



SPECIAL INSTITUTE ON

# Oil & Gas Mineral Title Examination

A joint conference of the Rocky Mountain Mineral Law Foundation and the Energy & Mineral Law Foundation

**September 25-27, 2019**

Westin Hotel, Westminster, Colorado

The natural resources industry continues to experience a workforce influx of those handling mineral titles. Complementing and updating eight previous title examination institutes, this program will provide the basics for attendees newer to mineral title examination, and a good review for those already in the business.

Our expert faculty will address why an opinion is necessary, the role of landmen and others in developing an opinion, some key considerations in examining title, what to cover, where to obtain the data, and how to use the information in an opinion. The program addresses the role of title examination in upstream and midstream transactions; real property and ownership principles; state title standards; title underlying roads, rights-of-ways, and other strips of land; curative documents; federal and Indian lands; title due diligence for midstream and upstream transactions; and the practical elements associated with each. Although intended to provide the fundamentals of mineral title examination, experienced attorneys, landmen, support staff, and others involved in title examination will benefit from the comprehensive refresher and the more esoteric topics sprinkled throughout the program.



Course materials are available in hard copy and digital formats if you are unable to attend. See inside for details.

# Mineral Title Examination

## DAY 1: Wednesday, September 25, 2019

### 11:30 am – 1:00 pm: Registration

### 1:00 pm – 1:15 pm: Introduction and Opening Remarks

ALEX RITCHIE, Executive Director, Rocky Mountain Mineral Law Foundation, Westminster, CO

REBECCA WATSON, President-Elect, Rocky Mountain Mineral Law Foundation; Welborn Sullivan Meck & Tooley, P.C., Denver, CO

HEIDI HANDE, Program Co-Chair; QEP Resources, Inc., Denver, CO

BRUCE F. RUDOY, Program Co-Chair; Babst Calland, Pittsburgh, PA

### 1:15 pm – 2:00 pm: Purpose and Basis of Title Opinions, Types of Opinions, and Layout of Opinions

- History and purpose of mineral title opinions
- Brief description of intended audience and what they are looking for in the opinions
- Basis of opinions: Underlying chain of title reports/abstracts and prior opinions
- Overview of the various types of opinions: Acquisitions, drilling, division order, and security
- The necessary components of each opinion type and reasons for inclusion: Lands covered, materials examined, ownership tables, brief of leases, comments and requirements, and exhibits
- Sample opinions

PAUL UPSONS, Poulson, Odell & Peterson, LLC, Denver, CO

PARKER J. AULD, Anadarko Petroleum Corporation, The Woodlands, TX

### 2:00 pm – 2:50 pm: Communication and Coordination in Title and Due Diligence Projects

- Do I have everything I need for this project
- When to call the client with a title issue
- How to address known issues
- Coordination among brokers, attorneys, and company employees
- Gating issues for the project
- How far back to examine title

Moderator: MARK BURGARDT, Dorsey & Whitney, Salt Lake City, UT

Panelists:

SEAN MARSHALL, Centennial Resources Company, Denver, CO,

DIANA PRULHIÈRE, Steptoe & Johnson PLLC, Denver, CO

JESSICA LARAMIE, Western Colorado University, Gunnison, CO

### 2:50 pm – 3:10 pm: Hosted Refreshment Break

### 3:10 pm – 4:10 pm: Practical Aspects of Examining Title, Preparing Worksheets, Chains of Title, and Document Interpretation

- How to begin in chaining title
- What is important to note, how to keep track of notes
- Discussion of the types of title chaining documents: Title memorandums, title updates, status reports, take-off reports, title plant abstracts, and landman abstracts
- Worksheets of chain

- Common instruments and information to glean from each type
- Example: Mineral chain of several documents
- Examples: Calculation of various types of interest
- Examples: Duhig calculation

