

THE WILDCATTER
MICHAEL LATE BENEDUM CHAPTER

AMERICAN ASSOCIATION OF PROFESSIONAL LANDMEN



Outgoing President, Kevin Pierson, presents a ceremonial gavel to incoming President, Stacy Tichy, at the annual Awards Dinner held at the Pete Dye Country Club in Bridgeport, WV.

INSIDE THE ISSUE:

AWARDS DINNER, DIRECTOR'S UPDATE & CLAY SHOOT



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LETTER FROM THE PRESIDENT

MLBC PRESIDENT, STACY TICHY



It's hard to believe I'm writing my first President's letter for the MLBC. As I sat down to write, I found myself reflecting on what this organization has meant to me throughout my career.

I joined the MLBC in 2008, early in my career in the industry. At the time, I was looking for educational opportunities, a way to continue learning, and a chance to meet others in the industry so I could build my network. I never imagined that 18 years later I would have the opportunity to serve as President of the chapter that has given me so much.

Over the years, I became more involved by serving on committees and eventually joining the Executive Committee nearly nine years ago. Looking back, the relationships I've built are what stand out the most. Through the MLBC, I have met mentors, colleagues, clients, and friends. Some of those relationships have opened doors professionally, while others have simply made this profession more enjoyable.

Our industry has changed a lot since I joined the chapter. Technology has changed the way we work, information is available almost instantly in some cases, and many of us now spend much of our time working remotely. While the way we do business continues to evolve, the things that matter most really haven't changed. Professionalism, continuing education, and building strong relationships are just as important today as they were when I started my career. Honestly, I believe they are even more important now.

One of the things I have always appreciated about the MLBC is the people. Our chapter brings together professionals from different companies, positions, backgrounds, and stages of their careers. Whether you are just getting started, working toward your RL, RPL, or CPL designation, or have been in the industry for decades, there is always something to learn and someone willing to share their experience.

As I begin my term as President, I look forward to working alongside our Executive Committee, committee members, and members to continue providing educational opportunities and networking events that bring value to our members. Our chapter has a strong foundation because of the people who came before us, and I am excited to continue building on that.

I also encourage you to become involved beyond attending meetings. Some of my favorite experiences with the MLBC have come from volunteering on committees and working with other members to plan events and support the chapter. It is a great way to build relationships, develop leadership skills, and give back to an organization that invests so much in our profession.

One thing that is especially important to me this year is having an open-door policy. I want every member to know that you can reach out to me at any time. If you have ideas for educational programs, suggestions for chapter events, feedback, or simply want to become more involved, I would love to hear from you. You'll probably hear me say this often throughout the year, but the MLBC belongs to its members. The best ideas come from you, and I truly value your input.

My goal is simple. I want every member to feel like they're getting value from the MLBC, whether that's through education, networking, or simply building relationships with other professionals. I want our members to know their chapter is here to support them and help them grow throughout their careers.

We already have some great events on the schedule for the year. One event I am especially looking forward to is the return of our All-Day Seminar. This has been a favorite event for many of our members over the years, and I am excited to see it return.

Continued

LETTER FROM THE PRESIDENT

The seminar will be held on Friday, October 16, at the Bridgeport Conference Center. Our Education Committee is putting together an outstanding lineup of speakers, and we will share the agenda as soon as it is finalized. It will be a full day of education with CLE and CE opportunities, along with plenty of time to connect with fellow professionals. If you have not registered yet, be sure to take advantage of the early bird rate before September 1. If you are interested in sponsoring or speaking at this event, please reach out.

Thank you for the opportunity to serve as your President. It is truly an honor. I am grateful for everything this chapter has given me over the past 18 years, and I look forward to giving back to an organization that has played such an important role in my career.

I look forward to seeing many of you at our upcoming events.

Stacy Tichy, CPL

President

Michael Late Benedum Chapter



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The 2026 Corporate Sponsorship tiers are designed to support both the MLBC organization and the MLBC Foundation. Fifty percent of your contribution will support the MLBC organization, with the remaining fifty percent supporting the MLBC Foundation. By contributing, you're helping to advance energy professionals in our region, strengthen the communities where we work, and support the charities we proudly stand behind. Join us and our mission to support land professionals in our region and make a meaningful, lasting impact in our community.

For more information or to purchase a Corporate Sponsor package or advertise in the The Wildcatter, please contact Abby Veigel at abbyveigel@mlbc-aapl.org.

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SILVER - \$1,500

- \$500 Foundation Credit (may be redeemed for event tickets or sponsorship)
- Logo included in every Wildcatter edition & membership email
- Logo linked on MLBC website
- Logo displayed at all events (virtually or in person)



ANNUAL AWARDS & SCHOLARSHIP EVENT

Thank you to all those attended our annual Awards and Scholarship dinner on June 11th at Pete Dye. The views were stunning, the food was excellent and the networking and awards and scholarship presentations made for a great night. The following awards were presented:

- **Best Member Communication:** Jeremy White (accepted on his behalf by Amanda Honce)
- **Friend of the MLBC:** [Infinity Natural Resources](#)
- **Landman of the Year:** Seth Jarvis (watch award video [here](#))
- **J.W Findley Lifetime Achievement Award:** Richard Dailey (watch award video [here](#))

and a new surprise award: the Drake Award presented to Abby Veigel.

The 2026 MLBC **Foundation Scholarships** were presented to: Gunner Fertig from Marietta College and Cadence Carter from WVU.

You can view pictures from the night [here](#).

A huge thank you to our sponsors who made the night possible. [Honor Resources](#), [Western Land Services](#) and [Oliva Gibbs](#).





2026 MLBC Foundation Scholarships recipients:
Gunner Fertig, Marietta College and Cadence Carter, WVU



Landman of the Year: Seth Jarvis
([watch award video here](#))



J.W Findley Lifetime Achievement
Award: Richard Dailey
([watch award video here](#))



Outgoing President, Kevin Pierson,
presents a ceremonial gavel to
incoming President, Stacy Tichy





Member Spotlight

Kylie Rexroad



Tell us a little about yourself.

My name is Kylie Rexroad, I'm a West Virginia native, WVU graduate, (soon to be OU graduate as well), and currently reside in Preston County with my husband, blue heeler, Mantas, and cats Loki and Stella. In addition to loving my pets, I garden, read, and collect books. I am a foodie who happens to be getting pretty good at cooking, and as always, I'm looking forward to fall, and football!

Who are you currently employed or contracted with?

I've been working at Infinity Natural Resources for almost 5 years now as a Curative Specialist.

How long have you worked in the oil and gas industry? And what states do you have experience? And tell us about any other land organization you belong.

I've been working in oil and gas for about 12 years now. I have worked in West Virginia, Pennsylvania, and Ohio. The only other land association I retain active membership in, other than the AAPL/MLBC, is WEN, or Women's Energy Network.

Do you have a mentor in the industry? Can you provide details?

I've been lucky enough to have a few great mentors over the years! At Texhoma, I was lucky enough to start on a team under Richard Hamrick, who always patiently answered all of my questions and got me started off on the right foot in the industry. At Infinity, I was again, lucky enough to have a great support around me like Seth Jarvis, Shana Kennedy, and Christa Dotson, who are still always willing to talk things through and get things figured out. .

Tell us about your first position in the industry.

