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**THE WILDCATTER**
MICHAEL LATE BENEDUM CHAPTER
AMERICAN ASSOCIATION OF PROFESSIONAL LANDMEN



The Marietta College Landman Association met with Rob Greiner, MLBC Scholarship Committee Chairman, and Daniel Cooper, MLBC Local Director, at Over the Moon Pizza in Marietta, OH to hear more about the oil and gas industry.

INSIDE THE ISSUE:

Marietta Landman Association Update, September Luncheon,
Fall Golf Outing



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LETTER FROM THE PRESIDENT

MLBC PRESIDENT, LHAG BOWERS

HUMBLY CONFIDENT

“Humble enough to prepare, confident enough to perform.” — Tom Coughlin

Another “Core Value” that dovetails nicely with the role of a Landman is “Humbly Confident.” Why? Each of us bring technical expertise in title, acquisitions, curative, etc. to our role. But each of us is also an imperfect human that will occasionally make honest mistakes and will always benefit from someone else’s experience and good ideas. Confident humility is being secure enough in our expertise and strengths to admit our ignorance and weaknesses. This becomes incredibly important in our jobs as we deal with others. Let us consider three common relationships in Land and how being humbly confident is beneficial.

1. Field Landman/Public. When the public thinks of a Landman, they are thinking about-

a. the field landman that interacts with the public as they research courthouse records to determine ownership, prepare reports documenting same, and locate mineral owners and landowners. In this role, a good landman brings both what he knows and what he does not know into his job every day. Confident in their abilities, the best landmen are humble enough to ask questions of the courthouse staff, landowners (who knows the ancestry better than the family?) and their fellow landmen.

b. the field landman that negotiates leases and other agreements, obtains necessary curative documents, and conducts surface inspections. In this role, too, being humbly confident is vital. The landowner and client deserve to have a landman that is good at his job, confident in his understanding of what the client’s needs are, what the document terms mean and how to close the deal. But a good landman’s humility will come into play by his willingness to admit to not being omniscient (I don’t know the answer to that question, but I will find out and get back to you). At the end of the day, one of the key ingredients to a successful negotiation is trust and a key ingredient to the public trusting a landman is that landman’s honesty. Honesty requires humility.

2. Land Broker/Client- Another common relationship in our profession is the broker/client relationship. Here again, being humbly confident is essential to making this relationship as successful as possible. Obviously, the client needs to be confident in the consultant’s ability to successfully do the work they are being contracted to do. And of course, the consultant, as the contractor, must humbly recognize that the client is the boss. The client is paying the bills and thus, calling the shots. However, the most successful projects are those where the relationship between client and consultant involves confident humility on both sides. The land broker that is confident enough to offer a solution to a client’s problems is so much more valuable than someone just punching the clock. By the same token, the client with the humility to own its shortcomings creates a positive work environment where everyone is free to work for the success of the project instead of focusing on covering their butts.

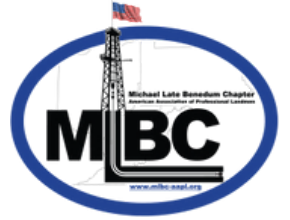
3. Company Landmen- The third relationship that benefits from our being humbly confident is the internal relationships within our companies, whether E&P companies or land brokerages. It is commonly said that there is no “I” in team. The absolute best teams of landmen are those where each individual member of the team has the freedom to offer a challenging opinion (professionally and with tact) and passionately debate their position to affect positive change and then be humble enough to accept and fully adopt the team’s direction and inspire others to follow.

In conclusion, whatever our role in the Land industry, let all of us be resolved to be servant leaders, putting the success of our team and projects ahead of our egos. Rather than venting or complaining, we will be solution minded. By being humbly confident, we will be the best landmen we can be.

“Humility is not thinking less of yourself, it’s thinking of yourself less.”- C. S. Lewis

2023

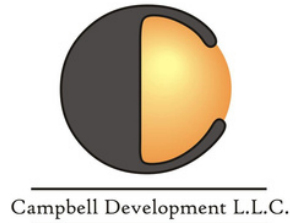
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2023

MIBC

FALL VETERANS CHARITY CLAY SHOOT

**OCTOBER 12, 2023
HUNTING HILLS - DILLINER, PA**



Marietta College Landman Association

Who We Are



Jakob Smith

Major/Minor: Land and Energy Management Major / Leadership Minor

Graduation Year: 2025

MCLA Involvement: Recruitment Co-Chair

Career Aspirations: I am open to see what positions are available to me in the future.

Internships: Potesta & Associates, Inc. in the summer of 2023.



Brady Wilson

Major/Minor: Land And Energy Management / GIS

Graduation Year: 2024

MCLA Involvement: Communications Co-Chair

Career Aspirations: I would like to be a right of way agent or something related to mineral purchasing post-graduation.

Internships: OGM Partners



McKenna Hewitt

Major/Minor: Land and Energy Management, Minor: GIS, Certificate: Leadership Studies, Activities: Member of AAPL, SPE, MCLA, MLBC and Track and Field Team

Graduation Year: 2026

MCLA Involvement: Social Media Co-Chair

Career Aspirations: I would like to work for a coal company or oil and gas company on their exploration team using my GIS mapping skills.

Internships: I worked for Chaberton Energy, which is a solar development company based out of Rockville MD. While there I worked on the policy side dealing with county and state level policies regarding community and ground solar.

Marietta College Landman Association

Who We Are



Bailey Miller

Major/Minor: I am majoring in Land and Energy Management and minoring in Legal Studies. I am also pursuing a certificate in Leadership Studies through the McDonough Leadership Program.

Graduation Year: 2024

MCLA Involvement/Extracurriculars: I am the President of MCLA for the second consecutive year. I have also been the Student Leadership Council Representative for Marietta College for the past two years, attending the 68th AAPL Annual Meeting in Chicago, IL; and the 69th AAPL Annual Meeting in Huntington Beach, CA. Within the Student Leadership Council, we also meet bi-monthly to discuss things such as our student-led programs and how we can improve them, as well as things that are going well. I am also a member of SPE (Society of Petroleum Engineers), and serve on the Executive Committee of the MLBC as the ELM Program Liaison for Marietta College and Marketing Co-Chair with Stacy Tichy. I also participate in the McDonough Leadership Program not only within obtaining my Leadership Studies Certificate, but with active volunteering through the program as well.

Career Aspirations: I am pursuing attending law school next fall, and am currently going through the admissions process to do so. However; I am also keeping my options open and am looking at full-time jobs in Land, as well.

Internships: Land Intern at Atwell, LLC; Legal Intern at the office of Nancy E. Brum, Attorney at Law; Land Acquisitions Intern at EQT Corporation



Jake Visnic

Major/Minor: I'm a land and energy management major with a minor in petroleum engineering.

MCLA Involvement/ Other Extracurriculars: Secretary of MCLA, Marietta College Football, member of MLBC

Graduation Year: 2024

MCLA Involvement/Extracurriculars: Secretary of MCLA, Marietta College Football, member of MLBC.

Internships: Over the summer I had the opportunity to intern with Bordas Mineral Management and will continue to work there at the end of the school year.

Marietta College Landman Association

Who We Are



Cole Hammond

Major/Minor: I am a Land and Energy Management major and a Geographic Information Systems Minor.

Graduation Year: 2024

MCLA Involvement/Extracurriculars: I am a member of the National Society of Leadership and Success. Currently, I serve as the Treasurer for the MCLA.

Career Aspirations: Throughout my career, I hope to find success that provides comfortability for myself and my family. I am looking to do some work in the solar energy field, but I would also be interested in running Title.

Internships: I am currently completing my internship requirement as I work for EnergieKontor as a Solar Acquisition Intern.



Carter McCorkle

Major/Minor: I am a Land and Energy Management major in my third year at Marietta College. I'm also working towards an environmental science minor.

Graduation Year: 2025

MCLA Involvement/Extracurriculars: I am a communications officer in the Marietta College Landman Association (MCLA) and also play basketball for the Pioneers.

Career Aspirations: I worked for a surveying firm this past summer in Southern Ohio where I live, but am aspiring to move and travel West to work in the Energy Field and become involved in the Land Acquisition side of the business.



