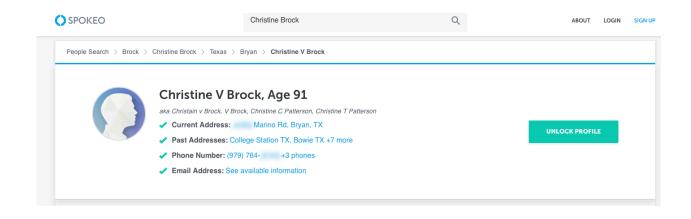


EXHIBIT **A-4** 

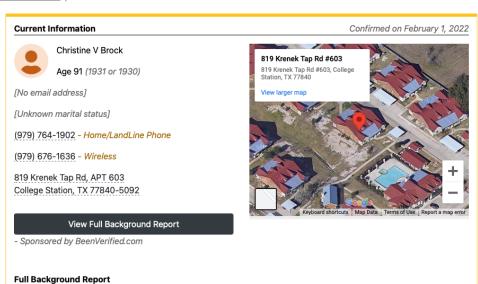




# hristine V Brock living in College Station, TX

People Search / B / Brock / Christine V Brock / Details





#### **Previous Addresses**

Home address, vacation, business, rental and apartment property addresses for Christine

Po Box 3535, Bryan, TX 77805-3535

- reported in September 2007 (1 year)

3902 E 29th St, APT H6, Bryan, TX 77802-4218

- reported in June 2006 (1 year)

1402 Jefferson St, Bowie, TX 76230-2923

- reported in November 1998 (1 year)

819 Krenek Tap Rd, APT 603, College Sta, TX 77840-5092

- reported in March 2010 (1 year)

204 Hope Rd, Jayess, MS 39641-8026 - reported in September 2012 (4 years)

3010 Kim St, Bryan, TX 77803-0822 - reported in July 2005 (1 year)

814 Krenek Tap Rd, College Station, TX 77840-5028

- reported in June 2006 (1 year)

506 N Mason St, Bowie, TX 76230-4245

- reported in April 2005 (1 year)

453 Marino Rd, Bryan, TX 77808-6205

- reported in November 2016 (1 year)

Po Box 51, Montague, TX 76251-0051

- reported in September 2007 (5 years)

3902 E 29th St, Bryan, TX 77802-4203

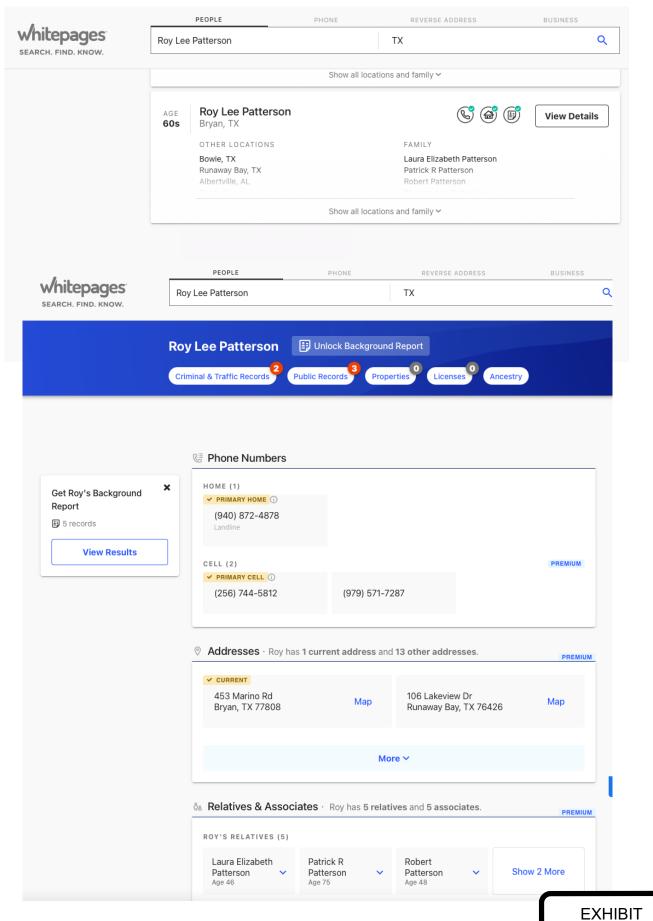
- reported in February 2016 (1 year)

Full Background Report - Sponsored by TruthFinder.com

- Current & Past Contact Info
- · Addresses & Phone Numbers

- Property & Assets
- Public Records

EXHIBIT



**A-6** 

### **Exhibit B**

## The Location of Rebecca J. Babbitt

Mewbourne Oil Company ("Mewbourne"), in its application, listed interest owner Rebecca J. Babbitt as unlocatable after attempting, and failing prematurely, to reach her at 2106 Hazard Street, Houston, TX 77019. See Case No. 21390, Mewbourne Oil, Exhibit A-9. This is an old address for Rebecca J. Babbitt. A simple internet search would have turned up the correct, current address for Rebecca J. Babbitt. Three separate, easily accessible methods of determining Rebecca J. Babbitt's current address are demonstrated in this Exhibit.

