I. INTRODUCTION

A. Physical Characteristics of Oil and Gas
B. The Rule of Capture and Correlative Rights
C. Subsurface Storage of Gas

ASSIGNMENTS: Read in MAXWELL pp. 1-15; 16-34.

II. OWNERSHIP THEORIES: Absolute Ownership vs. Non-Ownership (corporeal vs. incorporeal)

ASSIGNMENTS: Read in MAXWELL pp. 37-57. (also, for general background and consideration of the consequences of absolute ownership vs. non-ownership, note Cohen, Property Theories etc - Part I, 10 Ala. L. Rev. 323 (1958)).

III. THE NOMENCLATURE OF OIL & GAS INTERESTS

A. An Overview
B. Problems in Classification
C. Duty Owed by Holder of Executive Power

ASSIGNMENTS: Read in MAXWELL pp. 35-36; 511-520; 605-622; 643-650; 658-661.
IV. THEORIES AFFECTING MINERAL TITLE DISPUTES

A. Adverse Possession

B. The Doctrine of Inurement

C. Alabama's "Grove Act" and other theories


V. DIVIDED OWNERSHIP

A. ConcurrentOwnership

B. Successive Ownership and the Open Mine Doctrine

ASSIGNMENTS: Read in MAXWELL pp. 112-135; 142-158.

VI. USE OF THE SURFACE BY THE MINERAL OWNER

A. Implied Development Easements

B. The Accommodation Doctrine and other Limitations


VII. CONVEYANCING PROBLEMS

A. Conveyancing Formalities

B. Use of word "Minerals" in a Grant or Reservation
C. Special Considerations concerning Coalbed Methane

D. The "Duhig Doctrine"

E. Effect of False Recital of Fact in Mineral Reservation

F. Interpretation of Conveyance as Fee Simple or Right-of-Way

G. Other common problems


VIII. GOVERNMENT REGULATION OF OIL & GAS

A. Federal Regulation

B. State Control over Development of Oil & Gas


IX. THE OIL AND GAS LEASE

A. Introduction and Overview

B. Express Clauses
C. Implied Covenants


D. The Royalty Clause and Lessee’s “Duty to Market” (under either the First Marketable Product Rule or the Post-Production Approach)

ASSIGNMENTS: Read in MAXWELL pp. 316-357; and SPECIAL HANDOUT on comparison of the “First Marketable Product Rule” to the “Post-Production Approach”.

-4-
OIL AND GAS LAW

HANDOUT MATERIALS

SPRING, 2011

Mr. Pearson

LISTING OF INCLUDED MATERIALS

Sanford v. Ala. Power, 54 So.2d 562 (Ala. 1951)

Thomason v. Mullinax, 403 So.2d 883 (Ala. 1981)

Nelson v. Teal, 301 So.2d 51 (Ala. 1974)


Pierson v. Case, 133 So.2d 239 (Ala. 1961)

The "Grove Act" Ala. Code §6-6-560 and §6-6-566

Shelton v. Wright 439 So.2d 55 (Ala. 1983)

Edmonson v. Colwell, 504 So.2d 235 (Ala. 1987)

Oehmig v. Johnson, 638 So.2d 846 (Ala. 1994)

Whitehead v. Hester, 512 So.2d 1297 (Ala. 1987)

Gulf Oil Corp. v. Deese, 153 So.2d 614 (Ala. 1963)

Bibby v. Bunch, 58 So. 916 (Ala. 1912).

Annotation 37 ALR 2d 1440 - Oil and Gas as "Minerals",

Carter Oil Co. v. Blair, 57 So.2d 64 (Ala. 1951)

McCombs v. Stephenson, 44 So. 867 (Ala. 1907)
LISTING OF INCLUDED MATERIAL (con't)

Vines v. McKenzie Methane, 619 So.2d 1305 (Ala. 1993)

NCNB Texas Nat'l Bank v. West, 631 So.2d 212 (Ala. 1993)

Cole v. Minor, 518 So.2d 61 (Ala. 1987)

Union Oil Co. of Calif. v. Colglazier, 360 So.2d 965 (Ala. 1978)

Greaves v. McGee, 492 So.2d 307 (Ala. 1986)

Town of Citronelle v. Gulf Oil Corp., 119 So.2d 180 (Ala. 1960)

Schneider v. Mobile County, 224 So.2d 657 (Ala. 1969)

Rowell v. Gulf M. & O. RR Co., 28 So.2d 209 (Ala. 1946)

Conservation Statutes Ala. Code §9-17-1 et seq and §9-17-80 et seq
(see www.ogb.state.al.us/ogb/statues.aspx)

Excerpts from the State Oil & Gas Board Administrative Code
(see www.ogb.state.al.us/ogb/rules.aspx)

Walker v. Cleary Petroleum Corp., 421 So.2d 85 (Ala. 1982)


State Oil and Gas Board of Ala. v. Seaman Paper Co., 235 So.2d 860 (Ala. 1970)


West Edmon Hunton Lime Unit v. Stanolind Oil & Gas Co., 193 F. 2d 818 (10th Cir. 1951).

Exxon Mobil Corp. v. Alabama Dept. Of Conservation and Natural Resources,
2007 WL 3224585 (Ala.)

Form "Oil, Gas and Mineral Lease"

SPECIAL HANDOUT on First Marketable Product Rule etc.