

Affidavit of Publication

State of New Mexico,
County of Eddy, ss.

Dawn Higgins,
being first duly sworn, on oath says:

That she is Business Manager
of the Carlsbad Current-Argus, a newspaper published
daily at the City of Carlsbad, in said county of Eddy,
state of New Mexico and of general paid circulation in
said county; that the same is a duly qualified
newspaper under the laws of the State wherein legal
notices and advertisements may be published; that the
printed notice attached hereto was published in the
regular and entire edition of said newspaper and not in
supplement thereof on the date as follows, to wit:

July 21, 2002
_____, 2002
_____, 2002
_____, 2002
_____, 2002
_____, 2002

That the cost of publication is \$ 31.72
and that payment thereof has been made and will be
assessed as court costs.

Dawn Higgins

Subscribed and sworn to before me this

23 day of July, 2002
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My commission expires 4/25/04
Notary Public

July 21, 2002

NOTICE

TO: Joan Hudson Moore,
Jonel Susan Grasso,
Jane Ann Hudson Davis,
and James McLean. Chi
Energy, Inc. has filed an
application with the New
Mexico Oil Conservation
Division to force pool all
overriding royalty inter-
ests from the surface to
the base of the Morrow
formation underlying the
N½ of Section 10, Town-
ship 17 South, Range 28
East, N.M.P.M., Eddy
County, New Mexico. The
hearing is scheduled for
8:15 a.m. on Thursday,
August 1, 2002 at the Di-
visions offices at 1220
South St. Francis Drive,
Santa Fe, New Mexico
87505. You have the right
to appear at the hearing
and present evidence.
Failure to appear will pre-
clude you from contesting
this matter at a later date.
The well unit is located
approximately 13½ miles
east-northeast of Artesia,
New Mexico.

OIL CONSERVATION DIVISION

CASE NUMBER 12880

EXHIBIT 5