My first job in Land was as a Land Tech at Texhoma Land Consultants where I gained experience in West Virginia for 5 years. I did everything from scan leases to generate weekly reports and later assisted in unit scrubs and title and leasing efforts. I remember not knowing any of the lingo and being so afraid to ask what people were talking about, but my curiosity ended up setting the way for my path forward.

What areas of the industry do you have experience in?

I've surveyed, done all Land Administration functions, and Curative.

How long have you been a member of the MLBC. Do you currently have any certifications through the AAPL?

I've been an active MLBC member for about 4 years now, but I do not plan on leaving it anytime soon.

What benefits have you found as a member of the MLBC? What are your favorite aspects?

I love MLBC events, whether they be a social or an education series. I have met some of the nicest people on earth working oil and gas in Appalachia over the years, and love to sustain those connections.

Do you serve the MLBC, AAPL, or any other organizations in an executive capacity and/or serve as a committee chair? Are you a member of any committees?

Not yet!



SUMMER Social

JULY 9, 2026 | PNC PARK PITTSBURGH, PA



Details

Senate Bill 219, recently signed into law by Gov. Mike DeWine, includes changes regarding (i) the leasing of state lands; (ii) the statute of limitations for lawsuits alleging lease expiration; (iii) the regulatory authority of the Chief of the Division of Oil and Gas Resources Management; (iv) procedural requirements for administrative proceedings; and (v) transfers of permits.

State Lands: The following provisions will now be required in leases of state lands: (i) a shut-in royalty of \$50 per net mineral acre per year; (ii) an optional extension term of five years rather than three years; (iii) a 60-day payment period for signing bonuses or advanced delay rentals; and (iv) tolling of the primary term and deferment of payments to comply with federal grant requirements, during litigation that prevents operations, or in instances of force majeure. Additionally, statutory deadlines are now imposed. The Oil and Gas Land Management Commission must award the bid within 60 days of approval of the nomination. The state agency whose lands are being leased must execute the lease within 30 days of the Commission awarding a bid, and the lessee must countersign the lease within 45 days after receiving the lease from the agency.

Statute of Limitations for Lease Expiration Lawsuits: A 10-year statute of limitations now applies to lawsuits alleging the expiration of any oil and gas lease.

Cross-State Drilling: Senate Bill 219 clarifies that the Division of Oil and Gas Resources Management has the authority to regulate any portion of a well located in Ohio and allows for the Chief to enter into a memorandum of understanding with the regulatory agency of the other state in which the well is located.

Simultaneous Operations: The Chief cannot require owners of a well to limit or cease production from a well to engage in simultaneous operations on a well pad without good cause.

Administrative Procedure Requirements

- The Ohio Administrative Procedure Act does not apply to orders or notices required to be made by the Chief, including orders and notices in statutory unitization proceedings. The Chief is required to adopt rules setting forth applicable procedures for the service of notices and orders.
- If the Chief imposes conditions on a permit, the applicant may now appeal those conditions to the Ohio Oil and Gas Commission.
- Appeals from orders of the Ohio Oil and Gas Commission are now to be filed in one of the counties in which the unit is located instead of the Franklin County Court of Common Pleas.

Ownership Transfers: When an owner of a permit wants to transfer its interest in a well, it can now provide the Division with most of the new owner's information itself rather than wait for the new owner to provide the information.

For any assistance or if you have questions about this alert, we encourage you to contact the authors.



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AAPL DIRECTOR'S REPORT

Submitted by: Rob Greiner



AAPL Annual Meeting Showcases Leadership, Innovation, and the Future of the Land Profession

Salt Lake City, Utah | Rob Greiner, MLBC Regional Director

Set against the breathtaking backdrop of Utah's Wasatch Mountains, members of the American Association of Professional Landmen (AAPL) gathered in June at the Grand America Hotel for the Association's Annual Meeting. The event brought together land professionals from across the country for several days of education, networking, and collaboration, while highlighting the leadership, innovation, and forward-thinking initiatives shaping the future of both the land profession and the energy industry.

Industry Insight

A highlight of the conference was the panel discussion, 'The Emerging Energy Crisis: Securing the Future,' where industry leaders examined energy demand, infrastructure, regulation, and the critical role of land professionals.

Networking

The Hot Plays – Basin Bash at The Depot provided attendees an opportunity to reconnect and build relationships in historic downtown Salt Lake City.

Quarterly Board Meeting

The Quarterly Board Meeting featured committee reports and strategic initiatives, including a comprehensive presentation from the Awards Committee chaired by Jon Sivertson outlining proposed updates to the AAPL Awards Program.



The Wasatch Mountains provided a spectacular backdrop throughout the Annual Meeting.



Industry leaders participate in the panel, 'The Emerging Energy Crisis, Securing the Future.'



Grand America Hotel – Site Host for the Association's Annual Meeting



Annual meeting attendees and their guests make their way to The Depot for the Hot Plays – Basin Bash networking event.

Continued

AAPL DIRECTOR'S REPORT



Reimagining the Awards Program

Following a lighter-than-expected 2025–2026 nomination cycle, the Awards Committee evaluated the program and identified opportunities to increase participation, improve clarity, and better recognize excellence across the profession. Beginning with the 2026–2027 awards cycle, the program will feature enhanced communications, an extended nomination period, streamlined nomination forms, updated award definitions, new award categories, and a redesigned **Local Association of the Year** scoring model.

New Awards

Next Gen of the Year Award

Recognizes an Active Member age 35 or younger who has demonstrated emerging leadership and meaningful involvement in AAPL. Self-nominations are not permitted.

Special Awards Sub-category: Field, Surface, Renewables or Other Landwork

Honors a member who has exceeded expectations in a field, surface, renewables, or other landwork role, recognizing the breadth and diversity of the land profession.

Special Awards Sub-category: Communication

Recognizes the year's outstanding communication by a member, including speech, presentation, article, or publication. Oral submissions must include analytics or attendance data and a transcript.

Award Consolidation

To streamline the program, the following awards have been incorporated into the **Local Association of the Year** and **Special Awards** categories and will no longer be presented as standalone awards:

- Best Newsletter/Bulletin (Large, Medium, and Small Associations)
- Largest Percentage of AAPL Membership (Large, Medium, and Small Associations)
- Largest Growth in AAPL Membership (Large, Medium, and Small Associations)
- Best Member Communication
- Best AAPL Director Communication
- Best Published Article in an AAPL Publication

Redesigned Local Association of the Year

The **Local Association of the Year** award has been restructured to better recognize well-rounded association performance while creating a more equitable comparison among associations of varying sizes. Awards will be presented in three membership categories:

- Small: Fewer than 100 members
- Medium: 100–250 members
- Large: More than 250 members

Associations should submit one packet organized by category, representing activities completed during the previous calendar year (January 1–December 31). Associations remain eligible even if they do not submit every category; however, points are awarded only for submitted criteria.

Scoring Categories

Media (10 points)

Submit one example of each communication platform, including newsletters, social media, email, and website communications. Engagement metrics and platform analytics should accompany submissions when available.

AAPL DIRECTOR'S REPORT



Communication (10 points)

Submit one example of each communication type, including director communications, member communications, and published articles in AAPL publications. Supporting metrics such as attendance, readership, views, or engagement should be included when applicable.

Community Service (10 points)

Community Service is divided equally between two components:

- Fundraising (5 points): Total dollars raised or donated, divided by total association membership.
- Service (5 points): Total volunteer service hours, divided by total association membership.