Ben Millard

Major/Minor: I am majoring in Land and Energy Management. I am getting a minor in GIS (Geographic Information Systems).

Graduation Year: 2025

MCLA Involvement: In our group I am the recruitment chair in our organization and love getting to know new people.

Career Aspirations: My end goal is working with an oil company in Title and/or Mapping.

Internships: I have not had any internships with any companies yet but am planning on working with one this summer to help me gain perspective on the field.

Marietta College Landman Association

Who We Are



Joseph Dilella

Major/Minor: I am a Land and Energy Management major with a minor in Geology.

Graduation Year: 2026

MCLA Involvement/Extracurriculars: I am a member of the MLBC along with SPE and MCLA. I am also a member of the Marietta College Football team.

Career Aspirations: I am interested in working in any area of Land/Energy Management.

Internships: I'm actively searching for an internship for this summer.



Carson Meckler

Major/Minor: I am a Land and Energy Management major with a double minor in Finance and Management.

Graduation Year: 2025

MCLA Involvement/Extracurriculars: This will be my second year of being recruitment co-chair of MCLA. Along with MCLA, I am also a member of the Marietta Men's Lacrosse team.

Career Aspirations: After graduating, I hope to become an in-house Landman for an oil and gas company.

Internships: Over the summer I had the honor of being an intern under Richard Dailey at Diversified Energy Company working in their Land Acquisition and Divestitures team.



Gunner Fox

Major/Minor: Land and Energy Management Major with plans to minor in Finance and gain a Certificate in Leadership Studies.

Graduation Year: 2027

MCLA Involvement/Extracurriculars: I am a member of MLBC and MCLA. I am also part of the football team at Marietta.

Career Aspirations: I plan to use this degree to go back to New Concord and work in the Zanesville area within mineral rights.

Internships: I had no internship this summer due to this being my first year at Marietta, but am open to internship opportunities for next summer.



LEGISLATIVE & REGULATORY UPDATE

By Nikolas Tysiak, Legislative and Regulatory Chairman

Hello friends – only two relevant developments to report on this time – one in Ohio and one in Pennsylvania.

First, in *French v. Ascent Resources-Utica, LLC*, 2023-Ohio-3228 (7th Dist.), the Court of Appeals took an appeal from Ascent regarding the trial court's summary judgment, finding that several leases on the land of French (and others) had expired. Ascent argued that the leases had been unitized as part of an existing unit, and therefore the leases were properly held beyond the primary term. The court found, however, that while a unitization document had been filed, several of the tracts within the unit were not under the control of Ascent, and there was no relationship between Ascent and the lessees of those lands that would allow the Unit to commence operations as conceived. Because of this, Ascent did not meet the operational requirements under the leases to maintain the leasehold rights beyond the primary terms of the leases. Additionally, the Court found there had been no actual drilling activity on the Unit, as no drilling permit had been issued. Consequently, no operations or production occurred on the Unit including the leases, either. The Court therefore upheld the motion for summary judgment against Ascent.

Second – in *Douglas Equipment, Inc. v. EQT Production Company*, 2023 WL 5239153 (Pa. Sup. Court August 15, 2023), the Superior Court was confronted with interpreting the language of a deed relating to a reservation of oil and gas rights. The landowners entered into an oil and gas lease in 1994. Importantly, shut-in payments could not be paid for more than 3 years under the terms of the lease. After executing the lease, the same landowners conveyed the land to Holt and Lee, excepting and reserving “all rights, title and interest” in the underlying lease, except for the free gas privilege. The lessee under the 1994 lease made shut-in payments starting in 2008, and apparently never stopped such payments. In 2016, Holt and Lee leased the land to EQT. The 1994 lease was assigned to LOLA Drilling. The successors to the original landowners under the 1994 lease claimed that the 1994 lease remained in full force and effect. Holt and Lee claimed that the 1994 lease had expired three years after production stopped in 2008, despite the ongoing payment of shut-in payments beyond the three-year period as an at-will lease subject to continuation by mutual consent. The trial court granted summary judgment in favor of EQT, and the original landowners appealed. The Superior Court agreed with the trial court, holding that at-will tenancy is a function of traditional landlord and tenant law, which does not apply in the context of an oil and gas lease. Instead, the Superior Court found that the terms of the lease itself govern the relationship between the parties in this instance, unless the same had been modified. Because there was no clear modification of the terms, the lease terms applied. Consequently, following three years of shut-in payments, the 1994 lease expired some time in 2011, resulting in leasing rights reverting to Holt and Lee and that time. This conclusion effectively affirmed the authority of EQT under the EQT lease to act as sole lessee on the property.

As always, let us know if you come across any interesting developments that should be shared with the membership.

Regards,

Nik Tysiak
Chair – Legislative and Regulatory Committee



WEST VIRGINIA SUPREME COURT OF APPEALS IMPROPER TAX ASSESSMENT DOES NOT INVALIDATE TAX SALE OF MINERAL ESTATE

AUTHOR: RYAN STEWART

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In *Collingwood Appalachian Minerals III, LLC v. Erlewine*,^[1] a case sure to catch the attention of the state legislature, the West Virginia Supreme Court of Appeals addressed the recurring issue of whether an improper tax assessment of an unsevered mineral interest separate from the surface estate warrants the invalidation of tax sales of those mineral estate interests.

In 1909, a 135-acre tract of land (the “Property”) was conveyed to James W. Sivert, but “one-half of all the oil and gas royalty” was reserved to the grantor therein.^[2] As a result, the County Assessor began taxing Sivert’s unsevered fifty percent interest in the oil and gas interest separately from the Property. Sivert then conveyed the Property and a twenty-five percent interest in the oil and gas estate to Joseph and Myrtle Rogers but reserved “one-fourth of all the oil and gas royalty.” Subsequently, the Rogerses conveyed the Property and their twenty-five percent oil and gas estate interest to Osburn Dunham. Sivert later conveyed “one-fourth of all the oil and gas royalty” to Joseph Palmer, and Palmer then conveyed “the undivided 1/4 interest of all the oil and gas royalty” to Dunham. Accordingly, as of 1945, Dunham owned the Property and fifty percent of the oil and gas, which he continued paying separate tax assessments on.

In 1968, Dunham conveyed to Russell Stiles “the same land” that the Rogerses conveyed to Dunham. That deed stated, “[t]here is reserved and excepted from this conveyance all exceptions and reservations contained in all prior deeds.” After the 1968 conveyance, Dunham continued paying taxes on his twenty-five percent interest in the oil and gas estate, and Stiles paid taxes on the Property and his twenty-five percent interest in the oil and gas estate.

Thus, by 1988, Stiles owned the Property and a twenty-five percent interest in the oil and gas estate, and Dunham owned the other twenty-five percent interest in the oil and gas estate.^[3] However, that year, Stiles paid neither the tax on the Property nor the tax on his twenty-five percent interest in the oil and gas estate, which were separately assessed.^[4] Due to the resulting tax delinquency, there was a sheriff’s sale at which Richard Erlewine bought the Property, and Trio Petroleum Corporation and Waco Oil & Gas Company (“Petitioners”) bought Stiles’s twenty-five percent oil and gas estate interest.^[5] Subsequently, Dunham also failed to pay taxes on his interest, resulting in another sheriff’s sale whereby the Petitioners purchased Dunham’s twenty-five percent oil and gas estate interest, bringing their total interest in the oil and gas estate to fifty percent.^[6]

In 2020, Erlewine filed suit seeking a declaratory judgment that he owned Petitioners’ fifty percent oil and gas estate interest. Erlewine claimed that the first tax deed conveying the twenty-five percent oil and gas estate interest to Petitioners was void ab initio because the assessor lacked the authority to separately assess the delinquent taxpayer for the Property and the unsevered twenty-five percent oil and gas estate interest.^[7] Erlewine also claimed that the second tax deed was also void ab initio because Dunham transferred his full fifty percent interest in the oil and gas estate when he conveyed it to Stiles. Thus, according to Erlewine, the county possessed no interest to transfer in the second tax deed. The circuit court found that both tax deeds received by the Petitioners were void ab initio and granted summary judgment in favor of Erlewine.^[8]

(Continued)

