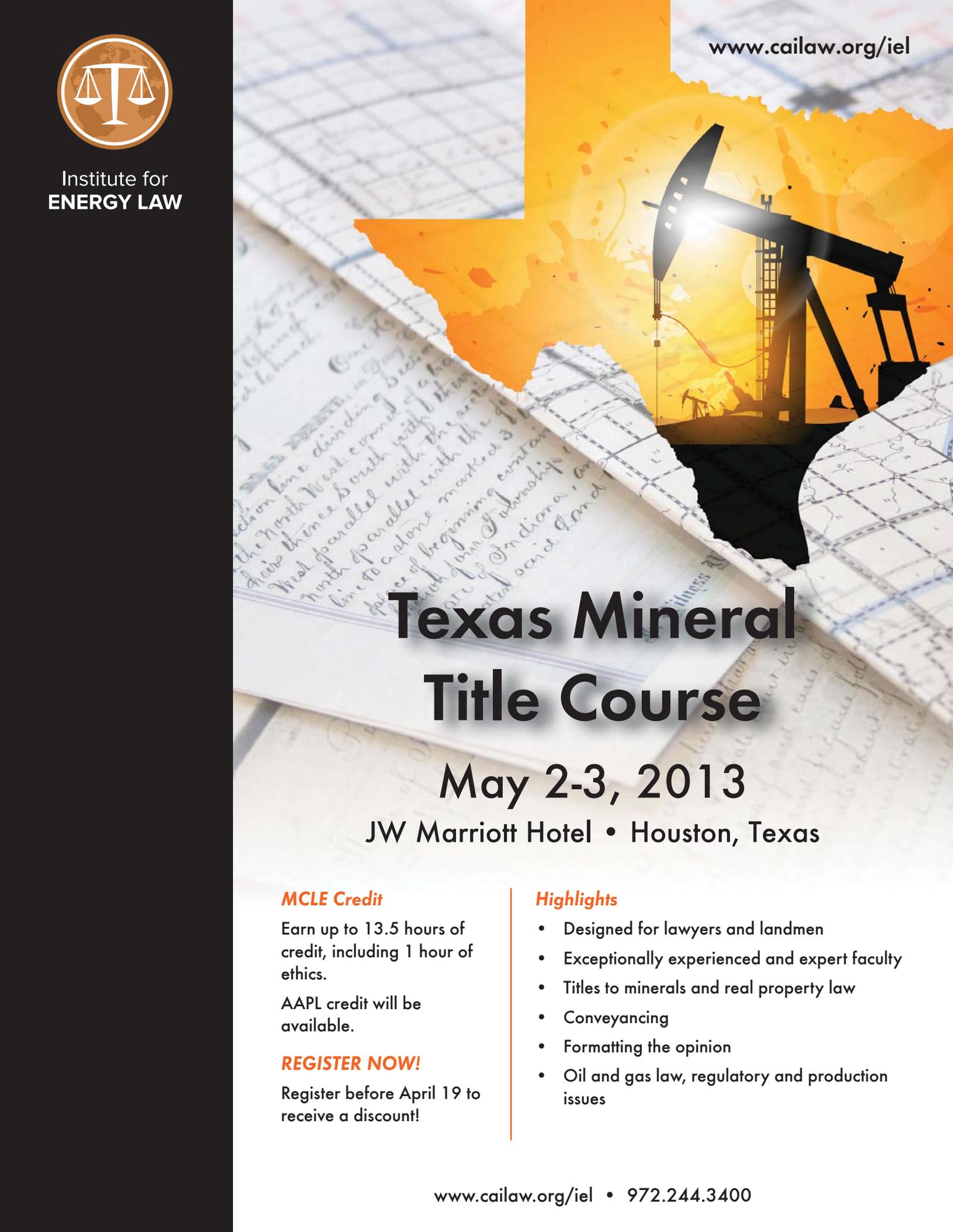




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Texas Mineral Title Course

May 2-3, 2013

JW Marriott Hotel • Houston, Texas

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Highlights

- Designed for lawyers and landmen
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- Conveyancing
- Formatting the opinion
- Oil and gas law, regulatory and production issues

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Kerry A. Kilburn
Kilburn Law Firm, PLLC
Houston, Texas

George A. Snell
Steptoe & Johnson PLLC
Houston, Texas

TEXAS MINERAL TITLE COURSE Schedule

THURSDAY, MAY 2

7:30 REGISTRATION

8:30 WELCOME, OVERVIEW AND INTRODUCTIONS

Kerry A. Kilburn, *Kilburn Law Firm, PLLC, Houston, Texas*

George A. Snell, *Steptoe & Johnson PLLC, Houston, Texas*

TITLE TO MINERALS

8:35 THE NATURE OF THE MINERAL ESTATE

Professor Kramer will discuss the qualities of the five components of a mineral interest, and explore the distinguishing factors for title opinion purposes among royalty, non-participating royalty interest, working interest and net revenue interest. He will cover title issues presented by the severance of minerals from the surface ownership, the ownership of fugacious minerals in place, and the nature of an oil and gas lease as a fee simple determinative.