Associations are ranked by their per-member totals, with the highest-performing association receiving the maximum points.

Scholarship (10 points)

Points are based on scholarship dollars awarded per member. Associations are ranked according to scholarship funding divided by total membership.

Growth in AAPL Membership (5 points)

Points are awarded based on percentage growth in AAPL membership during the reporting period.

Percentage of AAPL Membership (5 points)

Recognizes the association with the highest percentage of members who also hold AAPL membership.

AAPL Service (5 points)

Measures member participation in AAPL committees. Each committee participant counts as one point; the total is divided by association membership to determine the association's score. Committee participation data will be verified by AAPL staff.

For all percentage based categories, the highest-ranking association receives the maximum available points, with subsequent associations receiving progressively fewer points based on ranking.

LEGISLATIVE & REGULATORY UPDATE

By Nikolas Tysiak, Legislative and Regulatory Chairman



WEST VIRGINIA

Oil and Gas

- *City of Weirton v. SWN Production Company, LLC*, No. 23-753, — S.E.2d —, 2026 WL 1584498 (W. Va. June 3, 2026)

Legal Issue: Whether West Virginia's Natural Gas Horizontal Well Control Act, W. Va. Code § 22-6A-1 et seq., preempts a municipality's zoning ordinance requiring a conditional use permit for oil and gas extraction activities within city limits.

Analysis: SWN Production Company held a lease to drill up to fourteen horizontal gas wells on a 301-acre tract within the City of Weirton and sought a conditional use permit from the City's Board of Zoning Appeals (BZA). The BZA denied the permit, and SWN filed a declaratory judgment action arguing that the Horizontal Well Control Act's grant of "sole and exclusive authority" to the DEP Secretary to regulate oil and gas operations preempted the City's zoning ordinance. The Supreme Court of Appeals applied the "false conflict" doctrine from *Longwell v. Hodge*, finding that the overlap between the DEP's regulatory authority and the City's zoning authority was not an irreconcilable conflict but rather a legitimate pursuit of each body's delegated goals. The Court noted that the Legislature had expressly preempted local authority in other contexts using language stating that certain uses "shall" be classified as permitted uses not subject to zoning review—language absent from the Horizontal Well Control Act. The Court also held that the Intermediate Court of Appeals lacked jurisdiction to hear SWN's certiorari appeal.

Conclusion: The Supreme Court of Appeals held that city zoning ordinances are not preempted by the Natural Gas Horizontal Well Control Act, and that natural gas operators must comply with both state environmental permitting requirements and local conditional use permit processes. The circuit court's dismissal of SWN's declaratory judgment action was reinstated.

***Statoil USA Onshore Properties Inc. v. Irby*, 929 S.E.2d 696 (W. Va. 2026)**

Legal Issue: Whether the "net value" of a natural gas sale as reflected in a processor's settlement statement—rather than the downstream "product value"—constitutes "gross proceeds" for West Virginia severance tax purposes, and whether a producer may claim the 15% safe harbor deduction for transportation and transmission costs.

Analysis: Equinor USA Onshore Properties (formerly Statoil) sold raw natural gas to MarkWest at a receipt point upstream of MarkWest's processing and fractionation plants. The Tax Commissioner argued that the taxable "gross proceeds" should be the downstream "product value" after MarkWest processed and sold the gas. Equinor argued that the only sale to which it was a party was the sale to MarkWest, and the only value it actually received was the settlement statement net value.

Continued

LEGISLATIVE & REGULATORY UPDATE

The Court agreed with Equinor, holding that because the statutory definition of "severing" excludes conversion and refining processes, MarkWest's downstream processing was not part of Equinor's taxable privilege. The Court further held that because the only transportation through Equinor's own system occurred between the wellhead and MarkWest's receipt point, Equinor properly elected the 15% safe harbor deduction under W. Va. Code R. § 110-13A-4.8.4 rather than being required to deduct only the actual costs of transportation through MarkWest's system.

Conclusion: The Supreme Court of Appeals held that the settlement statement net value best represents gross proceeds for severance tax purposes, that the 15% safe harbor deduction was properly claimed, and that Equinor's petition for reassessment was timely. The case was remanded to the Office of Tax Appeals for entry of refund orders.

Real Estate

***Blake Realty, LLC v. White*, No. 25-ICA-191, 2026 WL 1718780 (W. Va. Ct. App. May 28, 2026)**

Legal Issue: Whether a complaint seeking equitable reformation of a deed to exclude the transfer of mineral rights—where the underlying land contract specified "surface only" but the subsequent deed omitted that limitation—was timely filed and stated a viable claim.

Analysis: In 1984, Lewis Blake and Opal Blake entered into a land contract with the Whites to purchase the "surface only" of 18.35 acres in Wetzel County. The recorded land contract clearly limited the conveyance to the surface. However, when the Blakes executed the deed in 1991, it conveyed the entire parcel without any reservation or exception for coal, oil, gas, and minerals. After Opal Blake died testate in 2021 devising all mineral rights to petitioner Blake Realty, LLC, petitioner filed a complaint in 2024 seeking equitable reformation of the 1991 deed. The circuit court dismissed the complaint on a motion to dismiss. The Intermediate Court of Appeals reversed, finding that the circuit court's ruling was dispositive and that respondent's alternative defense of laches remained adjudicated. The court noted that the case presented a potential scrivener's error and that the claim for equitable reformation was not resolved on the merits.

Conclusion: The Intermediate Court of Appeals reversed the dismissal and remanded for further proceedings, leaving open the question of whether the 1991 deed should be reformed to exclude the mineral rights based on the parties' original intent as reflected in the land contract. The laches defense also remains to be addressed on remand.

Wills and Estates

***Steffen v. Caserta, as Clerk of the County Commission of Cabell County*, No. 24-282, 2026 WL 1824160 (W. Va. June 24, 2026)**

Legal Issue: Whether the County Commission Clerk of Cabell County, West Virginia, was required to accept for probate a will executed in Texas by a decedent who died while incarcerated in Texas, where the decedent's only remaining property was real estate located in Cabell County, West Virginia.

LEGISLATIVE & REGULATORY UPDATE

Analysis: Daniel Steffen prepared a will in 2016 while living in Texas, naming his brother Michael as executor. Daniel died in 2022 while incarcerated in Texas. The only property he owned was a parcel of real estate in Cabell County, West Virginia. Michael presented the will to the Cabell County Clerk for probate, but the Clerk rejected it, citing W. Va. Code § 41-5-13. The Supreme Court of Appeals examined the probate jurisdiction statutes, including W. Va. Code § 41-5-4, which provides that a will relative to real estate located in West Virginia that has been proved outside the state may be offered for probate in the county where the property is located. The Court found that the Clerk's refusal was improper and that the will should have been accepted for probate in Cabell County.

Conclusion: The Supreme Court of Appeals held that the Cabell County Clerk was required to accept the out-of-state will for probate because the decedent owned real property in Cabell County, West Virginia, and the applicable statutes authorize probate of foreign wills in the county where the property is situated.

New Statutes

West Virginia — W. Va. Code Ann. § 5B-2N-1a (Effective June 12, 2026) W. Va. Code Ann. § 5B-2N-1a (West)

West Virginia's Grid Stabilization and Security Act of 2023 received an updated definitions section that became effective June 12, 2026. The statute defines "Critical Energy Infrastructure" to include communication infrastructure systems, cybersecurity systems, electric grids, hazardous waste treatment systems, and water treatment facilities that directly or indirectly affect the ability to generate, transmit, transport, or distribute electricity, coal, oil and natural gas, or hydrogen within the state. This definition is relevant to energy practitioners advising clients on infrastructure security compliance and regulatory obligations under the Act.