First Tax Deed

Relying heavily on *Orville Young, LLC v. Bonacci*,^[9] the circuit court determined that the issue underlying the first tax deed was whether an assessor was permitted to separately assess the surface estate and the mineral estate when they were unsevered.^[10] However, the Supreme Court of Appeals has previously held that the assessor may not separately tax unsevered mineral estates.^[11]

Thus, the issue before the Supreme Court of Appeals was whether a separate, unauthorized assessment of a mineral estate invalidates a tax deed conveying it when the owner became delinquent on it and the taxes assessed for the rest of the property.^[12] Unlike the owner in *Bonacci*, Stiles had not paid taxes on either the Property or the oil and gas estate interest.^[13]

Ultimately, the Court held that the severance of title through two separate tax deeds represented a procedural “irregularity, error, or mistake.”^[14] However, under West Virginia Code § 11A-3-63, an irregularity, error, or mistake cannot invalidate a tax deed unless the legislature created a specific cause of action allowing it, which they have not.^[15] Accordingly, the Court held that the Petitioners purchased a valid tax deed.^[16]

Second Tax Deed

The resolution of the second tax deed hinged on a deed interpretation question. The circuit court agreed that Dunham owned no mineral interest that the tax deed could convey. However, the Petitioners argued that the plain language of the 1968 deed conveyed “the same land” as the 1945 deed which reflected, among other things, the twenty-five percent oil and gas estate interest at issue.^[17] The Petitioners also argued that the conduct of the parties after executing the 1968 deed reflected the intent of the parties to convey the twenty-five percent oil and gas estate interest.^[18]

When construing a deed, the goal of the court is to effectuate the intent of the parties.^[19] If the deed is unambiguous, there is no need to go further than the plain text of the deed.^[20] By using the term “the same land,” the Court held that the deed unambiguously reserved a twenty-five percent oil and gas estate interest to Dunham.^[21] Thus, the Court determined there was no need to consider the conduct of the parties after the deed was executed.^[22] As a result, the second tax deed conveying a twenty-five percent oil and gas estate interest to Petitioners was valid.^[23]

Dissent

In a strongly worded dissent, Justice Hutchison called the legislature into action, noting that tax assessors illegally taxing the surface estate separate from the mineral estate is an ongoing problem in the State of West Virginia. Justice Hutchison argued that the majority opinion overextends West Virginia Code § 11A-3-63 by interpretation, calling the majority’s assertion that this was just an “irregularity, error, or mistake” an avoidance of the tax assessor’s blatant disregard of substantive law.^[24] In Justice Hutchison’s view, the majority allows assessors to “get away” with multiple assessments on land interests, which he asserted is not the intention of the legislature.^[25]

Authored by Ryan Stewart and Matthew Gibson

[1] 2023 W. Va. LEXIS 276.

[2] *Id.* at 4.

[3] *Id.* at 6.

[4] *Id.*

[5] *Id.*

[6] *Id.* at 7.

[7] *Id.*

[8] *Id.* at 8.

[9] 866 S.E.2d 91 (W. Va. 2021).

[10] *Erlewine*, at 10.

[11] *Id.* at 9; citing *Orville*, at Syl. Pt. 2.

[12] *Id.* at 10.

[13] *Id.* at 12.

[14] *Id.* at 13.

[15] *Id.*

[16] *Erlewine*, at 15.

[17] *Id.* at 16.

[18] *Id.* at 17.

[19] *Id.*

[20] *Id.* at 18.

[21] *Id.* at 19

[22] *Id.*

[23] *Id.*

[24] *Erlewine*, at 21-34.

[25] *Id.* at 33-34.

REASONABLE DILIGENCE: OHIO APPELLATE COURT PROVIDES CONTEXT ON THE SCOPE OF HEIRSHIP SEARCHES FOR PURPOSES OF OHIO'S DORMANT MINERAL ACT

AUTHOR: RYAN STEWART

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A critical safeguard of Ohio's Dormant Mineral Act (the "DMA") is that notice will be provided to the holder of a severed mineral interest, or their successors, thereby allowing that holder an opportunity to respond. The case of *Toma v. Devaul*,^[1] illustrates the importance of conducting a reasonably diligent search for the holders of a severed mineral interest and provides additional context on what exactly that might entail.

In 1912, John W. and Liddia Devaul conveyed their interests in the subject property but reserved a one-half interest in the oil and gas estate of said property by a deed recorded in Guernsey County, Ohio, and executed in the adjoining Belmont County.^[2] Appellants acquired title to the property through various deeds in 2014 and 2016, however, it was their predecessors-in-title that had filed for the abandonment of the Devaul mineral reservation.^[3]

The Appellants' predecessors-in-title hired a firm to search for any heirs, successors, or assigns of John W. Devaul and Liddia Devaul. When the abstractor found no evidence concerning any surviving heirs in the General and Lease Indices of Guernsey County and the Probate Records of Guernsey County, the Appellants' predecessors-in-title published notice of their intent to declare the reservation abandoned and vested in them pursuant to the DMA.^[4] Subsequently, the successors of John W. Devaul and Liddia Devaul leased the oil and gas estate of the subject property to Gulfport Energy Corporation and Eclipse Resources, I, LP (collectively, the "Appellees").^[5] As a result, the Appellants filed a complaint seeking an order that the mineral interests related to the Devaul reservation were extinguished by operation of the DMA.^[6]

At the trial court, a deposition of the attorney who represented Appellants' predecessors-in-title revealed that he discovered the potential residence of the Devaul heirs or successors, which was located in Belmont County, through an Ancestry.com search; however, he did not review the Belmont County Records.^[7] In accordance with *Gerrity v. Chervenak*, the trial court found that while the Appellants' search of the Guernsey County Records established a "baseline of reasonable diligence" in identifying the holder or holders of the severed mineral interest, the *Gerrity* Court refused to adopt a bright-line rule and warned that "[t]here may, however, be circumstances in which the surface owner's independent knowledge or information revealed by the surface owner's review of the property and court record would require the surface owner, in the exercise of reasonable diligence, to continue looking elsewhere to identify or locate a holder."^[8] Thus, the trial court determined that, upon discovering the Belmont County addresses, it would have been reasonable for the predecessors-in-title to search the Belmont County Records and because they did not do so, their search was not reasonable.^[9]

(Continued)

Affirming the trial court's ruling, the Fifth District Court of Appeals held that upon the discovery of information that suggested that the Devaul heirs resided in Belmont County, a reasonably diligent search for the Devaul's heirs, successors, and assigns would include a review of the public records in Belmont County.^[10] Accordingly, because Appellants neglected to continue their search in the Belmont County Record, their search did not meet the reasonable-diligence standard established in Gerrity.^[11] Thus, based on the information available to them at the time, Appellants were not entitled to pursue notice by publication under Ohio Rev. Code § 5301.56, and were therefore not entitled to abandonment.^[12]

Although Ohio courts continue to steer clear of providing a bright-line rule, this case sheds some additional light on the reasonable-diligence standard set forth in Gerrity by providing an example of when a search must be extended outside of the county in which an interest is located.

Authored by Ryan Stewart and Matthew Gibson

[1] 2023-Ohio-2163.

[2] Id. at ¶¶ 2-3.

[3] Id. at ¶ 3.

[4] Id. at ¶ 4.

[5] Id. at ¶ 5.

[6] Id. at ¶ 6.

[7] Id. at ¶¶ 7-8.

[8] Id. at ¶ 11; citing *Gerrity v. Chervenak*, 2020-Ohio-6705, at ¶ 36.

[9] Id.

[10] Id. at ¶ 30.

[11] Id.

[12] Id.



ABOUT THE AUTHOR: RYAN STEWART

Ryan represents clients in connection with transactional matters, due diligence, complex mineral titles, lease analysis, surface use issues and title curative. In addition, Ryan has extensive experience in the drafting and review of original drilling title opinions, as well as supplemental drilling title opinions and limited acquisition title opinions. He also assists in litigation and regulatory matters, including unitizations.





