



# The Take-Off

News for Landmen

Published by the Michael Late Benedum Chapter of AAPL

June/July 2013

MLBC-AAPL  
P.O. Box 955  
Bridgeport, WV 26330

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Gateway Clipper Social  
August 8, 2013  
Station Square  
Pittsburgh, PA

Registration available soon!

## Presidential Address

As your President for the upcoming 2013-2014 term, I am looking forward to serving you and continuing the good works started by my predecessors. As you can see by looking at the upcoming events, we have many good meetings and educational events scheduled.

Looking forward in this coming year we have some business items to attend to. One of the main items is to update our Bylaws to conform to today's

technology and social media. Chris Elswick is one of our volunteers who is taking the lead in this effort.

I have some new ideas for the Take-Off and one of them you will see in this issue; that is to reprint, with the proper copy-right permission, some industry news and updates which some of us receive via email but I'm sure the majority of our membership does not.

This being my first writing as

## EXECUTIVE COMMITTEE

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EQT Production

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**Director**  
Jeremy Preston, RPL  
EQT Production

**President Emeritus**  
Richard B. Robb  
Vantage Energy

**National Director**  
Mark A. Acree, CPL  
Noble Energy, Inc.

## Presidential Address Continued

your president, I want to hold up to the Membership an outstanding volunteer – This person has been recognized by Past Presidents in meetings but I want take the time to thank this volunteer in this special place in our Newsletter.

A very special “Thank You” to Jeremy Preston for all his work on the MLBC Website and Membership Roster. Jeremy has spent untold hours of his personal time working with our web-hosting vender to make the way we do business today almost effortless compared to the way it was being done when I first joined the Executive Committee seven years ago. I cannot even imagine trying to keep track of the dinner and meeting reservations, collecting fees at the door, preparing nametags, and managing the annual dues the “Old Way”.

For the benefit of some of our newer members, this was accomplished by phone and email to one volunteer who had to type and print a list manually and the Treasurer had to handle and account for all the checks and cash, and that was only for dinners and meeting; the membership dues was a whole other animal and took months to complete and keep track of paid and delinquent dues. A Biennial Membership Directory was compiled by a volunteer who had to call every member to update their information. Today that can and should be completed by each member via the Website.

*“A very special ‘Thank You’  
to Jeremy Preston . . .”*

Jeremy has taken the website to new levels by making all the CEC Affidavit, Take-off Newsletter current and past, photos and many other unmentioned services and tools available online; not to forget the Job Bank.

I look forward to spotlighting more of our volunteers in the future but Jeremy has made, in my opinion the greatest impact which each and every member benefits. Jeremy “THANK YOU”! Hope to see YOU and hope for a big turnout July 11 at Salt Fork Lodge in Cambridge, OH.

Charles E. “Chuck” Heilmann  
MLBC President  
2013-2014

## AAPL National Director's Report



The June 2013 Board Meeting of the AAPL was held at The Grand Hyatt Washington in Washington DC on June 5, 2013, prior to the Annual Meeting. Instead of my usual report, I wanted to provide the hugely impressive summary of AAPL accomplishments that were the centerpiece of the remarks of outgoing president, Jim Dewbre. I assure you that a review of those undertakings will answer the question: What does AAPL do for me.