#### Method 1:

The first method Mewbourne could have used to locate the correct current address for Rebecca J Babbitt is a simple Google search. Typing "rebecca j babbit houston tx" into the Google search bar returns the following results:

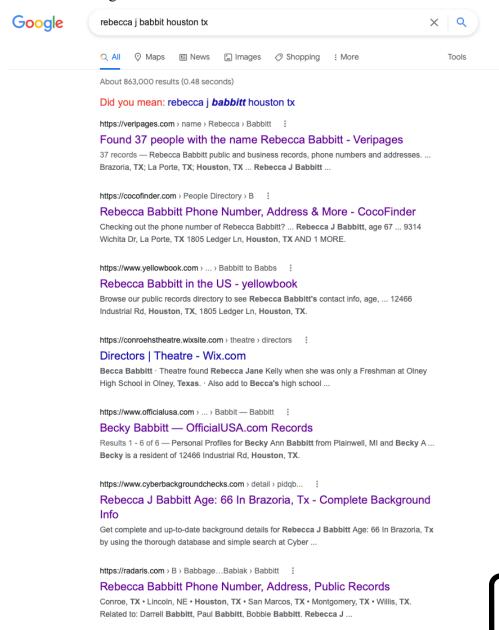
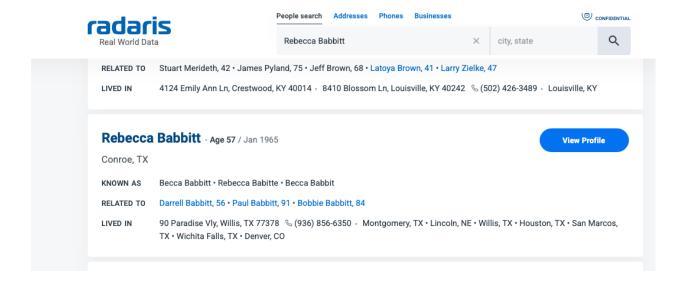


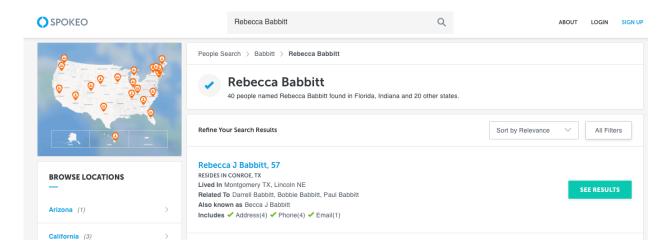
EXHIBIT **B** 

Selecting the bottom result on the first page of Google results, which is in the realm of reasonable diligence, will turn up this webpage:

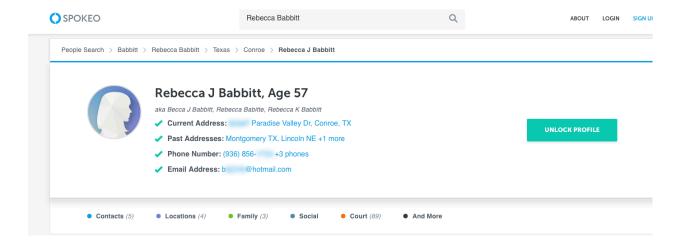


This webpage states that Rebecca Babbitt lives in Conroe, TX. Selecting View profile will lead to the current address.

Also, from the Google results, a search of reasonable diligence will turn up a hit for "spokeo.com". Clicking on the link to spokeo.com will turn up this webpage:



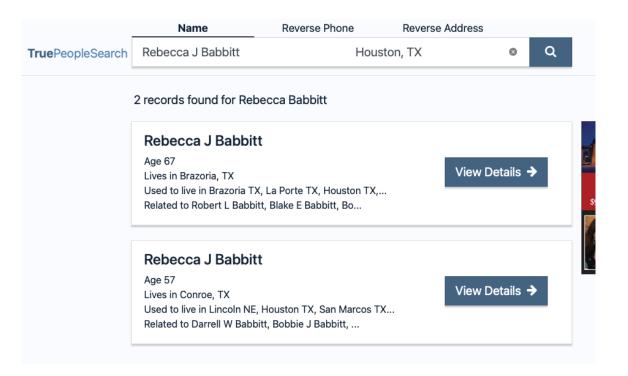
This webpage lists a "Rebecca J Babbit, 57" who resides in Conroe, TX. Selecting "See Results" will turn up this webpage:



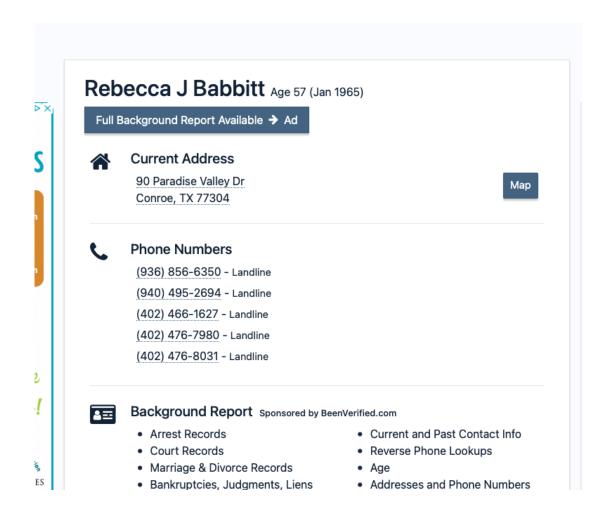
This webpage hides the number unless you pay to "Unlock Profile," but the fee is nominal, and it is easy to infer that this entry lists the correct current address for Rebecca J Babbit: 90 Paradise Valley Dr, Conroe, TX 77304. This correct, current address, as demonstrated above, can be found by googling "Rebecca j babbit Houston tx" (in this instance Babbit was spelled incorrectly and a correct listing was still the in the results) and selecting the either Radaris.com or Spokeo.com. A contiguous reproduction of this series of webpages is attached hereto as Exhibit B-1.

