

# The Override

Every Landman Wants One!

Volume II, Issue 2

March, 2007



Los Angeles  
Association  
of Professional  
Landmen

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*BP completion rig and pipeline under the watchful eyes of the Rocky Mountains, Durango, Colorado*

## Presidents Message

### Kevin Rupp, CPL, Independent

I continue the route to wittiness on condition the members, beyond reasonable doubt, benefit from concise and to the point communications from your Chapter President:

✓ January's luncheon took off with a big bang in attendance.

✓ I volunteered to Co-Chair the WCLI

✓ Take action by involving yourself in the Chapter as an officer, if not, be prepared to vote at our May Luncheon for the slate of officers.

✓ See you at the Petroleum Club March January 15th, 2007

Well, not to belabor you with further rambling, we have a great meeting with representatives from First American DataTree, also known as DataTree, who plan a superb presentation on what is new and exciting with its on-line title resources – nationwide information at your finger tips.

## March Luncheon Speaker

### ON-LINE TITLE RESOURCES PRESENTATION

The LAAPL is pleased to present two representatives from First American Data Tree as our guest speakers who will demonstrate Data Tree's on-line resources available to landmen, right of way agents and land professionals.

Tasha J. Huang, Account Executive, comes to First American Data Tree with over 10 years of experience in the Energy business and 9 years in Real Estate. Prior to join First American Data Tree, Ms. Huang's experience in the energy business was gained while in the employ of Sempra Energy – Commodities [gas and electric trading]. Tasha holds a Bachelor's Degree from University of Oklahoma.

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## Editor's Corner

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**Joe Munsey**  
**Newsletter Chair**  
**Sempra Energy – Utilities**

Did you enjoy Sound Energy Solutions demonstration at January's luncheon? How many friends and relatives did you tell about drinking LNG? Well, not straight from the barrel, but pretty darn close to it.

Is 2007 flying by as fast as last year? Why, it is already March 2007, and the next time we "hold court" here in this fine publication it will be May 2007. In our last issue I had remarked how 2006 came and went. Whoa...2007 is headed with the same velocity as 2006. Except this time the price of oil does not seem to be climbing toward that "magical" \$100 bucks a barrel. Remember back in the early 1980's we all thought oil was going to reach \$50.00 dollars a barrel, or were we targeting \$100 bucks. Someone call and remind me.

I would like to thank our fine publisher of the "Override," Randall Taylor of Taylor Land Services. I trust all are enjoying the issues of the "Override" as we hone in on the presentation and appeal of it. I for one have enjoyed the excellence in publishing we are experiencing here-of-late. Has anyone ever met Randy – will the members ever have the opportunity to meet and greet him? The question still begs, "whence cometh this newsletter?" I will answer the first and second question; i.) Yes, you'll have the opportunity to meet and greet Randy soon. Randy plans to attend the March luncheon where

we all can authenticate the "wizard" behind the "curtain" does exist; ii.) Somewhere in Durango, Colorado at an unknown location. As I understand it, Randy will be back in the LA Basin doing land work from whence he came from. Actually, by route of the Kansas oil patch where he began his land work then on to the California oil patch. Our publisher is hanging up his motel bills in exchange for his own bed and home cooked meals in Aliso Viejo, California. A nice e-mail to Randy thanking him for his volunteering service would go a long way in keeping his hands "tied" to publishing the "Override." Here you go.....randall@taylorlandservice.com.

In this issue of the Override, we have on "tap" a couple of fine articles. 1. First American Title DataTree, [better known as DataTree] brings to the membership an excellent piece of writing on its on-line services they provide to professional landmen. Nationwide information at your finger tips. As we all know, if someone is paying taxes on a piece of property here in the USA, he/she/they can be found. Thus if your mineral owner has fallen off the map and is living elsewhere paying property taxes, they can run but they cannot hide. DataTree representatives will be our guest speakers for the March luncheon presenting an updated version of its on-line resources. 2. Thierry R. Montoya, Esq. of the Law Firm of Ardn, Yoss, Alvarado & Smith presents the case, Dupont v. United States (Case No. 04-2096, 3rd Cir., August 29, 2006), in our Case of the Month section.