- Increased membership to over 19,000 members – which is the largest membership in our history
- Held 3 NAPE's for the first time in our history (Winter, Summer and NAPE East) with record setting attendance
- Initiated the plans for the first NAPE Rockies ever to be held in Denver in December 2013
- Successfully passed and/or fought legislation in the states of Ohio, Maryland, Texas, Louisiana and North Carolina
- Increased our exposure and recognition by local and national media with interviews in *The Wall Street Journal*, *Houston Business Journal* and *The American Oil & Gas Reporter*
- Created the Accreditation Task Force (comprised of members from the Landman's Scholarship Trust Committee and the Education Committee) that reviewed and approved the new Land Programs at The University of Wyoming in the West and West Virginia University in the East.
- Completed the Horizontal Well Joint Operating Agreement for industry-wide utilization
- Acquired at less than market price a 3.88 acre tract of land adjacent to our existing headquarters for possible expansion in the future
- Reviewed and approved the newly created governmental affairs position at AAPL to aid the Legislative/Regulatory and Public Lands Committees in their respective pursuits
- Initiated the Millennial Task Force to recognize, understand and appreciate the needs and requirements of the Millennial Landmen in AAPL
- Created the CPL Exam Review Task Force to revise and update the almost 30-year old CPL Examination
- Initiated the digitization process of all the past Landman articles so that each of them will be available on the AAPL website for use by all of our AAPL membership
- Initiated "The Real Face of Landmen" Campaign to project a positive image for all Landmen to the general public at large

## AAPL National Director's Report Continued



Arnold L. Schulberg  
AAPL National Director

- Recognized by the Energy Advocates as its National Association of the Year
- Created the AAPL Local Association Fund whereby \$1,500 on an annual basis will be contributed by AAPL to the local associations to be used to partially offset travel expense of the Regional Directors and/or for educational events hosted by the local associations
- Created the position of Sr. Director of NAPE to aid Mr. Marty Schardt in the management of the various NAPES
- Created the position of Sr. Accountant to aid Mr. Alan Kottler in the various accounting functions
- Created the position of Information Technology Administrator to maintain all of the software and website functions we now have at AAPL
- Converted the Technology Task Force to a full-fledged standing AAPL committee due to all ongoing technology issues, website review and to lead us into the future technologically

This concludes my two year term as National Director for the MLBC. It has been my pleasure to represent this great chapter at the national level and I encourage all of you reading this to join and participate in the AAPL. You cannot make a better investment in your professional development. Best wishes to my successor, Mark Acree. I know Mark will do an outstanding job.

## Treasurer's Report



Aaron Yost reports the bank balance is \$105,200.25.

### 2013 Regional AAPL Events

- |           |   |
|-----------|---|
| August 26 | <i>Fundamentals of Land Practices &amp; Optional RPL Exam, Morgantown, WV</i> |
| August 28 | <i>Due Diligence Seminar Pittsburgh, PA</i>                                   |

## NYS Appellate Court Confirms General Obligations Law § 15-304 is Not a Tool For Lease Cancellation

In the context of an effort to compel arbitration of a lease termination issue, the Court squarely rejected the plaintiff's attempt to cancel his existing lease using this provision. Instead, in *Gray v. Talisman Energy USA Inc.*, the Appellate Division, Fourth Department, held that General Obligations Law § 15-304 may be used to clear title when a lease has clearly expired, or has been terminated or forfeited. It may not be used to cancel an existing lease, including when the existence of the lease is in dispute.

This holding provides some much-needed good news for the oil and gas industry as it puts landowners on notice that their practice of attempting to circumvent their lease obligations will not be tolerated by the Courts. Indeed, this is the first decision to clearly address this issue and should prevent landowners in the Southern Tier from future attempts to make an end-run around their lease obligations using this provision. Rather, they will be compelled to either arbitrate or litigate the validity of their leases, depending on their respective lease terms.

The Court's full decision can be found on the link below. Should you have additional questions, please do not hesitate to contact The West Firm, PLLC.

[Link to full article](#)