Michael Late Benedum Chapter

American Association of Professional Landmen

SEPTEMBER LUNCHEON THE GALLEY - MARIETTA OHIO

It has become a MLBC tradition to hold a meeting in the Marietta, Ohio area in the fall and it's for good reason. You can feel the buzz in the town from the students just returning to campus and the excitement in the town as they prepare for their annual Sternwheel Festival. This particular meeting is special because MLBC members in the Ohio area and Marietta College students get a rare chance to connect and learn from each other. Last Thursday's meeting at The Galley provided just that. With over 16 Marietta College students in attendance, there was no shortage of networking and learning happening.

MLBC members and students got the opportunity to hear from Ben Davisson, Vice President of Ten Mile Land, LLC who gave an overview of the mineral buying business.

As an organization, the MLBC takes great pride in serving the land profession, including men and women who will be future leaders in our industry. We are excited that so many Marietta College Land and Energy Management students were able to attend the meeting.

Last but not least, a huge thank you to our sponsors. Our events would not be possible without the support of our sponsors. Thank you to Jessica Swisher, Honor Resources, and Ascent Resources.

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AAPL DIRECTOR'S REPORT

Submitted by: John T. Catsonis



On September 10, 2023, the AAPL held its quarterly board meeting at the Loews Hotel in Coral Gables, FL. It was an honor to attend this event as a substitute-director representing the MLBC and landmen in the Appalachian Basin.

The following items were the primary discussion points: reporting of the AAPL's financial condition via a Treasurer's report, a membership satisfaction update via a Staff report, a general update via the President's report, and comprehensive updates via Committee's reports; in addition, each regional chapter supplied an update of their local affiliation via a Regional Director's report. Below, please find a brief update and items to note during those discussions.

- As to financial health, the Treasurer reports the AAPL appears to be in healthy financial condition, reporting a 3.7% increase in asset value, and a 2.9% revenue increase for the fiscal year from July 2022- July 2023. A more comprehensive snapshot of the financials may be found within the AAPL Board Book.
- As to the Staff report, the AAPL reports Paul Harrison, MBA, CPA has joined the team as Chief Financial Officer. Paul has more than 29 years in nonprofit finance and accounting roles.
- As to the Staff report, the AAPL reported a slight decrease in membership of 0.83% year over year. The total number of AAPL members was not reported, however, the AAPL website states current membership sits at 12,000 + members.
- As to the Staff report, the AAPL reports the Renewable Energy Certificate program to be strong with 528 registrants for the full program.
- As to the President's report, the AAPL reported the 69'th annual meeting held in Huntington Beach, CA to be a success and was a revenue positive event.
- As to the President's report, the AAPL urges its membership to attend the AAPL's 70'th annual meeting held at Boston Park Plaza, Boston, MA on June 19 -22, 2024.

In addition to the discussion items noted above, a handful of committee members had suggested it be advantageous for the AAPL to conduct an analysis of carbon sequestration as it relates to land, the land profession and matters related to landmen. Several other talking points from a range of topics were discussed. I would be happy to speak with anyone who may have questions or is interested in learning more about the items discussed.

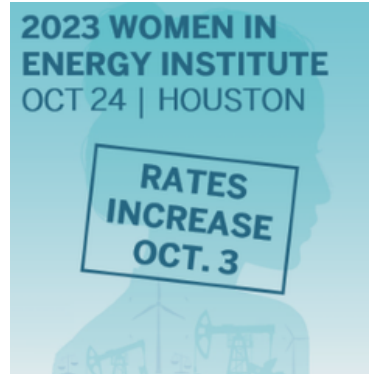
In closing, I would like to thank Jeremy White and the MLBC organization for providing me with the opportunity to represent the MLBC as a substitute director at the quarterly board meeting in Coral Gables, FL.

Respectfully submitted,
By: John T. Catsonis

Please note the following dates related to upcoming Director's Meetings and the AAPL Annual Meeting.

- Board Meeting | December 8-10, 2023 | Santa Ana PBL, NM
- Board Meeting | March 8-10, 2024 | Tulsa, OK
- Board Meeting | June 18-19, 2024 | Boston, MA
- AAPL Annual Meeting | June 19-22, 2024 | Boston, MA

OCTOBER ENERGY INSTITUTES ARE HERE!



Continue reading for full info on these unique in-person professional development and networking events.

UPCOMING WEBINARS AT A GLANCE

Oct. 3: [Surface Use and Access](#)

Oct. 4: [Recent Developments in Drilling Allocation Wells](#)

Oct. 11: [Royalty Price Provisions, New Effective Burdens and the Impact on Your Overall Well Economics](#)

Oct. 17: [Solar Lease Fundamentals](#)

Oct. 18: [Leadership for Land Professionals](#)

Oct. 25: [Complex Surface Agreements-Hydrogen Leasing, Part 2](#)

Nov. 1: [Leasing Under Texas Roadway](#)

Nov. 2: [Due Diligence](#)

FULL CALENDAR

SURFACE USE AND ACCESS

Live Webinar

Date: Oct. 3

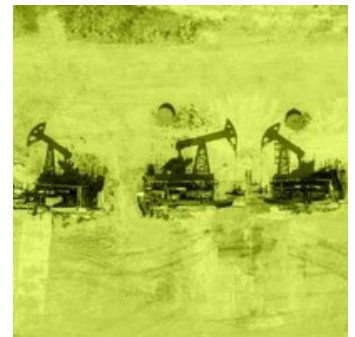
Time: 8:30 a.m. - 4 p.m. CDT

Credits: 5 CEUs + 1 CEU Ethics

Speaker: [George R. Shultz, CPL](#)

Course Level: Basic/Overview

This live webinar is designed to familiarize land professionals with surface rights and the myriad issues associated with acquiring, exercising and preserving those rights. It focuses on why, when and what rights may be needed and how to research and protect existing rights. The speaker discusses a variety of surface-related contracts and their use. The course also examines the criticality of building relationships with regulatory agencies and the public. Registration for this live webinar ends Monday at 5 p.m. CDT.



REGISTER

RECENT DEVELOPMENTS IN DRILLING ALLOCATION WELLS

Webinar

Date: Oct. 4

Time: 11:00 a.m. - noon CDT

Credits: 1 CEU

Speaker: Robert "Eli" Kiefaber

The presentation will discuss the background of allocation wells and address the legal authority to drill allocation wells and the railroad commission's position on allocation. The session will largely focus on a discussion of recent legal challenges to allocation wells. The course also addresses the applicable regulations in permitting allocation wells and best practices for calculating production from allocation wells.



REGISTER



50TH ANNUAL DENVER LAND INSTITUTE + 10TH ANNUAL ROCKIES BASH

Date: Oct. 12

City: Denver

Venues: The Ritz-Carlton & Wynkoop Brewing or Livestream

Credits: 7.5 CEUs with pending CLEs

Speakers: David Ramsden-Wood, Alex Kuiper, Andrew Good, Katie Schroder, Tara Righetti and more!

AAPL and DAPL are excited to join forces for a day of learning and networking from industry leaders covering issues for landmen and attorneys. Earn CEUs and pending CLEs with intriguing courses like Steering Clear of Legal Landmines for Landmen, Water Rights in Oil & Gas and Ethics of AI in Land & Legal Work.

The education portion takes place from 8 a.m. - 4:30 p.m. MDT at The Ritz-Carlton or via livestream. After the education, attendees can kick back and relax from 5-10 p.m. at the legendary Rockies Bash at Wynkoop Brewing Company!

AAPL members can save \$100 by accessing the DAPL member rate. Register as a guest and enter the discount code 50thDLI to unlock your savings! To register for the livestream, select the virtual option when adding a ticket.

REGISTER

SPONSORSHIP OPPORTUNITIES

FEATURED LIVE WEBINAR

Live Webinar

Date: Oct. 17

Time: 1-4 p.m CDT

Credits: 2 CEUs

Speaker: Phillip A. Guerra, JD, CPL



This webinar will focus on the essential components of most solar lease agreements, including term sheets, option to lease agreements, solar lease agreements, mutual use surface agreements between an oil and gas lessee and a solar developer, surface waiver and non-interference agreements for mineral owners. Improve your ability to convey the meaning and intent of various terms and provisions to prospective landowners, mineral owners or for your company if they are approached by a solar developer.