In fact, this issue of the "Override" is jam-packed full of information for members and friends of the LAAPL. Not the least of all is the call for nominations for our 2007 – 2008 officers. Rather candidly, tis the season of the year when the call for volunteers [good ole fashion arm twisting] takes place. As mentioned in the last issue, of course I do speak from experience; it is "painless" and most of all very rewarding.

If you have read this column up to this point, you are going beyond the call of duty in chapter newsletter reading abilities and comprehension. Thus, to spare you of further dissertations on chapter matters and all things LAAPL, trust to see all at the Long Beach Petroleum Club on March 15th, 2007.



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## Lawyer's Joke of the Month

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**Jack Quirk, Esq.**  
**Bright and Brown**

Lawyer: Sir, isn't it true that on December 31 of last year you were caught wearing a sequined strapless evening gown after climbing to the top of the Central Park fountain, where you did an imitation of "Uncle Miltie" reciting the Gettysburg address, all the while blowing kisses at every passerby?

Defendant: What was that date, again?

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## March Luncheon Speaker

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*continued from page 1*

Dan Zamora, Account Executive, comes to First American by way of the technology & mortgage industries, with over 10 years of consulting and business development experience. He has been a guest speaker at regional IRWA Chapter Luncheons and has immersed himself within the Oil & Gas business, as well as the Right of Way industry, to continue to better serve these industries nationally.

## Guest Article I

### Professional Landmen Benefit from Recorded Property Document Technology

Imagine being able to search and view a document instantly while on the phone with a client. What if you could research property information far in advance of sending crew members out into the field? Consider how many more clients you could serve if you could minimize the amount of time spent waiting in lines for land records at the county recorder's office. Without sounding off any "alarms," you will not want to miss the demonstration our guests plan to share with the members and guests.



Professional landmen, land surveyors and Right of Way agents are discovering the benefits of integrating technology solutions into their everyday processes. Whether conducting preliminary property title research, performing boundary and topographic assessments, or facilitating pipeline surveys, land professionals have learned that instant accessibility with the click of a mouse can mean a savings in both time and money.

First American Data Tree® offers cutting-edge technology in a fully web-enabled search tool called DocEdge.com™. With DocEdge.com, land professionals can search a database of nearly four billion current and historical land record images 24

hours a day, seven days a week using street address, owner name, assessor parcel number or document ID.

Especially when working across multiple counties, DocEdge.com's nationwide geographic coverage of over 500 counties enhances efficiency and productivity by storing all of the documents in a single, reliable database. Taking multiple trips to separate county recording offices is no longer necessary. Instead, land professionals are taking advantage of preparing their documents in the office, well in advance of any field work.

The user-friendly web site is easy to navigate and accessible from any Internet connection whether in the office or out in the field. Productivity tools available on-screen allow users to view, enlarge, save, annotate, print or email document images directly from the web browser.

In addition, documents available online at DocEdge.com are priced per document, not per page. Whether the document requested is two pages or 20, subscribers are charged a nominal fixed fee depending on their monthly account plan. Land professionals may select from a wide variety of subscription plans based on their specific needs. The system is fully protected with unique user access names and passwords, and all orders may be tracked by clients, or viewed online in the user account activity section.

Document images available at DocEdge.com include:

- Deeds
- Assessor, parcel and subdivision maps
- Easements
- Assignments
- Mortgages
- Liens

Via DocEdge.com, land professionals are also able to access detailed property reports, including:

- Transaction History Reports
- Property Information Reports
- Comparable Sales Reports
- Legal & Vesting Reports
- Tax Status Reports

Land professionals are taking advantage of technology tools to improve their business and client relations. By making more productive use of their time in the office with online property documents from DocEdge.com, they are focusing their energies on surveying out in the field and better serving their clients with faster response times and more organized practices.



*To learn more about DocEdge.com, call 800.708.8463, ext.7628 and mention Promo Code: REG031507.*



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## Guest Article II

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### Sempra Generation's Elk Hills Power Shut Down Due to Explosions in Nearby Oil Field

**Suzanne Hatcher**  
Communications Manager  
Sempra Energy

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Wednesday, February 7, 2007 - A number of explosions occurred yesterday around 2:30 p.m. when two natural gas lines ruptured in the oil field next to Sempra Energy's Elk Hills Power Generating Station about 25 miles west of Bakersfield, Calif. The field is run by Occidental of Elk Hills, a division of Occidental Petroleum Corp.