Thomas S. West

The West Firm PLLC



# KUDOS!

## AAPL Certification Applicants

### CPL Applicants

Matthew Brezovsky, Brownsville PA

Randy Littlecott, Canonsburg PA

### RPL Applicants

Zachary Dixon, PGH

Brandon L. Garling, Westerville OH

Richard W. Johnson, Fairmont WV

Doug Shoffner, Morgantown WV

### RL Applicants

Linda M. Bromund, Vienna WV

Jamie S. Burton, Jane Lew WV

Nick Criado, Morgantown WV

Conner R. Davis, Canton OH

Nathan H. Fazio, Wheeling WV

Cody T. Gillium, St. Clairsville, OH

Jesse T. Redwine, North Canton OH

Phillip J. Sanders, Tunnelton WV

Bryan M. Stack, Marietta WV

Rick Trout, Canada, KY

Shannon Tucker, Parkersburg WV

Thomas J. Westerfield, Olmstead Falls OH

## Message from Jim Dewbre

As I conclude my year as your President, I wanted to follow up with you on a couple of items that came out of the Board meeting in Washington DC. If you were not able to attend the Annual meeting in Washington, you missed a great time and super meeting. If you did miss it, be sure to plan on going to Montreal next year as that will be a great event as well.

Notes from the meeting:

1. The Board consented to giving \$15,000 to the American Red Cross to be focused on helping the victims of the tornados in Oklahoma City and Granbury. Additionally, the Board approved matching the first \$10,000 in donations made by members to the charity they contributed to for a total contribution from the AAPL of \$25,000 in support of these relief efforts.

2. In the Texas legislature, HB 500, the omnibus tax relief bill which included language that eliminates the margin tax for landmen and land service companies was passed by the Texas House and Senate and signed into law by Governor Perry on Friday June 14. Thank you to Roger Soape and Jay Howard with our lobbyist Hillco for all of their hard work over the last 18 months in getting this done.

3. The AAPL received several awards at the International Association of Business Communicators (IABC) Austin Chapter's annual Bronze Quill awards gala on June 11. We received the Bronze Quill Award of Excellence or Award of Merit for the **"Insist on a Professional"** Eagle Ford Public Awareness Campaign, the Member

Mark Logo Design, and the brand communications following the launch of the Member Mark. By winning these three awards, the AAPL will be entered into the IABC Southern Region's Silver Quill awards, which cover 14 states in the U.S with the opportunity to add to our award count.

4. The Board approved the recommendation of the Certification Committee regarding certain revisions to the Certification Program Specifications pertaining only to RPL applications. The Certification Program Specifications pertaining to RPL applications changed by (i) amending the available "credit years" for a bachelor's degree and an EM degree or equivalent from an AAPL accredited University, from 2.5 "credit years" to 3.0 "credit years", (ii) providing for a minimum of 2 years full time active landman experience, and (iii) deleting in its entirety the RPL experience waiver.

5. Finally, the AAPL budget was approved for 2013-2014. The budget reflects revenue of \$10,231,000 with expenses of \$7,649,000 leaving a surplus of \$2,582,000. The AAPL continues to grow in members (now over 19,000) and stay fiscally sound.

It has been a great year. Now we look forward to Don Key's leadership in the coming year.

Thank you!

Jim Dewbre, President

American Association of Professional Landmen

## Support to Future Land Professionals

The Glenville State College Land Resources Department's Landman concentration in the Natural Resource Management Program has continued to build. The MLBC has again contributed \$5000.00 to this worthwhile program.

A new full-time, Landman faculty member will offer a full load of courses this fall, including Principles Landman Technology, Land Titles & Abstracting, Ethics, and Energy Resource Law. Students also receive training in permitting, business law, surveying, management, geology, environmental science, GIS and computer assisted mapping. The Landman Program has an active student association, which performs service activities and coordinates student trips to professional meetings.



The Department of Land Resources is moving into a new facility, the Waco Center in August. The facility is state-of-the-art and significantly larger than Eberle Hall and will help us address the needs of the oil and gas, environmental science, forestry, and surveying industries. Naming opportunities still exist within the new facility and the MLBC is proud to have it's name included.

Mr. Milan Vavrek, chairman of the Land Resources Department states, " We greatly appreciate the MLBC's continued support of the Landman program. The scholarships help ensure that high quality students are attracted to the Landman profession and receive exceptional preparation for their careers."

There are currently 12 students enrolled in the land resources curriculum with 4 graduating this past May with jobs already secured in the Oil & Gas Industry.