OHIO

Oil and Gas

State ex rel. AWMS Water Solutions, L.L.C. v. Mertz, 2026-Ohio-1487, 181 Ohio St. 3d 418 (Apr. 29, 2026) *State ex rel. AWMS Water Sols., L.L.C. v. Mertz, 2026-Ohio-1487, 181 Ohio St. 3d 418*

Legal Issue: Whether Ohio's suspension of saltwater injection wells used for fracking wastewater disposal—after the wells caused earthquakes—constituted a compensable regulatory taking under the Fifth Amendment and Ohio Constitution.

Analysis: AWMS operated saltwater injection wells in the Mahoning Valley for disposal of fracking wastewater. After two earthquakes (1.7 and 2.1 magnitude) were attributed to AWMS's injection activities in 2014, the Ohio Department of Natural Resources ordered suspension of operations. AWMS sought mandamus compelling ODNR to file appropriation proceedings. The Ohio Supreme Court applied the *Penn Central Transportation Co. v. City of New York* three-factor test: (1) economic impact, (2) interference with investment-backed expectations, and (3) character of the government action.

LEGISLATIVE & REGULATORY UPDATE

The Court found that the investment-backed expectations factor weighed against AWMS because AWMS had stipulated it was aware before acquiring its leasehold that saltwater injection wells could trigger seismic activity and had even disclosed to investors that ODNR might order suspension if wells caused earthquakes. The character of the government action—protecting public safety from induced seismicity—also weighed in favor of the State. The Court reversed the court of appeals' finding of a partial taking and denied the writ.

Conclusion: The Ohio Supreme Court held that the suspension order did not constitute a compensable regulatory taking, either total or partial, because AWMS lacked reasonable investment-backed expectations given its prior knowledge of seismic risks, and because the government action was a legitimate public safety measure. The writ of mandamus was denied.

Coal and Mineral Rights

Faith Ranch & Farms Fund, Inc. v. PNC Bank, National Association, 2026-Ohio-1145 (Apr. 2, 2026) Faith Ranch & Farms Fund, Inc. v. PNC Bank, Nat'l Ass'n, 2026-Ohio-1145

Analysis: The Ohio Supreme Court addressed a deed reservation by grantor C.C. Fay that reserved coal and "other minerals of any vein" with the right to "mine and remove" them. The current surface owner sought to quiet title, arguing the reservation did not include oil and gas. The heirs of the grantor argued it did. The Court found the reservation clause unambiguous and applied the contextual analysis required by *Detlor v. Holland*, 57 Ohio St. 492 (1898), which held that whether "other minerals" includes oil and gas depends on the parties' intent as revealed by context. The Court found three textual indicators that oil and gas were excluded: (1) the terms "mine" and "mining" are associated with solid mineral extraction, not fluid extraction; (2) the word "vein" refers to solid rock formations, not oil and gas pools or reservoirs; and (3) applying the canon of ejusdem generis, "other minerals of any vein" should be read to include only items of the same nature as coal—solid materials found in veins—rather than liquids or gases. The Court affirmed the lower courts' result but on different grounds, finding the deed unambiguous rather than relying on extrinsic evidence.

Conclusion: The Ohio Supreme Court held that the deed's reservation of coal and "other minerals of any vein" did not reserve oil and gas, because the mining-related language and use of the term "vein" established that the grantor intended to reserve only solid minerals. This is a significant decision for title practitioners throughout Ohio's oil and gas producing regions.

Real Estate / Mineral Rights

Bednarz v. Henderson Family Enterprises, Ltd., 2026-Ohio-1297 (7th Dist., Apr. 9, 2026)

Legal Issue: Whether surface owners satisfied the notice requirements of Ohio's Dormant Mineral Act (DMA), Ohio Rev. Code § 5301.56, before resorting to notice by publication, and whether mineral rights holders were precluded by laches from asserting ownership.

LEGISLATIVE & REGULATORY UPDATE

Analysis: Surface owners attempted to abandon severed mineral interests under the DMA by serving notice on mineral rights holders. The surface owners conducted a records search but failed to identify and serve all known holders at their last known addresses before resorting to publication notice. The Seventh District Court of Appeals affirmed summary judgment for the mineral rights holders, finding that the surface owners' records search did not constitute due diligence. The court also held that mineral rights holders who merely asserted ownership defensively—without filing counterclaims or affirmative claims for relief—were not barred by laches. Additionally, the court held that the failure to substitute a successor trustee after the death of an original trustee had no substantive effect on the outcome, and that failure to file a claim to preserve mineral rights did not waive those rights.

Conclusion: The Seventh District Court of Appeals held that the surface owners' abandonment attempts were ineffective because they failed to exercise reasonable diligence in searching for mineral rights holders before resorting to publication notice. The DMA's notice requirements are strictly construed, and defensive assertions of mineral rights ownership are not subject to laches.

PENNSYLVANIA

Oil and Gas

Pennesi v. DL Resources, Inc., 2026 PA Super 139 (July 1, 2026) Pennesi v. DL Res., Inc., 2026 PA Super 139 (July 1, 2026)

Legal Issue: Whether an oil and gas operator may use a surface estate to access and operate a well without an express easement, and if so, whether the standard for establishing an implied easement by necessity is strict necessity or mere reasonableness.

Analysis: DL Resources operated William Wells 2 on the Pennesi Land—a 13.58-acre surface tract—without an express easement, relying on an implied right-of-way by necessity. The surface owners, Pennesi and Mazzoni, had not joined the oil and gas lease covering the subsurface estate. The trial court granted summary judgment for DL Resources, applying a reasonableness standard. The Superior Court vacated and remanded, holding that the trial court applied the wrong legal standard. The court clarified that an implied right-of-way by necessity is always of strict necessity and never exists as a mere matter of convenience, citing *Bartkowski v. Ramondo*, 219 A.3d 1083 (Pa. Super. 2019). The court established a two-step analysis: first, strict necessity must be demonstrated (meaning it would be manifestly impracticable, though not theoretically impossible, to access the subsurface estate without using the surface estate in question); second, once strict necessity is established, the use of the implied right-of-way must be reasonable. The court further held that because DL Resources had express rights to access the subsurface estate through two other wells on adjacent surface parcels, a genuine issue of material fact existed as to whether use of William Wells 2 on the Pennesi Land was strictly necessary.

Conclusion: The Superior Court vacated the summary judgment and remanded for a factual determination of whether strict necessity existed for DL Resources' use of the Pennesi Land. This decision is significant for Pennsylvania oil and gas operators who rely on implied easements over surface estates they do not have express rights to use.

Continued

LEGISLATIVE & REGULATORY UPDATE

Oil, Gas, and Coal Intersection

Scott v. Department of Environmental Protection, 356 A.3d 946 (Pa. Commw. Ct. Apr. 2, 2026)

Legal Issue: Whether the Pennsylvania DEP's decision to grant permits for oil and gas wells to be drilled through coal seams—without the coal owners' consent—constituted a regulatory taking of the coal owners' property under the Fifth Amendment and Pennsylvania Constitution.