Media reports say there were as many as three people hurt in the incident-- none of them Sempra Energy employees. The injuries have been described as minor to critical.

#### Shut Down

Elk Hills is now shut down, because the fire is still burning in the area. It's anticipated that the plant will restart tomorrow.

At this time, the cause and the extent of the damage are unknown, but the explosions appear to have started at a transportation pipeline.



## LAAPL APPOINTS NOMINATION COMMITTEE

At the LAAPL's Executive Board Meeting held in January 2007, Terry Allred, RLP, Vice President and Manager, Transamerica Minerals, and Joe Munsey, Right of Way Agent, Sempra Energy Utilities, were appointed as the Nomination Committee to seek out qualified candidates for officers. The candidates will serve for from July 1st, 2007 – June 30th, 2008. For all qualified members interested in submitting their names as candidates are encouraged to contact Terry Allred @ 213-742-4851 or Joe Munsey @ 714-634-3143.

Per Section 7 (7a) of the by-laws, at or prior to the regular meeting scheduled nearest [emphasis added] to April 15th of each membership year, the membership will be provided with a list of nominees for officers of Vice President, Secretary, Treasurer and two (2) Directors. For further reading of this section of the by-laws, refer to the Chapter by-laws.

Due to the scheduling of the Chapter's meetings, a list of nominees will be presented to the members at our March luncheon, including a list published in the March issue of the "Override." A motion will be brought to the floor and voted by the members at the March meeting approving the departure from said Section 7 (7a).

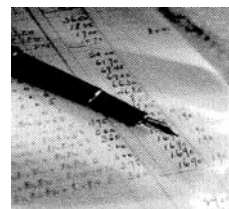
### LAAPL Chapter to Host West Coast Landman Institute

At our LAAPL Board meeting in January 2007, the Board of Directors unanimously made the decision to host the West Coast Landman Institute for 2007. Edgar Salazar, Land Manager, PXP Plains Exploration, has volunteered to chair the event with the help of Kevin Rupp, CPL, Independent, current Chapter President, to act as co-chair. Further information on the date and location will be forthcoming in the next issue of the "Override."

## "OUR HONORABLE GUESTS"

The LAAPL kicked off the New Year with a well attended luncheon meeting. Our guests of honor who attended:

- Lisa Rupp, (Chapter President's Wife!)
- Matthews Delane
- Joe Petersen, Spectrum Land Services
- Rich Maldonado, Spectrum Land Services
- Eric Campbell, Spectrum Land Services
- Don Hood, Spectrum Land Services
- Travis Tige, Spectrum Land Services
- Al Super, Spectrum Land Services
- Brady Bantou, Spectrum Land Services
- Trent Rosenlieb, The Termo Company
- Eddie Placidi, Mickelson Land Services
- Bill Bauer, Independent
- Jim Jacoby, Plains All American Pipeline
- Gerry Tintle, ConocoPhillips
- Bill Hallett, ConocoPhillips



## Treasury Report

On 1/8/2007, the LAAPL account showed a balance of	\$4,150.88
Luncheon 1/18/07m pd. w/check #1633, dated 1/18/07	\$250.00
Cash pd.	\$256.70
Checks deposit (total)	\$616.00
The LAAPL account with Bank of America as of February 8, 2007, shows a balance of	\$4,416.88
Merrill Lynch Money Account shows a total	\$10,259.32

**Polluter That Voluntarily Initiates Clean-up  
Cannot Later Seek Contribution From The Federal Government**

Dupont v. United States (Case No. 04-2096, 3rd Cir., August 29, 2006)

**By: Thierry R. Montoya, Esq.**

**Ardno, Yoss, Alvarado & Smith**

Appellants are owners and operators of industrial facilities throughout the United States that are contaminated with hazardous materials. Appellants acknowledge some level of responsibility, but bring this case seeking an apportionment of fault for the US government. Their claim is based on CERCLA §§ 107(a) and 113. (All statutory references are to CERCLA). This case was originally brought when New Castle and Reading were pending (and prior to Cooper). New Castle and Reading were decided during this case, and the appellants voluntarily dismissed the §107 claim, leaving only the §113 claim for contribution. Appellate court reiterates that New Castle and Reading stand jointly for the proposition that a Potentially Responsible Party (PRP) seeking to offset clean-up costs must do so under §113 (contribution); the cost recovery (indemnity) action set forth in §107 is not available to PRP's, and that no implied cause of action for contribution survived the passage of §113.

