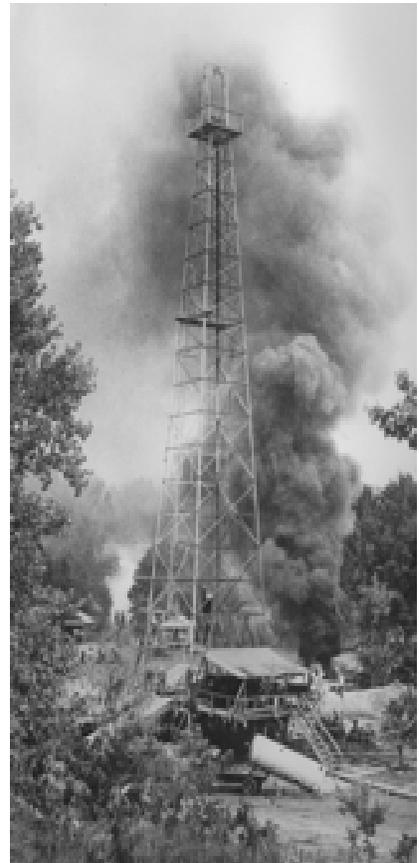




MAPL NEWSLETTER

October 2016 Issue

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Speaker: Pamela D. Feist Topic: AAPL- Facing Changing Times Together

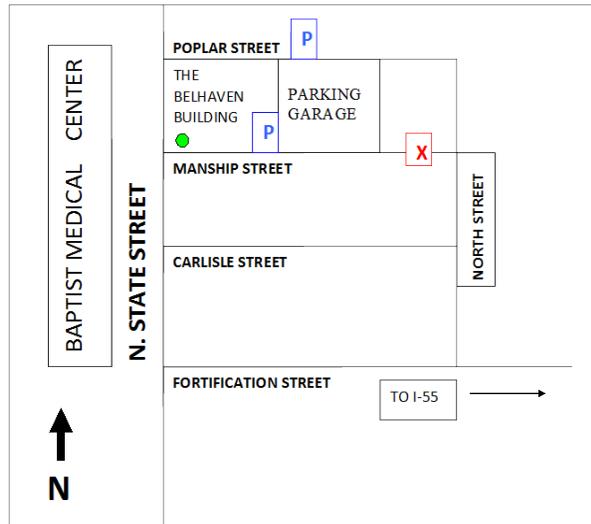
Pamela D. Feist, Certified Professional Landman, is land manager of Lakewood Exploration and vice-president of Lakewood Operating Ltd. in Midland, Texas. She is responsible for the “cradle to grave” management of all land functions in all areas of Lakewood’s operations that have covered Texas, Ohio, Michigan and Wyoming. Prior to that, she held various positions with the land departments of several Midland oil and gas companies after attending Texas Tech University.

Feist is the 2016/2017 president of the American Association of Professional Landmen (“AAPL”), and will be the first woman president in the history of this 61-year old national organization. She has served on the AAPL board of directors as both an officer and director, and has chaired and served on numerous committees during the last eight years. An active member of the Permian Basin Landmen’s Association, she has served as director, treasurer, secretary, second vice president, first vice president, president and has chaired and served on numerous committees. In 2002 Feist was named PBLA Director of the Year and received the 2013 TIPRO Texas Top Producers Award in Best Landman category. She is a graduate of Leadership Midland and past president of the Uptown Business & Professional Women’s Club and the Midland Country Club Ladies’ Association and the Ladies of the Petroleum Club of Midland. Feist is also a member of the Midland Wildcat Committee and Women’s Energy Network Permian Basin Chapter.

Directions to the Luncheon Location

October 10, 2016

11:30 A.M.



- The Manship Wood-Fired Kitchen
- P Parking Entrance
- X Road Temporarily Closed

THE MANSHIP
 BELHAVEN BUILDING
 1200 N. STATE STREET, #100
 JACKSON, MS 39202
 601-398-4562

From I-55 take exit 96C/Fortification Street and travel West approximately one mile to N. State Street; turn right and travel North on N. State Street approximately 100 yards to Manship Street (The Belhaven is on the northeast corner of N. State Street and Manship Street; turn right and travel East on Manship Street 200 feet to the rear of the Belhaven Building; turn left (North) into the parking lot and enter the parking garage on the right.

Once parked in the parking garage you may walk from street level (Level C) to the rear (east) entrance of the Belhaven. The entrance is located under the awning adjacent to JEA Optical and Einstein Brothers Bagel Company. Once inside, The Manship is in the southwest corner of the building.

Alternatively, you may take the elevator in the parking garage to Level E and walk the skywalk to the Atrium inside the Belhaven. Take the Atrium elevator to the 1st floor. The Manship is on the left side of the Atrium, in the southwest corner of the Belhaven.

You will see our registration desk in the southwest corner of the Atrium, adjacent to The Manship.

NOTE: ON OVERFLOW DAYS OUR LUNCHEON WILL BE HELD IN SUITE 250 WHICH IS ON THE 2ND FLOOR OF THE BELHAVEN NEAR THE SKYWALK.

New Location:

The Manship 1200 N. State Street, #100

Lunch: \$20.00

- Free parking in adjacent parking garage with connecting breezeway to restaurant.

PRESIDENT'S MESSAGE



It is an honor to be asked to serve as President of the MAPL for the 2016-2017 year. My goal is to build upon the great work of past Presidents and Board Members to continue to make the Mississippi Association of Petroleum Landmen one of the strongest local associations in the nation.

The Oil and Gas Industry in Mississippi was thriving only a few years ago but now has contracted to levels few have ever experienced before. Experienced landmen have been forced to leave the industry due to lack of work and Oil and Gas Attorneys are turning to other areas of practice. This trend is likely to continue during the next year or so but most agree that the industry will recover although few are confident when that will occur.

The Board will be working to develop strategies to ensure that the MAPL will endure these difficult times and remain strong in anticipation of the recovery of the Oil and Gas Industry. As always, the MAPL Board encourages and welcomes any comments or suggestions from the membership.

