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**Force Majeure Template Letter - send certified, return receipt requested**

[Your letterhead]

[Insert Date]

[Insert name and address  
of gas company from whom  
you received letter]

Gentlemen:

[I] [We] have received your letter, dated \_\_\_\_\_, 2011, in which you invoke the Force Majeure clause in [my] [our] lease to extend the term of the lease. You assert that there is a state-imposed moratorium on drilling that prevents you from drilling on my land.

[I] [We] disagree and we reject your invalid attempt to extend the lease based upon the Force Majeure clause.

First, the moratorium temporarily bans the issuance of permits for high-volume hydrofracturing combined with horizontal drilling using the short-cut permitting process allowed by the 1992 Generic Environmental Impact Statement. Second, the Force Majeure clause excuses you from performing your obligations under the lease for as long as your are prevented from

doing so due to circumstances beyond your control. The lease gives you the right to drill, but it does not impose any obligation to drill. Thus, the existence of the moratorium does not prevent you from performing.

*[If the company sent or sends any payment with its letter, add the following sentence: Accordingly, [I] [we] return your check herewith.]*

Sincerely,

cc: New York State Attorney General, State Capitol, Albany, NY 12224-0341