#### Method 2:

A second method Mewbourne could have used to locate the correct current address for Rebecca J. Babbitt was searching the free database available on the internet, "TruePeopleSearch." A search for "Rebecca J Babbitt – Houston, TX" on TruePeopleSearch turns up the following webpage:



The second entry here, a Rebecca J Babbitt, 57, who lives in Conroe, TX is a listing for the correct Rebecca J. Babbitt. These are the only two results, and it should be noted that Mewbourne could have easily sent notice to both. Selecting "View Details" on this entry will turn up this webpage:



This listing provides Rebecca J Babbitt's correct current address: 90 Paradise Valley Dr, Conroe, TX 77304. This current and correct address, as demonstrated above, can be found by searching the internet database TruePeopleSearch for "Rebecca J Babbitt – Houston, TX" and selecting the second entry that comes up. A contiguous reproduction of this series of webpages is attached hereto as Exhibit B-2.

## Method 3:

A third method Mewbourne could have used to locate the correct current address for Rebecca J. Babbitt is a search of the free database available on the interest, "Search People Free." A search for "Rebecca Jane Kelly Babbitt – Houston TX" on Search People Free will turn up this webpage:



Becca J Babbitt in Conroe, TX also Rebecca J Babbitt Age 57 (1965 or 1964) Home address, vacation, business, rental and apartment property addresses for Rebecca 90 Paradise Valley Dr, Conroe, TX 77304 -Current 1078 Lake View Dr, Montgomery, TX 77356 10 Paradise Valley Dr, Conroe, TX 77304 3070 Vine St, Lincoln, NE 68503 2106 Hazard St, Houston, TX 77019 Home telephone number and mobile/wireless/cell phone numbers for Rebecca (936) 856-6350 -Current (940) 495-2694 (402) 466-1627 (402) 476-7980 (402) 476-8031 Spouse, partner, mother, father, sister, brother and ex-spouse/partner for Rebecca Darrell W Babbitt Ervan L Watson JR Royce A Watson Bobbie J Babbitt Paul G Babbitt More Free Details

This search brings up one entry, a "Becca J Babbit in Conroe, TX *also* Rebecca J Babbitt," and lists the correct current address for Rebbecca J. Babbitt: 90 Paradise Valle Dr, Conroe, TX 77304. This current and correct address is clearly listed on the first and only entry that comes up when searching "Rebecca Jane Kelly Babbitt – Houston TX" on the Search People Free internet database. This series of webpages is attached hereto as Exhibit B-3.



#### rebecca j babbit houston tx



Q

Q All

Maps

■ News

Shopping

: More

Tools

About 863,000 results (0.48 seconds)

## Did you mean: rebecca j babbitt houston tx

https://veripages.com > name > Rebecca > Babbitt

## Found 37 people with the name Rebecca Babbitt - Veripages

37 records — Rebecca Babbitt public and business records, phone numbers and addresses. ... Brazoria, TX; La Porte, TX; Houston, TX ... Rebecca J Babbitt ...

https://cocofinder.com > People Directory > B

## Rebecca Babbitt Phone Number, Address & More - CocoFinder

Checking out the phone number of Rebecca Babbitt? ... Rebecca J Babbitt, age 67 ... 9314 Wichita Dr, La Porte, TX 1805 Ledger Ln, Houston, TX AND 1 MORE.

https://www.yellowbook.com > ... > Babbitt to Babbs \$\frac{1}{2}\$

## Rebecca Babbitt in the US - yellowbook

Browse our public records directory to see Rebecca Babbitt's contact info, age, ... 12466 Industrial Rd, Houston, TX, 1805 Ledger Ln, Houston, TX.

https://conroehstheatre.wixsite.com > theatre > directors

## Directors | Theatre - Wix.com

**Becca Babbitt** · Theatre found **Rebecca Jane** Kelly when she was only a Freshman at Olney High School in Olney, **Texas**. · Also add to **Becca's** high school ...

https://www.officialusa.com > ... > Babbit — Babbitt

### Becky Babbitt — OfficialUSA.com Records

Results 1 - 6 of 6 — Personal Profiles for **Becky** Ann **Babbitt** from Plainwell, MI and **Becky** A ... **Becky** is a resident of 12466 Industrial Rd, **Houston**, **TX**.

https://www.cyberbackgroundchecks.com > detail > pidqb...

# Rebecca J Babbitt Age: 66 In Brazoria, Tx - Complete Background Info

Get complete and up-to-date background details for **Rebecca J Babbitt** Age: 66 In Brazoria, **Tx** by using the thorough database and simple search at Cyber ...

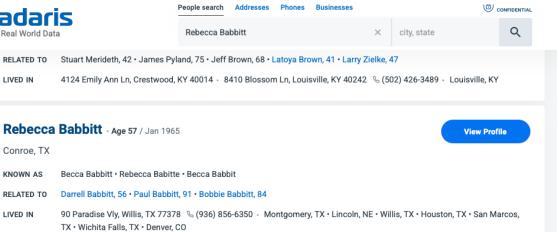
https://radaris.com > B > Babbage...Babiak > Babbitt

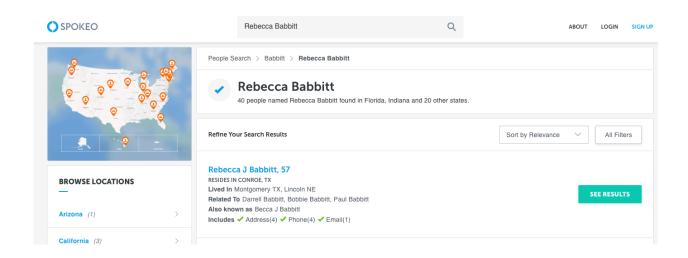
### Rebecca Babbitt Phone Number, Address, Public Records

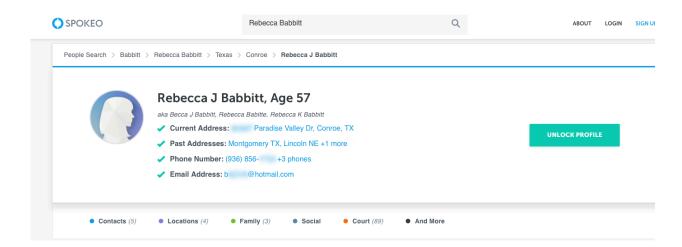
Conroe, TX • Lincoln, NE • Houston, TX • San Marcos, TX • Montgomery, TX • Willis, TX. Related to: Darrell Babbitt, Paul Babbitt, Bobbie Babbitt. Rebecca J ...

