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

APPLICATION OF CIMAREX ENERGY CO. FOR A NON-STANDARD OIL SPACING AND PRORATION UNIT AND COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.

Case No. 14,469

AFFIDAVIT OF NOTICE

| COUNTY OF SANTA FE) | | | | | | | |
|--|--|--|--|--|--|--|--|
| STATE OF NEW MEXICO) | | | | | | | |
| James Bruce, 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 an attorney for Cimarex Energy Co. | | | | | | | |
| Applicant has conducted a good faith, diligent effort to find the names and correct of the interest owners entitled to receive notice of the application filed herein. | | | | | | | |
| 4. Notice of the application was provided to the interest owners, at their correct addresses, by certified mail. Copies of the notice letter and certified return receipts are attached hereto as Exhibit A. | | | | | | | |
| 5. Applicant has complied with the notice provisions of Division Rules NMAC 19.15.4.9 and 19.15.4.12.C. | | | | | | | |
| Janus Pelee | | | | | | | |
| James Bruce | | | | | | | |
| SUBSCRIBED AND SWORN TO before me this 8th day of May, 2010 by James Bruce. | | | | | | | |
| My Commission Expires: 3/14/13 Notary Public | | | | | | | |
| Oil Conservation Division | | | | | | | |

Case No. ___ Exhibit No.

JAMES BRUCE ATTORNEY AT LAW

POST OFFICE BOX 1056 SANTA FE, NEW MEXICO 87504

369 MONTEZUMA, NO. 213 SANTA FE, NEW MEXICO 87501

(505) 982-2043 (Phone) (505) 660-6612 (Cell) (505) 982-2151 (Fax)

jamesbruc@aol.com

April 8, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: Persons on Exhibit A

Ladies and gentlemen:

Enclosed is a copy of an application for a non-standard unit and compulsory pooling, filed with the New Mexico Oil Conservation Division by Cimarex Energy Co., regarding the N½N½ of Section 35, Township 19 South, Range 34 East, N.M.P.M., Lea County, New Mexico.

This matter is scheduled for hearing at 8:15 a.m. on Thursday, April 29, 2010, in Porter Hall at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. You are not required to attend this hearing, but as an owner of an interest that may be affected by this application, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from contesting the matter at a later date.

A party appearing in a Division case is required by Division Rules to file a Pre-Hearing Statement no later than Thursday, April 22, 2010. This statement must be filed with the Division's Santa Fe office at the above address, and should include: The names of the party and its attorney; a concise statement of the case; the names of the witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that need to be resolved prior to the hearing. The Pre-Hearing Statement must also be provided to the undersigned.

Very truly yours,

James Bruce

Attorney for Cimarex Energy Co.

EXHIBIT_

EXHIBIT A

Pear Resources Attention: Alan Byars P.O. Box 11044 Midland, Texas 79702

Fuel Products, Inc. Attention: Thomas M. Beall P.O. Box 3098 Midland, Texas 79702

Hyde Oil and Gas Corporation Attention: Blair Hamburg Suite 1018 6300 Ridglea Place Fort Worth, Texas 76116

MGT Partners I, L.P.
Merit Management Partners I, L.P.
Merit Energy Partners III, L.P.
Merit Energy Partners D-III, L.P.
c/o Merit Energy Partners GP, LLC
Attention: Chris Heavner
Suite 500
13727 Noel Road
Dallas, Texas 75240

Michael J. Moncrief 2008 Trust A Attention: Jerry Goodwin, CPA Suite 1030 777 Taylor Street Fort Worth, Texas 76102

PS Form 3811, February 2004 2. Article Number Article Addressed to: Attach this card to the back of the malipiece Complete Items 1, 2, _ _ 1 3. Also comp Item 4 If Restricted Delivery is desired. Print your name and address on the reverse (Transfer from service label) or on the front if space permits. 7009 PE28 5000 0585 so that we can return the card to you. 5790 Street, Apt. No. or PO Box No. City, State, 219-4 Fort Worth, Texas 76116 Restricted Delivery Fee (Endorsement Required) Return Receipt Fee (Endorsement Required) PS Form 3800. August 2006 See Reverse for Instructions CERTI Total Postage & Fees | \$ Certified Fee Attention: Blair Hamburg Fort Worth, Texas 76116 6300 Ridglea Place Suite 1018 Hyde Oil and Gas Corporation Postage Hyde Oil and Gas Corporation 6300 Ridglea Place Suite 1018 Attention: Blair Hamburg l Sei .പ് 3. Also complete 7009 Domestic Return Receipt 0292 APR- 4 2010 COMPLETE THIS SECTION ON DELIVERY O 2000 B. Received by (Printed Name) Sarvice Type