[REGISTER](#)

FEATURED WIEI SESSION

Voices of Change: A Chat With the Women Behind the Flipping the Barrel Podcast



This webinar will focus on the essential components of most solar lease agreements, including term sheets, option to lease agreements, solar lease agreements, mutual use surface agreements between an oil and gas lessee and a solar developer, surface waiver and non-interference agreements for mineral owners. Improve your ability to convey the meaning and intent of various terms and provisions to prospective landowners, mineral owners or for your company if they are approached by a solar developer.

[FULL LINE UP](#)

[SPONSOR WIEI](#)

WOMEN IN ENERGY INSTITUTE

Date: Oct. 24

City: Houston

Venue: JW Marriott Downtown

Credits:

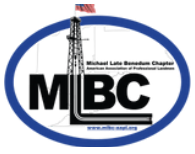
- AAPL: 5.75 CEUs or 5 CEUs + .75 CEU ethics
- AR: 5 general CLEs
- LA: 5 general CLEs + .75 CLE ethics
- NM: 5 general CLEs + 0.7 ethics credit
- OK: 6.5 general CLEs + .5 CLE ethics
- CO & TX CLEs are pending

Speakers: Vicki Hollub, Nick Dell'Osso, Barbara Baumann, Pat Mann Phillips, Nancy McCaskell, Lisa V. Perry, Buford Boyd Pollett, Claudia Hackbarth and more!

AAPL's Women in Energy Institute is a unique professional development and networking event that's being led and championed by female trailblazers but is open to both men and women of all professional disciplines. Our four education tracks allow attendees to choose their unique path throughout the day. Attendees will enjoy a charity wine pull, dessert bar and networking reception.



[REGISTER](#)



FALL GOLF OUTING



SEPTEMBER 29, 2023

SOUTHPOINTE GOLF CLUB - CANNONSBURG, PA



Thanks to our sponsors!



Golfers ready to tee off



AJ Peters and Michael McQuian - Halo Land



Andrew Hudacko and Anna Campbell - Campbell Development



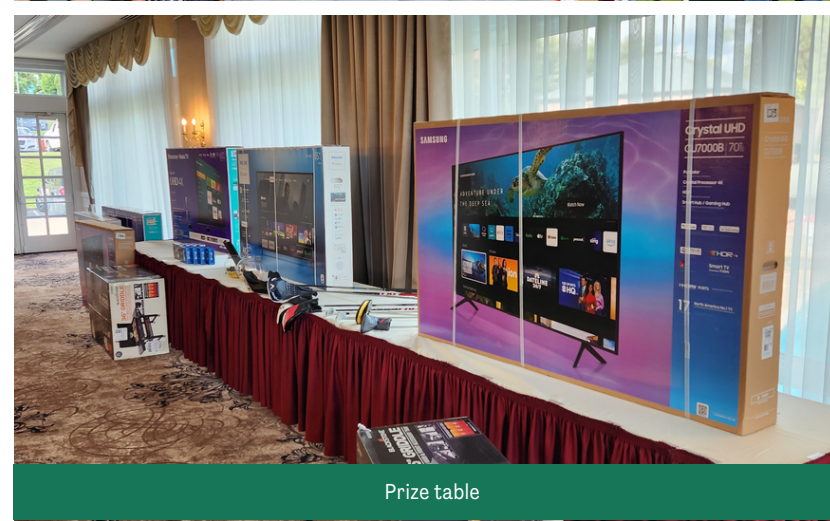
Anthony Burgess, Eric Markley, Jessica Barbour and Carson Schambach - Atencio Hall



Backroads Energy poses at their tent on Hole 12 at Southpointe



Grant Stetz, Tim Jackson, Molly Gavran, Hannah Weible Chris Panek - Dudley Land Company



Prize table



Member Spotlight: Steve Carr

Tell us a little about yourself.

I was born and raised in the Pittsburgh area. Attended Penn State and received a Bachelor of Science Degree in Education (in a previous life, I was supposed to be an elementary school teacher). Worked in the hospitality business for a few years, where I met my wife, Cassandra. We have been married for almost 12 years and currently live in Peters Township with our three daughters Charlotte (8), Elizabeth (6) and Olivia (3). Outside of work, I enjoy golf, cooking and watching my babies get too big too quick!

Who are you currently employed or contracted with?

I am a co-owner of Dudley Land Company and its subsidiaries.

How long have you worked in the oil and gas industry? And what states do you have experience? And tell us about any other land organization you belong.

I started in 2006, so 17 years (that went fast!). For the majority of my career, I have only been in the Appalachian region, but as we pushed to diversify into the renewables and utility markets, I have been fortunate enough to work on projects in 42 states. Along with the MLBC, I belong to the Houston chapter (HAPL) and the IRWA.

Tell us about your first position in the industry.

Like a lot of folks, I wasn't supposed to be a landman. Heck, I didn't even know what a landman was before I started. My mother married a great guy who was working for EOG here in the PGH region in the early 2000's and after a couple of years in the hospitality industry (where I luckily met my wife) I was looking for another path and finally agreed to attend a landman training class in Oklahoma City. I got a call from Dudley a couple of weeks later and found myself in a nicer hotel room than the apartment I was renting. I started in title and found negotiations, and dealing with people, as a place I excelled at and enjoyed.

What areas of the industry do you have experience in?

Title, Acquisition, Due Diligence, Curative. I tried to make myself as versatile as possible to not be pigeonholed into just a lease buyer or just a title abstractor.

Do you have a mentor in the industry? Can you provide details?

I have had several great influences on my career, but the one that stands out as a mentor would be Russell Shaw. Russell, along with help from Allen and Jane Fouty, led Dudley into the Appalachian Basin and helped grow a young guy who didn't know much about much into the position I am in today. He had (and still has) all the qualities I feel necessary to lead people. Patience, laughter, and a little bit of knowledge! He knew how to diffuse difficult situations, helped you understand the HOW and the WHY instead of just getting the job done. Even though he has retired (kind of), he remains my number one go-to if I get to a point where I need guidance or just someone to bounce something off. Much love Russ-Paw!!!

How long have you been a member of the MLBC. Do you currently have any certifications through the AAPL?

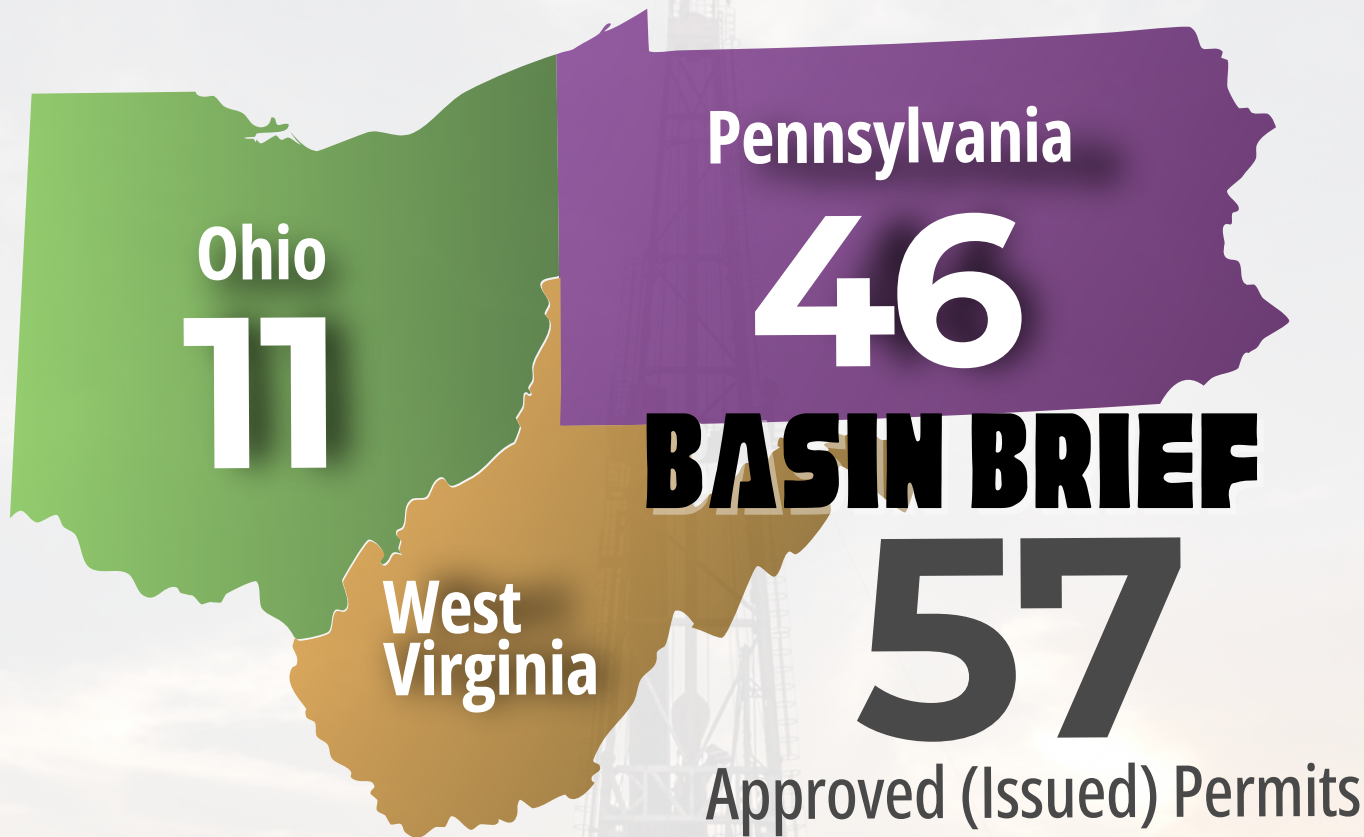
Don't quote me on this, but I believe it was 2009 when I joined as we moved our office from Charleston, WV to Southpointe and I became an employee. I am currently a Certified Professional Landman (CPL) through the AAPL.

