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COPY

IN THE TWENTY-SIXTH JUDICIAL DISTRICT
DISTRICT COURT, STEVENS COUNTY, KANSAS
CIVIL DEPARTMENT

WILLIE JEAN FARRAR and KEITH FARRAR,)
as Co-Trustees of the Keith Farrar Revocable Trust,)
dated October 22, 1999 and MARIE GREGG and)
KEITH THOMAS GREGG, as Co-Trustees of the)
Marie Gregg Trust u/A dated April 26, 1979, as amended,)
)
Plaintiffs,)
)
vs.)
)
MOBIL OIL CORPORATION,)
)
Defendant.)
)

Case No. 01 CV 12

(Pursuant to K.S.A. Chapter 60)

ANSWER OF DEFENDANT MOBIL OIL CORPORATION

Defendant Mobil Oil Company (“Mobil”) for its Answer to the “Amended Petition” states and alleges:

1. Mobil is without sufficient knowledge or information to form a belief as to the truth of the averments of paragraphs 1, 3 and 12.
2. The allegations of paragraph 2 are admitted.
3. With respect to the allegations of paragraphs 4 through 7, it is admitted plaintiffs have attempted to allege grounds sufficient for certification of this action as class action. However, Mobil

denies that such allegations have any merit. Specifically, Mobil alleges that inquiry is essential to determine the nature of the contractual relationship between each member of the putative class and Mobil and that individual issues therefore predominate.

4. The allegations of paragraph 8 are admitted in part and denied in part. It is admitted that Mobil contracted with Oneok to provide for gathering of gas produced by some of Mobil's wells in the Kansas Hugoton field. It is denied that the services are necessary to place the gas in marketable condition.

5. The allegations of paragraphs 9, 11 and 13 are denied.

6. Regarding the allegations of paragraph 10, Mobil is entitled to allocate costs, as it has and does, to require royalty owners to share in the reasonable costs incurred to transport or enhance the value of marketable gas and Mobil responds to inquiries accordingly. Allegations inconsistent with this are denied.

7. Unless specifically admitted in this answer, all allegations of the "Amended Petition" are denied.

FIRST DEFENSE

8. Plaintiffs' claims are barred, in whole or in part, under the doctrine of laches.

SECOND DEFENSE

9. Plaintiffs' claims are barred, in whole or in part, under the principles of waiver, estoppel and/or quasi estoppel.

THIRD DEFENSE

10. Plaintiffs' claims are barred, in whole or in part, under the principles of accord and satisfaction, release, payment or novation.

FOURTH DEFENSE

11. Plaintiffs' claims are barred, in whole or in part, by applicable statute of limitations.

FIFTH DEFENSE

12. Plaintiffs are not entitled to equitable relief because they do not request "equity" with "clean hands."

SIXTH DEFENSE

13. Plaintiffs have failed to state a claim upon which relief can be granted in whole or in part.

SEVENTH DEFENSE

14. Plaintiffs have failed to join necessary parties.

EIGHTH DEFENSE

15. Alternatively, Mobil is entitled to offset any judgment that might be rendered against it, by an accounting or otherwise, by sums owed it by members of the alleged class.

NINTH DEFENSE

16. Mobil reserves the right to raise additional affirmative defenses and other defenses if it learns of facts supporting such defenses in the course of discovery.

THEREFORE, defendant Mobil Oil Corporation requests judgment in its favor, its costs and such other relief as the Court deems just and proper.

Respectfully submitted,

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By



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 11th day of May, 2001, a true and correct copy of the above and foregoing ANSWER O DEFENDANT MOBIL OIL CORPORATION was mailed , postage prepaid and properly addressed to:

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