**Background**

Two previous precedents, New Castle County v. Haliburton, and Matter of Reading Co., limit the claim. Under New Castle: PRP's are limited to an express cause of action for contribution under §113, and are barred from bringing a cost recovery (indemnity) claim under §107. Under Reading §113 replaced any implied or common law causes of action for contribution by PRPs. In light of these rulings, the appellant here asks whether the holding in Cooper Industries v. Aviall (§113 not available to PRP who clean-up sites voluntarily) changes the interpretation of New Castle and Reading?

The District Court picked one of the sites (DuPont) as a "test case" to determine whether DuPont could seek a contribution without being sued. The District Court held that DuPont could only bring contribution action in 3 instances: (1) during or after a civil action under §113; (2) after entering into judicially approved settlement (§113(f)(3)(B)); or, (3) in some "undefined contribution action pursuant to the savings clause of §113. Appellant had voluntarily incurred response costs, so the U.S. was granted summary judgment. District Court also granted U.S. judgment on the pleadings under FRCP 12 against the other defendants, because none had been sued, and voluntary compliance with EPA guidelines was not sufficient.

Appellant and other appellants asked this Court to stay the appeal pending the outcome of the Cooper case, and appellant now brings its arguments, all of which hinge on whether New Castle and Reading are still viable after Cooper.

**Court's Rationale**

The Appellate court reiterates that New Castle and Reading stand jointly for the proposition that a PRP seeking to offset cleanup costs must do so under §113 (contribution); the cost recovery (indemnity) action set forth in §107 is not available to PRP's, and that no implied cause of action for contribution survived the passage of §113. This Court noted that the motivation for the clean-up does not matter, unless it is the result of an enforcement action, lawsuit or settlement, the PRP cannot seek contribution.

Appellant argued that: (1) Cooper undercuts the holding of Reading because Reading allowed a PRP to seek contribution without being sued by virtue of the savings clause of §113. However, this Court held that Cooper specifically did not answer this question, the holding in Reading only restated the terms of the statute (§113), in particular the savings clause, and did not endorse the proposition that a PRP could seek contribution without a lawsuit. Furthermore, Reading's analysis of the savings clause of §113 was prompted by the understanding that a PRP who settles pursuant to §113(f)(3) (administrative or judicially approved settlement) can still seek contribution, the fact that the PRP was not sued under §107 won't foreclose the right to seek contribution.

Appellant next argued that: (2) the holding of Cooper, plus the legislative history of CERCLA, provides a basis to find an express or implied cause of action for contribution under §107 or common law, notwithstanding earlier precedent. Appellant claims that New Castle and Reading are in direct opposition to CERCLA's "broad remedial purpose", which would seem to encourage PRP's to be proactive in cleaning-up their sites. To hold otherwise would be to delay clean-ups or prohibit voluntary cleanups.

However, this Court cited to the legislative history of CERCLA with its underlying premise: to encourage PRP's to clean-up hazardous waste sites and to bear the costs of doing so.

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Absent from its language is any Legislative discussion permitting a PRPs to engage in voluntary clean-up and to then seek contribution. Moreover, the legislative history of SARA (amendment to §113 of CERCLA) supports Cooper's holding limiting contribution to PRP's who are either sued or enter into administrative or judicial settlement. This Court noted that CERCLA's §113 was intended to encourage settlement, but voluntary clean-ups should be undertaken pursuant to structured and monitored settlement agreements that are designed to meet EPA (or similar) guidelines. Also, Congress intended CERCLA's §113 contribution to scare PRP's into coming forward and participating in settlement and clean-up, not to engage in unsupervised "behind the scenes" clean-ups that may or may not eliminate the problem or include the proper measures. This Court acknowledged that §113 does not specifically say that parties engaging in voluntary clean-ups cannot sue for contribution, but the overall scheme and background leads the Court to imply this into the statute.

