

QUESTIONS #2

1. The goal to preparing an instrument of conveyance is to describe with complete accuracy the mutual intent of _____ and _____.
2. What are the six (6) general formal requisites for an effective conveyance in recordable form?
3. The label on the instrument is called the _____.
4. What are the words of grant?
5. The conveyance must accurately identify the _____.
6. The transferor of the conveyance should be identified by the name or names in which _____.
7. If the property is considered homestead property who should sign the conveyance?
8. The title or capacity of a person signing an instrument of conveyance should be properly recited in the conveyance and documents evidencing the capacity and authority of the representative should be recorded. True or False?
9. If transferee includes the name of an unincorporated entity or is the name of d/b/a (doing business as) of one or more individuals, what approach should be taken?
10. A conveyance to a general partnership can be in the name of whom?
11. When is a conveyance effective?
12. For the covenants to be binding does the transferee need to sign the conveyance?
13. In order for an instrument to be in recordable form, the signature of the transferor must be _____.
14. When is a jurat required?
15. A jurat states that the instrument has been "subscribed and sworn to" before the notary, evidencing a sworn affirmation of the truth of the matters asserted in the instrument. True or False?
16. Exception and Reservation language is often used in describing what?
17. Explain what happens under the Duhig rule?
18. What is a Special Warranty?
19. What does a General Warranty warrant?
20. If no warranty of title is given in the instrument of conveyance, a question could arise in some jurisdictions as to what?
21. A transfer of real property is not effective until what?
22. Name the areas that a Correction Conveyance is often used as curative.
23. A stipulation without words of Cross Conveyance will not move a property interest from one party to another. True or False?
24. A disclaimer has no granting language which will actually convey _____.
25. The only effect an Affidavit is to identify the witness you intend to call for the facts asserted in the Affidavit. True or False?
26. Does an Affidavit transfer title to property?
27. An Affidavit must have an acknowledgment and a _____.
28. It is imperative that the ratification document contain words of _____.
29. What are the words of lease?
30. Who must sign a curative document?
31. A court reviewing an instrument looks at its _____.

32. What magic words move the property at issue from one individual to another?
33. What does the subordination agreement do?
34. A subordination agreement should be placed of record in what county?
35. What is the normal curative vehicle used in a limitation and or Adverse Possession defense?
36. The affidavit must state facts which the party obtaining the affidavit is comfortable with and which can be demonstrated in court. True or False?
37. There are very specific rules as to when injunctive relief is proper and may be granted, such as what?
38. What is an oil and gas lease?
39. Why the oil and gas is lease one of the most important legal documents in the oil and gas industry?
40. What do the courts view an oil and gas lease as?
41. What are the 10 legal classifications given to the interest created by an oil and gas lease?
42. In all states an oil and gas lease must satisfy or should include what 9 provisions?
43. What lease provisions are influenced by the lease date?
44. If the lease date is not completed, the date of the oil and gas lease will usually be determined by 3 items?
45. The Lessor will be the party who _____?
46. The Lessee will be the party receiving _____?
47. In Oklahoma if title to minerals and surface is held by only one spouse and the property is leased from only the spouse with record title, the lease could be deemed void if the property qualified as the homestead of the Lessor. True or False?
48. After the lease has been delivered to the lessee and the draft submitted for payment, a mutually enforceable _____ should exist.
49. What is the Rule of Extrinsic Evidence?
50. What does Accretion denote?
51. When should the doctrine of strips and gores apply?
52. Who does the Mother Hubbard Clause protect and against what?
53. What is the Habendum Clause?
54. What does the primary term do?
55. What does the Secondary term allow?
56. What is the Discovery Rule?
57. In Oklahoma a well will not be recognized as a discovery unless the well has _____?
58. What does the royalty clause in an oil and gas lease establish?
59. The obligation to pay royalty has been adjudicated to be a covenant. True or False?
60. A breach of a condition can result in what?
61. A breach of a covenant does what?
62. When will the lessor be subject to post production expenses?
63. The language contained in the "unless" form will result in what?
64. What happens under an "or" clause lease?

65. A properly drafted continuous operations clause will allow the lessee to continue drilling on the lease when?
66. A shut-in clause allows the oil and gas lease to be maintained by the payment of shut-in royalties? True or False?
67. Failure to make a shut-in royalty payment will most likely result in lease cancellation because?
68. If a well is completed in Texas, under a lease that allows the payment of a shut-in to satisfy the production requirement, the shut-in payment must be made when?
69. What does the term pooling refer to?
70. What does "unitization" refer to?
71. What does a surrender clause in the lease modify?
72. The inclusion of an assignment clause imposes a duty on the lessor, and the lessor's heirs, successors and assigns, the responsibility to what?
73. Does the inclusion of the warranty clause offer protection to the lessee under the doctrine of "after acquired title."
74. The Pugh clause is sometimes referred to in Texas as a _____?
75. The Pugh clause results in what?
76. Under the non-apportionment rule, royalties that accrue under a lease on property that has been subsequently divided will only be paid to whom?
77. Entirety Clauses were originally incorporated in oil and gas leases in states that had not adopted what?
78. Courts will generally apply a three-step process in trying to ascertain the intent of parties in oil and gas provisions. What is the three-step process?
79. Name the five Implied Convents.
80. Where can Foreign Wills be filed and recorded in the United States?
81. An oil and gas lease should be executed by both the life tenant and all the remainder interest owners. True or False?
82. An acknowledgement is a requirement for recording in the public records to give constructive notice of the conveyance or agreement to third parties. True or False?
83. Name the three recording statutes.
84. When does a top lease occur?
85. The top lease will not become effective until the bottom lease expires. True or False?
86. What is the "Rule Against Perpetuities?"
87. In a coal bed Methane lease the coal seam must be _____ before production of gas in paying quantities can begin.
88. Under the Federal Oil and Gas leasing Process what land are available for leasing?
89. The BLM issues two type of leases for oil and gas exploration and development on lands owned or controlled by the Federal Government. They are what?
90. What is the primary term of the BLM leases since passage of the Energy Policy Act on October 24, 1992?
91. Under the OCS regulations if the oil and gas lease is in water depths between _____ to _____ meters, it will have initial lease term of _____ years unless MMS establishes a different lease term.

92. Under the Mineral Leasing Act, States whose boundaries encompass Federal mineral leases are entitled to receive a portion of the revenues generated from those leases. True or False?
93. Leases of Tribal Indian Lands have annual rentals paid in advance, beginning with the effective date of the oil and gas lease minimum of \$_____.
94. Are rentals credited against future production?
95. Royalties are paid to _____.
96. When the State of Texas passed the Relinquishment Act of 1919, what did this provide the owner of the soil and entitle the State of Texas to receive?