

Michael Late Benedum Chapter

American Association of Professional Landmen

The Take-Off

February 2015

MLBC P.O. Box 955 Bridgeport, WV 26330

PRESIDENTIAL ADDRESS

Call for the Land Professional

eing a Landman is number 3 of 100 jobs in America, according to recent national publication released this week. Wow! What a privilege it is to be part of something so extraordinary. The article gave the Landman position an "A" rating in the areas of personal satisfaction, benefit to society, and low stress.

Coming from a lower middle class family from rural West Virginia, with memories of my parents working two low paying jobs that were less than rewarding just to keep our family going, I count it a blessing to be part of this industry. I count it a blessing to have an opportunity for my family, my community, my state, and my nation through the development of natural gas. When we, as landmen, step back and consider how much of an impact our work is making in the bigger scheme of things, we realize the need of giving nothing but the best to our clients, our companies, and this industry. Take a moment and ask yourself, "What is my level of commitment to landwork?" How many times have you written of your efforts to your work as "good enough?" How much effort are you putting into becoming well rounded, educated on industry topics, a positive representation of the industry, or a good, honest Landman? Well-rounded Landmen are always willing to take the next step and learn more about their industry. They are willing to take time out of their schedules to attend seminars, AAPL institutes, enroll in PLM programs, and commit to furthering their education throughout their career. They always consider their final work product as a direct reflection of their own abilities. They are committed to attention to detail in title and leasing. Today's market is demanding more out of our landmen. The market is requiring landmen that are committed to excellence, honesty, integrity, and the industry. Doing only enough to get you by isn't going to cut it anymore.

As a member of the MLBC, you have the opportunity to further your education and extend your network of contacts. It is vital that every member of our organization be the best example for our industry as possible. Set yourself above the mark and be committed to doing the best landwork that you can.

A special thank you to everyone who made our December and January luncheons a success, we had the largest lunch meeting crowd yet. We look forward to seeing as many of you as possible at our February 12th seminar!

Anthony D. Farr, RPL MLBC President 2014-2015

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Upcoming events

Click Here to Register

IRWA/MLBC Joint Seminar February 12, 2015 Bridgeport Conference Center Bridgeport, WV 26330

Click Here to Register

February Dinner Meeting February 12, 2015 Bridgeport Conference Center Bridgeport, WV 26330

Click Here to Register

MLBC Clay Shoot March 11, 2015 Hunting Hills Greensboro, PA 15338

MLBC Directors Report, December 2014

n December 6-7, 2014, on behalf of the MLBC, I attended the AAPL quarterly Board of Directors meeting at the Stephen F. Austin Hotel in Austin TX. During the meeting, a number of topics were introduced that would be of interest to our local association members:



- As noted in prior reports, the AAPL will host the 2015 annual meeting in Nashville, TN. MLBC member Arnie Schulberg is the Chairman of the Annual Meeting Committee. Look for information and opportunities to support AAPL in the near future. Important events at the annual meeting include the Landman Bash at the Wild Horse Saloon and the President's Ball with a theme of Putting on the Ritz. Since this meeting is more centrally located in the US, it is expected to draw a large attendance. With it being regionally located closer to our members, it would be great to have a good showing of MLBC members. Registration will open in the next 30 days, so watch your e-mail for notice from AAPL.
- The AAPL headquarters has officially moved. The new office address is 800 Fournier Street, Fort Worth TX 76102. The AAPL main and employee direct number remain the same, as well as e-mail addresses. There has been an interruption of the website and some systems during the move and system upgrades, which should be resolved by the end of January. The old building is for sale and there are interested parties in negotiation.
- As of the December board meeting, the membership total for AAPL is 18,916. This number is down from 21,425 as of the September board meeting due to the AAPL cleaning up the membership records and deleting members that had not renewed in 2014. AAPL continues to reach out to the inactive members that did not renew. Membership is expected to continue to grow in 2015, with the overall count back over 20,000.
- AAPL Membership committee will announce the winner of the membership drive contest in January 2015 which included a one week trip to Costa Rica. The committee has established the Land Manager/VP Outreach team which will be hosting luncheons in various regions. The first outreach was hosted in Lafayette LA in October, with a second scheduled in January in Farmington NM.
- NAPE Denver (formerly NAPE Rockies) was held December 10-12. NAPE Summit (new name for Winter NAPE) will be held in Houston, February 2015. Get your flights and rooms booked soon as space is always hard to come by. NAPE announced the decision to not hold NAPE Pittsburgh (formerly NAPE East) for 2015. While a disappointment to many in this region, the decision to cancel this year's event in light of the recent industry downturn made economic sense. Future NAPE Pittsburgh events are uncertain at this time.
- The RPL certification was amended effective September 8th, 2014 to change the requirements for sponsorship to either 2 CPLs or 1 CPL and 1 RPL. This will certainly help the members who are having difficulty finding 3 CPLS as sponsors. No change was made for the CPL certification which still requires 3 CPLs as sponsors. Additional changes are under consideration, so stay tuned. About 1/3rd of AAPL's membership are RLs, RPLs or CPLs. This number continues to grow.
- I have often made comments about the outstanding job of the AAPL Education Committee and the AAPL Education staff. There are numerous new seminars staged for 2015, plus many more being prepared for the future. Check out the AAPL website and watch your e-mail for AAPL Landline and other announcements by AAPL for educational opportunities. In particular, look for opportunities to utilize