[A Contribut Mail

[Registered is delivery address different from item 1? Restricted Delivery? (Extra Fee) Insured Mail If YES, enter delivery address below. Darking. .8539 6 09T2 Express Mail
Return Receip
CO.D. SENDER: COMPLETE THIS SECTION PS Form 3811, February 2004 ■ Complete Items 1, 2, _d 3. Also complete Items 1, 2, _d 3. Also complete. Item 4 If Restricted Delivery is desired. Return Receipt for Merchandise Article Addressed to: Attach this card to the back of the mailpiece, Print your name and address on the reverse Article Number or on the front if space permits. so that we can return the card to you. Transfer from service label) Date of Delivery □ □ ₹ § 102595-02-M-1540 □ g Fort Worth, Texas 76102 777 Taylor Street □ Agent Attention: Jerry Goodwin, CPA Michael J. Moncrief 2008 Trust A Addressee 8539 7009 0585 0005 5766 7009 Domestic Return Receipt (x 35-) Street, Apr. No.: 777 Taylor Street or PO Box No. Fort Worth, Texas 76102 Sent To Restricted Delivery Fee (Endorsement Required) Retum Receipt Fee (Endorsement Required) City, State, ZIP+4 PS Form 3800. August 2006: 💛 🐥 For delivery information visit our website at www.usps.co Total Postage & F Michael J. Moncrief 2008 Trust A 0282 Certifled Fee Postage COMPLETE THIS SECTION ON DELIVERY × 4, Restricted Delivery? (Extra Fee) D. Is delivery address different from item 1? B. Received by (Printed Name) A Signature Certified Ma II YES Attention: Jerry Goodwin, CPA Service Type Suite 1030 2000 Certified Mail Insured Mail enter delivery address below: () **6**658 □ c.o.p. ☐ Express Mail Return Receipt for Merchandise 9972 C. Date of Delivery Postmark Here Agent
Addressee □ L No Yes 102595-02-M-1540 □ Yes Yes

PG Form 3811, February 2004 2. Article Number Article Addressed to: Complete Items 1, 2, (Transfer from service labo Attach this card to the back of the mailpiece Print your name and address on the reverse or on the front if space permits. so that we can return the card to you. PE28 5000 0585 2173 tem 4 If Restricted Delivery is desired. 7009 MGT Partners I, L.P. Return Receipt Fee (Endorsement Required) Merit Energy Partners D-III, L.P. Merit Management Partners I, L.P. Restricted Delivery MGT Partners I, L.P. (Endorsement Requirement Management Partners I) Dallas, Texas 75240 Merit Energy Partners III, L.P. City, State, ZIP+4 Street, Apt. No.: 13727 Noel Road Suite 500 Attention: Chris Heavner or PO Box No. For delivery information visit our website at www c/o Merit Energy Partners GP, LLC Total Postage & F. Merit Energy Partners 11, E.P. Certified Fee Postage Merit Energy Partners D-III, L.P. Suite 500 Attention: Chris Heavner Dallas, Texas 75240 c/o Merit Energy Partners GP, LLC 13727 Noel Road d 3. Also complete 2009 See Reverse for Instructions Domestic Return Receipt (35-7 0292 2000 D. Is delivery address different from nem Here ☐ Centified Mail
☐ Registered
☐ Insured Mail Restricted Delivery? (Extra Fee) Service Type If YES, enter delivery address below: 8539 5273 E Express Mail

Return Receipt for Merchandise

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Registered ☐ Insured Mail Service Type If YES, enter delivery address below: Midland, Texas 79702 Attention: Thomas M. Beal P.O. Box 3098 Fuel Products, Inc. 4539 ST42 Express Mail
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 CO.D. \$ 2010 C. Date of Delivery 102595-02-M-1540 □ ‰ □ □ ♂ % ☐ Agent ☐ Addressee 1

SENDER: COMPLETE THIS SECTION Article Number
 (Transfer from service label) PS Form 3811, February 2004 Print your name and address on the reverse Complete Items 1, 2, ...d 3. Also complete Item 4 If Restricted Delivery is desired. Article Addressed to: so that we can return the card to you.