I believe that the 2016-2017 year will again include many events that provide benefits to our members. In addition to the quality speakers at our monthly meetings, we hope to have a Winter Educational Seminar and the Sixteenth Triennial Mississippi Oil & Gas Law Seminar will be held in the Spring followed by the ever popular MAPL Crawfish Boil.

We intend to continue to strive to provide programs that will be of interest to our members and further their professional development. At our September Meeting, Ian Austin will discuss Surface Use and Liability Issues. I hope everyone will make plans to joins us as we begin our new year. I look forward to seeing you there.

George Weathersby, RPL
MAPL President, 2016-2017

2016-2017 MAPL Board Officers

George Weathersby, RPL
President

weathersbylandservices@gmail.com

Lindy Clement
Director

lindyclem_jam1@comcast.net

Andrew Ueltschey, RPL
Vice-President

aueltschey@gmail.com

Lori Whittington
Director

lwhittington@millerlandprofessionals.com

Matt James
Treasurer

mjames@pruet.com

John Gresham, RPL
Director/ Newsletter Editor

greshamlandservicesllc@gmail.com

Ian Austin
Director

iaustin@cctb.com

Bert Green, III, RPL
Past-President

hfgland@aol.com

Bob McElroy
Director

bmcelroy@spoonercompanies.com

Tingle Savell, CPL
AAPL Director

wtsavell@gmail.com

Eddy Waller
Director

eddy.waller@regions.com

Upcoming Events

10/6/2016 - 10/7/2016	Fort Worth, TX (webinar available)	13.00 CEU 1.00 ETHICS
2016 Appalachian Land Institute- Washington, PA (webinar available)	4.00 CEU 10/27/2016 - 10/28/2016	11/8/2016 - 11/11/2016
10.00 CEU 2.00 ETHICS	2016 Gulf Coast Land Institute- New Orleans, LA (webinar available) *Price goes up Oct. 13	Oil and Gas Land Review, CPL/RPL Exam - Oklahoma City, OK 18.00 CEU 1.00 ETHICS
10/12/2016 - 10/13/2016	11.00 CEU 1.00 ETHICS	11/15/2016 - 11/16/2016
2016 NAPE Denver Business Conference	11/2/2016	Fundamentals of Land Practices & OPTIONAL RPL Exam - Fort Worth, TX
4.00 CEU 10/13/2016	Due Diligence Seminar- Fort Worth, TX (webinar available)	7.00 CEU
Field Landman Seminar - Oklahoma City, OK	5.00 CEU 11/3/2016 - 11/4/2016	1.00 ETHICS
1.00 CEU 1.00 ETHICS	RMMLF Joint Operations and the New AAPL Form 610-2015	11/18/2016
10/21/2016		Wills and Heirships
Landman 2.0 Series: Structuring New Ventures - Fort Worth, TX (Webinar Available)		
7.00 CE		

Obituaries

John Player

Madison

John Player, was born in Oak Park, Illinois in 1918. He was raised in Longmont, Colorado, and a resident of the Jackson area for 60 plus years. John passed away August 31, 2016 at the Blake at Township in Ridgeland, MS at the age of 98. He graduated from the University of Colorado and received the award as the outstanding student of his graduating class. After graduation he was commissioned a first lieutenant in the [US Navy](#) where he served from 1942 to 1946 in the Pacific, Italy, and England. After discharge, he went to work for Atlantic Oil Company.

Soon after he went on his journey to be an independent Geologist. Throughout his life, he was completely devoted to his wife and children and working on his farm adjacent to the Natchez Trace. This immensely beautiful man, "our dad", was happily married to Jane Genevieve Simmons in Holy Matrimony for 54 years until her death in 2003. He always lifted people up for the smallest of things and gave a helping hand to those in need. His heart was filled with gold for the poor at heart. He had a love for life itself. One summer when he was young, he hitchhiked around the United States working in transient harvesting when he could, slept wherever he was, and ate anything available. He traveled extensively to national parks, traveling overseas with his wife, mostly in Europe and Canada.

He has been in every state and many other countries. He was by nature a happy strong independent thinker who was successful at everything he did. We love you dad and long for the time that we too can come home to be where you and Mother are. Survivors include his children: John Player Jr. of Selma, Oregon, Dave Player of Bellingham, Washington, Mark Player of Gulf Shores, Alabama, and Joan Player of Madison, Mississippi; three grandchildren, David Allman Patterson, Jason Christopher Steen, and Jonathan Pelot Watson. Per his request no funeral services will be held at Parkway Funeral Home in Ridgeland, MS. Memorial donations may be made in John's name to the charity of your choice.

The family would like to thank the Blake staff and Jean Bunge for all of their love and support.

Published in Clarion Ledger on Sept. 4, 2016

Homer Best, Jr.



Jackson

Homer Best, Jr., a man who got the most out of life, died peacefully and with his children in the early morning of September 26, 2016, from respiratory failure at St. Dominic's Hospital. He was 90 years old.

Homer was born to Homer Best, Sr. and Carolyn Doty Best in Memphis, Tennessee on July 31, 1926, but was a resident of Jackson almost all of his life, attending Jackson Public Schools and graduating from Central High School in 1944. In June 1944 he volunteered for service in the U.S. [Army](#) Air Corps, and after attending B-29 gunnery school in Ft. Myers, Florida, he was called to active duty as a Central Fire Control Gunner on a B-29. He was eventually stationed with the Ninth Air Force in the European Theatre of Operations for nine months, and was honorably discharged from the service in the summer of 1946. In the fall of 1946, Homer entered Ole Miss Business School and became a member of Kappa Alpha Fraternity. In 1947, while at Ole Miss, he married his lifetime love, Jane Elizabeth Ross, whom he referred to as his Blue Angel, truly an angel on earth.

