

SURFACE DAMAGE AND RELEASE AGREEMENT

4 This Surface Damage and Release Agreement (this "Agreement") is made and entered into this day of December, 2007, by and between **Charles M. McAfee and Company, LLLP**, with an address of P.O. Box 7, Lewis, CO 81327 ("Owner") and **Bill Barrett Corporation** with an address of 1099 18th Street, Suite 2300, Denver, CO 80202 ("BBC").

Whereas, BBC or an affiliate has the right to drill an oil and gas well or wells (the "Well") on the Lands ("Lands") in Montezuma County, Colorado, described below:

Township 38 North, Range 17 West, N.M.P.M.

Section 12: SE4SE4

*Said well is to be drilled from a location
located in the above described lands as
generally described on the plat in Exhibit
"A" and will be known as the McAfee
#16H-12-38-17 well*

9. Owner hereby agrees to waive all thirty (30) day notices as required by the COGCC for issuing APDs or as may be required under consultation provisions of COGCC Rule 305 or 306 for the above proposed well location (s). Should the above proposed well location (s) need to be relocated for any reason, BBC agrees to consult with Owner prior to such relocation.

IN WITNESS WHEREOF, the parties have set their hands on the day and year first written above.

**OWNER: Charles M. McAfee and Company,
LLLP,**

By: Charles W. McAfee

Name: Charles W. McAfee, General Partner

BILL BARRETT CORPORATION

By: Huntington T. Walker

Name: Huntington T. Walker

Title: Sr. Vice President Land

Bill Barrett Corporation
1099 18th Street, Suite 2300
Denver, CO 80202
Attention: Huntington T. Walker
Sr. Vice President- Land
(303) 293-9100

STATE OF COLORADO)
CITY AND COUNTY OF DENVER) ss.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

My Commission Expires 03/17/2010

STATE OF COLORADO)
)
) ss.
COUNTY OF Montezuma)

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

A circular notary seal for Tammy Hooten, a Notary Public in the State of Colorado. The seal features the name "TAMMY HOOTEN" at the top, "NOTARY PUBLIC" in the center, and "STATE OF COLORADO" at the bottom.

Page 4