

MEMORANDUM OF SURFACE USE AGREEMENT

(Zellitti 34-9 #34-4 Well from Zellitti 34-9 #34-2 Well location)

This MEMORANDUM OF SURFACE USE AGREEMENT ("Memorandum"), is provided by XTO Energy Inc., a Delaware Corporation, the address of which is 810 Houston Street, Fort Worth, TX 76012-6298 ("XTO" or "Operator"), and Anthony D. Zellitti, individually and Anthony D. Zellitti and Marilyn G. Zellitti, as Joint Tenants ("Surface Owner"), whose address is 2001 CR 300, Durango, CO 81303 ("Surface Owner"). Notice is hereby given that XTO and Surface Owner have entered into a Surface Use Agreement dated the 3rd day of October, 2008, concerning a proposed gas well known as the Zellitti 34-9 #34-4 Well ("Additional Well") to be located on the well pad of an existing gas well known as the Zellitti 34-9 #34-2 Well ("Existing Well") or reasonable expansion or modification thereof, and the utilization of existing access roads. Both wells are or will be located on the below described property and will be or have been drilled pursuant to underlying oil and gas lease(s) and applicable permits. Under the Surface Use Agreement, Surface Owner and Operator have agreed to certain specific matters in connection with XTO's right to use the surface estate of the following property:

E1/2SW1/4 of Section 34, Township 34 North, Range 9 West, N.M.P.M., La
Plata County, Colorado

This Memorandum constitutes notice to all interested parties of the existence of the Surface Use Agreement. Furthermore, any successor or assign of either XTO or Surface Owner shall be bound by the terms and conditions of the Surface Use Agreement. In the event that any party acquires any rights or interests in the surface estate of the Property, such rights or interests shall be subject to the terms and conditions set forth in the Surface Use Agreement. For more information, contact either XTO or Surface Owner.

SURFACE OWNER:

OPERATOR:

By: Anthony D. Zellitti
Anthony D. Zellitti, individually
and as Joint Tenant

By: Marilyn G. Zellitti
Marilyn G. Zellitti

XTO Energy Inc., a Delaware Corporation

By: _____
Name: Edwin S. Ryan, Jr.
Title: Senior Vice President – Land
Administration

STATE OF Colorado)
COUNTY OF LARIMA) ss.

The foregoing instrument was acknowledged before me this 3rd day of October, 2008, by Anthony D. Zellitti and Marilyn G. Zellitti, personally known to me.

Robert J. Hill
Notary Public

WITNESS my hand and official seal.

My commission expires: 7-11-2010



STATE OF TEXAS)
COUNTY OF TARRANT) ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by Edwin S. Ryan, Jr., as Senior Vice President – Land Administration of XTO Energy Inc., on behalf of said corporation.

Notary Public

WITNESS my hand and official seal.

My commission expires: _____

MEMORANDUM OF SURFACE USE AGREEMENT

(Zellitti 34-9 #34-4 Well from Zellitti 34-9 #34-2 Well location)

This MEMORANDUM OF SURFACE USE AGREEMENT ("Memorandum"), is provided by XTO Energy Inc., a Delaware Corporation, the address of which is 810 Houston Street, Fort Worth, TX 76012-6298 ("XTO" or "Operator"), and Zellitti Properties, a partnership ("Surface Owner"), whose address is c/o Wilma I. Zellitti, 10751 West 34th Place, Wheat Ridge, CO 80033 ("Surface Owner"). Notice is hereby given that XTO and Surface Owner have entered into a Surface Use Agreement dated the 3rd day of October, 2008, concerning a proposed gas well known as the Zellitti 34-9 #34-4 Well ("Additional Well") to be located on the well pad of an existing gas well known as the Zellitti 34-9 #34-2 Well ("Existing Well") or reasonable expansion or modification thereof, and the utilization of existing access roads. Both wells are or will be located on the below described property and will be or have been drilled pursuant to underlying oil and gas lease(s) and applicable permits. Under the Surface Use Agreement, Surface Owner and Operator have agreed to certain specific matters in connection with XTO's right to use the surface estate of the following property:

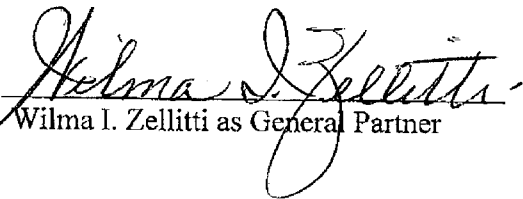
E1/2SW1/4 of Section 34,
Township 34 North, Range 9 West, N.M.P.M.
All in La Plata County, Colorado
(the "Property")

This Memorandum constitutes notice to all interested parties of the existence of the Surface Use Agreement. Furthermore, any successor or assign of either XTO or Surface Owner shall be bound by the terms and conditions of the Surface Use Agreement. In the event that any party acquires any rights or interests in the surface estate of the Property, such rights or interests shall be subject to the terms and conditions set forth in the Surface Use Agreement. For more information, contact either XTO or Surface Owner.