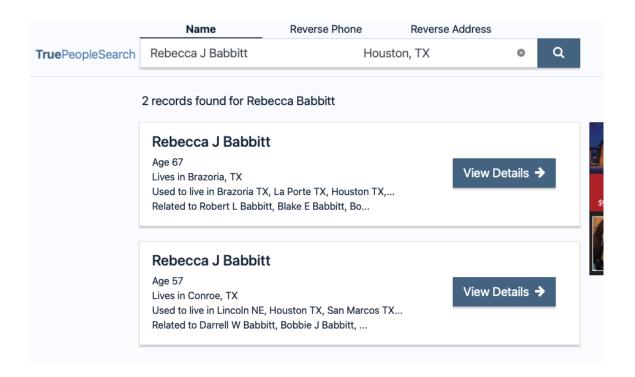
EXHIBIT

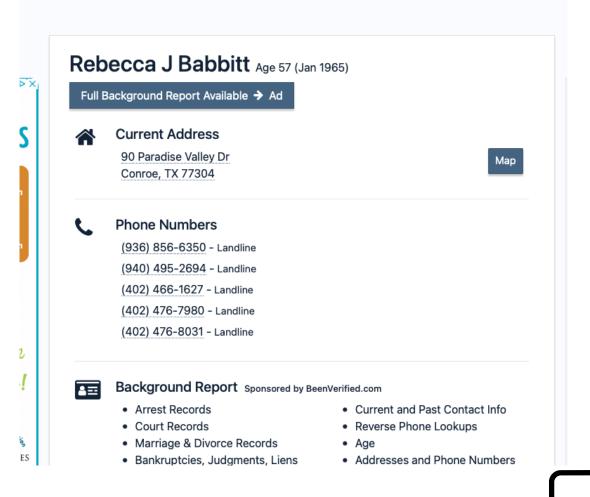












**EXHIBIT** 

**B-2** 



### Becca J Babbitt in Conroe, TX also Rebecca J Babbitt

Age 57 (1965 or 1964)

Home address, vacation, business, rental and apartment property addresses for Rebecca

90 Paradise Valley Dr, Conroe, TX 77304 -Current 1078 Lake View Dr, Montgomery, TX 77356

10 Paradise Valley Dr, Conroe, TX 77304 3070 Vine St, Lincoln, NE 68503

2106 Hazard St, Houston, TX 77019

Home telephone number and mobile/wireless/cell phone numbers for Rebecca

(936) 856-6350 -Current (402) 466-1627 (940) 495-2694

(402) 476-7980 (402) 476-8031

Spouse, partner, mother, father, sister, brother and ex-spouse/partner for Rebecca

