



Institute for
ENERGY LAW

2nd Texas Mineral Title Course



2nd Texas Mineral Title Course

May 14 - 15, 2015

JW Marriott Hotel • Houston, Texas

Featuring Luncheon Speaker

Allen D. Cummings
Cummings Law Firm
San Antonio, Texas

Highlights

- Comprehensive course covering all aspects of title examination
- Exceptionally experienced faculty
- Title standards
- Relationship between title and oil & gas agreements
- Royalties and production issues

MCLE Credit will be available

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IEL is an Institute of
**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**

2nd Texas Mineral Title Course

SCHEDULE

May 14

Conference Co-Chairs

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

George A. Snell
Snell Law Firm
Amarillo, Texas

“Best course with the most relevant topics I have ever been to. Every subject was relevant to our day-to-day job!”

“45 minutes was a perfect length for presentations. It was great that we were able to get a wider range of topics because of the short sessions.”

— 2013 Participants



2013 Texas Mineral Title Course

7:30 REGISTRATION

8:30 WELCOME, OVERVIEW AND INTRODUCTIONS

- Kerry A. Kilburn, Kilburn Law Firm, PLLC, Houston, Texas
- George A. Snell, Snell Law Firm, Amarillo, 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 discuss 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, Donald G. Sinex and Susan Stanton**, Zukowski, Bresenham, Sinex & Petry, L.L.P, Houston, Texas

11:45 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**, Snell Law Firm, Amarillo, Texas

12:30 LUNCH

1:00 LUNCHEON ADDRESS: TITLE STANDARDS

Allen D. Cummings
Cummings Law Firm, San Antonio, Texas

Sponsored by



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.

— **Jeffrey L. Allen**, 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

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

JOINT OPERATING AGREEMENTS

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**, Locke Lord LLP, Austin, Texas

5:15 NETWORKING RECEPTION

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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**, Percheron LLC, Houston, Texas

ASPECTS OF OIL AND GAS LAW

8:45 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.

— **Rick G. Strange**, Cotton Bledsoe Tighe & Dawson, PC, Midland, 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 and Jeffery A. McCarn**, 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.

— **John Hicks**, 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

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

12:00 NETWORKING LUNCHEON

REGULATORY ISSUES

1:00 ARE WE THERE YET? THE START AND FINISH OF AN OIL AND GAS LEASE

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

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 also covers 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**, Gray Reed & McGraw P.C., Houston, Texas

3:30 ADJOURN

REGISTRATION

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Registration includes the two-day Conference, online course materials, two luncheons and a Networking Reception.

Check applicable box:	Received by 5/1/15	Received after 5/1/15
Regular registration fee	<input type="checkbox"/> \$745	<input type="checkbox"/> \$795
IEL Advisory Board Member	<input type="checkbox"/> \$535	<input type="checkbox"/> \$595
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Materials Only - I will not be attending the Conference	<input type="checkbox"/> \$225	<input type="checkbox"/> \$225

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Check enclosed payable to: **The Center for American and International Law**

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8:30am-5:00pm CT

PAYMENT MUST ACCOMPANY REGISTRATION

GENERAL INFORMATION

CANCELLATION POLICY: Tuition, less a \$50 cancellation fee will be refunded upon receipt of written cancellation received by May 1, 2015. E-mail cancellation notice to lgaspar@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 that they are attending the "Mineral Title Conference" to receive a reduced room rate of \$179 + occupancy tax. The last day to obtain this special rate is April 29, 2015.

NONDISCRIMINATION POLICY: The Center for American and International Law does not discriminate on the basis of race, color, sex, religion, national origin, age, disability, veteran status or any other protected status in educational activities, scholarship programs or admissions.

PRESS POLICY: All IEL conferences are held under the Chatham House Rule. Participants, including journalists, are free to use any information received, but comments may not be attributed to any speaker identified by name or affiliation.

MCLE CREDIT: This program is approved by the State Bar of Texas for 13.25 hours, including 1 hour of ethics. Course ID Number: 901313405. Credit hours for other states will vary and are subject to each state's approval and credit rounding rules. IEL as registrar for this conference will directly apply for course accreditation in the following states: CA, MN, NM, OH, OK, PA, TX and VA. Some of these states may not approve a program for credit hours before the program occurs. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. IEL conferences are typically accredited by all mandatory CLE states.



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The Center for American and International Law
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