



Split Estates and Property Rights

What You Don't Know Can Hurt You

Do you live on or own a Split Estate?

If you do,

The law gives mineral estate owners and lessees significant authority to remove minerals. When the mineral estate is severed (split), the mineral estate is dominant, unless covenanted by deed. The mineral estate has an implied easement to use the surface in any way that is reasonably necessary for the exploration, drilling, production, transportation and marketing of minerals. With that comes the right to choose locations, construct roads or other necessary infrastructure, to cut down trees, and to use groundwater.+

What does that mean for landowners' claims? It means that unless the operator conducts operations in an unreasonable or negligent manner, or in violation of statutes or leases, the operator can do whatever he needs to extract oil and gas, no matter how much of a nuisance it may cause to surface owners...+

From: Changing Times Bring Conflict With Surface Owners.+
The American Oil and Gas Reporter, www.AOGR.com Dec. 2011)

Currently in North Carolina, the surface rights owner has:

- No right to participate in the leasing process
- No indemnification (protection) from liability for environmental damage, accidents, nuisance or other legal actions
- No say in the location of well pads, roads, or other drilling infrastructure
- No process for notification
- No statutory recourse to recover damages

What can you do? Join with others in your community who are concerned about their property rights. For more information on protecting your surface rights contact:

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Forced Pooling. Sound bad? It is!

Forced pooling occurs when a private individual or homeowner is forced into a commercial oil or gas production unit. This legal scheme is used by oil and gas development companies to take natural resources from you without your consent.

For example, if two or more separately owned tracts are in a drilling unit, then persons owning them may pool their interests for development of the drilling unit. But if everyone in a drilling unit is not in agreement, one party interested in development can apply to the state authority for forced involuntary pooling.

On August 28, 2013, the Compulsory Pooling Study Group of the North Carolina Mining and Energy Commission voted to allow gas companies to force people into selling the gas under their land. They called it %andowner protection.+ This is nonsense.

Protection does not mean taking away someone's ability to make decisions about their personal property. Allowing forced pooling simply hands bully power to gas companies so that they can coerce landowners into leasing when they do not want to.



Would you want this to be
your new neighbor?

Photo by Ed Wade

In truth, an incredibly powerful industry has been handed another tool to take personal freedom away, and it would be using taxpayer-funded agencies to do so.

Say NO to forced pooling!

Tell the Governor that North Carolinians don't want to be told what to do with their property! Do it today!

Call: (800) 662-7952

Email from: <http://www.governor.state.nc.us/contact/email-pat>

Twitter: @PatMcCrorryNC

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