What benefits have you found as a member of the MLBC? What are your favorite aspects?

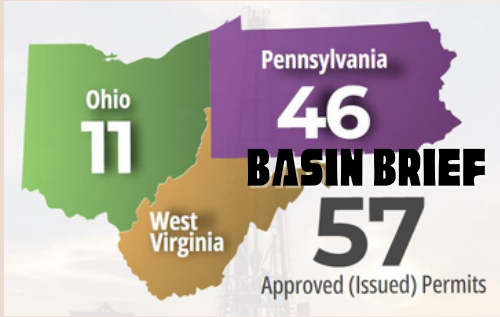
The ability to get involved and meet people. COVID really ruined the interactional aspect I love about this business. Teams and Zoom are great tools, but nothing compares to sitting down and having an in-person conversation and forming lasting business and personal relationships. Some of the best friends I have made over the years came from MLBC meetings and events.

Do you serve the MLBC, AAPL, or any other organizations in an executive capacity and/or serve as a committee chair? Are you a member of any committees?

I am currently a Director for the Executive Board and have been Fall Golf Chair for 12 years. The golf outing is where I met the most people as a young landman, and although I enjoy it, I would gladly take offers from a younger generation to take it over and make as many great connections as I have to move the event forward!



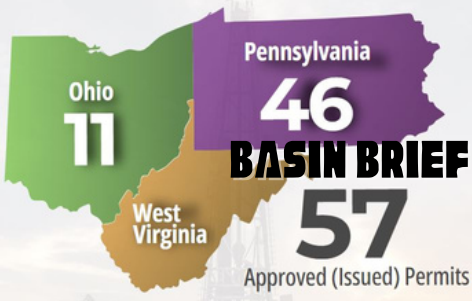
BASIN ACTIVITY INFORMATION PROVIDED BY JKPC, INC. PETROLEUM CONSULTANTS AND IS CURRENT AS OF AUGUST 2023.



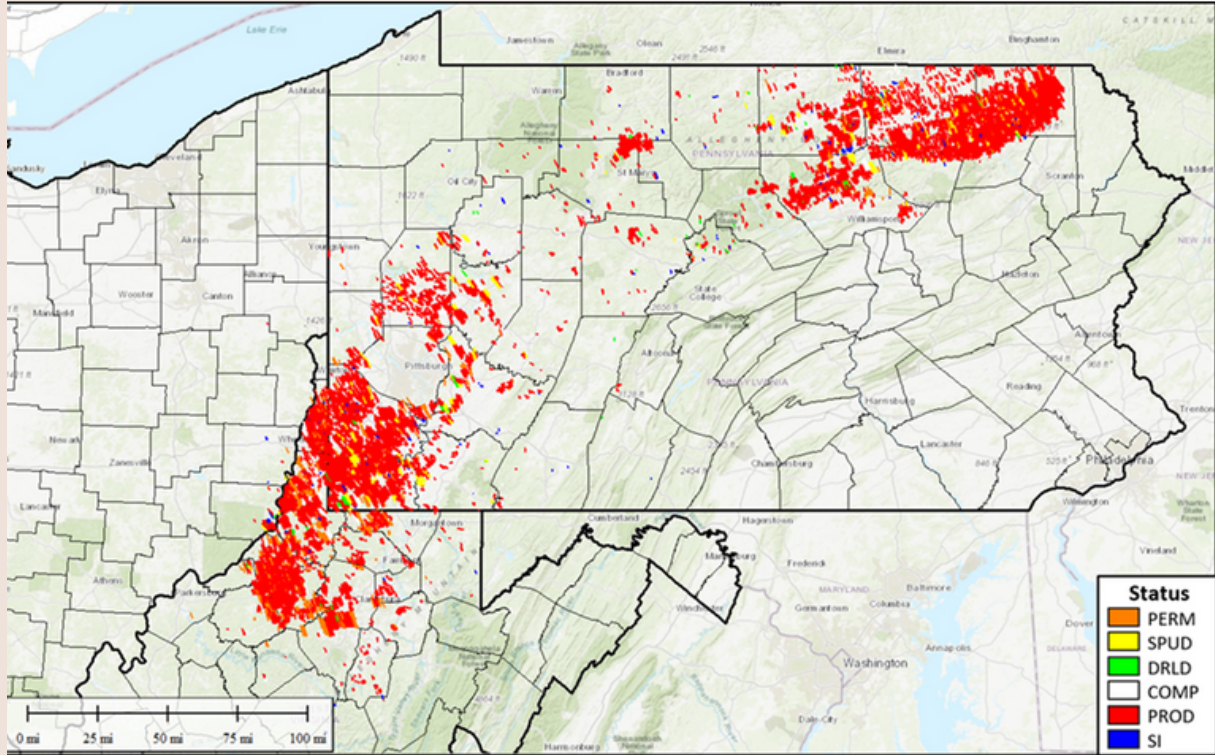
PERMIT DETAILS

NO.	API	COUNTY	OPERATOR	PERMIT DATE	RESERVOIR
1	34-059-24633-0000	Guernsey	Ascent	08/01/2023	Utica
2	34-059-24634-0000	Guernsey	Ascent	08/01/2023	Utica
3	34-067-21756-0000	Harrison	Encino	08/03/2023	Utica
4	34-067-21757-0000	Harrison	Encino	08/03/2023	Utica
5	34-067-21758-0000	Harrison	Encino	08/03/2023	Utica
6	34-067-21759-0000	Harrison	Encino	08/03/2023	Utica
7	34-157-25537-0000	Tuscarawas	Encino	08/03/2023	Utica
8	34-157-25538-0000	Tuscarawas	Encino	08/03/2023	Utica
9	34-157-25539-0000	Tuscarawas	Encino	08/03/2023	Utica
10	34-157-25540-0000	Tuscarawas	Encino	08/03/2023	Utica
11	34-111-24991-0000	Monroe	Equinor	08/17/2023	Utica
12	37-015-23870	Bradford	Chesapeake	08/08/2023	Marcellus
13	37-015-23871	Bradford	Chesapeake	08/08/2023	Marcellus
14	37-015-23872	Bradford	Chesapeake	08/08/2023	Marcellus
15	37-015-23873	Bradford	Chesapeake	08/08/2023	Marcellus
16	37-059-27399	Greene	Rice	08/08/2023	Marcellus
17	37-125-28883	Washington	EQT	08/08/2023	Marcellus
18	37-047-25149	Elk	Seneca	08/10/2023	Utica
19	37-047-25150	Elk	Seneca	08/10/2023	Utica
20	37-115-23119	Susquehanna	Chesapeake	08/11/2023	Marcellus
21	37-115-23120	Susquehanna	Chesapeake	08/11/2023	Marcellus
22	37-059-28308	Greene	EQT	08/14/2023	Marcellus
23	37-125-29062	Washington	Range Resources	08/14/2023	Marcellus
24	37-125-29063	Washington	Range Resources	08/14/2023	Marcellus
25	37-125-29072	Washington	Range Resources	08/14/2023	Marcellus
26	37-125-29073	Washington	Range Resources	08/14/2023	Marcellus
27	37-023-20296	Cameron	Seneca	08/15/2023	Utica
28	37-115-23118	Susquehanna	Chesapeake	08/15/2023	Marcellus
29	37-129-29114	Westmoreland	Apex Energy	08/15/2023	Marcellus