Homer graduated from Ole Miss in 1949 and joined Mississippi Stationary Company, where he later became Vice President and part owner. Soon thereafter he established Best-Allen Office Supply with his good friend and partner, Ernest Allen. He entered the oil business in 1954 and was very active in oil and gas exploration in Mississippi, Alabama and South Louisiana. At one time, he had interest in over 100 producing wells. Homer was very proud of his many years of association with the Chisolm family of Laurel, Mississippi, as an Oil & Gas Consultant and Investment Adviser. He was appointed by President Nixon to the National Petroleum Council, served on the Executive Committee of the Mid-Continent Oil and Gas Association, Board of Directors of IPAA, Board of Directors of Jackson Petroleum Club and Board of Directors of Country Club of Jackson. He later was one of the founders of Annandale Golf Club, and was proud that he contributed to the naming of the club. He was an avid golfer and parred several courses throughout the country. He was very proud to have made three holes in one and to have shot his age after retirement and under his age several times when he was 75.

Homer loved baseball and with his father coached Dixie Boys baseball team in 1964 to a city championship. He coached both his sons, Jimmy and Camp, at various levels of youth baseball.

Mr. Best was an avid hunter and hunted with the Hannon family for many years in Madison County, where he was fortunate enough to harvest several bucks. He was also able to hunt later in life with his dear friend, Bob Lloyd.

Homer and wife, Jane, were founding members of Northminster Baptist Church where he

was a deacon and member for many years of the Men's Sunday School Class. Chuck Poole, the pastor, was admired and loved by Homer for many years and was a close friend and counselor.

Homer fulfilled his civic responsibilities by serving on the Board of Directors of the Jackson Symphony, as co-chair of the Easter Seals, as chairman of the March of Dimes Jackson Campaign and as Vice-President of the Junior Chamber of Commerce. Homer was a member of the Chancellor's Trust at Ole Miss, a lifetime member of the Alumni Association and a long-time supporter of the Ole Miss Athletics Foundation.

Homer was predeceased by his parents; by his sister, Carolyn Jean Best Schirmer, and by his wife, Jane Elizabeth Ross Best. He is survived by his 4 children: James Homer Best, Camp Best, Julie Best Clark and DeDe Best Miley; 5 grandchildren: Nathan Best (Kimberly), Adam Clark (Maggie), Suzanna Best, Doty Miley and Wilson Miley, and 4 great grandchildren: Campbell Best, Yates Best, Dotson Clark and Savannah Best.

The family would like to thank special caregivers, Donna Gates, Milford Currie, LaQuanda Nichols, and Matasha Ford for their service to Homer. In lieu of flowers, donations can be made to Northminster Baptist Church and to The University of Mississippi.

Visitation will be held Friday, September 30, 2016 at Northminster Baptist Church in Jackson from 9:00 to 11:00 am, with a funeral service beginning at 11:00 am. Interment will follow at Parkway Memorial Cemetery in Ridgeland. Lunch will be served at Northminster Baptist Church following the interment.

Published in Clarion Ledger from Sept. 28 to Sept. 30, 2016

Howard Eugene Stover



Madison

Howard Eugene Stover was born in Tulsa, OK on Sept. 22, 1927, and was taken home by his Lord as he slept on Sept. 28, 2016.

He is survived by his adored family: his wife, Flolynn Tate Stover of Madison; his daughter Libby Stover Phillips and her husband, John, of Wagoner, OK; and their children, Emile Meyer of Moore, OK and Preston Phillips of Jackson; and his daughter, Barbara Stover England and her husband, Bob, of Madison and their children, Chris England (Nancy) of Gulfport, Rob England of Hattiesburg, and Zach England of Madison. He is also survived by numerous great-grandchildren, nieces and nephews.

He was preceded in death by his parents, Juanita and Howard Stover of Tulsa; his sister, Barbara Simons of Sugarland, TX, and a brother, Joe Stover of Houston, TX. His business partner and friend of over 50 years, Neal Clement, also preceded him in death.

Howard graduated from Oklahoma Military Academy and served in the U.S. Army before receiving a bachelor of business administration degree in 1951 from the University of Oklahoma. He was a member of Sigma Nu fraternity.

Following his graduation he moved to San Antonio, TX to begin his career as a landman in the oil business with Amerada Petroleum Corporation. He moved to Jackson to open an office for Argo Oil Corporation in 1958. Howard and Neal began their business relationship in oil and gas exploration in the early 1960s.

Howard was former past president of the San Antonio Landman's Association; past vice-president of Mid Continent Oil and Gas Association; charter member, past board member and chairman of the national convention of the American Association of Petroleum Landmen. He served by Presidential appointment on the National Petroleum Council in 1971 and 1972. He was a current member of the Mississippi Association of Petroleum Landmen and the National Association of Petroleum Landmen.

Howard was very involved in the Jackson community, having been honored as a Goodwill Volunteer of the Year. He was a founding member of the board of directors of Southern Christian Services for Children and Youth, where he served two terms as president. He was currently serving as a board member emeritus for that organization. He was a past long time board member of the International Ballet Competition and served on that organization's executive committee for many years. He was a past board member of the Wilson Foundation at Mississippi Methodist Rehabilitation Center, and the National Council on Alcoholism and Drug Dependence of Central Mississippi.

He was appointed by Governor Kirk Fordice to service on the board of the Mississippi Association

of Educational Television and also served as that board's representative for EdNet and the Foundation for Public Broadcasting. He was a founder of Mississippi Magazine and a founding

member of Annandale Golf Club.

Howard was a long-time member of First Christian Church, where he served as an Elder and treasurer. His current church home was St. Andrews Episcopal Cathedral.

A quiet, compassionate man with a servant's heart, Howard always put other's well-being ahead of his own. He was loved by many, including the Lunch Bunch, and will be missed greatly.

Services will be Saturday, October 1, 2016 at 11 a.m. at St. Andrews Episcopal Cathedral. Visitation will be at 10 a.m. in the church parish hall.

The family requests in lieu of flowers contributions be made to one of the following organizations: Southern Christian Services for Children and Youth, 860 East River Place, Suite 104, Jackson, MS 39202 or Harbor House, P.O. Box 2917, Jackson, MS 39207.

IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI NO.

2015-CA-00505-COA

**YVONNE MARLENE WEIRICH AND KAREN
DEBORAH MURCHISON**

APPELLANTS

v.

**GARY DAVID MURCHISON AND DENNIS
RAYMOND MURCHISON**

APPELLEES

DATE OF JUDGMENT: 11/14/2014
TRIAL JUDGE: HON. DEBORAH J. GAMBRELL COURT
FROM WHICH APPEALED: LAMAR COUNTY CHANCERY COURT
ATTORNEY FOR APPELLANTS: CHRISTOPHER M. HOWDESHELL
ATTORNEYS FOR APPELLEES: LAWRENCE CARY GUNN JR.
DENNIS RAYMOND MURCHISON (PRO SE)
NATURE OF THE CASE: CIVIL - WILLS, TRUSTS, AND ESTATES
TRIAL COURT DISPOSITION: FOUND DEEDS VALID
DISPOSITION: AFFIRMED - 09/06/2016
MOTION FOR REHEARING FILED:
MANDATE ISSUED:

BEFORE ISHEE, P.J., CARLTON AND JAMES, JJ.

JAMES, J., FOR THE COURT:

¶1. The daughters of the grantor brought an action to set aside deeds conveying property to all of the grantor's children on the grounds of undue influence. The chancery court determined that no undue influence was exerted and found the deeds to be valid. For the reasons discussed below, we affirm the decision of the chancery court. Because this issue is dispositive, there is no need to address the second issue on appeal.

FACTS

¶2. Clarence Murchison had a history of transischemic attacks (TIA) dating back to 1988. Gary Murchison, Clarence's son, began helping his father with his financial and business affairs after Clarence had a stroke in 2010. This consisted of helping Clarence pay bills, driving him on errands, and taking him to doctors' appointments. According to Yvonne Weirich, Clarence's daughter, after the 2010 stroke, Clarence was unable to make complex decisions.

¶3. In 2011, Gary and Clarence set up two joint accounts at Hancock Bank and Trustmark Bank where all of Clarence's retirement income would be deposited. Clarence also executed a will on March 2, 2011, in which he left all of his real property to his wife. In the case of her death, all of the real property Clarence owned would be left to his four children equally. On that same day,

Clarence executed a general durable power of attorney and power of attorney for health appointing Gary as his agent. Shortly after the execution of the will and powers of attorney, Clarence had another TIA. After this attack, Clarence was diagnosed with dementia and began taken medication for that illness.

¶4. Clarence's wife died on July 26, 2011. Shortly after her death, Clarence, with Gary and Yvonne's assistance, purchased a home close to Gary called the Anchor Lake House. Clarence, however, never lived in the house and moved in with Gary instead. Gary drove Clarence to town to take care of his property and took him to Slidell to shop for tools and other items. According to Gary, Clarence had another TIA in November 2011, and that was followed up with therapy. While Clarence continued to do most of his activities, there were signs that the last TIA had extreme side effects. Clarence had another TIA on November 13, 2012, and was hospitalized for two days, then underwent a course of physical therapy. After this attack, Clarence could still walk on his own with a walker but would scissor his feet and had trouble getting his words out.

¶5. Yvonne testified that despite her living out of state she had a close relationship with her father and she talked to him on a regular basis. Clarence even went to Texas on November 2, 2012, to visit Yvonne and hunt. Yvonne got a hunting license for her father, and Gary took him deer hunting.

¶6. On November 13, 2012, Clarence had a stroke. Clarence began in-hospital physical therapy on November 15, 2012, and was discharged on December 6, 2012. Clarence continued physical therapy after his discharge. On December 18, 2012, Gary took Clarence to Attorney Claiborne

McDonald's office. Dennis Murchison, Clarence's youngest son, met them at the attorney's office. Attorney McDonald had both Gary and Dennis leave the office so he could speak with Clarence alone. After Attorney McDonald spoke with Clarence, Clarence and Gary went back home. On December 19, 2012, Clarence and his two sons went back to Attorney McDonald's office. Attorney McDonald again spoke with Clarence on the day he executed the deeds, and this conversation occurred outside the presence of Gary and Dennis. Attorney McDonald testified that he wanted to be sure that Clarence was oriented and knew what he was doing. According to McDonald, Clarence signed the new deeds. Although his handwriting was poor, Clarence was well aware of what he was doing.

¶7. Clarence owned five parcels of property in the counties of Walthall, Pearl River, and Lamar.¹ Clarence conveyed 38 acres of land in Lamar County to Karen Murchison, 40 acres

¹ The Lamar County parcel, conveyed to Karen, has two deeds. The property consists of two neighboring parcels.

of land in Pearl River County to Yvonne, 100 acres of land in Walthall County to Gary, and the house located in Pearl River County to Dennis. Clarence suffered another stroke on December 29, 2012, and never regained consciousness. He died on January 14, 2013.

PROCEDURAL HISTORY

¶8. On June 27, 2013, Karen and Yvonne filed a complaint in the Chancery Court of Lamar County, Mississippi, requesting the court to declare the five deeds void. They also requested that the property be sold and the proceeds be divided equally among each grantee. A hearing on

this matter was held on October 7, 2014. At the hearing, the trial judge heard testimony from all four children, Alice Sandifer, and Attorney McDonald. Sandifer was the branch manager at Trustmark Bank in Tylertown, Mississippi, where Clarence did his banking. After the hearing, the chancellor upheld the deeds, finding that Yvonne and Karen failed to show that the conveyances were the product of undue influence.

STANDARD OF REVIEW

¶9. This Court will not disturb a chancery court's findings of fact when there is substantial evidence in the record to support the court's findings, unless the findings are clearly erroneous or manifestly wrong, or the chancery court abused its discretion. *In re Estate of Lane*, 930 So. 2d 421, 424 (¶9) (Miss. Ct. App. 2005).

DISCUSSION

I. Whether the chancery court erred in finding that Gary and Dennis presented sufficient evidence that they did not unduly influence their father to execute the deeds.

