



Landman's Special Institute

**Sutton-Flatwoods
Days Inn
Conference Center**

March 8, 2007 • Flatwoods, West Virginia



ENERGY & MINERAL LAW FOUNDATION

Program Schedule

Thursday, March 8, 2007

8:00 - 9:00 a.m. Registration

9:00 - 9:05 a.m. Opening Remarks by Chairman, Sean Cassidy

Morning Session – Part I, The Oil and Gas Lease

9:05 - 9:45 a.m. **Technical Requirements**

This presentation will include a review of the technical requirements including caption, parties, execution requirements, legal description and recording requirements in addition to specific statutory requirements, rules and regulations covering oil and gas leases, including memorandums of lease.

■ Russell L. Schetroma, *Culbertson, Weiss, Schetroma & Schug*, Meadville, PA

9:45 - 10:25 a.m. **Granting Clause and Habendum (Term) Clause**

This presentation will review the critical import of the granting clause and the habendum clause, including a review of various permutations of these clauses found in leases and critical elements which could result in the untimely termination of a lease. Although often inserted as a separate clause, or clauses, a review of “savings” clauses will also be included. Finally, a review of the impact of other clauses, such as a shut-in-clause or unitization clause, upon the term will be reviewed.

■ David Grant Altizer, *Altizer, Walk & White*, Tazewell, VA

10:20 - 10:35 a.m. Break

10:35 - 11:20 a.m. **Rental and Royalty Clauses**

This presentation will address the content and administration of the delay rental and royalty clauses and will include the effect of entireties clauses on royalty payments and will also include a discussion of apportionment vs. non-apportionment jurisdictions. Royalty division agreements and division orders and the impact of prior severed royalty interests in the chain of title will be discussed. Finally, the calculation of royalty, including deductible costs under the Tawney decision will be presented.

■ J. Thomas Lane, *Bowles Rice McDavid Graff & Love*, Charleston, WV

11:20 - 11:50 a.m. **Coalbed Methane Gas Leases**

This presentation will review special provisions which should be utilized for coalbed methane operations to replace or amend provisions usually found in the standard oil and gas lease.

■ A. George Mason, Jr., P.S.C., Lexington, KY

11:50 a.m. - 12:15 p.m. **Review of Additional Clauses**

This presentation will include a review of pooling and unitization clauses, free gas clause, warranty clause and implied covenants/implied covenant clauses.

■ Sean Cassidy, *Cassidy, Kotjarapoglus & Pohland*, Greensburg, PA

12:15 - 1:30 p.m. **Lunch**

Afternoon Session

1:30 - 2:15 p.m. **Curative Actions**

This presentation will review curative requirements concerning defects involving the oil and gas lease and curative actions and documents which may be utilized to correct such defects, such as Ratifications, Modifications, Consent Agreements (for locations), Correction of Description and Extension Agreements.

- John H. Heyer, Attorney at Law, Olean, NY

Part II – Descent And Distribution

2:15 - 3:00 p.m. **General Principles of Descent and Distribution**

This segment will include the general rules and principles of descent and distribution, including intestate succession, interpretation of Will provisions, Decrees of Distribution and other general principles.

- Professor Cyril A. Fox, jr., *University of Pittsburgh School of Law*, Pittsburgh, PA

3:00 - 3:15 p.m. Break

3:15 - 4:05 p.m. **Panel Discussion**

This panel of attorneys from New York, Kentucky, Ohio, Pennsylvania, West Virginia and Virginia will review unique provisions of their respective jurisdictions. Written materials by each panelist will include charts setting forth basic intestate succession for their specific jurisdictions.

- David Grant Altizer, *Altizer, Walk & White*, Tazewell, VA
- John K. Keller, *Vorys, Sater, Seymour & Pease*, Columbus, OH
- J. Thomas Lane, *Bowles Rice McDavid Graff & Love*, Charleston, WV
- A. George Mason, Jr., *A. George Mason, Jr., P.S.C.*, Lexington, KY
- John H. Heyer, Attorney at Law, Olean, NY
- Russell L. Schetroma, *Culbertson, Weiss, Schetroma & Schug*, Meadville, PA

4:05 - 4:50 p.m. **Curative Actions**

How do you find the missing heir? What can you do when you cannot find him? A review of the common problem concerning missing heirs will be conducted, together with ways of curing title defects related to missing heirs, including actions to quiet title, partition actions, reopening estates, together with a review of statutory remedies where applicable, such as dormant mineral statutes and other related statutes.

- John K. Keller, *Vorys, Sater, Seymour & Pease*, Columbus, OH

Benedum Chapter of the AAPL Dinner Meeting

5:00 - 6:00 p.m. Cocktail Reception

6:00 - 7:00 p.m. Dinner

*Separate reservation and payment required
Dinner reservation must be made by March 1*

Accommodations

The conference hotel and meeting site is the Sutton-Flatwoods Days Inn Conference Center, 2000 Sutton Lane, Sutton WV 26601, located mid-way between Charleston and Morgantown, WV on Interstate 79. Room rate is \$71.06 single and \$79.16 double. The room block for the EMLF conference will be held through February 20, 2007, at which time all unsold rooms will be released to the general public. For reservations call 304.765.2032.

Registration fees

The Landman Special Institute registration fee includes meeting materials, refreshment breaks, hosted luncheon. There is a separate fee to attend the dinner meeting and reception of the Michael Late Benedum Chapter of the APPL, immediately following the conference.

| | Through Feb. 8 | After Feb. 8 |
|--|----------------|--------------|
| General registration fee..... | \$230 | \$270 |
| EMLF member fee..... | \$190 | \$230 |
| Materials only | \$80 | \$80 |
| Written materials will be sent following the conference; UPS shipping charges will be additional | | |
| Benedum Chapter Reception and Dinner | \$35 | \$35 |

Dinner reservations must be made by March 1.

Scholarship assistance: Scholarship assistance for registration fees has been made available from an anonymous donor. For more information, please contact Sharon Daniels, Executive Director, at emlf@aol.com

Professional Education Credits

Professional Education credits are requested from the AAPL and various state bars. Please note the state or organization where you are seeking credit. This program contains 365 minutes of education, approximately 6 hours in 60-minute states and 7.3 hours in 50-minute CLE states.

EMLF Registration Cancellation Policy

Refunds less a \$75 administrative fee will be given for registration cancellations received by February 15. No refunds will be given thereafter, but substitutions can be made at any time. Persons cancelling after February 15 and not entitled to any refund will receive all course materials.

Four Ways to Register

- If registering online, go to www.emlf.org/Content/landmen.aspx
- If registering b phone call 859.231.0271
- If registering by fax, dial 859.226.0485
- If registering by mail, send form and payment to EMLF, 340 South Broadway, Suite 101, Lexington, KY 40508



Yes, I want to attend the Landman's Special Institute

Name _____ Title _____

Organization/firm _____ Daytime phone _____

Address _____ Fax # _____

City, state, zip _____

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Total Payment \$ _____

State(s) for Education Credits _____

You may pay by _____ check or _____ credit card. EMLF accepts MasterCard, VISA or American Express.

Card # _____ Expiration date _____

Signature _____