the new Ethics program established by AAPL, Ethics 360. This is offered in an abridged version and full seminar format. You can see the abridged version on the AAPL website. If your company would like the abridged or full version of this program to be presented in your offices, please contact AAPL. It is hoped that every member company of AAPL will use this video production to train their Landmen.

- AAPL's Executive Committee has created the Accreditation Committee to review and monitor all accredited AAPL PLM, EM and like programs. There are currently 9 accredited programs and a few new programs seeking accreditation. This committee will work with Education Committee, Education staff and Landman Scholarship Trust in an effort to work as liaison with the collegiate programs.
- AAPL continues to expand its presence among various social media sites. Twitter, Facebook and LindedIn are the most popular. Remember to check out the APPL Toolkit found on the AAPL Website at www.landman.org. These tools include numerous resources for all Landman to use in their daily work. The NAPE and AAPL websites continue to expand and non-member traffic is increasing. Online public awareness campaigns and new media relations projects are expanding. Please make use of these programs.
- AAPL reports a strong balance sheet with September 30, 2014 assets of \$34,061,933, an increase of 6.62% over the same period in 2013. At September 30, 2014, revenues increased 9% from \$1,226,567 million to \$1,337,192 million, and expenses increased 21.6% from \$1,340,936 million to \$1,630,273 million over the same period in 2013. In addition, investments from the Martin Luther accounts, currently \$27.4 million, reflect a decrease of 11%, which is primarily due to the transfer of funds from AAPL to the LST account and taxes issues from unrealized gains.
- The AAPL Education Foundation balance is \$3.86 million and the AAPL Landman Scholarship Trust balance is \$6 million. These funds exist primarily from profits attributable to NAPE, and the foresight of the Board of Directors to continue to fund these programs so each can continue to fund important programs.

The MLBC and our region is well represented on the AAPL board and committees by local members. The interests and needs of our Appalachian Landmen are being addressed along with the rest of the country.

The next meeting of the AAPL board is scheduled for March 14-15 in Charleston SC. Should you have any concerns or questions, I should address to the AAPL Executive Committee or Board of Directors, or bring to the attention of the MLBC Executive Committee, please feel free to contact me at mark.acree@nblenergy.com. I am very happy to serve at MLBC's representative to AAPL and thank the Executive Committee, MLBC Board and the membership for their support.

Mark Acree



Choose a firm where industry intelligence produces high-yielding results.

You can trust Babst Calland to bring greater value to your bottom line. To learn more, contact our attorneys by visiting babstcalland.com.



Where Trust and Value Meet...

By-laws Announcement

Dear Members of the MLBC,

I hope that the new year finds you well. Thank you for taking the time to review the proposed, revised By-laws and providing your comments. The Executive Committee considered the comments and approved a few revisions.

According to the existing By-laws, they may be changed or amended by a majority vote of the members present at any three consecutive Regular meetings, provided that written notice of the meeting was given at least one week prior to the meeting. Therefore, please note that **during the Regular meetings of the MLBC on February 12**, **2015**, **March 12**, **2015** and in April **2015**, the Executive Committee will ask you to vote for approval of the revised By-laws.

If you have any questions regarding this matter, please contact either myself at chris.elswick@steptoe-johnson.com or Tara White at twhite@mlbc-aapl.org.