Bruce M. Kramer, *Professor Emeritus, Texas Tech Law School and Of Counsel, McGinnis, Lochridge & Kilgore, L.L.P., Houston, Texas*

9:20 WHERE TITLE BEGINS – PATENTS AND THE RELINQUISHMENT ACT

You may have wondered, but never really understood, how title to Texas lands has evolved over the 168 years of the state's existence. This presentation will begin with the birthing of title out of the Sovereign, in this case, the State of Texas, and will continue with discussions concerning Patents, University Land Grants, Public School Lands, Railroad Land Grants, and State Owned Mineral Lands (Relinquishment Act). We will also give a shout out to little known grants for: the improvement of rivers and bayous, construction of roads and canals, construction of the State Capitol, drilling of artesian wells, and the benefit of Texas counties.

Mark K. Leaverton, *Rash Chapman Scriber Leaverton & Morrison, L.L.P., Austin, Texas*

10:00 BREAK

ASPECTS OF REAL PROPERTY LAW

10:15 HOMESTEAD AND PROBATE LAW

What is a homestead? Our speaker will discuss establishing a homestead, the possessors of a homestead, the effect of marriage, reservation of a homestead, mineral interest in a homestead, and how a homestead is terminated.

Important aspects of probate for title will also be examined, including testate succession, intestate succession, trusts, probate options, muniments of title, affidavits of heirship, and the recording of foreign wills.

Jonathan Baughman, *McGinnis, Lochridge & Kilgore, LLP, Houston, Texas*

11:00 ADVERSE POSSESSION, AFTER-ACQUIRED TITLE, AND THE RULE AGAINST PERPETUITIES

This presentation will identify certain title problems associated with rights of parties in possession and will specifically focus on the application of statutes and case law to matters associated with Adverse Possession, After Acquired Title and the Rule against Perpetuities in examining title.

Scott C. Petry and Susan Stanton, *Zukowski, Bresenham, Sinex & Petry, L.L.P., Houston Texas*

THURSDAY, MAY 2 (cont.)

ASPECTS OF REAL PROPERTY LAW (cont.)

11:45 SURFACE ACCESS AND USE: STOP, LOOK AND LISTEN YOUR WAY TO THE DRILL SITE

This session will consider impediments to surface access and use and how to overcome them, as well as the use and impact of easements, licenses, consents, roads, rivers and other stumbling blocks.

Ernest V. Bruchez, *Bruchez, Goss, Thornton, Meronoff & Hawthorne, P.C., Bryan, Texas*

12:30 LUNCHEON ADDRESS

TITLE STANDARDS

Allen D. Cummings
Cummings Law Firm
San Antonio, Texas

1:30 BREAK

CONVEYANCING

2:00 AVOID VOIDANCE - GET THE LEGAL DESCRIPTION RIGHT THE FIRST TIME

Texas courts void conveyances for insufficient legal descriptions. This presentation will acknowledge the shipwrecks and explain how to draft your descriptions to achieve your purpose.

Roderick E. Wetsel, *Wetsel and Carmichael LLP Sweetwater, Texas*

2:45 DEEDS AND ASSIGNMENTS

This presentation will focus on the rules a title examiner must follow in interpreting mineral and oil and gas leasehold conveyances encountered during his or her examination. It will highlight frequently-encountered construction difficulties, including those arising from land descriptions, conveyances of fractional mineral and royalty interests, and the various ways in which leasehold interests may be described and conveyed.

William B. Burford, *Hinkle, Hensley, Shanor & Martin L.L.P., Midland, Texas*

3:30 BREAK

CONVEYANCING (cont.)

3:45 ESTOPPEL BY DEED; ESTOPPEL BY DUHIG - THE INDICATORS AND CONSEQUENCES OF ESTOPPEL IN LAND TITLES

The why, what, who, how and when of estoppel in land titles. Analysis of the indicators and effects of estoppel; who benefits from estoppel in the chain of title; and whether the title examiner can presume estoppel and its consequences.

Terry I. Cross, *McClure & Cross LLP, Dallas, Texas*

4:30 TITLE ASPECTS OF THE JOINT OPERATING AGREEMENT

A review of the property provisions found in the Operating Agreement and how they may impact title to the lease: a discourse on non-consent and default transfers, lien provisions, restrictions on transfers and partitions, preferential rights, AMLs, lease renewal requirements, and various legal principles that apply.

H. Martin Gibson, *SNR Denton, Dallas, Texas*

5:15 ADJOURN

5:15 NETWORKING RECEPTION

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FRIDAY, MAY 3

8:00 INTRODUCTION

FORMAT OF THE TITLE OPINION

8:05 YOU DON'T KNOW WHAT YOU DON'T KNOW

The preparation of a runsheet is as much art as science. We will take a look at what the landman should do to prepare your runsheet, what he is, or isn't, doing, and how you can obtain a better work product.