¶10. Yvonne and Karen argue that the chancellor erred in finding that there was substantial evidence presented to rebut any presumption of undue influence. When a confidential relationship is shown to have existed between the grantor and the grantee at the time of the conveyance, the court will scrutinize the conveyance. *In re Estate of Summerlin*, 989 So. 2d 466, 477 (¶38) (Miss. Ct. App. 2008). Determining whether the conveyance is valid is a two-step process. According to our law,

A confidential relationship arises whenever there is a relationship between two people in which one person is in a position to exercise dominant influence upon

the other because of the latter's dependency on the former arising either from weakness of mind or body, or through trust[.] The burden of establishing the existence of a fiduciary relationship is upon the party asserting it. Where a confidential relationship exists, there is a presumption of undue influence

concerning an inter vivos gift.

Id. (internal quotation marks and citations omitted). This Court considers seven factors in evaluating whether a confidential relationship exists between two parties. Those factors are:

(1) whether one person has to be taken care of by others, (2) whether one person maintains a close relationship with another, (3) whether one person is provided transportation and has [his] medical care provided for by another, (4) whether one person maintains joint accounts with another, (5) whether one is

physically or mentally weak, (6) whether one is of advanced age or poor health, and (7) whether there exists a power of attorney between the one and another.

Id. at 477 (¶39).

¶11. If a confidential relationship exists between the grantor and the grantee, the grantee must overcome the presumption of undue influence by clear and convincing evidence. *In re Estate of Lane* at (¶22). To overcome the presumption of undue influence, the grantee must show: (1) good faith on the part of the grantee; (2) the grantor's full knowledge and deliberation of his actions and their consequences; and (3) independent consent and action by the grantor. *In re Estate of Hart*, 20 So. 3d 748, 753 (¶12) (Miss. Ct. App. 2009).

¶12. There is ample evidence here to support the chancellor's finding that a confidential relationship existed between Gary and Clarence. Clarence lived in Gary's home and was taken care of by him and his wife. Gary provided the transportation for shopping, errands, and doctors' appointments. Gary was also the attorney-in-fact for Clarence under two powers of attorney and maintained joint accounts with Clarence. Thus, all of the evidence in this case

favors a finding that a confidential relationship existed between Gary and Clarence.

A. Good Faith

¶13. We consider five factors when determining whether the grantee acted in good faith:

- (a) the determination of the identity of the initiating party in seeking preparation of the instrument, (b) the place of the execution of the instrument and in whose presence, (c) what consideration and fee were paid, if any, and
- (d) by whom paid, and (e) the secrecy or openness given the execution of an instrument.

Id. at 753 (¶14). There was conflicting evidence regarding whether Gary acted in good faith. The record indicates that Gary did play a roll in the preparation of the deeds. He contacted the attorney, drove Clarence to the attorney’s office, and signed Clarence’s check for payment of the transaction. The record shows that Gary always drove Clarence to his appointments. Moreover, Gary and Dennis remained in the reception area each time Attorney McDonald spoke with Clarence about dividing his property. The record also shows that Gary often filled out Clarence’s checks. According to Attorney McDonald, while Clarence did sign each deed, it was “progressively more difficult for him to control his hand as he signed each [one].” Gary testified that Clarence gave him the checkbook in the office and he wrote the check and signed it for his father. On the other hand, Yvonne’s testimony indicated that Gary had not acted in good faith. She testified that Gary told her he would not take Clarence to the attorney’s office during their phone conversation on December 19, 2012.

¶14. We are mindful that the chancellor, in matters such as this, sits as the finder of fact.

Ferguson v. Ferguson, 782 So. 2d 181, 184 (¶10) (Miss. Ct. App. 2001). Our Court will not replace the chancellor's opinion with our own when determining the weight of credible evidence. The chancellor heard this testimony and observed the demeanor of the witnesses

firsthand and was best able to assess their credibility. *Id.* The record contains sufficient credible evidence from which the chancellor could and did conclude that Gary acted in good faith.

B. Full Knowledge and Deliberation

¶15. The second prong to consider is whether Clarence had full knowledge of his actions and their consequences. We use the following factors in that determination:

- (a) [his] awareness of [his] total assets and their general value, (b) an understanding by [him] of the persons who would be the natural inheritors of [his] bounty under the laws of descent and distribution or under a prior will and the how the proposed change would legally affect that prior will or natural distribution, (c) whether non-relative beneficiaries would be excluded or included[,] and[] (d) knowledge of who controls [his] finances and business and by what method,

and if controlled by another, how dependent is the grantor/testator on [him] and how susceptible to [his] influence.

In re Estate of Hart, 20 So. 3d at 755 (¶18).

¶16. The record indicates that Clarence had full knowledge of his assets, his natural inheritors, and who controlled his finances. Gary testified that he would often write checks for Clarence but Clarence always signed them. Furthermore, testimony from Alice Sandifer suggested that Clarence controlled his own finances. Sandifer testified that she had worked personally with Clarence for seven or eight years and he had dealt exclusively with her for his banking needs. She testified that Clarence continued to see her after his wife passed. Sandifer

recalled that Gary came to the bank with Clarence after his wife passed, but Clarence still conducted his own banking.

C. Independent Consent

¶17. The last prong is whether Clarence exhibited independent consent and action. We look to three factors to determine whether Clarence exhibited independent consent and action: “advice of (a) competent person, (b) disconnected from the grantee, and (c) devoted wholly to the grantor/testator’s interest.” *Id.* at 756(¶22).

¶18. Gary testified that his father began discussing his wishes on the division of his property during the summer of 2012. Gary said Clarence intended for him to receive the land in Walthall County since Gary once owned half of it. According to the record, Gary deeded his half of the interest in the land to his parents in 2001 so they could claim a homestead exemption.

¶19. On December 18, 2012, Gary took Clarence to Attorney McDonald’s office to discuss the division of the property. Initially, Attorney McDonald met with Gary, Clarence, and Dennis.

