989509 1/20/2009 2:46 PM Linda Daley
1 of 1 AFF R$6.00 D$0.00 Laplata County Clerk

AFFIDAVIT OF CONSENT

STATE OF Colorado)
) ss.
COUNTY OF LaPlata)

Byron R. Hilliard & Kristin Q. Hilliard, affiants, of lawful age and being first duly sworn, upon their oath depose and say:

That, we are the surface property owners of a tract of land located in La Plata County, Colorado, to wit:

N1/2SE1/4 Section 34, Township 34 North, Range 9 West, N.M.P.M.
La Plata County, Colorado (the "Property").

That, affiants have been informed that XTO Energy Inc., a Delaware corporation ("XTO"), intends to drill a gas and/or oil well known as the Zellitti 34-9 #34-3 Well ("Additional Well") on the well pad associated with the Zellitti 34-9 #34-1 ("Existing Well") or a reasonable expansion or modification thereof on property adjacent to and south of our Property, at a surface location which is proposed to be staked at approximately ~~1305~~ 1371 feet from the south line and ~~945~~ 1084' feet from the east line of Section 34, Township 34 North, Range 9 West, N.M.P.M., La Plata County, Colorado. BRH KaH BRH KaH

That, the Colorado Oil & Gas Conservation Commission Rules & Regulations, Section 603, set forth the following, (a) Statewide setbacks:

(2) A well shall be a minimum distance of one hundred fifty (150) feet from a surface property line.

Now therefore, affiants, as the affected surface property owners, hereby voluntarily consent to the location set forth above.

Surface Property Owner:

By: _____
Byron R. Hilliard

By: _____
Kristin Q. Hilliard

STATE OF Colorado)
) ss.
COUNTY OF LaPlata)

Subscribed and sworn to before me this 23 day of April, 2008, by Byron R. Hilliard & Kristin Q. Hilliard, personally known to me.

WITNESS my hand and official seal.

_____
Notary Public

My commission expires: 7-11-10

1 pages, **PLEASE RETURN TO:**
Johnston Land Company, Inc.
1315 Main Avenue, Suite 308
Durango, Colorado 81301

NOTARY PUBLIC STATE OF COLORADO