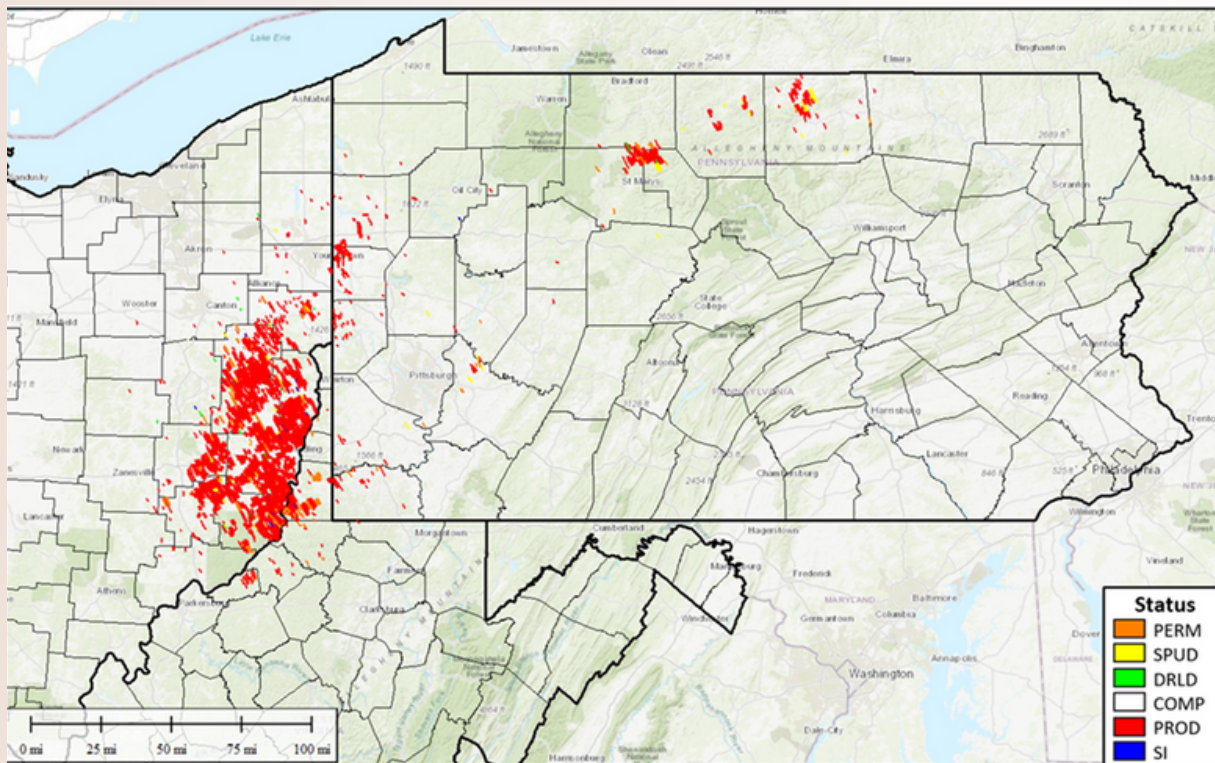
30	37-129-29115	Westmoreland	Apex Energy	08/15/2023	Marcellus
31	37-115-23121	Susquehanna	Repsol	08/16/2023	Marcellus
32	37-115-23122	Susquehanna	Repsol	08/16/2023	Marcellus
33	37-115-23123	Susquehanna	Repsol	08/16/2023	Marcellus
34	37-115-23124	Susquehanna	Repsol	08/16/2023	Marcellus
35	37-117-22221	Tioga	Seneca	08/16/2023	Utica
36	37-015-23874	Bradford	Chesapeake	08/17/2023	Marcellus
37	37-015-23875	Bradford	Chesapeake	08/17/2023	Marcellus
38	37-015-23876	Bradford	Chesapeake	08/17/2023	Marcellus
39	37-129-29232	Westmoreland	Olympus Energy	08/17/2023	Utica
40	37-129-29233	Westmoreland	Olympus Energy	08/17/2023	Utica
41	37-015-23877	Bradford	Chesapeake	08/18/2023	Marcellus
42	37-015-23879	Bradford	Chesapeake	08/18/2023	Marcellus
43	37-015-23878	Bradford	Chesapeake	08/22/2023	Marcellus
44	37-059-27263	Greene	EQT	08/23/2023	Marcellus
45	37-059-27260	Greene	EQT	08/23/2023	Marcellus
46	37-129-29136	Westmoreland	Apex Energy	08/23/2023	Marcellus
47	37-129-29137	Westmoreland	Apex Energy	08/23/2023	Marcellus
48	37-129-29135	Westmoreland	Apex Energy	08/23/2023	Marcellus
49	37-113-20464	Sullivan	Chesapeake	08/24/2023	Marcellus
50	37-113-20467	Sullivan	Chesapeake	08/24/2023	Marcellus
51	37-113-20468	Sullivan	Chesapeake	08/24/2023	Marcellus
52	37-113-20470	Sullivan	Chesapeake	08/24/2023	Marcellus
53	37-081-21664	Lycoming	Inflection Energy	08/25/2023	Marcellus
54	37-035-21322	Clinton	STL Resources	08/29/2023	Burkett
55	37-035-21322	Clinton	STL Resources	08/29/2023	Burkett
56	37-113-20465	Sullivan	Chesapeake	08/29/2023	Marcellus
57	37-113-20469	Sullivan	Chesapeake	08/28/2023	Marcellus

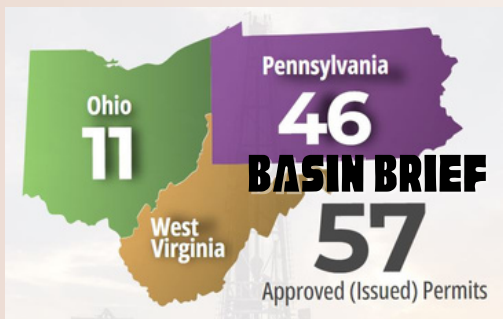


MARCELLUS WELLS BY STATUS



UTICA WELLS BY STATUS





PERMITTING SUMMARY BY STATE

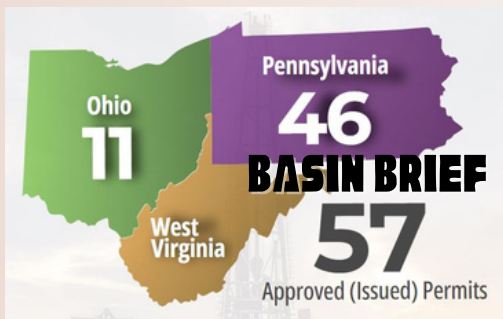
STATE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
OH	36	22	22	12	12	17	18	11	-	-	-	-
PA	70	86	84	57	50	60	46	46	-	-	-	-
WV	11	11	11	19	11	9	23	-	-	-	-	-
TOTAL	117	119	117	88	73	86	87	57	-	-	-	-