Attach this card to the back of the mailpiece, or on the front if space permits. Midland, Texas 79702 Attention: Alan Byars P.O. Box 11044 Pear Resources 7009 Domestic Return Receipt (35-7) 0292 A Segnature 2000 COMPLETE THIS SECTION ON DELIVERY B. 'Received by (Printed Name) ω D. is delivery address different from item 1? Yes If YES, enter delivery address below: Sarvice Type

Q Certified Mail

Registered

Insured Mail Restricted Delivery? (Extra Fee) チッシュチニにシア 8539 2203 Express Mail
Return Receipt for Merchandise
C.O.D. C. Date of Delivery ローカーカ ☐ Agent ☐ Addressee 102595-02-M-1540 ☐ Yes

| | 7009 8 | 2820 | 0 | 000 | 2 8 | 53 | 9 | 22 | 03 | |
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| PS Form 3800. August 2006 | Sent To Sireel, Apt. No.; or PO Box No. City, State, ZIP+4 | | Restricted Delivery Fee | Return Receipt Fee (Endorsement Required) | Certified Fee | Postage | | For delivery informa | CERTIFIED (Domestic Mail Or | U.S. Postal S |
| 2006 See Reverse for Instructions | Pear Resources Attention: Alan Byars P O Box 1 1044 Midland, Texas 79702 | \$ | NA NA | Posmary Here | , 200 | | | | nly; No Insurance Co∵ange Provided) | ervice to |

JAMES BRUCE ATTORNEY AT LAW

POST OFFICE BOX 1056 SANTA FE, NEW MEXICO 87504

369 MONTEZUMA, NO. 213 SANTA FE, NEW MEXICO 87501

(505) 982-2043 (Phone) (505) 660-6612 (Cell) (505) 982-2151 (Fax)

jamesbruc@nol.com

April 22, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

To: Linn Energy Holdings, LLC Suite 5100 600 Travis Street Houston, Texas 77002

Ladies and gentlemen:

Enclosed are copies of four applications for a non-standard unit and compulsory pooling, filed with the New Mexico Oil Conservation Division by Cimarex Energy Co., regarding the S½S½, N½S½, S½N½, and N½N½ of Section 35, Township 19 South, Range 34 East, N.M.P.M., Lea County, New Mexico.

These matters are scheduled for hearing at 8:15 a.m. on Thursday, May 13, 2010, in Porter Hall at the Division's offices at 1220 South St. Francis Drive, Santa Fe, New Mexico 87505. You are not required to attend this hearing, but as an owner of an interest that may be affected by these applications, you may appear and present testimony. Failure to appear at that time and become a party of record will preclude you from contesting these matters at a later date.

A party appearing in a Division case is required by Division Rules to file a Pre-Hearing Statement no later than Thursday, May 6, 2010. This statement must be filed with the Division's Santa Fe office at the above address, and should include: The names of the party and its attorney; a concise statement of the case; the names of the witnesses the party will call to testify at the hearing; the approximate time the party will need to present its case; and identification of any procedural matters that need to be resolved prior to the hearing. The Pre-Hearing Statement must also be provided to the undersigned.

Very truly yours,

Attorney for Cimarex Energy Co.

| SENDER COMPLETE THIS SECTION Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece. | GOMPLETE:THIS SECTION ON DELIVERY A Signature | | | | | |
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| or on the front if space permits 1. Article Addressed to: Linn Energy Holdings, LLC Suite 5100 | D. is delivery address different from item 1? | | | | | |
| 600 Travis Street Houston, Texas 77002 | 3. Service Type Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D. Restricted Delivery? (Extra Fee) Yes | | | | | |
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| PS Form 3811, February 2004 Domestic Ret | urn Receipt Cx - Mallon 3 \(\) 102595402-M-1540 | | | | | |