



West Virginia Surface Owners' Rights Organization

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Filing deadline for claims in Dominion royalty case extended

Mineral owners have more time to request payment from settlement

Hundreds or thousands mineral owners who could receive a settlement from a class action against Dominion may not know that the deadline to file their claims has been extended to August 24, 2009. If no form is sent in, that mineral owner gets none of the back royalty payments. If the form is sent in, the mineral owner must choose between two settlement options.

Most mineral owners receive 1/8th of the money the well operator gets when it sells the gas or oil. A lawsuit was brought because the class of mineral owners believed that Dominion was subtracting expenses out of their 1/8th royalty payments, expenses that were not allowed to be subtracted by the lease language. Dominion stopped subtracting expenses after a West Virginia Supreme Court decision, but was sued for 10 years of back payments. The class action over the back payments was settled.

Class members who want a back settlement must send in the claim form to receive any money. Importantly, class members who make a claim also must choose whether to sign a document that would modify the royalty calculation provision of the lease under which they are paid in the future. If they agree to the modification, they get more money now, but less royalty in the future. If they do not sign the modification, they get less money now, but get more royalty in the future.

"If a well is on its last legs, class members should sign the modification. But if there is room for more wells on the mineral tract, or if the well is still a pretty good producer, they should take less money now and not sign the modification," said lawyer David McMahon. McMahon is a co-founder of the West Virginia Surface Owners Rights Organization, one third of whose members also own minerals.

Class members were last notified that they had until July 17, 2009, to get their claims postmarked, however, McMahon says he was told that the date was extended because there were so many people still trying to get their claim forms in.

"It can be difficult to figure out for sure if the amount on the forms each class members receives is correct. The company well numbers on the individual class member's claims forms are hard to match up with the state issued numbers of those wells used on websites where well production figures are available," McMahon said. "And if you inherited your interest and you only got a fractional share of a 1/8 royalty, the decimal royalty interest of the total income from the well shown on the form can be very hard to understand and compare. I understand some people lost their claims forms and wanted time to get new ones."

More information can also be obtained by calling the claims administrator at 1-866-475-7755 or by visiting www.dominionclass.com.

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