JEFFREY R. TAYLOR, Lear & Lear PLLC, Salt Lake City, UT

### 4:10 pm – 5:00 pm: Basic Mineral and Leasehold Conveyancing Issues

- Local laws and standards
- Conveyance requirements
- Encumbrances and their impacts on record title and the leasehold interest
- Discussion of fractional interests and mineral acres
- Duhig rule (general rule in various states)
- Reservations to third parties
- Wellbore limited assignments
- Merger of different ownership interests of lease
- Ownership by business entities

TARA RIGHETTI, University of Wyoming College of Law, Laramie, WY

KRIS C. KOSKI, Long Reimer Winegar Beppler LLP, Cheyenne, WY

### 5:00 pm – 6:00 pm: Hosted Reception for Registrants, Speakers & Guests

## DAY 2: Thursday, September 26, 2019

### 8:30 am – 9:20 am: Common and Complex Issues in Preparation of a Title Opinion – A Closer Look

- Discussion of title standards for each state and reliance thereon
- Discussion of the various statutes upon production, affidavits of non-production, and payor statutes
- Dormant mineral statutes
- “Other minerals” reservations
- Extension of overriding royalty and non-participating royalty
- Conveyance of royalty interest
- Wellbore assignments

BRIAN R. BJELLA, Crowley Fleck PLLP, Bozeman, MT

URIAH J. PRICE, Crowley Fleck PLLP, Bozeman, MT

### 9:20 am – 10:00 am: Conveyance of Decedents', Trusts' Mineral Interests, Probate Proceedings – What to Do with a Gap in Title, Missing Estate

- Overview of Uniform Probate Code
- Intestate/testate succession
- Proceeding required for transfer of interests
- Probate proceedings – formal and informal
- Determinations of heirship

LEIA G. URSERY, Lathrop & Gage LLP, Denver, CO

C. ELAINE CARLETON, Carleton Gotlin Law, Denver, CO

### 10:00 am – 10:15 am: Hosted Refreshment Break

### 10:15 am – 11:15 am: Title Due Diligence for Acquisition, Disposition, and Trade Transactions

- Strategies and tools for planning, coordinating, and managing the due diligence process

- Planning an effective process through establishing client expectations and use of materiality standards, checklists, and instruction sheets
- Information collection, organization, and review; use of experts; training, and team management
- Reporting results to client, both in real time and in formal reports
- Assisting or directing the title defect notice and curative process
- Strategies for bankruptcy, data rooms, and auction transactions

PAUL J. ATENCIO, Babst Calland, Pittsburgh, PA

ELENA L. RORABAUGH, Babst Calland, Pittsburgh, PA

#### 11:15 pm – 12:15 pm: Mineral Title Examination on Federal and Indian Lands

- Record title and operating rights
- Unitization, communitization, and lease severance
- Fundamentals of Indian law, trust ownership, and allotted lands
- Location and search of records

TJ ORAM, Oram & Houghton PLLC, Phillipsburg, MT

JARED A. HEMBREE, Hinkle Shanor LLP, Roswell, NM

#### 12:15 pm – 1:45 pm: Lunch – On Your Own

#### 1:45 pm – 2:30 pm: Title Issues Under Waterways, Roadways, Railroads, and Cemeteries

- Who owns the mineral title of lands underlying lakes, streams and rivers, reservoirs and ditches, railroads, streets, and highways
- Discussion on boundary disputes resolution

AMY M. MOWRY, Mowry Law, Denver, CO

SCOTT L. TURNER, Wellborn, Sullivan Meck & Tooley PC, Denver, CO

#### 2:30 pm – 3:15 pm: Title Defect Curative Documents and Tools

- Discussion of curative documents and authority of the various documents: Stipulations, affidavits, quit claim deeds, corrective deeds, and assignments
- Overview of curative tools: Ancillary probates, quiet title actions

DAVID B. HATCH, Holland & Hart LLP, Salt Lake City, UT

#### 3:15 pm – 3:30 pm: Hosted Refreshment Break

#### 3:30 pm – 4:15 pm: Lease Issues to Consider for Title Examination

- Discussion of primary terms, leases that are held by production, Pugh clauses (both vertical and horizontal), depth limitations, entireties clause, pooling provisions and limitations, addendums with special provisions including surface restrictions, drilling obligations, continuous operations
- Discussion of executive rights, particularly when severed from mineral rights
- Overview of delay rentals and shut-in provisions
- Deduction of post-production costs