PERMITTING SUMMARY BY OPERATOR

OPERATOR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
EQT	-	23	14	14	7	11	15	4	-	-	-	-	88
Colerra	13	20	3	15	3	12	14	-	-	-	-	-	80
Chesapeake	13	1	18	1	10	9	-	19	-	-	-	-	71
Antero	10	3	11	18	10	1	12	-	-	-	-	-	65
Range Resources	5	3	11	7	8	7	3	4	-	-	-	-	48
Ascent	9	3	9	1	-	8	6	2	-	-	-	-	38
Encino	8	4	4	-	5	-	8	8	-	-	-	-	37
CNX	2	2	10	1	7	6	2	-	-	-	-	-	30
SWN	5	3	4	1	2	3	9	-	-	-	-	-	27
Snyder Bros	2	5	8	-	-	9	-	-	-	-	-	-	24
Others (23)	50	52	25	31	21	20	18	20	-	-	-	-	237
TOTAL	117	119	117	89	73	86	87	57	-	-	-	-	745

RIG ACTIVITY SUMMARY

STATE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
OH	14	14	12	11	10	12	13	11	-	-	-	-
PA	21	23	24	25	25	23	23	21	-	-	-	-
WV	17	15	15	16	15	13	12	11	-	-	-	-
TOTAL	52	51	51	52	50	48	48	43	-	-	-	-



PRODUCING WELL COUNT BY RESERVOIR

RESERVOIR	OH	PA	WV	TOTAL
Marcellus	35	10,763	3,532	14,330
Utica	3,141	386	109	3,636
Burkett	-	237	30	267
TOTAL	3,176	11,386	3,671	18,233

PRODUCING MARCELLUS WELLS

OPERATOR	OH	PA	WV	TOTAL
EQT	-	1,494	679	2,173
Chesapeake	-	1,547	-	1,547
Range Resources	-	1,494	-	1,494
SWN	30	765	606	1,401
Antero	-	-	1,163	1,163
Coterra	-	1,028	-	1,028
Seneca	-	800	-	800
Repsol	-	739	-	739
Rice	-	530	-	530
CNX	1	420	78	499
Others (65)	4	1,946	1,006	2,956
TOTAL	35	10,763	3,532	14,330

PRODUCING UTICA WELLS

OPERATOR	OH	PA	WV	TOTAL
Encino	965	-	-	965
Ascent	838	-	-	838
Gulfport	436	-	-	436
Antero	234	-	1	235
SWN	201	2	5	208
Seneca	-	165	-	165
Hilcorp	54	92	-	146
Rice	142	1	-	143
CNX	45	20	5	70
Tug Hill	-	-	66	66
Others (21)	226	106	32	364
TOTAL	3,141	386	109	3,636

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2023/2024

Upcoming Events

12
OCT

Fall Charity Clay Shoot
Hunting Hills, Diliner, PA

10:00AM- 3:00 PM

2
NOV

Renewable Energy Educational Luncheon
Erickson Alumni Center, Morgantown, WV
Speaker: Vincent Caruso

11:30 AM- 1:30 PM

8
FEB

Educational Luncheon
Bridgeport Country Club, Brigdeport, WV

1:00 PM - 3:30 PM

**MORE
INFORMATION**

304-476-2240
www.mlbc-aapl.org

2023 - 2024

EXECUTIVE COMMITTEE



President

Lhag Bowers, RPL
Percheron, LLC.
lhag.bowers@percheronllc.com



Vice President

John Catsonis
Apex Land Corp.
jcatsonis@apexlandcorp.com



Secretary

Kevin Pierson
Blue Duck Resources
kp@blueduckres.com



Treasurer

Stacy Tichy, RPL
Percheron, LLC
stacy.tichy@percheronllc.com



Sergeant At Arms

Ben McKinney
Step toe and Johnson
ben.mckinney@step toe-johnson.com



Local Director

Tyler Murray
Percheron, LLC
tylermurray_land@gmail.com



Local Director

Steve Carr
Dudley Land Company
SteveCarr@dudley-land.com



Local Director

Daniel Cooper
Amecos Resources, LLC
daniel.cooper82@gmail.com



Regional Director

Jeremy White
Ten Mile Land, LLC
jeremywhite@tenmileland.com



President Emeritus

Justin Nixon, CPL
Northeast Natural Energy
jnixon@nne-llc.com

2023-2024



COMMITTEE CHAIRS



TECHNOLOGY:
JEREMY PRESTON
JPRESTON@EQT.COM



SPONSORSHIP:
HARRY HEINBAUGH
HARRY.HEINBAUGH@PERCHERONLLC.COM



HISTORIAN:
DAVID AMAN
DAVID.W.AMAN@DOMINIONENERGY.COM



SCHOLARSHIP/UNIVERSITY LIASON:
ROB GREINER
RGREINER@RKGCONSULTINGSERVICES.COM



CO-EDUCATION:
CHUCK SAFFER
CSAFFER@BABSTCALLAND.COM



CO-EDUCATION:
BILL O' BRIEN
BILL.O'BRIEN@STEPTOE-JOHNSON.COM



LEGISLATIVE:
NIKOLAS TYSIAK
NTYSIAK@BABSTCALLAND.COM



AWARDS:
PATRICK MCQUIGGAN
PMCQUIGGAN@GMCOUNSEL.COM



WOMEN OF THE MLBC:
BRITNEY CROOKSHANKS
BCROOKSHANKS@INFINITYNR.COM



MARKETING:
BAILEY MILLER
BRM003@MARIETTA.EDU



CLAY SHOOT:
TYLER MURRAY
TYLERMURRAY.LAND@GMAIL.COM



MEMBERSHIP:
MATT WHITE
MATT.WHITE@STEPTOE-JOHNSON.COM



NEWSLETTER:
DANIEL COOPER
DANIEL.COOPER82@GMAIL.COM



ETHICS:
THOMAS LONG
THOMASLONG03@GMAIL.COM



FINANCE:
LHAG BOWERS
LHAG.BOWERS@PERCHERONLLC.COM

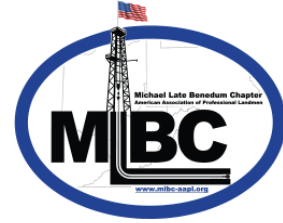


SPRING GOLF:
JIM KANE
JKANE@CASSIDYPC.COM



FALL GOLF:
STEVE CARR
STEVECARR@DUDLEY-LAND.COM

MLBC MEMBERSHIP REPORT SEPTEMBER 2023



NEW MEMBERS:

First Name	Last Name	Employer	Member Type	Sponsoring Member
Thomas	Carey	Flat River Minerals	Active	Whitney Wickes
Neil	Leach	Flat River Minerals	Active	Whitney Wickes
Joshua	Barker	Honor Resources	Active	Darryl Griwatz
John	Hudson	Steptoe & Johnson PLLC	Associate	Tim McKeen
Christopher	Nahley	Steptoe & Johnson PLLC	Associate	Tim McKeen

MEMBERSHIP BY THE NUMBERS

Total Members: 619

Total Active: 424

Active: 394

% Active: 68.50%

Active PP: 30

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Honorary: 10

Associate : 102

Student: 83

New members are approved on a monthly basis. If the need arises to move along membership approval (ex. Ohio Landman Registration), please email Abby Veigel - abbyveigel@mlbc-aapl.org

MEMBERSHIP INFORMATION



The MLBC and the MLBC Foundation wanted to take a moment to thank our sponsors and participants from the Spring Charity Golf Outing once again. Led by our Miracle Sponsor, Appalachian Mineral Partners, our efforts culminated in an \$18,000 donation check presented to Magee Women's Research Institute & Foundation. It is through efforts like ours that Magee continues to advance and enrich the lives of our regional communities and beyond. Thank you again and we're looking forward to seeing everyone at the fall outing.

MLBC Spring Golf Committee Chair - Jim Kane

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](http://www.mlbc-aapl.org) has an updated version of the membership listing. Please use this resource if you cannot find yours or others information in the directory. Please report any errors or omissions to Abby Veigel at abbyveigel@mlbc-aapl.org.

Application for membership in the Association shall be subject to the approval by a majority vote of the Executive Committee at a regularly scheduled meeting and shall require the signed approval by the acting President of the Executive Committee, as evidence of the Committee's approval.

Notice of the approved application(s) of all potential Association member(s) shall be printed in the next regularly scheduled publication of the Association. Members shall have the opportunity for a period of thirty (30) days following the publication to object to the potential member's application.