GSC is expecting a large volume of freshman to register this fall for the Landman program as word has gotten out that the Oil and Gas industry is booming and jobs will be available upon graduation.

Cindy Torbeck, CPL  
Vice President

## MLBC Meeting Schedule

<u>Date</u>	<u>Location</u>	<u>Speaker</u>	<u>Topic</u>
July 11, 2013	Salt Fork Lodge Cambridge, OH	Tim McKeen Steptoe & Johnson	TBD
August 8, 2013	Gateway Clipper Pittsburgh, PA	Social/Networking	
September 13, 2013	Nemacolin Woodlands Resort Farmington, PA	Fall Golf Outing Sporting Clay Shoot	
October 3, 2013	Joint Meeting with Appalachian Land Institute Morgantown, WV		
November 14, 2013	Grandpointe Conference Center Vienna, WV	TBD	TBD
January 9, 2014	Bridgeport Conference Center Bridgeport, WV (Luncheon)	TBD	TBD
February 13, 2014	Hilton Garden Inn Canonsburg, PA	TBD	TBD
March 13, 2014	Waterfront Place Hotel Morgantown, WV	TBD	TBD



SUMMER  
**NAPE**  
 EXPO 

AUGUST 14-16, 2013  
 GEORGE R. BROWN  
 CONVENTION CENTER  
 HOUSTON, TEXAS

**Photos from our first MLBC Luncheon. Do you recognize any of these individuals who are now part of MLBC history?**



## WV Supreme Court Clarifies Meaning of “Surface” Deeds

June 14, 2013

Yesterday the West Virginia Supreme Court of Appeals, in *Faith United Methodist Church v. Morgan*, No. 12-0080, 2013 W. Va. LEXIS 691 (June 13, 2013), issued an important opinion for title practitioners clarifying the meaning and proper construction of the term "surface" when used in a deed, especially important when the grantor owns both surface and subsurface minerals.

Here, the Court held that a 1907 deed granting “surface only” in a 225-acre tract of land expressed clear intent, that the term had a definite and certain meaning, and that the grantor did not intend to convey any interest in the oil and gas.

As stated in the syllabus points of the opinion, "The word 'surface,' when used in an instrument of conveyance, generally means the exposed area of land, improvements on the land, and any part of the underground actually used by a surface owner as an adjunct to surface use (for example, medium for the roots of growing plants, groundwater, water wells, roads, basements, or construction footings)."

The Court’s holding makes clear that when a conveyance purports to transfer title to the “surface” or “surface only,” unless there is an ambiguity created by other provisions within the deed, such an instrument shall not be construed to convey any interest in the mineral estate, including most commonly the coal, oil, and gas.

This case explicitly overruled the Court's much-criticized former opinion *Ramage v. South Penn Oil Co.*, 94 W.Va. 81, 118 S.E. 162 (1923), which had held that the term "surface" was inherently ambiguous, a position without support in other jurisdictions, and one which needlessly injected uncertainty into numerous chains of title and invited litigation. In so doing the Court embraced its earlier opinion *Williams v. South Penn Oil Co.*, 52 W.Va. 181, 43 S.E. 214 (1902) and brought West Virginia back in line with the prevailing jurisprudence in the country.

For a full copy of the opinion, [please click here.](#)



Brian R. Hopkins  
brian.hopkins@steptoe-johnson.com

### About the Authors:

Brian Hopkins focuses his practice in the areas of coal, oil and gas, gas pipeline and commercial real estate law.

Ryan J. Morgan concentrates his practice in the areas of energy, coal, oil, and gas.