MARGARET G. PATTON, Bradley Murchison Kelly & Shea LLC, Baton Rouge, LA

#### 4:15 pm – 5:00 pm: Industry Agreements Affecting Record Title

- Overview of JOAs, farmout/farmins, term assignments, participation agreements, exploration agreements, AMLs
- Discussion of how these agreements may affect title, whether recorded or not, on how assignments of title may be made subject to these agreements
- BPO and APO interests, beneficial interests

- Discussion of preferential rights to purchase agreements and at what point they expire
- Effect on notice

SAM NIEBRUGGE, Davis, Graham & Stubbs LLP, Denver, CO

ELIZABETH A. RYAN, Concho Resources, Inc., Santa Fe, NM

### DAY 3: Friday, September 27, 2019

#### 8:30 am – 9:20 am: Pooling, Communitization, Unitization, and Spacing Issues

- Historical overview
- Concept of correlative rights and relationship to regulations
- State commission objectives, state regulations, and orders
- Statutory pooling orders and interaction with spacing orders
- Horizontal drilling regulations
- Overlapping pooling or communitization agreements
- Allocation wells

ELIZABETH SPENCER, BP, Denver, CO

BRIAN R. SULLIVAN, McElroy Sullivan Miller & Weber, LLC, Austin, TX

#### 9:20 am – 10:10 am: Midstream Title Issues – Rights-of-Way, Easements, and When to Do a Full Title Examination

- What surface title rights must be determined for a midstream company to develop their network of pipelines
- When does a right-of-way or easement limit what a midstream company can do
- Can easements be expanded beyond their original terms
- When do implied easements help or hinder a midstream project
- When would a midstream developer need full drilling title
- When are midstream assets regulated

JAMES F. ENGLISH, Lewis Brisbois LLP, Houston, TX

#### 10:10 am – 10:30 am: Hosted Refreshment Break

#### 10:30 am – 11:30 am: Ethical Issues in Mineral Title

- Maintaining attorney-client privilege
- Professionalism and competence
- Unauthorized practice of law
- Safeguarding client data
- With references to the ABA Model Rules of Professional Conduct

DAVID G. RIES, Clark Hill PLC, Pittsburgh, PA

#### 11:30 pm – 12:15 pm: Dealing with Unleased/Unknown Owners - Forced Pooling, Dormant Mineral Acts, Unknown Heir Proceedings, Co-Tenancy

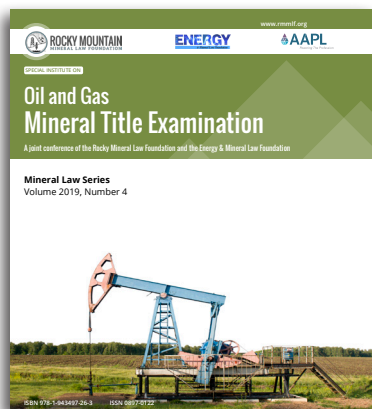
- What to do when a mineral owner is unknown or unlocatable
- What to do when a mineral owner is a hold-out
- Statutory remedies by state – forced pooling, mandatory unitization, joint development
- Acts of Cotenants – can development commence without 100% of the co-tenants leased and how

TIMOTHY C. DOWD, Elias, Books, Brown & Nelson, Oklahoma City, OK

#### 12:15 pm: Course Adjournment

## CAN'T ATTEND?

You can still order the course materials



## Oil and Gas Mineral Title Examination

	Non-Member	RMMLF or EMLF Member
Looseleaf Manual	\$275	<b>\$215</b>
Digital Manual	\$275	<b>\$215</b>

Plus shipping and handling and tax if applicable.