Analysis: The Scotts owned coal rights (except for the previously severed Pittsburgh coal seam) and had entered into an oil and gas lease with EQT/Rice Drilling. After the Scotts attempted to revoke their Coal Owner Permission to Drill, Rice applied for DEP permits to drill five additional wells through the Scotts' coal seams. The DEP determined the coal seams were not "workable" under the Coal and Gas Resource Coordination Act and granted the permits without the Scotts' consent. The Scotts argued this constituted a regulatory taking. The Commonwealth Court rejected both a physical invasion theory and an economic deprivation theory. On physical invasion, the court found the DEP merely applied a statutory standard rather than compelling any private party action. On economic deprivation, the court applied the "parcel as a whole" rule from *Penn Central Transportation Co. v. City of New York*, finding that the Scotts retained economically beneficial uses of their property through their oil and gas lease and other activities, and that the coal estate was not being actively mined. The Scotts' remaining claims regarding arbitrary and capricious agency action were rendered moot by Rice's completion of the drilling.

Conclusion: The Commonwealth Court held that the DEP's permitting decision did not constitute a regulatory taking of the Scotts' coal rights, because the Scotts retained other economically beneficial uses of the property as a whole, and the DEP's role was limited to applying statutory standards rather than compelling private action.

Real Estate

Morton v. Green, 2026 PA Super 90 (Apr. 30, 2026)

Legal Issue: Whether a settlement agreement in a quiet title and ejectment action should be rescinded based on mutual mistake, where a subsequent survey revealed that the property owner actually owned a portion of the disputed parcel that she had agreed to relinquish in exchange for an easement.

Analysis: Morton brought a quiet title and ejectment action against neighboring property owners, claiming adverse possession of a disputed parcel. The parties entered into a settlement agreement providing Morton with an easement over a portion of the disputed parcel. After the settlement, a surveyor discovered a discrepancy in the original survey showing that Morton actually owned a portion of the parcel. Morton moved to rescind the settlement agreement based on mutual mistake. The trial court denied the motion. The Superior Court reversed, finding that both parties were mutually mistaken about the location of the boundary line at the time of settlement. The court held that enforcement of the agreement would be inequitable because: (1) there was genuine uncertainty about the conceded fact; (2) the stipulation could be disregarded in the interests of justice; (3) enforcement would be impossible because Morton could not hold an easement over her own land; and (4) Morton's changed position was based on mutual mistake, not bad faith, so judicial estoppel did not apply.

Continued

LEGISLATIVE & REGULATORY UPDATE

Conclusion: The Superior Court held that the settlement agreement should be rescinded based on mutual mistake as to the location of the boundary line, vacated the trial court's order, and remanded for further proceedings. This case is significant for real estate practitioners dealing with boundary disputes and the enforceability of settlement agreements based on inaccurate surveys

Wills & Estates

In re Estate of Singer, 2026 PA Super 89 (Apr. 30, 2026)

Legal Issue: Whether an executor named in a will has authority to determine the decedent's burial arrangements, notwithstanding a claim by other next of kin that they constitute a majority entitled to control disposition of remains under the Pennsylvania Probate, Estates and Fiduciaries (PEF) Code.

Analysis: Following the death of the decedent, one son filed a petition claiming that he and a third son formed a majority of equal next of kin entitled to control burial arrangements, and that the executor son was improperly excluding them. The Orphans' Court denied the petition, finding it lacked jurisdiction because the decedent was not domiciled in Philadelphia. The Superior Court found the appeal was not moot and addressed the merits. The court held that the PEF Code provision giving a majority of equal next of kin authority to resolve disputes over disposition of remains is expressly subject to the provisions of a valid will. Because the decedent's will authorized the executor to facilitate burial in the family plot, the executor's authority superseded the majority-of-next-of-kin provision.

Conclusion: The Superior Court held that a testator's will controls over the statutory default rule giving a majority of equal next of kin authority over burial arrangements, and that the executor named in the will had authority to determine the decedent's burial arrangements. This decision clarifies the interplay between testamentary authority and the PEF Code's default rules for disposition of remains.

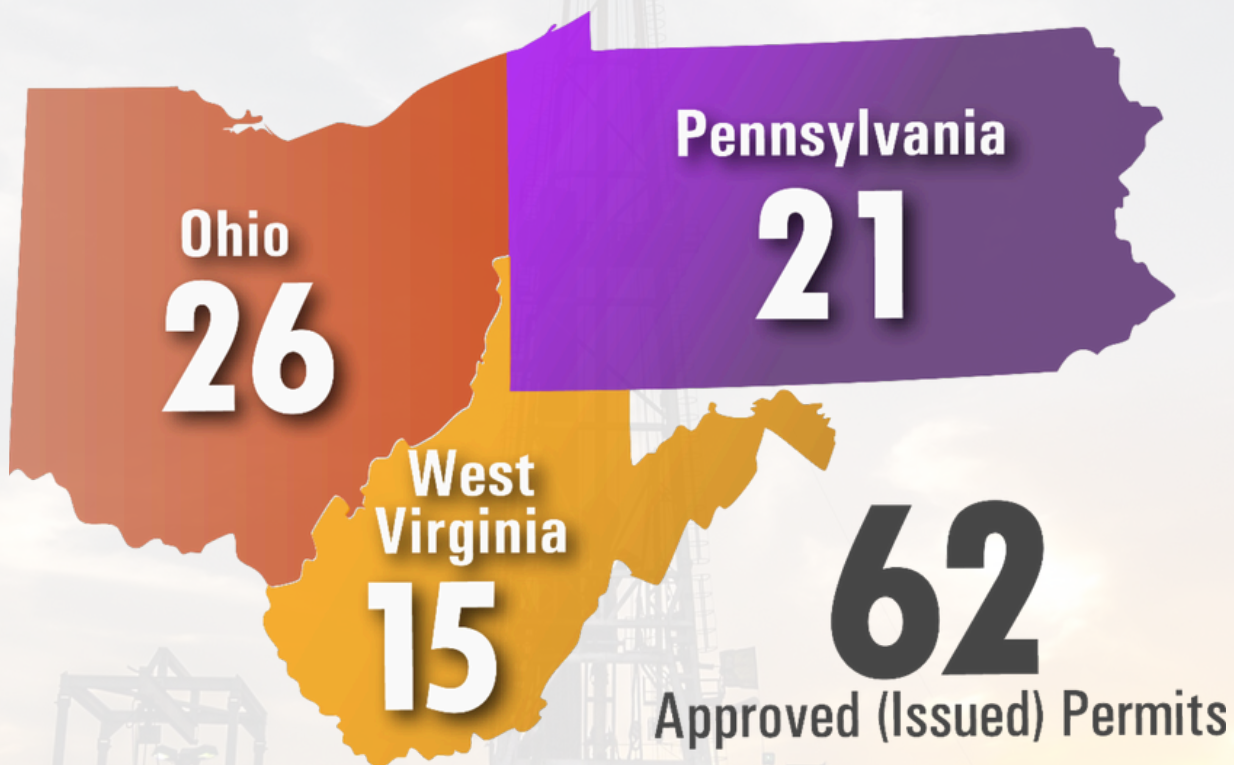
Estate of Fellman, 2026 PA Super 121 (June 12, 2026)

Legal Issue: The scope of an executor's fiduciary duties under the Pennsylvania PEF Code, including the duty to take possession of, maintain, and administer estate property, and the standard of care applicable to executors.

