

TABLE OF CONTENTS

INTRODUCTION	6
DUTIES OF A LANDMAN	ERROR! BOOKMARK NOT DEFINED.
RESEARCHING AND EXAMINING MINERAL AND SURFACE TITLE	7
REVIEWING TAX AND APPRAISAL RECORDS	8
RESEARCHING TEXAS RAILROAD COMMISSION INFORMATION	8
PREPARING PROSPECT RELATED REPORTS	9
<i>Lease Purchase Reports</i>	9
<i>Runsheets</i>	11
<i>Tobins, Plats, and Other Maps</i>	13
PREPARING LEASE DOCUMENTS	14
<i>Oil, Gas and Mineral Leases (OGMLs)</i>	14
<i>Lease Purchase Reports (LPRs)</i>	14
<i>Contact/Offer Letters</i>	14
NEGOTIATING LEASES	15
PERFORMING CURATIVE AND OTHER DUTIES	15
<i>Curative Title</i>	15
<i>Other Duties</i>	17
COUNTY OFFICES AND TITLE COMPANIES: THE LANDMAN'S JOBSITE	18
COUNTY CLERKS	18
DISTRICT CLERKS	18
TAX OFFICES	19
<i>Tax Assessor-Collector</i>	19
TITLE COMPANIES	19
<i>Records Title Companies Keep</i>	20
<i>How a Landman Uses a Title Company</i>	20
MAPPING 101	20
TOBIN MAPS	20
TAX AND APPRAISAL PLATS	21
LEGAL DESCRIPTIONS	21
<i>Abstracts, Surveys, Metes and Bounds, and Land Descriptions</i>	22
<i>Township and Range</i>	23
<i>Excess Acreage</i>	23
<i>Vacancies</i>	23
DEED PLOTTING	24
TITLE RESEARCH AND CHAIN OF TITLE	24
TITLE RESEARCH	24
<i>Indexing</i>	24
Which Indexes Need To Be "Run"?	25
<i>Recordation in Texas</i>	25
<i>Instrument Dates</i>	25
<i>Does The Instrument Convey Title?</i>	26
<i>Reading Instruments</i>	26
<i>Spotting Your Property</i>	26
<i>Briefing Instruments</i>	27
TITLE INSTRUMENTS	27
<i>Deed Clauses and Typical Language</i>	27
<i>Mineral Deeds</i>	28
<i>Warranty Deeds</i>	28
<i>Warranty Deeds with a Vendor's Lien</i>	28
<i>Special Warranty Deeds</i>	29
<i>Quit-Claim Deeds</i>	29
<i>Sheriff's Deeds</i>	30
<i>Easements and Right-Of-Ways</i>	30
<i>Deeds of Trust</i>	30

<i>Wills</i>	31
<i>Affidavits</i>	31
<i>Liens</i>	31
CHAIN OF TITLE	32
<i>Client Information</i>	32
<i>Map References</i>	32
<i>Tax Office and Appraisal Districts</i>	33
<i>Finding the Patent or Grant from the Sovereign</i>	33
<i>No Information? Where to Start</i>	33
RUNNING THE CHAIN	34
<i>Matching Conveyances</i>	34
<i>Undivided Interests</i>	35
<i>Wives, Children and Dead People</i>	35
<i>Probate</i>	36
<i>Intestacy</i>	36
TITLE TREES	37
RUNSHEETS AND MINERAL OWNERSHIP REPORTS	39
<i>Runsheets</i>	39
Required Information	39
<i>Mineral Ownership Reports</i>	39
Required Information	40
LEASING 101	40
INTRODUCTION	40
CONTACTS WITH MINERAL INTEREST OWNERS AND POTENTIAL LESSORS	40
NEGOTIATING LEASES	41
LEASE DOCUMENTS	42
<i>Oil, Gas and Mineral Leases</i>	43
<i>Lease Clauses</i>	43
<i>Addendums</i>	43
<i>Checks and Drafts</i>	44
<i>Lease Purchase Reports</i>	44
THE DAY-TO-DAY PRACTICE OF LANDWORK	45
BROKER AND CLIENT RELATIONS	45
BILLING AND COMPENSATION	45
<i>Day Rates, Mileage, Hotels and More</i>	46
<i>Tax Considerations</i>	46
NOTARY PUBLIC	46
NETWORKING	46
<i>AAPL and Local Affiliates</i>	47
AAPL Certifications	47
Registered Landman (RL)	47
Registered Professional Landman (RPL)	47
Certified Professional Landman (CPL)	47
AAPL Code of Professional Conduct	48
DO LANDMEN PRACTICE LAW?	48
TEXAS LAW ON LAND TITLES AND OIL & GAS	48
FEE ESTATES	48
<i>Fee Simple</i>	48
<i>Fee Simple Determinable</i>	49
<i>Life Estates</i>	49
Open Mine Doctrine	49
NONPOSSESSORY INTERESTS	50
<i>Reversionary Interests</i>	50
<i>Remainders</i>	50
<i>Easements, Covenants and Servitudes</i>	51
Easement	51
Right-of-Ways	51
CONVEYANCING AND RECORDATION	51