<https://tinyurl.com/mte8book>

## UPCOMING RMMLF INSTITUTES

### Administrative Law and Natural Resources Development

February 28 - March 1, 2019  
Denver, Colorado

### International Mining and Oil & Gas Law, Development, and Investment

April 10-12, 2019  
Rio de Janeiro, Brazil

### 19th Institute for Natural Resources Law Teachers

May 29-31, 2019  
Missoula, Montana

### 65th Annual Rocky Mountain Mineral Law Institute

July 18-20, 2019  
Monterey, California



### International Oil & Gas Law, Contracts & Negotiations:

#### Part 1 - From Concept to Discovery

September 23-27, 2019  
Houston, Texas

### International Oil & Gas Law, Contracts & Negotiations: Part 2 - From Discovery to Decommissioning

September 30 - October 4, 2019  
Houston, Texas

### Oil and Gas Law Short Course

October 21-25, 2019  
Westminster, Colorado

### Federal Oil & Gas Leasing Short Course

October 21-24, 2019  
Westminster, Colorado

### Endangered Species and Other Wildlife

October 29-30, 2019  
Denver, Colorado

### Advanced Landman's Institute

November 7-8, 2019  
Houston, Texas

## UPCOMING EMLF INSTITUTES

### 40th EMLF Annual Institute

June 9-11, 2019  
Washington, D.C.



### Landman Institute

March 14, 2019  
Washington, Pennsylvania

### Kentucky Mineral Law Conference

October 16-17, 2019  
Lexington, Kentucky



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## PROGRAM COMMITTEE

HEIDI HANDE, Program Co-Chair; QEP Resources, Inc., Denver, CO

BRUCE F. RUDDY, Program Co-Chair; Babst Calland, Pittsburgh, PA

PARKER J. AULD, Anadarko Petroleum Corporation, The Woodlands, TX

C. ELAINE CARLETON, Carleton Gotlin Law, Denver, CO

KEITH B. HALL, Paul M. Hebert Law Center, Louisiana State University, Baton Rouge, LA

JOLISA MELTON DOBBS, Thompson & Knight, Dallas, TX

KYLE REYNOLDS, RBG Permian LLC, Midland, TX

ELIZABETH A. RYAN, Concho Resources Inc., Santa Fe, NM



Mail, fax, or email registration form and payment to:

### Rocky Mountain Mineral Law Foundation

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Tel: (303) 321-8100

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info@rmmlf.org

Questions: info@rmmlf.org

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## REGISTRATION

REGISTER ONLINE  
at [www.rmmlf.org](http://www.rmmlf.org)

### 1. Registrant Information – Please type or print legibly

Name \_\_\_\_\_ Badge Name \_\_\_\_\_

Employer \_\_\_\_\_

Employer Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Email \_\_\_\_\_

**Please check all that apply:** ☐ Attorney ☐ Landman ☐ Management  
☐ Consultant ☐ Student ☐ Other (please specify): \_\_\_\_\_

**Please note your first year in practice  
in the legal or natural resources field:** \_\_\_\_\_

**CLE credit** requested for the following states: \_\_\_\_\_

**Other credit** requested from: \_\_\_\_\_

### 2. Registration Category – Please pay in U.S. Dollars

	Registrations Received	
	thru 9/4/19	after 9/4/19
Non-Member	<input type="checkbox"/> \$845	<input type="checkbox"/> \$945
RMMLF Member	<input type="checkbox"/> \$725	<input type="checkbox"/> \$825
EMLF Member	<input type="checkbox"/> \$725	<input type="checkbox"/> \$825
AAPL Member	<input type="checkbox"/> \$725	<input type="checkbox"/> \$825
RMMLF Member Law School (Full-time faculty)	<input type="checkbox"/> \$345	<input type="checkbox"/> \$445
RMMLF Senior Member (Retired)	<input type="checkbox"/> \$345	<input type="checkbox"/> \$445
RMMLF New Professionals Member	<input type="checkbox"/> \$100	<input type="checkbox"/> \$200
Government Agency (Submit PO # if required)	<input type="checkbox"/> \$575	<input type="checkbox"/> \$675
Non-Profit Organization (IRS tax-exempt status)	<input type="checkbox"/> \$575	<input type="checkbox"/> \$675
Full-Time Student (Proof of status required)	<input type="checkbox"/> \$35	<input type="checkbox"/> \$75

