

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PHILLIPS EXPLORATION, INC.,	:	
	:	Case No. 2:11-CV-01081
Plaintiff,	:	
	:	Judge Sargus
v.	:	
	:	Magistrate Judge Abel
DUSTIN C. TOMICH, SR., et al.,	:	
	:	
Defendants.	:	

FINAL JUDGMENT ENTRY

It is hereby ORDERED, ADJUDGED and DECREED as follows:

(1) Judgment is entered in favor of Plaintiff Phillips Exploration, Inc. (“Phillips”) on its claim in Count One of its Complaint for Declaratory Judgment. Pursuant to 28 U.S.C. § 2201, et seq. and Rule 57 of the Federal Rules of Civil Procedure, the Court declares that:

(a) Phillips Exploration Inc. (“Phillips”) timely and properly renewed the August 7, 2006, oil and gas lease, executed by Defendants Dustin C. Tomich, Sr. and Diane L. Tomich (the “Tomiches”), that is at issue in this case, which encompasses approximately 87.409 acres of real property in Belmont County, Ohio (the “Lease”). The property encompassed by the Lease is specifically described as follows:

The Leasehold is located in the Township of Smith, in the County of Belmont, in the State of Ohio, known as Tax parcel #36-000316 (78.879 ac) and 36-0051 (9.219 ac), located in Township number T6N, Range number R4W in part of Section 3 and is bounded formerly or currently as follows:

On the North by lands of SR 147
On the East by lands of Trustees Church of Christ; H. Wells; L. Higgenbotham
On the South by lands of Section 3 South Perimeter Line

On the West by lands of SR 147; C. Burgy; R. Ashworthy; Small Tracts

Including but not limited to lands acquired by Lessor or Lessor's predecessor in title by deed(s) dated July 27, 2004, and recorded in Deed Book(s) 800, at page(s) 370, and described for the purposes of this agreement as containing a total of 87.409 acres, whether actually more or less, and including contiguous lands owned by Lessor.

A Memorandum of Lease is recorded at Vol. 78, Page 857, of the official records of Belmont County;

- (b) The primary term of the Lease is now extended by five years, however, such time period is tolled, and thus, extended, by the pendency of this litigation, through and including December 31, 2018; and
- (c) The Tomiches' filing for record with the Belmont County Recorder's Office of an Affidavit of Non-Compliance with Oil and Gas Lease (recorded at Vol. 294, pg. 977 of the official records of Belmont County) is void, and the same shall be and hereby is canceled.

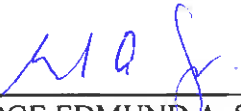
(2) Judgment is entered in favor of Phillips on its claim in Count Three of its Complaint for Specific Performance. Phillips, as assignee of the Lease, is entitled to specific performance thereof, and the Tomiches shall comply with and honor the terms and conditions of the renewed Lease.

(3) Judgment is entered in favor of Phillips on its Claim in Count Four of its Complaint for Injunctive Relief. The Tomiches, and anyone else in active concert or participation with them, are permanently enjoined from impairing, clouding, or otherwise attempting to limit or contest Phillips' interest in the subject property pursuant to the Lease.

(4) All other claims, as well as the Tomiches' Counterclaims, are hereby dismissed, with prejudice, with each party to bear its own costs and attorneys' fees.

This case is hereby terminated. The Court shall retain jurisdiction to enforce this order.

IT IS SO ORDERED.

 4-16-2014

JUDGE EDMUND A. SARGUS, JR.

AGREED:

/s/ Marion H. Little, Jr.
Marion H. Little, Jr. (0042679)
Trial Attorney
Christopher J. Hogan (0079829)
ZEIGER, TIGGES & LITTLE LLP
41 S. High Street, Suite 3500
Columbus, OH 43215
Tel.: (614) 365-9900
Fax: (614) 365-7900
little@litoio.com

Attorneys for Plaintiff
Phillips Exploration, Inc.

/s/ John P. Maxwell
John P. Maxwell (0064270)
KRUGLIAK, WILKINS, GRIFFITHS
& DOUGHERTY CO., L.P.A.
158 N. Broadway
New Philadelphia, Ohio 44663
Tel: (330) 364-3472
Fax: (330) 602-3187
jmaxwell@kwgd.com

Trial Attorney for Defendants
Dustin C. Tomich, Sr. and Diane Tomich