Analysis: The Superior Court addressed the fiduciary duties of an executor in the context of a complex estate administration involving a charitable trust and disputes over the executor's management of estate assets. The court reaffirmed that by statute, an executor must take possession of, maintain, and administer all real and personal estate of the decedent, and must preserve and protect the property for distribution to the proper persons within a reasonable time. The court applied the prudent person standard, requiring the executor to exercise the judgment, skill, care, and diligence that a reasonable or prudent person would ordinarily exercise in the management of his or her own affairs. The court also addressed the allocation of estate and inheritance taxes under the will's tax clause, which directed that all taxes payable by reason of the decedent's death on any property forming part of the estate for tax purposes—whether or not passing under the will—shall be paid from the residuary estate.

Conclusion: The Superior Court reaffirmed the executor's broad fiduciary duties under 20 Pa. C.S.A. § 3311 and the prudent person standard of care, and addressed the allocation of estate taxes under the will's tax apportionment clause. This case is a useful reference for practitioners advising executors on the scope of their duties.

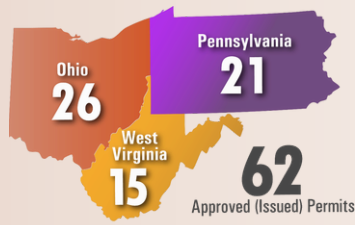
BASIN BRIEF



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BASIN  **Digest**
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BASIN ACTIVITY INFORMATION PROVIDED BY AYERS PETROLEUM CONSULTING AND IS CURRENT OF MAY 2026.



BASIN BRIEF

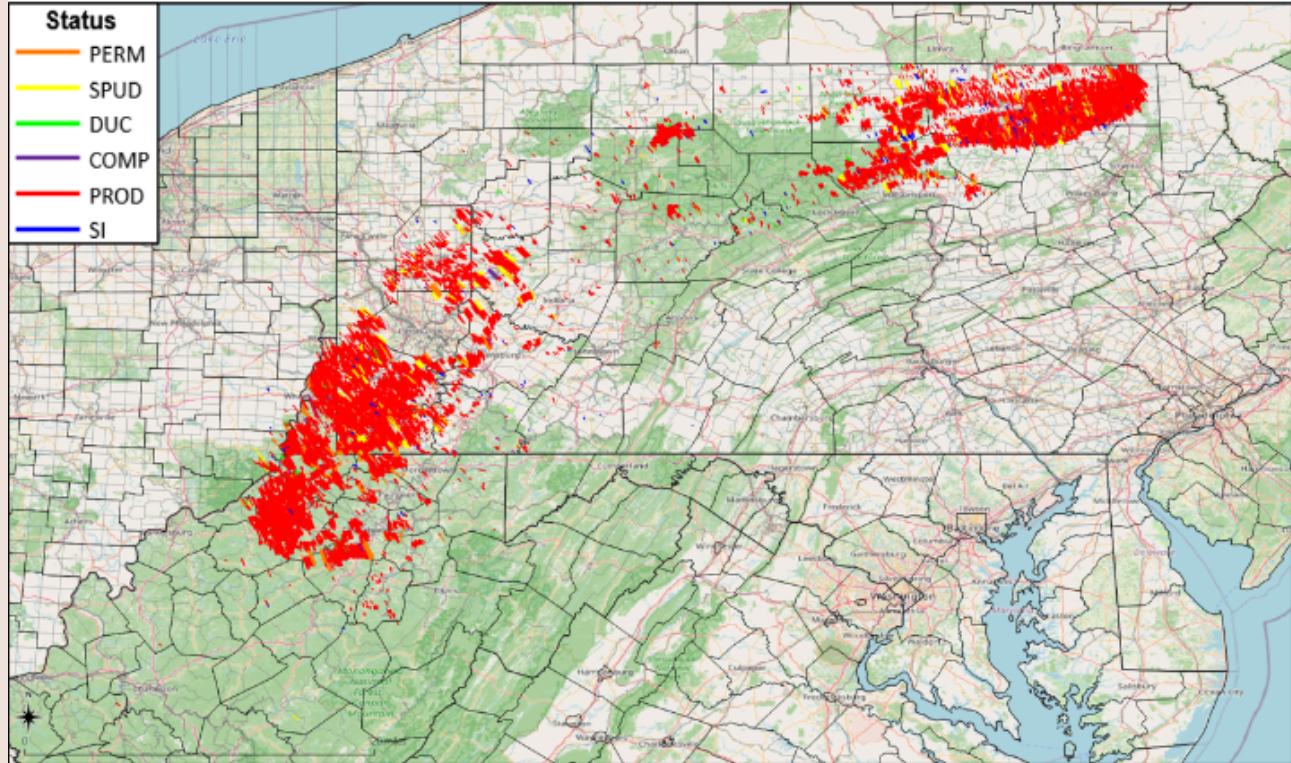
PERMIT DETAILS

NO.	API	COUNTY	OPERATOR	PERMIT DATE	RESERVOIR
1	34-121-24712-0000	Noble	EOG Resources	5/7/2026	Utica
2	34-121-24713-0000	Noble	EOG Resources	5/7/2026	Utica
3	34-067-21865-0000	Harrison	EOG Resources	5/8/2026	Utica
4	34-067-21866-0000	Harrison	EOG Resources	5/8/2026	Utica
5	34-067-21867-0000	Harrison	EOG Resources	5/8/2026	Utica
6	34-059-24755-0000	Guernsey	EOG Resources	5/12/2026	Utica
7	34-059-24756-0000	Guernsey	EOG Resources	5/12/2026	Utica
8	34-059-24757-0000	Guernsey	EOG Resources	5/12/2026	Utica
9	34-059-24758-0000	Guernsey	EOG Resources	5/12/2026	Utica
10	34-067-21896-0000	Harrison	Ascent	5/18/2026	Utica
11	34-067-21897-0000	Harrison	Ascent	5/18/2026	Utica
12	34-067-21898-0000	Harrison	Ascent	5/18/2026	Utica
13	34-019-22977-0000	Carroll	EOG Resources	5/20/2026	Utica
14	34-019-22978-0000	Carroll	EOG Resources	5/20/2026	Utica
15	34-019-22979-0000	Carroll	EOG Resources	5/20/2026	Utica
16	34-019-22980-0000	Carroll	EOG Resources	5/20/2026	Utica
17	34-019-22981-0000	Carroll	EOG Resources	5/20/2026	Utica
18	34-013-21678-0000	Belmont	Grenadier Energy	5/27/2026	Utica
19	34-013-21679-0000	Belmont	Grenadier Energy	5/27/2026	Utica
20	34-013-21680-0000	Belmont	Grenadier Energy	5/27/2026	Utica
21	34-013-21681-0000	Belmont	Grenadier Energy	5/27/2026	Utica
22	34-013-21682-0000	Belmont	Grenadier Energy	5/27/2026	Utica
23	34-067-21899-0000	Harrison	EOG Resources	5/29/2026	Utica
24	34-067-21900-0000	Harrison	EOG Resources	5/29/2026	Utica
25	34-067-21901-0000	Harrison	EOG Resources	5/29/2026	Utica
26	34-067-21902-0000	Harrison	EOG Resources	5/29/2026	Utica
27	37-015-24042	Bradford	Expand Energy	5/5/2026	Marcellus
28	37-015-24043	Bradford	Expand Energy	5/5/2026	Marcellus
29	37-015-24044	Bradford	Expand Energy	5/5/2026	Marcellus
30	37-015-24045	Bradford	Expand Energy	5/5/2026	Marcellus
31	37-015-24046	Bradford	Expand Energy	5/5/2026	Marcellus
32	37-115-23242	Susquehanna	Expand Energy	5/12/2026	Marcellus
33	37-115-23243	Susquehanna	Expand Energy	5/12/2026	Marcellus