### 3. Course Materials

Materials format: ☐ ELECTRONIC ONLY (\$0) ☐ HARD COPY (\$75)

**TOTAL: \$** \_\_\_\_\_

### 4. Payment Information – Prepayment Required

☐ Check drawn on a U.S. bank in U.S. Dollars (Payable to RMMLF)

☐ VISA ☐ MasterCard ☐ American Express

Credit Card # \_\_\_\_\_

Name on Card \_\_\_\_\_ Exp. Date \_\_\_\_\_

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☐ Electronic Funds Transfer: Contact the Foundation at info@rmmlf.org

The Rocky Mountain Mineral Law Foundation is a non-profit, tax-exempt corporation (Tax ID #84-6037688).

By entering your information and registering for this course, you consent and agree to receive communications from us as to our programs, products, and services and certain programs of our nonprofit partners, provided that you may opt out of receiving email notices at any time. You also consent to our providing your contact information to other course registrants on the course registration list, which may be used by course registrants to invite you to events held in connection with the course. If you are a member, you consent to our providing your contact information to other members. For a copy of our privacy policy, go to <https://tinyurl.com/rmmlf-privacy>.

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SPECIAL INSTITUTE ON

Oil and Gas

# Mineral Title Examination

September 25-27, 2019 Westin Hotel, Westminster, CO

## General Information

**Room Reservations:** The Westin Westminster, 10600 Westminster Blvd., Westminster, CO, 80020, has blocked rooms for this meeting until September 10 at the rate of \$229 (single/double) per night. A limited number of government rate rooms are also available. Ask for special rates for Mineral Title registrants.

For reservations, contact the Westin at:

- Toll Free: 800-937-8461
- Direct: 303-410-5000
- Online: <http://tinyurl.com/rockym141>
- Online Government: <http://tinyurl.com/rockym141gov> (government employees only)

Trouble making room reservations? Contact us at [info@rmmlf.org](mailto:info@rmmlf.org)

**Registration Fees:** Include course materials, refreshments, and hosted functions as listed in this brochure. These fees do not include hotel costs or transportation. Registrations will be accepted only when accompanied by a check, money order, government purchase order or training form, credit card information, or wiring information. No registrations can be processed without payment.

**Registration Cancellations:** Refunds, less a \$50 administrative fee, will be given for cancellations received by 3:00pm on Wednesday, September 4, 2019. No refunds will be given thereafter, although substitution of attendees may be made by contacting the Foundation. Cancellations must be made in writing or email to [info@rmmlf.org](mailto:info@rmmlf.org). Registrants not entitled to a refund will receive a link to the written materials.

**Car Rental:** Hertz is offering special discounts by referencing Meeting CV#03NJ0014 and Rocky Mountain Mineral Law Foundation. Make reservations at <http://tinyurl.com/hertz2019> or call 800-654-2240 (U.S.); 800-263-0600 (Canada); or 405-749-4434 (Int'l).

**CLE Credit:** This course consists of approximately 13.3 hours of continuing education, including 1 hour of ethics. You must let us know, at least 45 days in advance of the conference, the states or organizations for which you will need credit (see registration form). Credit hours for states will vary and are subject to each state's approval and credit rounding rules. Foundation conferences are typically accredited by all mandatory CLE states and Canadian provinces, and various professional organizations upon request. Attorneys from certain states may be required to pay an additional fee. The Foundation is a State Bar of California MCLE-approved provider.

**CPE Credit:** NASBA has indicated that if an individual reviews a program and feels that it is relevant to their CPA practice, they can consult with their state accountancy board to request that the course be approved. CPE approval is state-by-state.

**Recording:** Audio and video recording, streaming, or other types of live or stored dissemination are not permitted without express authorization from the Foundation.

**Special Needs:** If you have special needs, please notify us at least two weeks before the program.