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Texas First Purchaser Liens

PROVIDING INTEREST OWNERS WITH A SECOND CHANCE AT FIRST-PRIORITY PROTECTION

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Overview

- First Purchaser Statutes
- Texas and Oklahoma's First Purchaser Statutes 1983 and 1988
- In re SemCrude, L.P.
- Oklahoma's Revision 2010
- In re First River Energy, LLC
- Texas' Revision 2021
- Other provisions in Texas' revised statute

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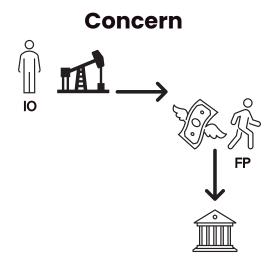
What are first purchaser statutes?

- Protect the oil and gas interests of royalty owners and producers referred to as "interest owners" by securing their rights to amounts owed for their oil and gas produced and sold to "first purchasers".
- Issues arise when the first purchaser does not pay for the production it receives.
 - Interest owners could be considered unsecured creditors.
- Ensure interest owners receive payment for their share of proceeds from the sale of production by providing the interest owners with a security interest or lien.

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Interest Owners and First Purchaser



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Texas's First Purchaser Statute - 1983

- An interest owner was provided a security interest to secure the payment obligations of a first purchaser.
- Covered oil and gas production in the first purchaser's possession and the identifiable sales proceeds owned, received or due to the first purchaser.
- Automatically perfected without the need to file a financial statement or other document.

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Oklahoma's First Purchaser Statute - 1988

- Passed in response to pressure from Oklahoma mineral interest owners and working interest owners to guarantee a "right to payment" for such owners' share of the production sold to a first purchaser.
- The act expressly provided that the liens created thereunder did not impair the priorities of other secured creditors under Oklahoma's Uniform Commercial Code.

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