Ryan J. Morgan  
ryan.morgan@steptoe-johnson.com

## June Dinner Meeting Photos





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## 2013 — June New Members\*

First Name	Last Name	Employer	Member Type
Susan	Shrader		Associate
Alexandria	Stewart	Alexandria Stewart, L L C	Associate
Lori	Cunningham	Alliance Abstracting, LLC	Active
Jamie	Gates	AMS	Active
Stephen	Richards	Antero Resources	Associate
Jackie	Cole	Antero Resources	Associate
Brian	Neal	Consol Energy	Associate
Aimee	Lord	Continental Land Resources	Active
Cathy	Null	Continental Land Resources	Active
John	Coleman	Continental Land Resources	Active
Sherrie	Hutchinson	Continental Land Resources LLC	Associate
Tammy	McGee	Continental Land Resources, LLC	Active
Heath	Greathouse	Continental Land Resources, LLC	Active
Melynda	Reese	Continental Land Services	Active
Brianna	Skinner	Continental Land Services	Associate
Louis F	Love	Contractor	Active
Dwight	Bullough	Daxton Irving	Active
Debi	Howard	DeJA View Ent	Active
Michael	Loper	DSI Land Services, Inc.	Active
Danielle	Northcraft	E.A.R.T.H. Acquisition	Associate
Ira	Richardson	Greenacre Land Consulting	Active
Denise	Bunner	Hawkeye Research Incorporated	Active
Nicholas	Lauer	Hawkeye Research Incorporated	Active
Jenny	Dimmick	Jennifer Dimmick LLC	Active
Jeraldine	Marlowe	Mountaineer Keystone LLC	Associate
Ross	Yeardie	Mountaineer Natural Gas	Active
Paul	Heier	PH Industries LLC	Active
Peggy	Freund	PJH Title Abstracting, LLC	Active
Brandon	Noyes	Polaris Energy Services, LLC	Associate
Chuck	Saffer	Robinson & McElwee PLLC	Associate
Kara	Creamer	Self	Active
Shelli	Lewis	Self-employed	Active
Harold	Hutchinson	Shell	Active

## 2013 — June New Members Continued\*

First Name	Last Name	Employer	Member Type
Eric	Jenevein	Southeast Land Services, LLC	Active
Marty	Babin	Statoil	Active
Jarad	Guynes	Statoil	Active
Heather	Boyles	Top Notch Land Services	Associate
Julee	Hudkins	Top Notch Land Services	Active
Krystal	Smith	Top Notch Land Services	Associate
Arthur	Powers	Top Notch Land Services	Active
Kiley	Flynn	Western Land Service	Active
Brian	Reed	Western Land Services	Active

### Memberships

The MLBC membership application is located on the website at [www.mlbc-aapl.org](http://www.mlbc-aapl.org). Please check your information on the website prior to submitting your renewal. The MLBC website has an updated version of the membership listing. Please use this resource if you can not find yours or others information in the directory. Please report any errors or omissions to Tara White at [twhite@mlbc-aapl.org](mailto:twhite@mlbc-aapl.org).

\* Notice of the application(s) of all potential Chapter member(s) shall be published in the next regularly scheduled monthly Chapter "Takeoff" newsletter. Active members shall have the opportunity during for a period of thirty (30) days following the first publication to object to the potential members' application. Such objections to membership approval may be submitted to any member of the Executive Committee and shall be in writing. The Executive Committee shall take any such objection under counsel in the next regularly scheduled monthly Executive Committee meeting. A decision to accept or reject the membership application shall be determined by a majority vote at such meeting. The Executive Committee shall notify the applicant in writing of rejection.

Application for membership in the Chapter shall be subject to the approval by a majority vote of the Executive Committee at a regularly scheduled meeting, after the aforementioned thirty (30) day newsletter publication period, and shall require the signed approval by the acting President of the Executive Committee, as evidence of the Committee's approval. Names of any and all newly approved members shall be read at the following regularly scheduled general meeting of the Chapter.