Thank you,

Chris Elswick

Chair of the By-laws Committee



Jeremy Preston reports the bank balance is \$170,149.53

FEBRUARY DINNER MEETING SPONSORS

Mountaineer Keystone, LLC

Arnold Schulberg

Steptoe & Johnson, PLLC

Terra Services, LLC

New Members – January 2015

Matthew Lambach Simmons Chevron USA Active Thomas Simmons Chevron USA Active Army Cottrill Clearwater Land Services Associate Lauran Cain Clearwater Land Services Associate Austin Hopkins Clearwater Land Services Associate Joanna Thompson Clearwater Land Services Associate Jody Johnson Clearwater Land Services Associate Charles Caputo Clearwater Land Services Associate Charles Caputo Clearwater Land Services Associate Lindsay Phillips Clearwater Land Services Associate Lindsay Phillips Clearwater Land Services Associate Lindsay Phillips Clearwater Land Services Associate Jeremy Hurt CNX Land LLC Active Jeremy Hurt CNX Land LLC Act	First Name	Last Name	Employer	Member Type
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MLBC CLAY SHOOT

March 11, 2015 2:30 PM Shotgun Start

Hunting Hills Country Club 229 Hunting Hill Road Greensboro, PA 15338

Register Here

Registration Fee: \$100

Fee includes, 100 targets, golf cart and dinner.

Join us following the shoot for dinner and an opportunity to win prizes!

*Please contact Richard Robb if you would like to be a sponsor for this event! <u>Richard.robb@vantageenergy.com</u>



Michael Late Bosedum Chapter Michael Late Bosedum Chapter

MLBC GIVES BACK

Making Our World a Better Place, One Meeting at a Time

It seems that society is too quick to put a negative spin on events. This has become especially true in our industry. With all the attempts to avoid the positives, it is refreshing to highlight the admirable things our association does.

In December, we instituted another way to give back. Initially proposed by Anthony Farr and set into motion by Rosie Linton, we now hold a 50/50 raffle at each meeting. Half of the proceeds we raise are presented to a charity from the town in which our meeting is held. Ms. Linton explained, "I think it's important for all landmen to support the communities that we do business in. I hope we can keep the donations going long-term. We usually don't get to openly show that we care about people that we interact with every day."

At the Charleston, WV meeting, we began this new endeavor by choosing to raise money for the Bob Burdette Center, Inc. (BBC) This organization is a non-profit with the mission to provide after-school care for approximately 120 students in grades K-12. Students receive nutritional snacks, assistance with their homework, as well as a variety of enrichment activities.

All of the efforts of our members raised a total of \$400. Our winner graciously donated his share back. BBC representative, Sam Sommerville, was very appreciative that the MLBC chose the center to receive this gift. He was happy to report that our contributions will enable them to purchase tutoring and other program supplies for their program.

For our luncheon in January, our local charity was The Greater Washington County Food Bank. The Director of Development, Steve Soff, joined us to discuss their compassionate work to eliminate hunger in Washington County. The GWCFB provides for approximately 5,200 families each month, with 30% being children and 20% senior citizens currently.

We were able to present The GWCFB with a check for \$400 because our winner donated her half back. Mr. Soff was humbled by the kindness from our group and explained that he would be able to buy \$2,000 worth of food.

We are excited to continue these efforts and help those less fortunate at our upcoming meetings. It is apparent that our membership is comprised of extremely generous individuals. Opening our hearts each time we gather, as we make our own attempts to diminish negatives, is something we should all be proud of achieving.

~Lori Naser, Oil & Gas Title Abstracting, LLC



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CONTINUING EDUCATION OPPORTUNITIES

AAPL offers various educational programs, workshops and regional institutes for landmen as well as oil and gas professionals. The association also provides review and testing opportunities for those interested in obtaining RL, RPL and CPL certification designations.

Coming Soon: Ethics 360° Program

Ethics 360° features an interactive format built around nine situational videos that identify ethical practices and sound stewardship with the industry.

Topics Include:

- Misrepresentation / Misuse of CPL Designation
- Professionalism
- Double Billing
- Fraud / Misrepresentation

- Self-Dealing
- Offering Advice Outside Area of Expertise
- Misuse of Confidential Information
- Unethical Practices/ Failure to Disclose
- Breaking the Law

DUE DILIGENCE SEMINAR- PITTSBURGH, PAmble-aaplorg

Tuesday, March 10, 2015 (8:30 AM-3:00 PM)

FIELD LANDMAN SEMINAR - WILLIAMSPORT, PA

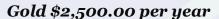
Thursday, March 12, 2015 (5:00 PM-9:00 PM)

CORPORATE SPONSORSHIP LEVELS

Platinum \$5,000.00 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.