Attorney McDonald then asked Gary and Dennis to leave the room and spoke to Clarence alone about the deeds. Attorney McDonald testified that it was his understanding that Clarence wanted to deed properties to his children and indicated which deed should go to which child.

¶20. Gary took Clarence back to Attorney McDonald’s office the next day, and McDonald spoke

with Clarence alone. Attorney McDonald asked Clarence certain questions to determine if he was oriented to persons, places, and time. Attorney McDonald then asked Clarence if he was sure about his division of the property. After receiving affirmation, Attorney McDonald went over each deed. Attorney McDonald read the deeds to Clarence, and Clarence signed the deeds. Attorney McDonald noticed that it became more difficult for Clarence to sign as they went over each deed but Clarence seemed to understand what was being read to him. Gary testified that after the deeds were executed, his father gave him the checkbook to pay Attorney McDonald. Gary wrote and signed the check.

¶21. The record supports the chancellor's finding that Gary overcame the presumption of undue influence by clear and convincing evidence. Therefore, we find that this issue is without merit.

II. Whether the trial court erred in finding that the parties reached a settlement, which acts a bar to this case.

¶22. Because the decision on the first issue is dispositive, there is no need to address this second issue.

CONCLUSION

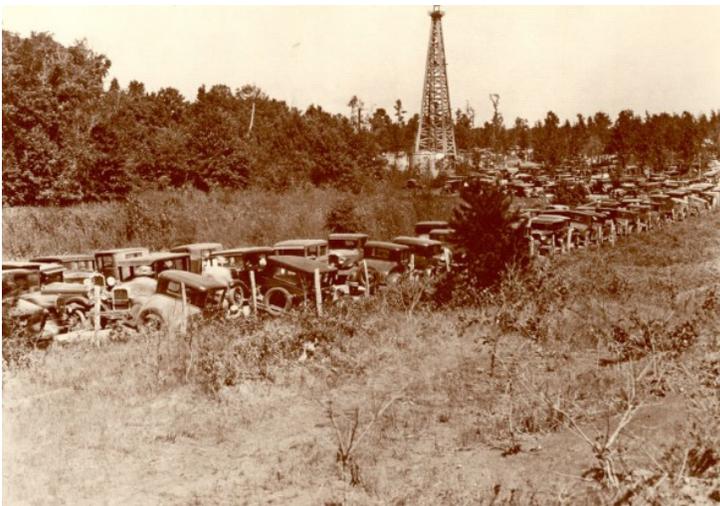
¶23. The chancellor considered each of the three factors in deciding that Gary had proven by clear and convincing evidence that the presumption of undue influence was overcome. We find that the chancellor's conclusion was supported by the record. For this reason, the chancery court's judgment is affirmed.

¶24. THE JUDGMENT OF THE CHANCERY COURT OF LAMAR COUNTY IS AFFIRMED. ALL COSTS OF THIS APPEAL ARE ASSESSED TO THE APPELLANTS.

LEE, C.J., IRVING AND GRIFFIS, P.JJ., BARNES, ISHEE, FAIR, WILSON AND GREENLEE, JJ., CONCUR. CARLTON, J., CONCURS IN RESULT ONLY WITHOUT SEPARATE WRITTEN OPINION.

This Week in Oil & Gas History

October 4 to October 9, 2016



**October 3, 1930 –
Giant Oilfield discovered on Daisy
Bradford’s Farm**

*Columbus “Dad” Joiner in 1930
discovered the East Texas oilfield,
which remains the largest in the
lower-48 states. Photo courtesy Jack
Elder, *The Glory Days*.*

With a crowd of more than 4,000
landowners, leaseholders, creditors
and spectators watching, the Daisy
Bradford No. 3 wildcat well was
successfully “[shot](#)” with
[nitroglycine](#) near Kilgore, Texas.

“All of East Texas waited expectantly while Columbus ‘Dad’ Joiner inched his way toward oil,” noted Jack Elder in *The Glory Days*. “Thousands crowded their way to the site of Daisy Bradford No. 3, hoping to be there when and if oil gushed from the well to wash away the misery of the Great Depression.”

Geologists were stunned when it later became apparent the well on Daisy Bradford’s farm – along with two others far to the north – were part of the same oil-producing formation (the Woodbine) that encompassed more than 140,000 acres. Today, the “Black Giant” oilfield has yielded more than five billion barrels of oil and is still producing. Learn more in [H.L Hunt and the East Texas Oilfield](#).

October 3, 1980 – Oil Museum opens in East Texas

The East Texas Oil Museum is “a tribute to the men and women who dared to dream as they pursued the fruits of free enterprise,” according to Joe White, who founded the museum in 1980 and retired in 2014.

Fifty years after the discovery of the East Texas oilfield, the [East Texas Oil Museum](#) opened in Kilgore – “a tribute to the independent oil producers and wildcatters, the men and women who dared to dream as they pursued the fruits of free enterprise.” Established with funding from the [Hunt Oil Company](#), the museum at Kilgore College houses recreations of the boomtown atmosphere of the early 1930s in the largest oilfield inside the United States. Among the more popular “Boomtown USA” exhibits is an elevator ride that takes visitors 3,800 feet below the earth’s surface, deep into an oil formation. The museum’s exhibits, as well as those in oil museums in Beaumont and Galveston, are featured in [American Oil & Gas Families, East Texas Independents](#) – along with the region’s modern petroleum story. Near the museum on the [Kilgore College](#) campus is another popular attraction, the [Rangerette Showcase and Museum](#).

October 5, 1915 – Science reveals Mid-Centent Oilfield



A marker at the Stapleton No. 1 well commemorates the October 1915 discovery of the El Dorado, Kansas, oilfield, at the time one of the largest in the world.

The growing science of geology played a key role in the 1915 discovery of a Mid-Centent oilfield. Drilled by Wichita Natural Gas, a subsidiary of Cities Service Company, the October 5 discovery well revealed the 34-square-mile El Dorado oilfield in central Kansas.

