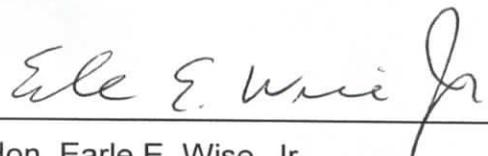


From the foregoing, it can be discerned that at least three conditions must be met before and during the certification of a case to this court pursuant to Section 3(B)(4), Article IV of the Ohio Constitution. First, the certifying court must find that its judgment is in conflict with the judgment of a court of appeals of another district and the asserted conflict *must* be "upon the same question." Second, the alleged conflict must be on a rule of law-not facts. Third, the journal entry or opinion of the certifying court must clearly set forth that rule of law which the certifying court contends is in conflict with the judgment on the same question by other district courts of appeals. (Emphasis sic.)

Certification is urged because in the case sub judice, this court held a fifteen year statute of limitations under R.C. 2305.041 and 2305.06 applied in the action to declare the subject oil and gas lease terminated, and the *Rudolph* court held the applicable statute of limitations was twenty-one years under R.C. 2305.04.

Upon review, we find the motion to certify to be well taken and hereby grant same. Accordingly, we certify the record in this case to the Supreme Court of Ohio for review and final determination on the following issue:

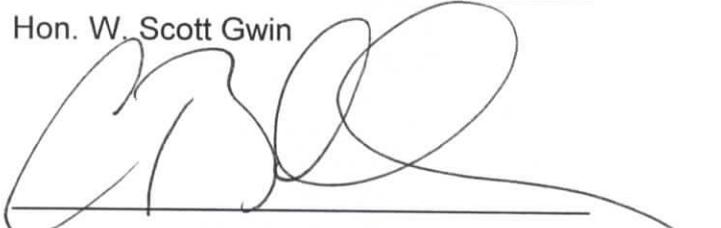
WHAT IS THE APPLICABLE STATUTE OF LIMITATIONS IN AN ACTION TO DECLARE AN OIL AND GAS LEASE TERMINATED: EIGHT OR FIFTEEN YEARS UNDER R.C. 2305.041 AND 2305.06 OR TWENTY-ONE YEARS UNDER R.C. 2305.04?



Hon. Earle E. Wise, Jr.



Hon. W. Scott Gwin



Hon. Craig R. Baldwin