

2024 MLTA Fall Education Seminar • Nov. 7-8

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Minerals, A Split Estate

This course will be presented under Mineral rights law. Mineral ownership is the superior ownership of the land and they include the right to sell all or part of the interest, the right to enter the land to produce and carry-on production activities, the right to lease the mineral rights to others, and the right to create fractional shares of the mineral interest. Also referred to as a “mineral interest” or a “mineral estate.” The ownership of rights to minerals, including oil and gas, contained in a tract of land. A mineral right is a real property interest and can be conveyed independently of the surface estate, as an asset it can be listed as a corporate asset and can be “lost” if the corporation is defunct and the minerals were not transferred out.

Due diligence Stage:

- Mineral Ownership

- Search for the mineral owner if severed from the surface

Access

- Mineral Report will be a complete, prior to patent, abstract with easements if needed

- Case Masolo v. Thomas

Mineral ownership and rights of mineral holders

- Search of the title plant and general index for recorded documents

- Patented mining claims

- Public minerals on private land

- Unpatented mining claims (priority, how do we find at BLM MLRS- he doesn't search this)

- Master title Plat at BLM – screen shots
 - To ensure clarity concerning mineral ownership a Master Title Platt (BLM) should be researched to see if the property has any checkerboard lands. (most of the time the railroad reserved the minerals)

- Mineral severances
 - Search (prior to patent, search for grantor in grantor/grantee recorded books in that county)

 - Present the Mineral Ownership, Mineral Remoteness or Mineral Potential, to the client

- Mineral Remoteness – even if the minerals are severed the chance of mining or drilling is lessened if there are no minerals

- Mineral Potential – If there are minerals

Q&A