Darrell W Babbitt Ervan L Watson JR Royce A Watson

Bobbie J Babbitt Paul G Babbitt

More Free Details

EXHIBIT

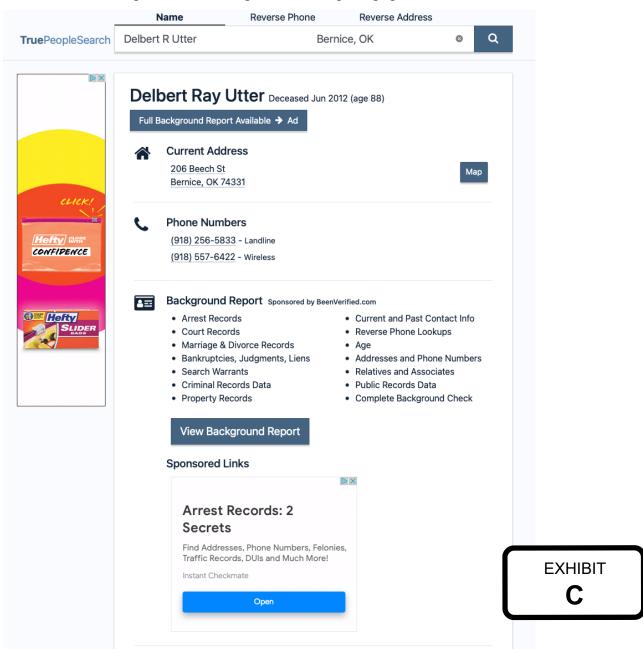
## **Exhibit C**

## The Location of Delbert R. Utter

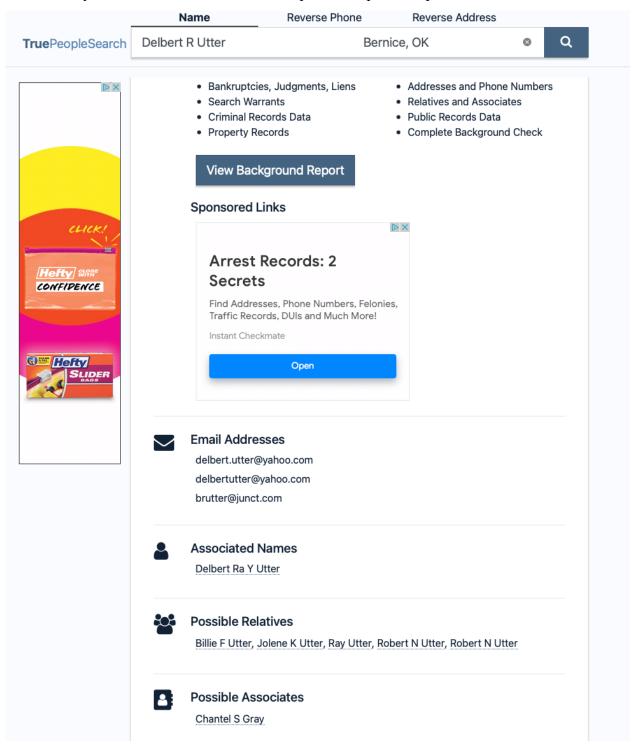
Mewbourne Oil Company ("Mewbourne"), in its application, listed interest owner Delbert Ray Utter as unlocatable after attempting, and failing prematurely, to reach him at 206 Beech Street, Bernice, OK 74331. See Case No. 21390, Mewbourne Oil, Exhibit A-9. This is an old address for Delbert R. Utter. A simple internet search would have turned up the correct, current address for Delbert R. Utter. Three separate, easily accessible methods of determining Delbert R. Utter's current address are demonstrated in this Exhibit.

#### Method 1:

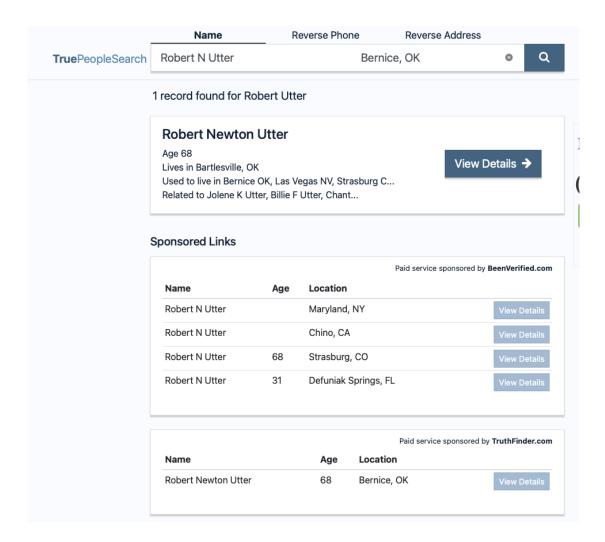
The first method Mewbourne could have used to locate the correct current address for Delbert R. Utter is a search of the free internet database TruePeopleSearch. A search for "Delbert R Utter – Bernice, OK" on TruePeopleSearch turns up the following webpage:



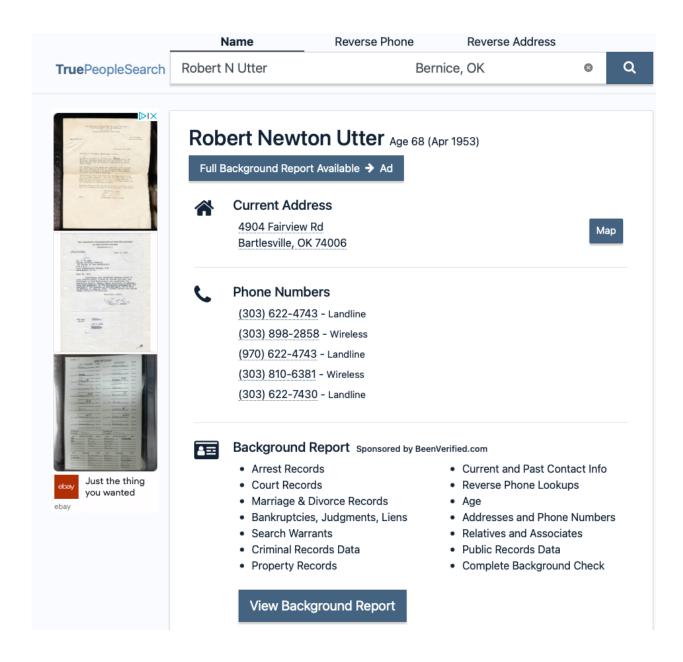
The only entry lists a "Delbert Ray Utter" who is deceased as of June 2012. The address listed is the same used by Mewbourne in their attempt to provide notice. However, as Delbert R. Utter is listed as deceased, reasonable diligence requires an attempt to determine his next of kin. Further down the entry for Delbert R. Utter on TruePeopleSearch provides possible relatives for him:



This webpage lists four (4) possible relatives for Delbert R. Utter: Billie F Utter, Jolene K Utter, Ray Utter, and Robert N Utter. Again, reasonable diligence requires a search to determine whether any of these names will provide a plausible next of kin for Delbert R. Utter. A search of the TruePeopleSearch database for "Robert N Utter – Bernice, OK" turns up this result:



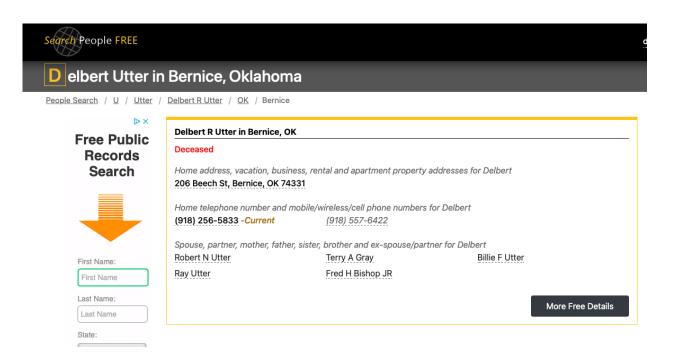
The only entry lists a Robert Newton Utter, 68, who lives in Bartlesville, OK and used to live in Bernice, OK. Selecting "View Details" pulls up this webpage:



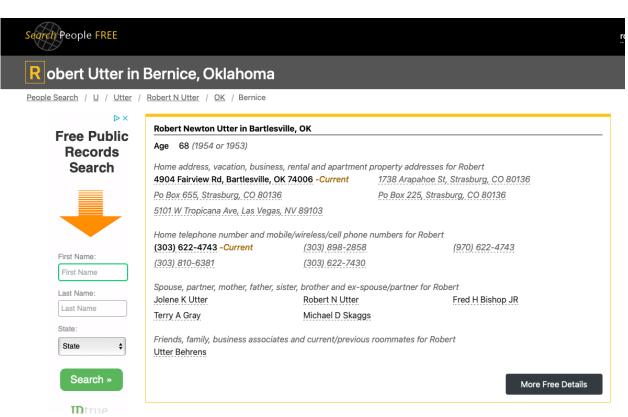
This page lists the correct current address for Robert Newton Utter, the son of the deceased Delbert R. Utter, who manages the affairs of Delbert R. Utter's interests, as well as a correct current cell phone number. This correct current address, as demonstrated above, can be found by searching the internet database TruePeopleSearch for "Delbert R Utter – Bernice, OK" and finding that Delbert R Utter is deceased. Then searching the same database for "Robert N Utter – Bernice, OK", a name taken from the possible relatives section of Delbert R. Utter's entry. The correct address and phone number for Robert N. Utter are clearly displayed in the first page of his entry. A contiguous reproduction of this series of webpages is attached hereto as Exhibit C-1.

## Method 2:

A second method Mewbourne could have used to locate the correct current address for Delbert R. Utter is a search of the free internet database Search People Free. A search for "Delbert Utter – Bernice, Oklahoma" on Search People Free will turn up this webpage:



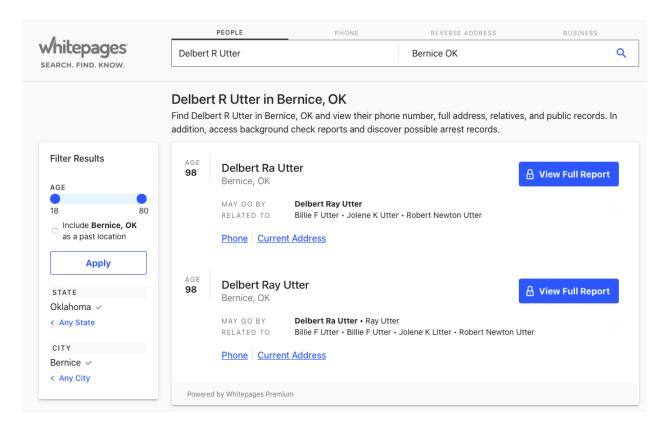
The only entry lists a "Delbert R Utter in Bernice, OK" who is deceased. The address listed is the same used by Mewbourne in their attempt to provide notice. However, as Delbert R. Utter is listed as deceased, reasonable diligence requires an attempt to determine his next of kin. Included in the entry is a list of kin for Delbert R. Utter, including Robert N. Utter. A search of the Search People FREE database for "Robert Utter – Bernice, Oklahoma" turns up the following result:



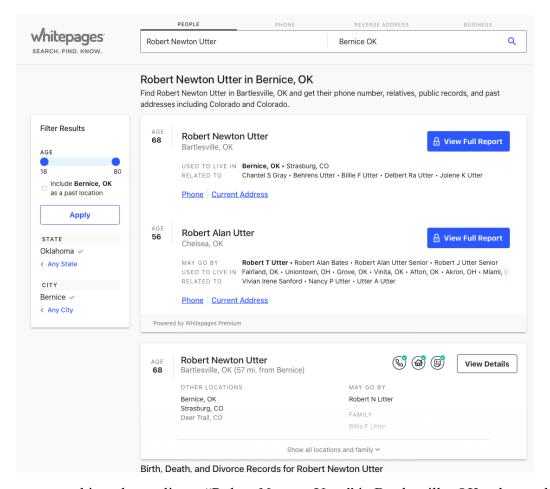
This page lists the correct current address for Robert Newton Utter, the son of the deceased Delbert R. Utter who manages the affairs of Delbert R. Utter's interests, as well as a correct current cell phone number. This correct current address, as demonstrated above, can be found by searching the free internet database Search People FREE for "Delbert R Utter – Bernice, OK" and finding that Delbert R. Utter is deceased. Then searching the same database for "Robert N Utter – Bernice, OK", a name taken from the relatives section of Delbert R. Utter's entry. The correct address and phone number for Robert N. Utter are clearly displayed in the first page of his entry. A contiguous reproduction of this series of webpages is attached hereto as Exhibit C-2.

### Method 3:

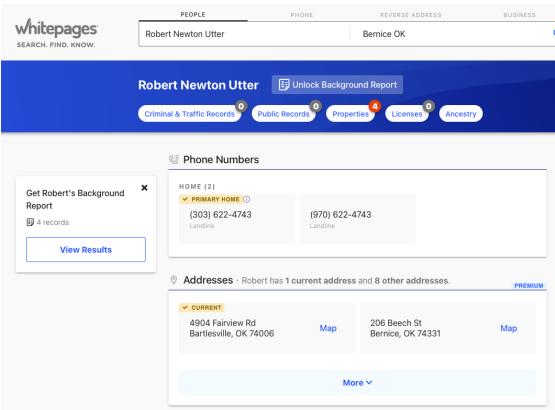
A third method that Mewbourne could have used to determine Delbert R. Utter's correct current address is a search of the Whitepages. A search of Whitepages for "Delbert R Utter" in "Bernice, OK" turns up this webpage:



While this webpage does not list that Delbert R Utter is deceased like other free internet databases, reasonable diligence requires an inference that a 98 year old man may be deceased or living with a relative, and therefore a search of the listed relatives. A search of the Whitepages for one of these listed relatives, Robert Newton Utter, turns up the following results:



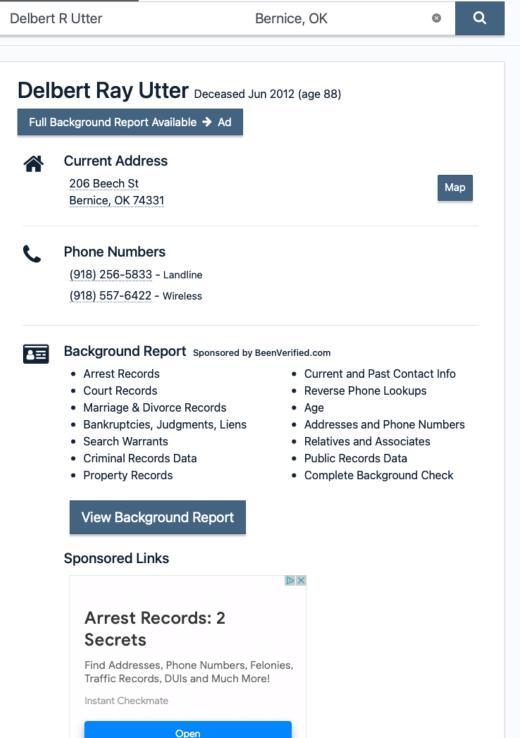
The first entry on this webpage lists a "Robert Newton Utter" in Bartlesville, OK, who used to live in Bernice, OK. Selecting "View Full Report" on Robert Newton Utter's entry brings up the following webpage:



This webpage lists a "current" address that is Robert Newton Utter's correct and current address: 4904 Fairview Rd, Bartlesville, OK 74006. This correct address, as demonstrated above, can be found by searching the Whitepages for "Delbert R Utter – Bernice, OK" and then searching for his relative "Robert Newton Utter – Bernice, OK" and opening the report for the first result. A contiguous reproduction of the above attached webpages is attached hereto as Exhibit C-3.

Name Reverse Phone Reverse Address a Delbert R Utter Bernice, OK 8 **True**PeopleSearch





**EXHIBIT** 

Name Reverse Phone Reverse Address

**True**PeopleSearch

Delbert R Utter

Bernice, OK

×

Q

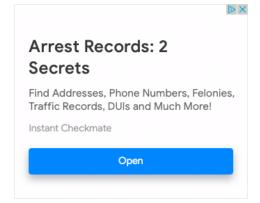


- Bankruptcies, Judgments, Liens
- Search Warrants
- Criminal Records Data
- Property Records

- · Addresses and Phone Numbers
- · Relatives and Associates
- Public Records Data
- · Complete Background Check

## View Background Report

## Sponsored Links



## $\smile$

## **Email Addresses**

delbert.utter@yahoo.com delbertutter@yahoo.com brutter@junct.com



#### **Associated Names**

Delbert Ra Y Utter



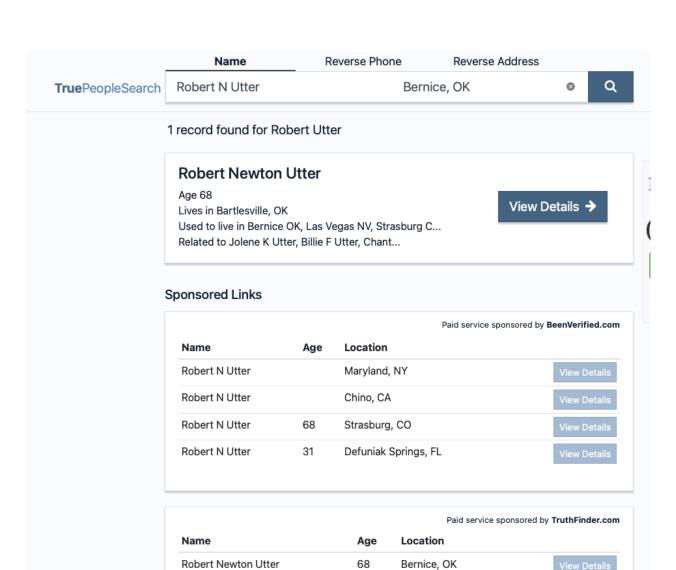
## Possible Relatives

Billie F Utter, Jolene K Utter, Ray Utter, Robert N Utter, Robert N Utter



## **Possible Associates**

Chantel S Gray



**True**PeopleSearch

Robert N Utter

Bernice, OK

8

Q









## Robert Newton Utter Age 68 (Apr 1953)

Full Background Report Available → Ad



### **Current Address**

4904 Fairview Rd Bartlesville, OK 74006

Мар



## **Phone Numbers**

(303) 622-4743 - Landline

(303) 898-2858 - Wireless

(970) 622-4743 - Landline

(303) 810-6381 - Wireless

(303) 622-7430 - Landline



## Background Report Sponsored by BeenVerified.com

- Arrest Records
- Court Records
- Marriage & Divorce Records
- Bankruptcies, Judgments, Liens
- Search Warrants
- Criminal Records Data
- · Property Records

- Current and Past Contact Info
- Reverse Phone Lookups
- Age
- · Addresses and Phone Numbers
- Relatives and Associates
- Public Records Data
- Complete Background Check

View Background Report

## Delbert Utter in Bernice, Oklahoma

People Search / U / Utter / Delbert R Utter / OK / Bernice





First Name:

First Name

Last Name:

Last Name

State:

#### Delbert R Utter in Bernice, OK

#### Deceased

Home address, vacation, business, rental and apartment property addresses for Delbert