For these reasons this Court held: New Castle and Reading control this case, and Cooper and CERCLA's legislative history do not require re-examination of either of these cases. As such, no implied cause of action for contribution exists under CERCLA's §107 allowing PRPs engaged in voluntary clean-ups subsequent contribution recovery.

### Conclusion

Although seemingly a close call, the Court did not accept Dupont's argument that Cooper Industries represents intervening authority calling for this Court's review of its previous decisions.



## HAPL Technical Workshop will present "Exploration and Production Technology for Landmen"



The 38th annual HAPL Technical Workshop will present "Exploration and Production Technology for Landmen" on April 26, 2007 by WebEx Conferencing. Presentations planned for this year include:

Seismic Operations—Seismic operations and new seismic technology, including a discussion on the latest in seismic interpretation. Options and surface damages will also be discussed.

Horizontal Drilling and Completion Technology - Downhole drilling technology and various completion methods. Discussion of the latest technology to ensure you are getting the most out of your wellbore and completion techniques.

Horizontal Drilling Issues - Permitting, lease line, and pooling and unitization

New Well Logging Technology - An overview of the latest logging technology; the different types of logs and the different circumstances in which they are used. General log interpretation fundamentals will also be included.

Production Facilities and Surface Issues - Layout of a typical production facility from wellhead to tank batteries and a discussion on common surface and environmental issues, including rights-of-way and damage settlements.

Ethics - AMIs and Non-Competes

State and Federal Update - Overview of the Louisiana lawsuit and how it affects future lease sales. A discussion of the Deepwater Royalty Relief issue and the potential for offshore leasing off Alaska.

This seminar will be held live at the Law office of Haynes and Boone in downtown Houston, and will be broadcast by WebEx with streaming video to the first nineteen (19) local

Landman Associations and other landman groups outside the Houston area wishing to participate in this annual educational event. This program is approved by the AAPL for 7.0 CPL / RPL / RL education credits (including 1 Ethics credit).



## LAAPL Plans for 3rd Annual Mickelson Golf Classic



Coming off a stunning success as Golf Committee Chair for the LAAPL's Mickelson Golf Classic in 2006, Edgar Salazar, Land Manager, PXP Plains Exploration, has once again volunteered to chair this event. "Preliminary planning is currently underway to use the Malibu Country Club venue for the event," says Salazar. Net proceeds from the event are generally donated to the R.M. Pyles Boys Camp. Time and a confirmed location will be forthcoming in the next issue of the "Override."



## SCHEDULED LAAPL LUNCHEON TOPICS AND DATES

March 15, 2007

DataTree Presentation

May 17, 2007

Eric Campbell of Spectrum Land Services

"Seismic Permitting in an Urban Environment"

September 20, 2007

TBD

November 15, 2007

TBD

## LAAPL CANDIDATES FOR 2007 – 2008 OFFICERS



The LAAPL's duly appointed Nomination Committee, Terry Allred, RLP, Vice President and Manager, Transamerica Minerals, and Joe Munsey, Right of Way Agent, Sempra Energy Utilities, have received, or discussed with members, the following qualified candidates:

President 1: Joel W. Miller, Energy Asset Analyst, Transamerica Minerals Company

Vice President:

Secretary:

Treasurer: Charlotte Hargett, Land Technician, PXP Exploration

Director: Joe Munsey, Right of Way Agent, Sempra Energy Utilities

Director:

Per Section 7 (7a) of the by-laws, at or prior to the regular meeting scheduled **nearest** [emphasis added] to April 15th of each membership year, the membership will be provided with a list of nominees for officers of Vice President, Secretary, Treasurer and two (2) Directors. For further reading of this section of the by-laws, refer to the Chapter by-laws.

Due to the scheduling of the Chapter's meetings, the above list of nominees will be presented to the members at our March luncheon. A motion will be brought to the floor and voted by the members at the March meeting approving the departure from said Section 7 (7a).