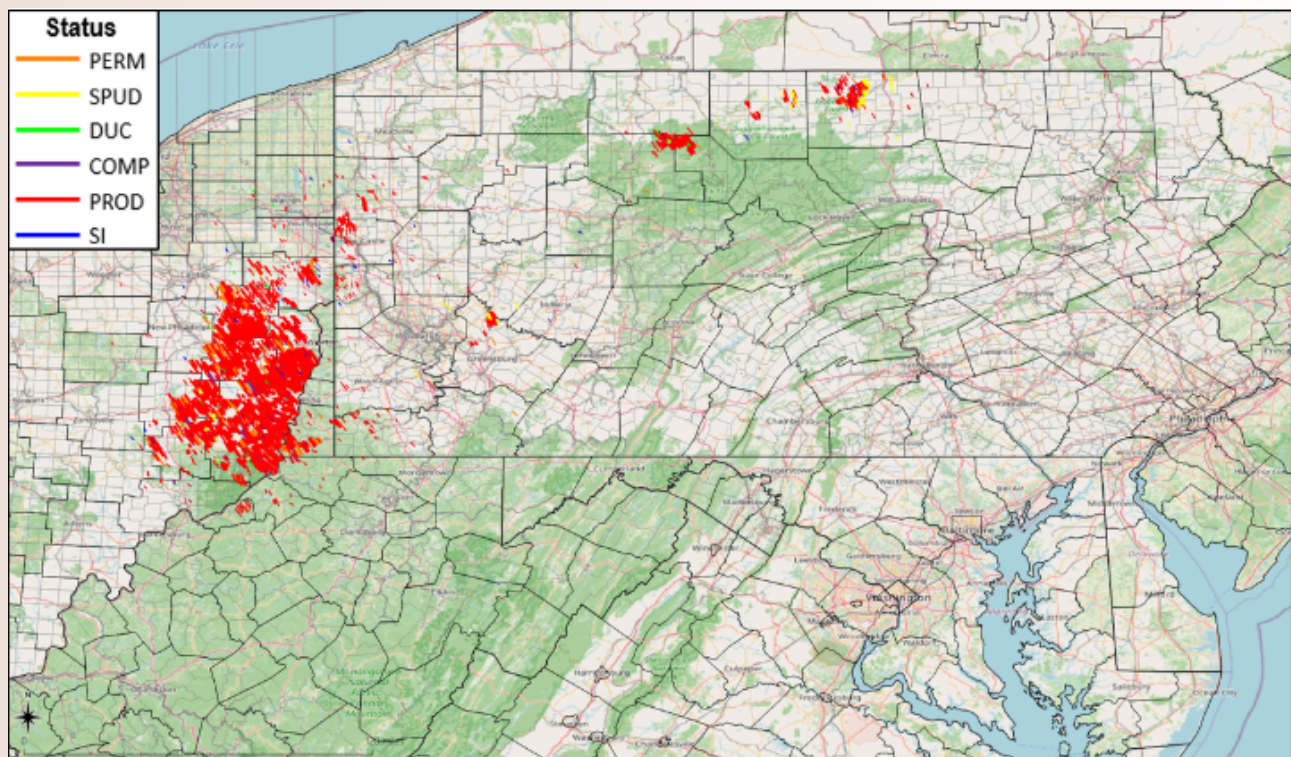
34	37-015-24049	Bradford	Expand Energy	5/12/2026	Marcellus
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36	37-015-24051	Bradford	Expand Energy	5/12/2026	Marcellus
37	37-015-24048	Bradford	Expand Energy	5/15/2026	Marcellus
38	37-015-24047	Bradford	Expand Energy	5/15/2026	Marcellus
39	37-131-20699	Wyoming	Expand Energy	5/21/2026	Marcellus
40	37-131-20698	Wyoming	Expand Energy	5/21/2026	Marcellus
41	37-125-29294	Washington	Range Resources	5/27/2026	Marcellus
42	37-125-29290	Washington	Range Resources	5/27/2026	Marcellus
43	37-125-29291	Washington	Range Resources	5/27/2026	Marcellus
44	37-125-29292	Washington	Range Resources	5/27/2026	Marcellus
45	37-125-29293	Washington	Range Resources	5/27/2026	Marcellus
46	37-015-24052	Bradford	Expand Energy	5/28/2026	Marcellus
47	37-015-22332	Bradford	Expand Energy	5/28/2026	Marcellus
48	47-061-02031	Monongalia	Expand Energy	5/5/2026	Marcellus
49	47-061-02032	Monongalia	Expand Energy	5/5/2026	Marcellus
50	47-061-02033	Monongalia	Expand Energy	5/5/2026	Marcellus
51	47-061-02034	Monongalia	Expand Energy	5/5/2026	Marcellus
52	47-103-03846	Wetzel	Expand Energy	5/18/2026	Marcellus
53	47-103-03848	Wetzel	Expand Energy	5/18/2026	Marcellus
54	47-103-03849	Wetzel	Expand Energy	5/18/2026	Marcellus
55	47-103-03851	Wetzel	Expand Energy	5/18/2026	Marcellus
56	47-103-03852	Wetzel	Range Resources	5/18/2026	Marcellus
57	47-061-02009	Monongalia	Expand Energy	5/26/2026	Marcellus
58	47-095-02973	Tyler	Expand Energy	5/26/2026	Marcellus
59	47-095-02974	Tyler	Expand Energy	5/26/2026	Marcellus
60	47-095-02975	Tyler	Expand Energy	5/26/2026	Marcellus
61	47-095-02976	Tyler	Expand Energy	5/26/2026	Marcellus
62	47-095-02977	Tyler	Expand Energy	5/26/2026	Marcellus

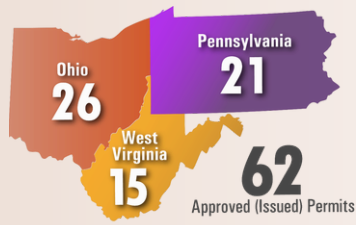
BASIN BRIEF

MARCELLUS WELLS BY STATUS



UTICA WELLS BY STATUS





BASIN BRIEF

PERMITTING SUMMARY BY STATE

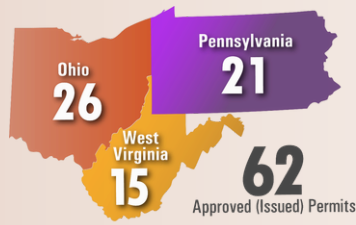
STATE	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC		MAY 2025
OH	11	25	13	21	26	-	-	-	-	-	-	-		33
PA	29	38	36	45	21	-	-	-	-	-	-	-		58
WV	8	16	12	35	15	-	-	-	-	-	-	-		23
TOTAL	48	79	61	101	62	-	-	-	-	-	-	-		114

