

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

ATTORNEYS AT LAW
Energen Resources Corporation

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be asserted grounds of my liability, or that Energen Resources is owed any liabilities that may have been accrued in favor of predecessor operators, etc. All records of transactions have been in the hands of the predecessor operators or subsequently in the possession and control of Energen Resources Corporation, as the transactions took place.

During these many months of operation of the well by Energen Resources Corporation and its predecessor operators I have derived no income despite the great increase in the price of natural gas. Yet you seek to charge me for operating a gas well that nets no production and therefore no income to me.

Insofar as I am concerned, if you are not producing any income for me from Martinez Well No. 1, prudence and common sense would demand that it be shut down. There is no justification for charging me the expense of operations that are resulting in no income. If the Martinez Well No. 1 is in fact producing gas, someone who is getting the gas should pay for its production.

I am also outraged by your attempt to charge for Energen's and its predecessors' "Fixed Producing Ovhd," which appears to represent nearly 90% of the \$2700.30. Even if I were receiving the gas produced from Martinez No. 1 and the operating costs of Martinez No. 1 has been approximately ten percent (10%) of \$2700.30, a charge of nine times that ten percent for so-called "Fixed Producing Ovhd." would certainly be a major and indefensible SCAM.

Through the years I have patiently sought from time to time an explanation of why I should pay the cost of non-production of Martinez Well No. 1 and the cost of general overhead for the production by other wells. My inquiries have never been answered.

In conclusion, please be advised that I do not agree to nor do I accept as correct any of the Statements, including that for an imbalance. If the Statements had in fact been correct, ownership of an interest in the gas well as operated (or not operated!) by your company and its predecessors would constitute, not an asset, but a liability of which I would long since have divested myself.

Sincerely yours,

Joseph A. Sommer
Joseph A. Sommer

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