206 Beech St, Bernice, OK 74331

Home telephone number and mobile/wireless/cell phone numbers for Delbert

(918) 256-5833 -Current (918) 557-6422

Spouse, partner, mother, father, sister, brother and ex-spouse/partner for Delbert

Robert N Utter Terry A Gray Billie F Utter

Ray Utter Fred H Bishop JR

More Free Details



## R obert Utter in Bernice, Oklahoma

People Search / U / Utter / Robert N Utter / OK / Bernice

Free Public Records Search



First Name:

First Name

Last Name:

Last Name

State:

State \$

Search »

**ID**true

Robert Newton Utter in Bartlesville, OK

Age 68 (1954 or 1953)

Home address, vacation, business, rental and apartment property addresses for Robert

 4904 Fairview Rd, Bartlesville, OK 74006 - Current
 1738 Arapahoe St, Strasburg, CO 80136

 Po Box 655, Strasburg, CO 80136
 Po Box 225, Strasburg, CO 80136

5101 W Tropicana Ave, Las Vegas, NV 89103

Home telephone number and mobile/wireless/cell phone numbers for Robert

(303) 622-4743 -Current (303) 898-2858 (970) 622-4743

(303) 810-6381 (303) 622-7430

Spouse, partner, mother, father, sister, brother and ex-spouse/partner for Robert

Jolene K Utter Robert N Utter Fred H Bishop JR

Terry A Gray Michael D Skaggs

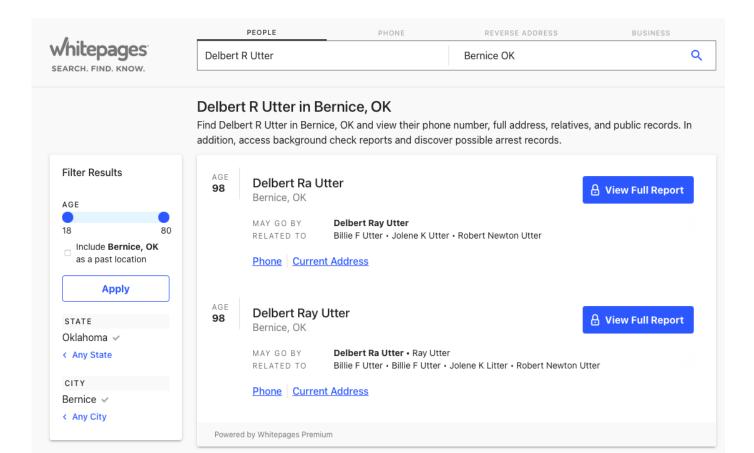
Friends, family, business associates and current/previous roommates for Robert

Utter Behrens

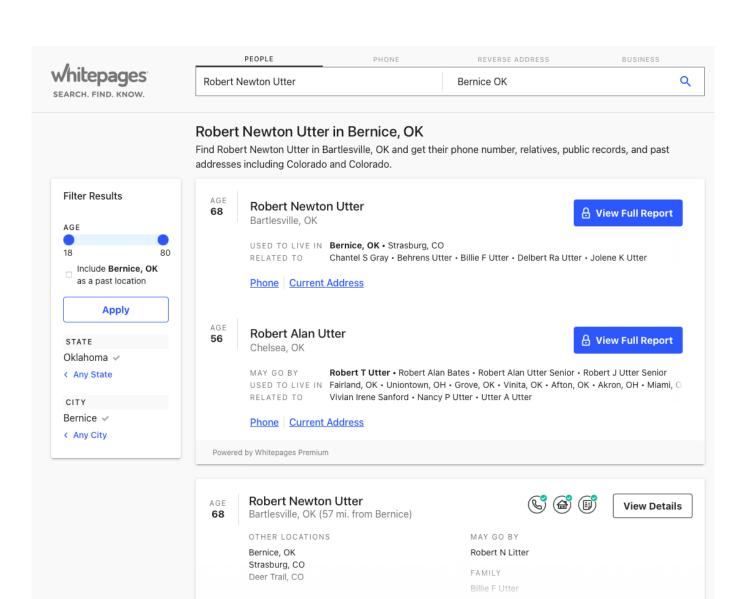
More Free Details

EXHIBIT

C-2



C-3



Birth, Death, and Divorce Records for Robert Newton Utter

Show all locations and family >



PEOPLE PHONE REVERSE ADDRESS BUSINESS

Bernice OK

Robert Newton Utter

Unlock Background Report

Criminal & Traffic Records

Public Records

Properties

Ancestry

Get Robert's Background
Report

3 4 records

×

**View Results** 

Phone Numbers

✓ CURRENT

4904 Fairview Rd

Bartlesville, OK 74006

Robert Newton Utter

HOME (2)

✓ PRIMARY HOME ①

(303) 622-4743

Landline

(970) 622-4743

Landline

Map

O Addresses · Robert has 1 current address and 8 other addresses.

206 Beech St Bernice, OK 74331 Map

PREMIUM

## Exhibit D

Proposed findings of fact and conclusions of law for the Motion to Establish Essential Facts and Legal Conclusions for the Holding an Evidentiary Hearing in Case Nos. 22539 and 22540 on March 3, 2022:

## Findings of fact:

At least 3 of the 9 working interest owners, including Christine Brock, Rebecca J. Babbitt, and Delbert R. Utter, listed by Mewbourne Oil Company as unlocatable were readily locatable through reasonable diligence by a variety of means using the internet.

## Conclusions of law:

Because 3 owners identified as unlocatable were in fact locatable, said owners were denied notice in violation of statewide rules and New Mexico case law, and therefore, Order Nos. 21527 and 21528 are void with respect to these owners; consequently, full property rights, including rights of election and participation, shall be restored to these owners and their assigns.

**EXHIBIT** 

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