Curtis D. Horne, *Vice President, Business Development - Energy, Percheron LLC, Houston, Texas*

ASPECTS OF OIL AND GAS LAW

8:45 OIL AND GAS LEASES AND TOP LEASES

This presentation will focus on the beginning of the oil and gas lease, the operations, cessation and production clauses, top leasing, lease termination and other selected provisions.

Peter E. Hosey, *Jackson Walker L.L.P., San Antonio, Texas*

9:30 IRREGULAR OWNERS - UNLEASED, NON-PARTICIPATING, UNPOOLED OR UNCERTAIN OWNERS AND HOW TO MANAGE THE ISSUES

This presentation will address minimizing risk at the leasing stage. Why do you need every owner under lease, how do you measure the risk when you cannot get them all, how can you plan to reduce the risk, and what are the practical and legal solutions, if the risk is still too great?

Richard F. Brown, *Brown & Fortunato P.C., Amarillo, Texas*

10:15 BREAK

REGULATORY ISSUES

10:30 LAND AND REGULATORY ISSUES RELATED TO HORIZONTAL WELLS

How to avoid title disaster from confusing the different kinds of "units" in Texas, a discussion of regulatory, trespass, pooling and retained acreage issues raised by horizontal wells, and potential solutions to the problems landmen and title lawyers confront from horizontal drilling.

H. Philip (Flip) Whitworth, *Scott Douglass & McConnico, L.L.P., Austin, Texas*

11:15 POOLING ISSUES FOR THE TITLE EXAMINER

Who has the right to pool?

- Unleased mineral interests
- NPRI's & NEMI's: What are they and why they are important

The size of the pooled unit

- Does size matter?
- How large a pooled unit can the lessee establish?
- Can a pooled unit once established be enlarged?
- Can a pooled unit once established be reduced in size?

The effects of improper pooling

Charlotte M. Meyer, *Kilburn Law Firm, Houston, Texas*

12:00 NETWORKING LUNCHEON

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1:00 IS THERE EVER A GOOD REASON NOT TO RECORD PROMPTLY?

An explanation of how the Texas "notice" system of recording works, in the context of comparing it to other states.

George A. Snell, *Steptoe & Johnson PLLC, Houston, Texas*

1:45 CALCULATION AND PAYMENT OF ROYALTIES - UNLEASED MINERAL OWNERS AND NON-RATIFIED ROYALTY OWNERS

This presentation will include the proper calculation and payment of royalties for lease wells, and standard and horizontal pooled unit wells where there are unleased mineral owners and/or non-ratified royalty owners. It will also cover the applicability of the Texas Division Order Statute to the correct payment of royalties and how receivership leases can impact royalty payments.

Terry Hogwood, *Houston, Texas*

2:30 THE ETHICAL OBLIGATIONS OF LAWYERS AND LANDMEN: ARE THEY DIFFERENT?

What does a landman do? How does land work differ from law practice? Our speaker will explore these questions and discuss the ethical obligations of the landman and those of the lawyer. He will discuss the relationship between the lawyer and the landman, covering the giving of legal, as opposed to business, advice, the lawyer dealing with surface issues, and the lawyer dealing with title questions.

Paul G. Yale, *Looper Reed & McGraw P.C., Houston, Texas*

3:30 ADJOURN

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PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by April 19, 2013. Email cburkel@cailaw.org. After this date, no refunds, but substitution of attendees for this program will be permitted. Registrants not entitled to a refund will receive the course materials.

HOUSING: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the JW Marriott Hotel, 5150 Westheimer Road, Houston, TX 77056. Registrants should call 1-800-228-9290 and advise them of group code CAICAIA to receive a reduced room rate of \$179 + 17% occupancy tax. Reservations may also be made online by visiting <http://www.cailaw.org/iel/texas-mineral-details-2013.html>. The last day to obtain this special rate is April 17, 2013.

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MCLE CREDIT: This program is approved by the State Bar of Texas for 13.5 hours, including 1 hour of ethics. Course ID Number: 901263110. Sign-in sheets and/or certificates of attendance will be available for ALL states.

SPECIALIZATION CREDIT: This program is approved by the Texas Board of Legal Specialization for 13.5 hours in the following areas: Oil, Gas and Mineral Law

AAPL CREDIT: AAPL credit will be available.

REGISTRATION

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JW Marriott Hotel • Houston, Texas

Registration includes the Conference, course materials on USB and online, continental breakfast, two luncheons and the networking reception.

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Add \$100 if you would like to receive the course materials in printed binder at the conference (in addition to USB and online).*

(*If not checked, limited handouts – powerpoint presentations & rosters – will be distributed)

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