

## **IC 32-23-10**

### **Chapter 10. Lapse of Mineral Interest**

#### **IC 32-23-10-1**

##### **"Mineral interest" defined**

Sec. 1. As used in this chapter, "mineral interest" means the interest that is created by an instrument that transfers, by:

- (1) grant;
- (2) assignment;
- (3) reservation; or
- (4) otherwise;

an interest of any kind in coal, oil and gas, and other minerals.

*As added by P.L.2-2002, SEC.8.*

#### **IC 32-23-10-2**

##### **Statement of claims; filing; reversion**

Sec. 2. An interest in coal, oil and gas, and other minerals, if unused for a period of twenty (20) years, is extinguished and the ownership reverts to the owner of the interest out of which the interest in coal, oil and gas, and other minerals was carved. However, if a statement of claim is filed in accordance with this chapter, the reversion does not occur.

*As added by P.L.2-2002, SEC.8.*

#### **IC 32-23-10-3**

##### **Presumption of use**

Sec. 3. (a) A mineral interest is considered to be used when:

- (1) minerals are produced under the mineral interest;
- (2) operations are conducted on the mineral interest for injection, withdrawal, storage, or disposal of water, gas, or other fluid substances;
- (3) rentals or royalties are paid by the owner of the mineral interest for the purpose of delaying or enjoying the use or exercise of the rights;
- (4) a use described in subdivisions 1 through 3 is carried out on a tract with which the mineral interest may be unitized or pooled for production purposes;
- (5) in the case of coal or other solid minerals, there is production from a common vein or seam by the owners of the mineral interest; or
- (6) taxes are paid on the mineral interest by the owner of the mineral interest.

(b) A use under or authorized by an instrument that creates a mineral interest continues in force all rights granted by the instrument.

*As added by P.L.2-2002, SEC.8.*

#### **IC 32-23-10-4**

**Statement of claim; filing; time**

Sec. 4. (a) The statement of claim under section 2 of this chapter must:

- (1) be filed by the owner of the mineral interest before the end of the twenty (20) year period set forth in section 2 of this chapter; and
- (2) contain:
  - (A) the name and address of the owner of the mineral interest; and
  - (B) a description of the land on or under which the mineral interest is located.

(b) A statement of claim described in subsection (a) must be filed in the office of the recorder of deeds in the county in which the land is located.

(c) Upon the filing of a statement of claim within the time provided in this section, the mineral interest is considered to be in use on the date the statement of claim is filed.

*As added by P.L.2-2002, SEC.8.*

**IC 32-23-10-5**

**Statement of claim; failure to file**

Sec. 5. Failure to file a statement of claim within the time provided in section 4 of this chapter does not cause a mineral interest to be extinguished if the owner of the mineral interest:

- (1) was, at the time of the expiration of the period specified in section 4 of this chapter, the owner of ten (10) or more mineral interests in the county in which the mineral interest is located;
- (2) made a diligent effort to preserve all the mineral interests that were not being used and, not more than ten (10) years before the expiration of the period specified in section 4 of this chapter, preserved other mineral interests in the county by filing statements of claim as required under this chapter;
- (3) failed to preserve the mineral interest through inadvertence; and
- (4) filed the statement of claim required under this chapter:
  - (A) not more than sixty (60) days after publication of notice as specified in section 6 of this chapter; and
  - (B) if a notice referred to in clause (A) is not published, not more than sixty (60) days after receiving actual knowledge that the mineral interest had lapsed.

*As added by P.L.2-2002, SEC.8.*

**IC 32-23-10-6**

**Notice; lapse of interest**

Sec. 6. (a) A person who succeeds to the ownership of a mineral interest may, upon the lapse of the mineral interest, give notice of the lapse of the mineral interest by:

- (1) publishing notice in a newspaper of general circulation in the county in which the mineral interest is located; and

(2) if the address of the mineral interest owner is shown of record or can be determined upon reasonable inquiry, by mailing, not more than ten (10) days after publication, a copy of the notice to the owner of the mineral interest.

(b) The notice required under subsection (a) must state:

(1) the name of the owner of the mineral interest, as shown of record;

(2) a description of the land; and

(3) the name of the person giving the notice.

(c) If a copy of the notice required under subsection (a) and an affidavit of service of the notice are promptly filed in the office of the recorder in the county where the land is located, the record is prima facie evidence in a legal proceeding that notice was given.

*As added by P.L.2-2002, SEC.8.*

### **IC 32-23-10-7**

#### **Dormant mineral interest record**

Sec. 7. Upon the filing of the statement of claim specified in section 4 of this chapter or the proof of service of notice specified in section 6 of this chapter in the recorder's office for the county where a mineral interest is located, the recorder shall:

(1) record the filing in a book to be kept for that purpose, to be known as the "dormant mineral interest record"; and

(2) indicate by marginal notation on the instrument creating the original mineral interest the filing of the statement of claim or affidavit of publication and service of notice.

*As added by P.L.2-2002, SEC.8.*

### **IC 32-23-10-8**

#### **Waiver**

Sec. 8. The provisions of this chapter may not be waived at any time before the expiration of the twenty (20) year period provided in section 2 of this chapter.

*As added by P.L.2-2002, SEC.8.*