Edgar Filing: GAUL J HERBERT JR - Form 4

GAUL J HEI Form 4	RBERT JR								
January 04, 2010 FORM 4 UNITED STATES SECURITIES AND EXCHANGE COMMISSION							OMB APPROVAL		
Washington, D.C.									3235-0287
Check thi if no long subject to Section 1 Form 4 or Form 5 obligation may cont <i>See</i> Instru 1(b).	 STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 						Expires: Estimated a burden hou response	irs per	
(Print or Type F	Responses)								
1. Name and Address of Reporting Person <u>*</u> GAUL J HERBERT JR			2. Issuer Name and Ticker or Trading Symbol BERRY PETROLEUM CO [BRY]				5. Relationship of Reporting Person(s) to Issuer (Check all applicable)		
	Y PETROLEUM , 1999 BROAD	(Mon I 12/3	3. Date of Earliest Transaction (Month/Day/Year) 12/31/2009				Director 10% Owner Officer (give title 0ther (specify below)		
	(Street)		4. If Amendment, Date Original Filed(Month/Day/Year)				 6. Individual or Joint/Group Filing(Check Applicable Line) _X_ Form filed by One Reporting Person 		
DENVER, O	CO 80202							More than One Re	
(City)	(State)	(Zip)	Fable I - Non-D	erivative S	ecurit	ies Aco	quired, Disposed o	f, or Beneficia	lly Owned
1.Title of Security (Instr. 3)	2. Transaction Da (Month/Day/Year	tte 2A. Deemed :) Execution Data any (Month/Day/Y	Code (Instr. 8)	4. Securit onAcquired Disposed (Instr. 3,	(A) or of (D) 4 and 5 (A) or) 5)	5. Amount of Securities Beneficially Owned Following Reported Transaction(s) (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
Class A Common Stock			Code V	Amount	(D)	Price	14,000	D	

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

 Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned
 (e.g., puts, calls, warrants, options, convertible securities)

1. Title of 3. Transaction Date 3A. Deemed 5. 6. Date Exercisable and Expiration 7. Title and Amoun 2. 4. Derivative Conversion (Month/Day/Year) Execution Date, if TransactionNumber Date Underlying Securit Security Code (Month/Day/Year) (Instr. 3 and 4) or Exercise any of (Instr. 3) Price of (Month/Day/Year) (Instr. 8) Derivative Derivative Securities Security Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5) Amo or Date Exercisable Expiration Date Title Num Code V (A) (D) of Sł Nonstatutory Class A Stock \$7.8438 12/02/2000 12/02/2010 Common 10, Options Stock 12-2-2000 Nonstatutory Class A Stock Common \$7.725 12/02/2001 12/02/2011 10, Options Stock 12-2-01 Nonstatutory Class A Stock \$8.07 12/02/2002 12/02/2012 Common 10,0 Options Stock 12-2-02 Nonstatutory Class A Stock \$ 9.61 12/02/2003 12/02/2013 Common 10, Options Stock 12-2-03 Nonstatutory Class A Stock 12/02/2004 12/02/2014 Common 10, \$ 21.77 Options Stock 12-2-04 Nonstatutory Class A Common **Stock Option** \$ 30.645 12/15/2005 12/15/2015 10, 12-15-05 Stock Class A Nonstatutory **Stock Option** Common 10, \$ 32.565 12/15/2006 12/14/2016 12-15-06 Stock 2007 Class A

А

Restricted

NSO 2007

Stock Unit (1)

\$0

\$ 43.61

(4)

12/31/2009

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2

Common

Stock Class A

Common

Stock

1,3

3,9

33,4

 $01/01/2008^{(2)}$ $12/13/2017^{(3)}$

12/13/2017

08/08/1988

12/14/2007

08/08/1988

Phantom Stock Units 86 (5) Class A Common Stock

Reporting Owners

Reporting Owner Name / Address

Relationships

Director 10% Owner Officer Other

GAUL J HERBERT JR C/O BERRY PETROLEUM COMPANY 1999 BROADWAY, SUITE 3700 DENVER, CO 80202

Signatures

Kenneth A Olson under POA for J. Gaul

**Signature of Reporting Person

01/04/2010

Date

Explanation of Responses:

- * If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- ** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) 1 for 1
- (2) The RSU granted is 100% vested at the date of grant but the receipt of shares are subject to a deferral period which is generally at least four years from the grant date as per the deferral election.
- (3) The RSU is subject to a deferral election. Shares of Class A Common Stock will be delivered to the reporting person as per the terms of the deferral election.
- (4) Phantom Stock Units acquired under the Company's Non-Employee Director Deferred Compensation Plan in a transaction exempt under Rule 16b-3(c). Shares of Common Stock are issued under terms of the Plan upon resignation from the board of directors.
- (5) Phantom Stock Units acquired under the Company's Non-Employee Director Deferred Compensation Plan in a transaction exempt under Rule 16b-3(c). Shares of Common Stock are issued under terms of the Plan upon resignation from the board of directors.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.