

# SOMMER, FOX, UDALL, OTHMER & HARDWICK, P.A.

ATTORNEYS AT LAW

200 WEST MARCY STREET, #129

P.O. BOX 1984

SANTA FE, NEW MEXICO 87504-1984

(505) 982-4676

FACSIMILE NUMBER (505) 988-7029

ROBERT E. FOX  
(1916-1995)

SEPHERA A. SOMMER  
EMBALL R. UDALL  
CRAIG T. OTHMER  
JOHN R. FOX  
ERIC M. SOMMER  
JACK N. HARDWICK  
KURT A. SOMMER  
KARL H. SOMMER  
CHERYL PICK SOMMER

June 15, 2001

## CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Energen Resources Corporation  
605 21<sup>st</sup> Street North  
Birmingham, Alabama 35203-2707

Re: Well #: 3132032A - Martinez 1  
Meter No.: 37069  
Lease No.: 931001  
Analyst: Joy Martin  
Field: Tapacito Pictured Cliffs (Pro Gas)  
County: Rio Arriba  
State: New Mexico  
Owner: Joseph A. Sommer 1714

Gentlemen:

During June of 2001 I received your Statements of Gas Imbalances for the months beginning November of 1997 and ending March 2001. They culminate in a cumulative imbalance at the end of March of 2001 of a minus 2,182 MCF's, whatever that may mean.

Each of your monthly Statements of Gas Imbalance concludes with the caution that "Agreement with statement is assumed, unless otherwise notified...and is assumed correct unless Energen Resources is notified by you within 30 days."

I have also received an Invoice for the month of April, 2001, dated 5/15/01, purporting to show that for the month of April of 2001 I owe Energen Resources Corporation \$63.56, and a Statement dated 4/30/01 showing I owe Energen Resources Corporation as my share of operating expenses an accumulated total of \$2,700.30, beginning with a 9/15/97 invoice and ending with a 5/15/01 invoice.

I am of the opinion that the foregoing statements may be an attempt to establish what is generally known as an "account stated," intended to relieve Energen Resources Corporation of the necessity of actually establishing that these are true records and that it is the owner of the amount of the deficiency or indebtedness claimed in each of these statements. Furthermore, I have had no opportunity to verify, nor have I verified, that the figures in the statements are accurate, what may