

February Title Question:

Record title to the leased premises is vested in A. B. Walker. A lease is submitted executed by A. Bert Walker, together with an apparently reliable affidavit reciting that A. Bert Walker is one and the same person as A. B. Walker, the record owner. You accept the lease.

Just prior to drilling, a suit is filed to cancel your lease by A. Benjamin Walker, who, it is established, was the "A. B. Walker" referred to in the record title. Bert, your lessor, was Benjamin's brother, and was simply confused as to which tract of land he owned.

Both your lease and the affidavit of identity were recorded prior to the filing of Ben's lawsuit. You had no actual notice of Ben's ownership.

Are you protected by reliance on the curative?