<i>Requirements of a Valid Conveyance</i>	51
<i>How Property is Conveyed in Texas</i>	51
Conveyance by Instrument	52
General Warranty Deeds	52
Special Warranty Deeds	52
Quit-Claim Deeds	52
Sheriff's and Trustee's Deeds	52
<i>Recordation</i>	52
Types of Recordation	53
Race-Notice	53
Pure Race	53
Pure Notice	53
THE MINERAL AND SURFACE ESTATES	53
<i>The Surface Estate</i>	53
<i>The Mineral Estate</i>	54
The "Magic" Language of the Mineral Estate	54
"In and Under"	54
"Conveyed," "Described," "Out of" and "Of"	55
The Meaning of "Minerals"	55
Undivided Interests	56
Rights of a Mineral Estate Owner	56
Shared Ownership of Mineral Estate	57
Concurrent Ownership	57
Co-Tenants/ Tenants in Common	57
Community Property	58
Partition of Mineral Interest	58
Receiverships	58
RULE OF CAPTURE	59
<i>Limitations on the Rule of Capture</i>	59
Texas Railroad Commission and other Conservation Agencies	59
Permitting	59
Spacing – Rule 37	59
Density – Rule 38	60
Well Allowables	60
Nuisance and Negligence	60
Correlative Rights	61
INSTRUMENTS CREATING OIL AND GAS INTERESTS	61
<i>Difference Between Mineral and Royalty Interests</i>	61
<i>Creation of Mineral and Royalty Interests</i>	62
Deeds	62
Deed Reservations and Exceptions	62
The <i>Duhig</i> Rule (<i>Duhig v. Peavy-Moore Lumber Co.</i> , 135 Tex. 503)	62
THE OIL AND GAS LEASE	64
<i>Clauses</i>	64
Granting Clause	64
Surface Use Granted by the Lease	65
Habendum Clause	65
Primary Term	65
Secondary Term	66
Example of a typical Habendum clause (secondary term portion):	66
Delay Rentals Clause	66
"Unless" Clause	66
"Or" Clause	67
Shut-in Royalty Clause	67
<i>Implied Covenants</i>	68
To Market	68
To Drill	68
To Protect Against Drainage	68
<i>Ratifications</i>	68
ROYALTY INTERESTS	69
<i>The "Magic" Language that Creates a Royalty Interest</i>	69
<i>Landowner's Royalty</i>	69
<i>Overriding Royalty</i>	69
<i>Nonparticipating Royalty</i>	70

<i>Production Payments</i>	70
<i>Net Profits Interest</i>	70
<i>Minimum Royalty</i>	70
<i>Working Interest</i>	70
<i>Carried Interest</i>	70
<i>Division Orders</i>	71
POOLING AND UNITIZATION	71
<i>Lease Pooling</i>	71
<i>Pugh Clause</i>	72
Vertical Pugh Clause	72
Horizontal Pugh Clause.....	73
<i>Types of Units</i>	73
Voluntary Pooled Unit.....	73
Drilling Unit	74
Proration Unit.....	74
Fieldwide or Enhanced Recovery Units	74
Force Pooled Units	74
AGREEMENTS AND CONTRACTS	74
<i>Farmout Agreements</i>	74
<i>Joint Operating Agreements</i>	75
APPENDIX A – LEASE CLAUSES	77
APPENDIX B – TEXAS DESCENT AND DISTRIBUTION	83
APPENDIX C – RELEVANT TEXAS STATUTES	91
APPENDIX D – TEXAS RAILROAD COMMISSION OFFICES	102
APPENDIX E – SYMBOLS FOR TEXAS OIL AND GAS MAPS	103
APPENDIX F – TEXAS COUNTY CLERK’S OFFICES	104
APPENDIX G – PROFESSIONAL ASSOCIATIONS	114
ENDNOTES AND TABLE OF AUTHORITY	116