PERMITTING SUMMARY BY OPERATOR

OPERATOR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Expand Energy	7	5	5	6	30	-	-	-	-	-	-	-	53
Antero	8	8	-	26	-	-	-	-	-	-	-	-	42
EQT	1	13	20	-	-	-	-	-	-	-	-	-	34
Ascent	4	9	2	7	3	-	-	-	-	-	-	-	25
Pennenergy	-	11	-	6	-	-	-	-	-	-	-	-	17
Repsol	6	-	-	9	-	-	-	-	-	-	-	-	15
Gulfport	5	4	3	3	-	-	-	-	-	-	-	-	15
Coterra	12	-	-	-	-	-	-	-	-	-	-	-	12
Infinity Natural Resources	-	10	-	-	-	-	-	-	-	-	-	-	10
Arsenal	-	8	1	1	-	-	-	-	-	-	-	-	10
Others (8)	5	11	30	43	29	-	-	-	-	-	-	-	118
TOTAL	41	74	56	95	32	-	-	-	-	-	-	-	298

HORIZONTAL WELLS BY RESERVOIR BY STATUS

STATUS	OH	PA	WV	TOTAL
PERM	205	315	314	834
SPUD	45	605	4	654
DUC	35	58	17	110
COMP	38	45	25	108
PROD	3,775	12,321	4,190	20,286
SI	57	310	24	391
TOTAL	4,155	13,654	4,574	22,383



BASIN BRIEF

PRODUCING WELL COUNT BY RESERVOIR

RESERVOIR	OH	PA	WV	TOTAL
Marcellus	51	11,564	4,032	15,647
Utica	3,724	456	126	4,306
Burket	-	301	32	333
TOTAL	3,775	12,321	4,190	20,286

PRODUCING MARCELLUS WELLS

OPERATOR	OH	PA	WV	TOTAL
EQT	9	2,241	997	3,247
Expand Energy	30	2,462	702	3,194
Range Resources	-	1,624	-	1,624
Antero	-	-	1,439	1,439
Devon Energy	-	1,103	-	1,103
Seneca	-	826	-	826
Repsol	-	790	-	790
CNX	1	495	93	589
Pennenergy	-	360	-	360
XTO Energy	-	268	54	322
Others (53)	11	1,395	747	2,153
TOTAL	51	11,564	4,032	15,647

PRODUCING UTICA WELLS

OPERATOR	OH	PA	WV	TOTAL
EOG Resources	1,251	-	-	1,251
Ascent	987	-	-	987
Gulfport	489	-	-	489
Infinity	371	-	-	371
EQT	189	20	88	297
Expand Energy	219	2	5	226
Seneca	-	206	-	206
Hilcorp	95	97	-	192
CNX	45	36	5	86
Pin Oak Energy	17	35	-	52
Others (17)	61	60	28	149
TOTAL	3,724	456	126	4,306

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MLBC FOUNDATION PRESENTS: 2026 VETERANS CHARITY CLAY SHOOT

THURSDAY, SEPTEMBER 24, 2026

181 HUNTING HILLS RD, DILLINER, PA 15327

9:00 AM CHECK-IN | 10:00 AM START



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\$200

Individual

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PRIZES \$5,000+

Includes: 100 targets on the course, BBQ chicken & ribs for lunch, refreshments

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\$2,000	Gold	(1) 4-person team, (4) event polos, (1) sponsored station
\$750	Silver	(1) station sign with your logo



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Registration is now open for our Annual Fall Charity Clay Shoot benefiting the WVU Veterans Advocacy Law Clinic. The shoot will be held on Thursday, September 24th at Hunting Hills Shooting Reserve.

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THE MLBC ALL DAY SEMINAR IS BACK!

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DATE

Friday,
October 16th



LOCATION

Bridgeport
Conference Center



EVENT TIME

8:00 AM –
5:00 PM



FOOD PROVIDED

Continental
Breakfast,
Lunch, and
Snacks



MEMBER COST

\$100

EARLY BIRD
(through September 1, 2026)

\$150

AFTER
SEPTEMBER 1, 2026



NONMEMBER COST

\$200

EARLY BIRD
(through September 1, 2026)

\$250

AFTER
SEPTEMBER 1, 2026



*Please note that non-member pricing comes with a complimentary MLBC membership through the end of this year as well as 2027. You are required to meet membership eligible requirements and fill out the application within 30 days of registering for the event.



Additional details to follow...



Annual MLBC Fall Charity

GOLF

OUTING

Join us for this great event and help us as we continue our support of WVU Children's Hospital! We will have some great prizes to give away and are looking forward to seeing everyone!

AUGUST 17, 2026

Registration opens @ 9:00AM

Shotgun start @ 10:00AM

Bridgeport Country Club | Bridgeport, WV

Registration is now open,
which will include a round of
golf at Bridgeport Country
Club and lunch after golf
with plenty of prizes.



REGISTER NOW

\$175 per golfer

SPONSORSHIP **GOLF OPPORTUNITIES**

Please consider sponsoring this great event at one of the sponsorship levels below, and remember that our donations continue to enrich the lives of our communities and their families through the work of WVU Children's Hospital. Let's continue to support our great causes!

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UPCOMING EVENTS IN 2026

17
AUG



FALL CHARITY GOLF EVENT

Bridgeport Country Club
Bridgeport, WV

17
SEPT



COLUMBUS EDUCATIONAL LUNCHEON

The Estate at New Albany
New Albany, OH

24
SEPT



FALL CHARITY CLAY SHOOT

Hunting Hills
Dilliner, PA

16
OCT



FULL DAY SEMINAR

Bridgeport Conference Center
Bridgeport, WV

19
NOV



MARIETTA EDUCATIONAL LUNCHEON

Venue TBD
Marietta, OH

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2026-2027

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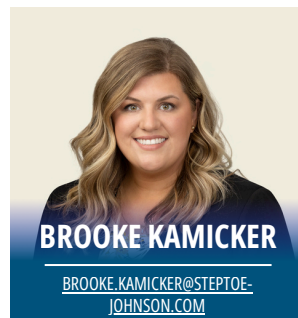
AWARDS



MARKETING



WOMEN OF THE MLBC



CLAY SHOOT



MEMBERSHIP



NEWSLETTER



ETHICS



FINANCE



SPRING GOLF



FALL GOLF



MLBC MEMBERSHIP REPORT JUNE & JULY 2026



MEMBERSHIP BY THE NUMBERS

Total Members:	364	Total Active:	320
Active:	283	% Active:	87.91%
Active PP:	37		
Honorary:	0		
		Associate:	31
		Student:	13

WELCOME NEWLY APPROVED MEMBERS!

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KEVIN GHOLAMI
GUNNER FERTIG
JAMES JESTRAB
BRIAN TESLOVICH

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MEMBERSHIP INFORMATION

The MLBC membership application is located on the website at www.mlbc-aapl.org. Please check your information on the website prior to submitting your renewal. The [MLBC website](http://www.mlbc-aapl.org) has an updated version of the membership listing. Please use this resource if you cannot find yours or others information in the directory. Please report any errors or omissions to Abby Veigel at abbyveigel@mlbc-aapl.org.

Application for membership in the Association shall be subject to the approval by a majority vote of the Executive Committee at a regularly scheduled meeting and shall require the signed approval by the acting President of the Executive Committee, as evidence of the Committee's approval.

Notice of the approved application(s) of all potential Association member(s) shall be printed in the next regularly scheduled publication of the Association. Members shall have the opportunity for a period of thirty (30) days following the publication to object to the potential member's application.