Per Section 7(3) the Vice President shall succeed to the office of the President after serving his or her term as Vice President and shall hold the office of President for the next twelve (12) months. Per Section 7(5), there is a provision for the vacation of a current officer's duties. In that event, the membership, upon motion made by any other officer may declare such office vacated and elect a new officer to serve the unexpired term. Our current Vice President, Jack Quirk, has had to step down for reasons explained to the Board of Directors. A member will bring a motion to the floor to accept the resignation and vote to confirm the vacation. Furthermore, a motion will be brought to the floor for a vote to approve the nomination of Joel W. Miller as the candidate for President.

As of the time of this publication there were several vacancies which had not been filled or nominations made. Filling the remainder of the vacancies will be addressed at the March luncheon according to the by-laws of the Chapter, or as voted on by the members.



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Pat Moran, Land Manager  
Vanita Menapace, Associate Landman  
Craig Blancett, Senior Landman  
Mark Hooper, Land Mapping (Contract)  
Patricia Pinkerton, Landman (Contract)  
Harry Harper, (Retired, Land Consultant)

Venoco is an independent energy company primarily engaged in the acquisition, exploitation and development of oil and natural gas properties, with offices in California, Denver, CO (Headquarters) and Houston, TX. Venoco operates three offshore platforms in the Santa Barbara Channel, two onshore properties in Southern California, approximately 160 natural gas wells in Northern California and various properties in Southeast Texas.

370 17th Street, Suite 2950, Denver, CO 98020

6267 Carpinteria Avenue, Carpinteria, CA 93013

## NEW MEMBERS AND TRANSFERS

Our Chapter Board of Directors welcomes the following new member to the Los Angeles Chapter:

James Taylor  
Independent  
11818 Stellar Avenue  
Bakersfield, CA 93312  
CPLhorse@aol.com  
661-588-4169

Joe P. Peterson  
Spectrum Land Services  
725 Town & Country Road  
Suite 140  
Orange, CA 92868  
info@spectrumland.com  
714-568-1800

Richard C. Maldonado  
Spectrum Land Services  
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Suite 140  
Orange, CA 92868  
info@spectrumland.com  
714-568-1800

Eric Campbell  
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Orange, CA 92868  
info@spectrumland.com  
714-568-1800

Don Hood  
Spectrum Land Services  
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Suite 140  
Orange, CA 92868  
info@spectrumland.com  
714-568-1800

Al Super  
Spectrum Land Services  
725 Town & Country Road  
Suite 140  
Orange, CA 92868  
info@spectrumland.com  
714-568-1800

**No Transfers**

## LAAPL CALL FOR ANNUAL DUES

**Charlotte Hargett, Land Technician  
Plains Exploration & Production  
Company  
LAAPL Treasurer**

Per Chapter by-laws, a Notice for Dues was recently sent out to LAAPL Chapter Members. Renewal is \$40.00; please send your renewal notices along with your payment as follows:

**Charlotte Hargett  
LAAPL Treasurer  
PXP – Plains Exploration  
5604 S. Fairfax Avenue  
Los Angeles, CA 90056**

### **Bright and Brown**

*Oil, Gas and Environmental Lawyers*

550 North Brand Boulevard, Suite 2100  
Glendale, California 91203

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Telecopy 818-243-3225

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**Terry L. Allred, Vice President**

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**Member: AAPL, BAPL, LAAPL, CIPA, NARO**

Please contact us for more information and a free copy of our "Oil and Gas Country Available Lands Report". Or you may email us at:  
[terry.allred@transamerica.com](mailto:terry.allred@transamerica.com)



**Randall Taylor  
Petroleum Landman  
949-235-7307**

[randall@taylorlandservice.com](mailto:randall@taylorlandservice.com)



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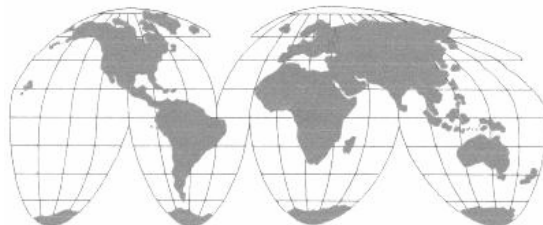
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