#### CONGRATULATIONS

##### 2013-2014 Election Results

<i>Chuck Heilmann</i>	<i>President</i>
<i>Cynthia Torbeck</i>	<i>Vice President</i>
<i>Aaron Yost</i>	<i>Secretary</i>
<i>John Kimbleton</i>	<i>Treasurer</i>
<i>Anthony Farr</i>	<i>Sergeant-At-Arms</i>

## 2013-2014 Committee Chairs

Certification	James E. Talkington, Jr., CPL/ESA	<a href="mailto:jeta@frontier.com">jeta@frontier.com</a>
Membership	Jeremy D. Preston , RPL	<a href="mailto:jpreston@eqt.com">jpreston@eqt.com</a>
Meeting Coordinator	Tara White	<a href="mailto:twhite@mlbc-aapl.org">twhite@mlbc-aapl.org</a>
Education	Britney Crookshanks, RPL	<a href="mailto:britney.crookshanks@percheronllc.com">britney.crookshanks@percheronllc.com</a>
Historian	Frederick J. Kent, CPL	<a href="mailto:KentFrederick@Hotmail.com">KentFrederick@Hotmail.com</a>
Ethics	Doug Richards	<a href="mailto:honordjr@aol.com">honordjr@aol.com</a>
Finance	Mark Acree, CPL	<a href="mailto:macree@nobleenergyinc.com">macree@nobleenergyinc.com</a>
Meeting Sponsors	Sherry B. Gorman	<a href="mailto:sgorman@eqt.com">sgorman@eqt.com</a>
Website	Jeremy D. Preston , RPL	<a href="mailto:jpreston@eqt.com">jpreston@eqt.com</a>
Photography	Marlene Heilmann	<a href="mailto:marheilmann@yahoo.com">marheilmann@yahoo.com</a>
Awards	Bruce Turner	<a href="mailto:bruce.turner@steptoe-johnson.com">bruce.turner@steptoe-johnson.com</a>

## MLBC Corporate Sponsors

### Platinum



### Gold



### Bronze



## **Corporate Sponsorship Levels**



### **Platinum \$5000.00 per year**

#### Benefits of Platinum Sponsor

- Logo on the corporate sponsor board at every meeting along with the meeting sponsor board.
- Logo on the back of every Takeoff and the bottom of every membership email.
- Receive three meeting/dinner passes for each meeting for one year.
- Receive one free Full Page advertising ad
- Receive free Half Page ad in the takeoff per year.
- Logo on Golf Outing sponsorship boards.

### **Gold \$2500.00 per year**

#### Benefits of Gold Sponsor

- Logo on the corporate sponsor board at every meeting.
- Logo on the back of every Takeoff and the bottom of every membership email.
- Receive one free Half Page advertising ad in the Takeoff per year.
- Logo on Golf Outing sponsorship boards.

### **Silver \$1500.00 per year**

#### Benefits of Silver Sponsor

- Logo on the corporate sponsor board at six meetings.
- Logo on the back of every Takeoff and the bottom of every membership email.
- Receive one free Half Page advertising ad in the Takeoff per year.

### **Bronze \$500 per year**

#### Benefits of Bronze Sponsor

- Logo on the corporate sponsor board at three meetings.
- Logo on the back of every Takeoff.

## **Advertising in The TakeOff**

Full page ad \$500 per month

Half page ad \$250 per month

To secure a corporate sponsorship, advertise in The Takeoff or if you have any questions, please contact Tara White at [twhite@mlbc-aapl.org](mailto:twhite@mlbc-aapl.org).

MLBC-AAPL  
P.O. Box 955  
Bridgeport, WV 26330



*Michael Late Benedum*



**"The Great Wildcatter"**

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## MLBC WEBSITE

If you experience any problems using the website or if you have any suggestions, please contact Jeremy Preston via e-mail at [JPreston@eqt.com](mailto:JPreston@eqt.com).

## JOB BANK

The direct link for MLBC Job Bank is [www.mlbcjobbank.com](http://www.mlbcjobbank.com). If you have any questions, please contact Jeremy Preston via e-mail at [JPreston@eqt.com](mailto:JPreston@eqt.com).

## PHOTO ALBUM

We would like to share our Photo Album with you to show you what MLBC has been doing throughout the year. The direct link for MLBC Photo Album is