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 \$1,500.00 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 \$750.00 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 \$500.00 per month

Half page ad \$250.00 per month

Dinner Meeting Sponsorship

Cost \$250.00 per meeting. Companies will receive advertising at the dinner meeting as well as your logo displayed on our website for the month of the meeting you sponsor.

To secure a corporate sponsorship, advertise in the Take-Off, or if you have any questions please contact Tara White @ twhite@mlbc-aapl.org. Please contact Jeremy White at jwhite@eqt.com for dinner meeting sponsorships.









2014-2015 EXECUTIVE COMMITTEE



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Vice President
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Ethics Doug Richards <u>honordjr@aol.com</u>

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MLBC SCHEDULE

<u>Date</u> <u>Location</u> <u>Speaker</u> <u>Topic</u>

February 12, 2015 Bridgeport Conference Center James W. Crews, VP TBD

Bridgeport, WV Markwest Hydrocarbons

March 11, 2015 Hunting Hills Country Club MLBC Clay Shoot

March 12, 2015 The Lafayette Flite Freeman, Esq. TBD

Marietta. OH Brickler & Eckler

May 8, 2015 Oglebay Resort, Wheeling, WV Spring Golf Outing

June 11, 2015 Erickson Alumni Center Officer Induction

Morgantown, WV

August 10, 2015 Valley Brook Country Club Fall Golf Outing

McMurray, PA

Hunting Hills, PA

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PA Superior Court Rules Against Surface Owner Gas Claim

On January 27, 2015, in *Sisson v. Stanley*, No. 1347 MDA 2013, the Pennsylvania Superior Court affirmed the Court of Common Pleas of Susquehanna County, which granted judgment on the pleadings in favor of defendant heir against plaintiff surface owners.

Plaintiffs Donald R. Sisson and Mary Sisson had been approached by oil and gas operators interested in leasing the oil and gas under their land. The oil and gas operator informed them that their title to the oil and gas was clouded by a prior deed to a predecessor in their chain of title which reserved the oil and gas to Joseph Stanley.

The Sissons filed a quiet title action against Joseph Stanley, and his heirs, successors, and assigns. They also filed a motion and affidavit to obtain permission to give notice to the defendants by publication, rather than by serving them with a copy of the complaint. The affidavit by their attorney attested that he had conducted a search for defendants, and had searched the county recorder of deeds office, local telephone books, and unnamed internet sites. The trial court granted the motion, and the plaintiffs published notice of the pending action in a local newspaper. When no one filed a response to the complaint default judgment was entered on July 12, 2010.

The Superior Court reversed the trial court holding that the affidavit pursuant to which notice by publication was permitted was facially defective.

On November 9, 2010, Rita Stanley Lupold, sister to Joseph Stanley, filed a petition to open the judgment, alleging the trial court lacked jurisdiction to enter the judgment because notice to her was defective. The trial court granted her petition and subsequently entered judgment on the pleadings in her favor, holding that no viable legal theory supported the Sissons' claim to the oil and gas.

On appeal, the Superior Court held the affidavit from Sisson's counsel was facially deficient because the Sissons failed to check the records of the register of wills, which would have revealed that Joseph Stanley had twelve siblings. The court dryly remarked that "counsel apparently did not consider that some or all of Joseph M. Stanley's heirs could have moved since 1953" (the year in which Stanley transferred ownership of the property to the plaintiffs' predecessor in title subject to a reservation of the oil and gas). The court also cited the Sissons' failures to check local obituary records and to specify which internet sites were checked.

Additionally, the court rejected the Sissons' argument that the reservation of "all of the oil and gas" in the 1953 deed did not include gas in the Marcellus Shale.

Judge Donohue filed a dissent, arguing that the evidentiary record on notice was insufficient, and that the consequence of the decision is that "a potential heir or assign may, at any point in the future without limitation, come forward and file a petition to open the judgment."

This decision re-emphasizes the importance of conducting a diligent search for any missing defendants in quiet title actions, and a careful review of the notices in quiet title actions before relying upon them, especially when the legal basis for the quiet title claim may be suspect.

Authored by: Russell L. Schetroma, Member Nathaniel I. Holland, Member

MEMBERSHIP INFORMATION

Michael Late Benedum



"The Great Wildcatter"

The MLBC membership application is located on the website at 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.

Notice of the application(s) of all potential Chapter members 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.



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.



JOB BANK

The direct link for MLBC Job Bank is www.mlbcjobbank.com. If you have any questions, please contact Jeremy Preston via e-mail at 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 www.mlbc-aapl.org/VPhoto.php.