The Stapleton No. 1 well produced 95 barrels of oil a day from 600 feet before being deepened to 2,500 feet to produce 110 barrels of oil a day from the Wilcox sands. Other wells joined the [Kansas oil boom](#) east of Wichita.

Oil discoveries a year earlier in nearby Augusta had prompted El Dorado city fathers to hire the state geologist to perform a geological study of the area, according to Larry Skelton of the Kansas Geological Survey.



The Kansas Oil Museum includes drilling and production equipment. Staff and volunteers explain how the modern industry works while offering demonstrations of a cable-tool rig.

“Using scientific geological survey methodology for the first time, Cities Service had identified a promising anticline and leased 30,000 acres near the town of El Dorado in Butler County. His field work outlined the El Dorado Anticline,” Skelton noted in an article for the [American Association of Petroleum Geologists](#).

In addition to [Cities Service Company](#), industry leaders like Archibald Derby, John Vickers and William Skelly established El Dorado oil producing and refining companies thanks to the 1915 oilfield discovery.

“So the idea from that point forward, no oil company in the world would go and drill a well without seeking the advice of a geologist first,” noted [Kansas Oil Museum](#) Executive

Director Warren Martin in a [Butler County Times-Gazette](#) 2015 article celebrating the centennial of the historic well. “Geology was established as one of the great science industries.”

October 5, 1958 – Water Park opens for a Day in Former Oil Tank



The Million Barrel Museum’s site was originally built to store Permian Basin oil. For scale, note the railroad caboose and car exhibit at right.

A water park inside a decades-old experimental concrete oil tank opens in West Texas. Leaks will force it to close after just one day. The Monahans, Texas, park attracted swimmers, boaters, anglers and even skiers for its opening day.

A local couple had attempted to find a good use for the 525-foot by 422-

foot “million barrel reservoir.” Once covered by a cedar roof, the tank had been completed in 1928 by Shell Oil due to a lack of pipeline for Permian Basin oil. Shell had stopped using the tank because of leaks. Read more in [Million Barrel Museum](#).

October 7, 1859 – First U.S. Oil Well catches Fire

Near Titusville, Pennsylvania, the wooden derrick and engine house of America’s first commercial oil well erupts into flames – perhaps America’s first oil well fire.

Drilled by Edwin L. Drake the previous August, the well had produced oil from just 69.5 feet deep. Working with his driller, William “Uncle Billy” Smith, Drake had used steam-powered cable-tool technology.

“The first oil well fire was started by ‘Uncle Billy,’ who went to inspect the oil in the vat with an open lamp, setting the gases alight,” notes historian Urja Davin. “It burned the derrick, all the stored oil, and the driller’s home.” Learn more in [First Oil Well, First Oil Fire](#).

October 7, 1929 – Teapot Dome brings Jail Time for Interior Secretary

Secretary of Interior Albert B. Fall in 1929 began serving a one-year sentence in New Mexico’s Santa Fe Penitentiary for taking a \$100,000 bribe in the Teapot Dome scandal.

Almost 30,000 acres of public lands in Wyoming had been established as a Naval Petroleum Reserve by President William Taft in 1910. In 1921, an executive order from President Warren G. Harding gave Fall control of all Naval Reserves.

In 1922, without competitive bidding, Fall leased Teapot Dome fields to Harry Sinclair of [Sinclair Oil Company](#) and Elk Hills, California, fields to Edward Doheny, discoverer of the [Los Angeles oilfield](#). In Senate hearings, it emerged that cash was delivered to Fall in Washington, D.C. Although Fall was convicted for taking a bribe, both Sinclair and Doheny were acquitted of giving it.

October 8, 1923 – Tulsa hosts International Petroleum Exposition and Congress



Although still a tourists attraction, the 76-foot-tall Golden Driller arrived decades after Tulsa's first International Petroleum Exposition in 1923.

Five thousand visitors braved torrents of rain for opening day of the first International Petroleum Exposition and Congress

in downtown Tulsa, an event that would return for decades.

In subsequent years, attendance grew to more than 120,000. Mid-Continent Supply Company of Fort Worth introduced the original [Golden Driller of Tulsa](#) at the exposition in 1953. When economic shocks beginning with the 1973 OPEC oil embargo depressed the industry, the International Petroleum Exposition ended in 1979 after 57 years.

October 9, 1999 – Former Offshore Oil Platform launches Rocket

Sea Launch, a Boeing-led consortium of companies from the United States, Russia, Ukraine and Norway, began commercial launches in 1999 using *Ocean Odyssey*, a former offshore platform. They launched a Russian rocket with a DirectTV satellite payload. By 2014 the *Ocean Odyssey* had made 36 similar launches. But the former oil platform's last launch was in May 2014 – as civil war broke out in eastern Ukraine. Learn more in [Offshore Rocket Launcher](#).

AAPL Directors Meeting September 9-11, 2016 Jackson Hole, Wyoming

The September 2016 American Association of Professional Landmen (AAPL) Director's Meeting was held in Jackson Hole, Wyoming. Most directors and heads of committees were in attendance. Pam Feist is our incoming President and did a marvelous job presiding over the meeting.

Five items that I can report from the meeting are as follows.

- 1) The number one topic of the entire meeting was trying to balance the AAPL budget without losing any membership services. In our downward market this could be difficult. One of the main themes of the meeting was AAPL's awareness to cut expenses and be more frugal with their decisions. Education, staff and location of meetings are some of the topics that were addressed.
- 2) Even with a down market, the AAPL membership is growing at a rate of about 30 applicants per month. The present AAPL membership is 13,588.
- 3) The AAPL is shifting away from the present day "Landman Seminars" to a more accessible and less expensive method of educating the membership. One area currently being explored is the development of in-house material that would be distributed through webinars. There will always be conventions for both continuing education and networking. Presently the best two places for networking is at NAPE and the Annual Convention.
- 4) The 2017 Annual Convention will be held in Seattle, Washington at the Sheraton Seattle Hotel, located at 1400 6th Avenue on June 21st through 24th. In 2018 the Annual Meeting Committee is looking for a location in the Denver area, possibly Colorado Springs.
- 5) Ethics is still a high priority with AAPL. Unfortunately, we are still having to deal with some folks that do not want to act right. It is good to be a part of an organization that attempts to have their membership conduct their business practices and lifestyles in a legal and an acceptable manner

I appreciate the AAPL allowing me to be their director of AAPL. If I can help or serve you in any way, contact me at (601) 946-2176 or wtsavell@gmail.com.

Regards,



W. Tingle Savell

CPL No. 515

AAPL Director

Mississippi Association of Petroleum Landman

MISSISSIPPI ASSOCIATION OF PETROLEUM LANDMEN

**P. O. Box 907
JACKSON, MISSISSIPPI 39205**

APPLICATION FOR MEMBERSHIP

DATE: _____

I, _____, hereby request membership in the Mississippi Association of Petroleum Landmen as an _____ Active _____ Associate Member, based upon the criteria established in Article IV of the By-laws of the MAPL, as stated below:

According to Article IV of the By-Laws of the MAPL, "Active Membership shall be open to an applicant operating in the Southern or Southeastern United States, whether employed or self employed, irrespective of compensation or title, who has been **directly, primarily and regularly engaged** for a period of **at least three (3) years** as a Professional Landman in the oil and gas industry....This shall include and be limited to an individual who is directly, primarily and regularly engaged in the acquisition, and/or supervision of oil, gas and/or other mineral leases, permits, licenses or other contracts, and titles relating to the exploration and development of such oil, gas and other natural resources, who is by training and classification a Professional Landman."

"Associate Membership shall be open to an applicant who has been **directly, primarily and regularly engaged** in performing services in the oil and gas industry."

I am currently employed by _____
and my business address is _____

My present title is _____ and I have served in this capacity for _____ year(s) in Mississippi and/or _____

I (am, am not) requesting reinstatement as a member. My last year of membership being _____

I (am, am not) a member of AAPL. Please circle any appropriate title: RLP CPL CPL/ESA

CAREFULLY READ THE "CODE OF ETHICS", as reprinted below, from the MAPL BY-LAWS:

**ARTICLE XIII
Code of Ethics**

The Code of Ethics shall be the basis of conduct, business principles and ideals for the members of the Mississippi Association of Petroleum Landmen; and it shall be understood that conduct of any member of the Association inconsistent with the provisions set forth in this Article shall be considered unethical and said individual's membership status shall be subject to the review and appropriate action of the Executive Committee. In the area of human endeavor involving trading under competitive conditions, ethical standards for fair and honest dealing can be made increasingly meaningful by an association organized and dedicated not only to the definition, maintenance and enforcement of such standards, but to the improvement and education of its members. Such is the objective of the Mississippi Association of Petroleum Landmen and such is its public trust.

1. It shall be the duty of the landman at all times to promote and, in a fair and honest manner, represent the industry to the public at large with the view of establishing and maintaining good will between the industry and the public. The landman, in his dealings with landowners and others outside the industry, shall conduct himself in a manner consistent with fairness and honesty, such as to maintain the respect of the public.
2. Competition shall be kept at a high level with careful adherence to established rules of honesty and courtesy. A landman shall not betray his employer's (or client's) trust by directly turning confidential information to personal gain. The landman shall exercise the utmost good faith and loyalty to his employer (or client) and shall not act adversely or engage in any enterprise in conflict with the interest of his employer (or client). The landman shall represent to others his area of expertise and shall not represent himself to be skilled in professional areas in which he is not professionally qualified.
3. It is the Mississippi Association of Petroleum Landmen's ("The Association") policy not to discriminate against any employee, member (Active or Associate), or applicant for membership because of race, age, sex, national origin or ancestry, marital status, veteran's status, or disability in accordance with applicable federal, state, and local law. If an employee, member, or applicant believes that he or she has been involved in any incident that was discriminatory, he or she should report the incident immediately to an officer of the Association.

I have read the By-Laws of the MAPL, and in particular the Code of Ethics as represented above, and agree to be governed by and adhere to these By-Laws and Code of Ethics.

Signed Name: _____ Printed Name: _____

Please complete all of the following information that you would like to appear in the

directory: MAILING ADDRESS:

PHONE _____

E-MAIL _____

Newsletter will be sent to member only by E-mail. The member's complete mailing address, E-mail address and telephone number, as specified above, will be included in the MAPL Oil Industry Directory.

SPONSORS

I am currently an Active member of the MAPL and I recommend the above applicant for membership in the Association. I understand that the Membership Committee of MAPL may request that I furnish additional information regarding the applicant.

s/ _____

I have known the Applicant for _____ year(s).

Printed name:

s/ _____

I have known the Applicant for _____ year(s).

Printed name:

SPONSORS WILL SIGN ON THE LINE INDICATED AND PRINT OR TYPE THEIR NAME UNDERNEATH.

PLEASE COMPLETE ALL OF THE INFORMATION REQUESTED, AND AFTER SIGNING AND HAVING TWO (OR ONE MEMBER WHO IS ALSO A CPL) ACTIVE MEMBERS OF THE ASSOCIATION SIGN AS SPONSORS. RETURN THE COMPLETED FORM **AND A RESUME OF WORK EXPERIENCE FOR NEW APPLICANTS**, TO:

SECRETARY OF
MAPL P. O. BOX
907
JACKSON, MS 39205

PLEASE REMIT A CHECK IN THE AMOUNT OF \$50.00 PAYABLE TO MAPL WHEN SUBMITTING THIS APPLICATION. THIS PAYMENT, UPON APPROVAL OF THE APPLICATION, WILL SERVE AS THE ANNUAL DUES FOR THE APPLICANT/NEW MEMBER FROM THE DATE OF APPROVAL UNTIL THE END OF THE THEN CURRENT MAPL PROGRAM/FISCAL YEAR. IF NOT APPROVED FOR MEMBERSHIP, SAID \$50.00 CHECK WILL BE RETURNED OR REFUNDED TO APPLICANT.