SURFACE OWNER:

OPERATOR:

Zellitti Properties, a partnership

By: 
Wilma I. Zellitti as General Partner

XTO Energy Inc., a Delaware Corporation

By: _____
Name: Edwin S. Ryan, Jr.
Title: Senior Vice President – Land Administration

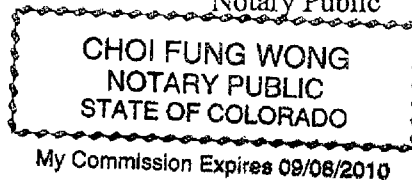
STATE OF Colorado)
COUNTY OF Jefferson) ss.

The foregoing instrument was acknowledged before me this 3rd day of October, 2008, by Wilma I. Zellitti as General Partner of Zellitti Properties, a partnership, personally known to me.

WITNESS my hand and official seal.

My commission expires: 09/06/2010

WongChongWong
Notary Public



STATE OF TEXAS)
COUNTY OF TARRANT) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by Edwin S. Ryan, Jr., as Senior Vice President – Land Administration of XTO Energy Inc., on behalf of said corporation.

WITNESS my hand and official seal.

My commission expires: _____

Notary Public

SET 2" AC
LS #38093
C 1/4

N 01°57'19" E 1342.30' (M)

BASIS OF BEARINGS

TIE: N 15°52'49" E 1613.78' (M)

NE/4 SW/4

SE/4 SW/4

S 53°36'22" W 230.75'

S 57°58'32" W 176.59'

S 89°52'24" W 61.00'

20.02'

FND 1-1/2" AC
LS #5836
C-S 1/16th

ZELLITTI 34-9 #34-4
WELL FLAG

ZELLITTI 34-9 #34-2
WELL HEAD

A circular seal for a Colorado Licensed Professional Land Surveyor. The outer ring contains the text "COLORADO LICENSED" at the top and "PROFESSIONAL LAND SURVEYOR" at the bottom. The inner circle contains the name "RANDY R. RUSSELL" and the license number "38093".

~~RXS~~

Russell Surveying
1409 W. Aztec Blvd. #3
Aztec, New Mexico 87410
(505) 334-8637

EXHIBIT "A"
ROAD RIGHT OF WAY AND EASEMENT
SITUATED WITHIN LANDS OF ZELLITTI PROPERTIES
AND ZELLITTI, ET UX
WHICH LIES WITHIN THE SW/4 OF SECTION 34,
TOWNSHIP 34 NORTH, RANGE 9 WEST,
OF THE NEW MEXICO PRINCIPAL MERIDIAN,
LA PLATA COUNTY, COLORADO
PAGE 1 OF 2

A non-exclusive, perpetual, twenty-five (25) foot wide Right of Way and Easement, located in the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) and the Southeast Quarter of the Southwest Quarter (SE/4 SW/4) of Section Thirty-Five (34), Township Thirty-Four (34) North, Range Nine (9) West, N.M.P.M., La Plata County, Colorado. Said Right of Way and Easement lying twelve and one half feet (12.5') on each side of the following described Centerline:

Beginning, for a tie, at a 1-1/2" AC stamped "LS 5836" found at the Center-South One-Sixteenth Corner of said Section 34;

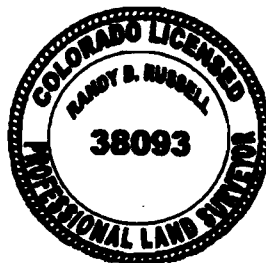
Thence, North 01°57'19" East, along the North/South Center Section Line of said Section 34, a distance of 20.02 feet to the True Point of Beginning for the herein described Centerline;

Thence: South 89°52'24" West, a distance of 61.00 feet;

Thence: South 57°58'32" West, a distance of 176.59 feet;

Thence: South 53°36'22" West, a distance of 230.75 feet, to the Terminus Point for the herein described Easement.

The above described Centerline being 468.34 feet in length.



THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED
FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR
UNDER MY DIRECT SUPERVISION AND THAT THE SAME ARE TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

 DATE: 12-17-08
RANDY D. RUSSELL, PLS
COLORADO L.S. #38093

JOB No.: XTO031

DATE: 12/09/08

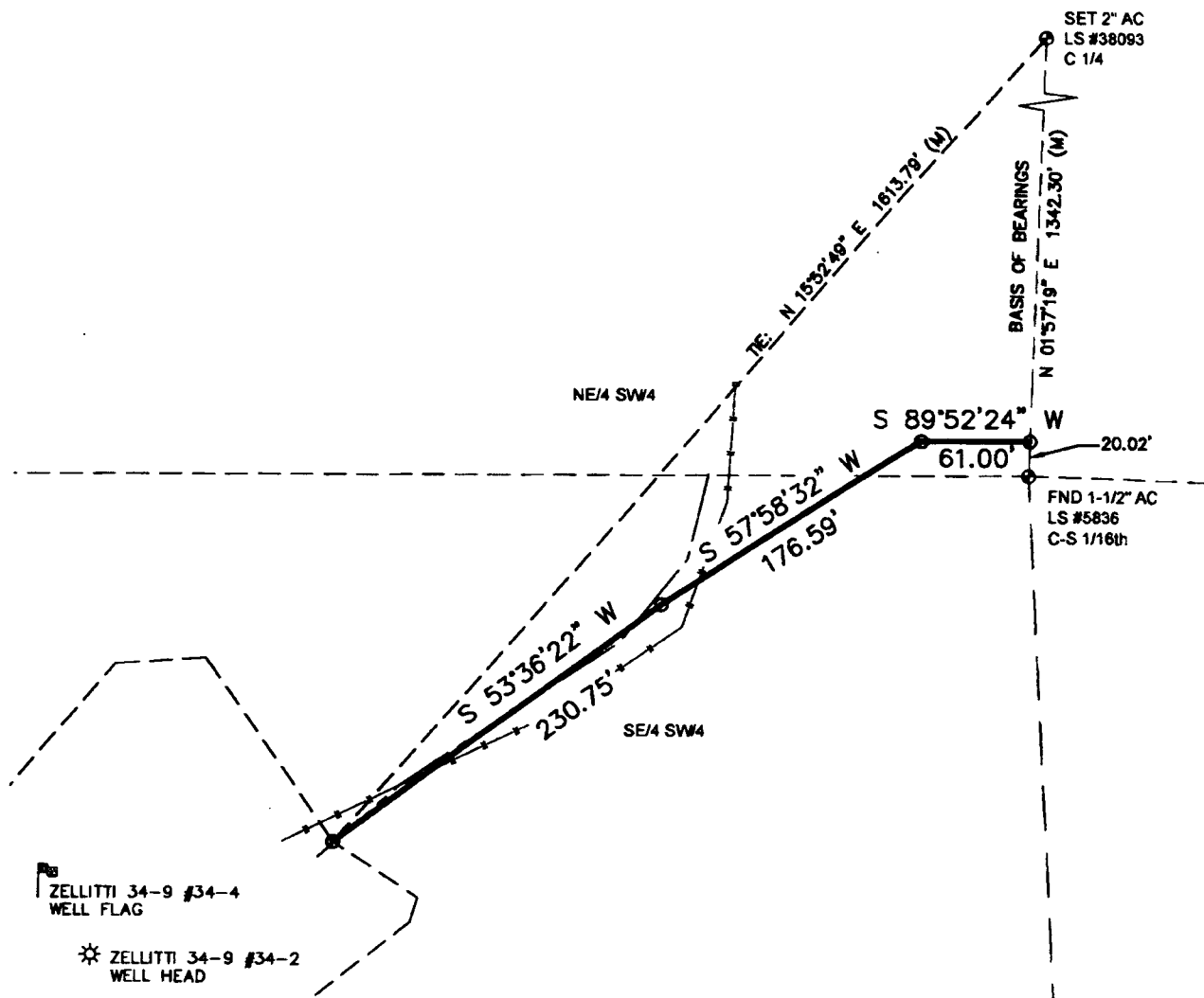


Russell Surveying
1409 W. Aztec Blvd. #3
Aztec, New Mexico 87410
(505) 334-8637



50' 0 50' 100'
SCALE = 100'

PIPELINE(S) RIGHT OF WAY AND EASEMENT
SITUATED WITHIN LANDS OF ZELLITTI PROPERTIES
AND ZELLITTI, ET UX
WHICH LIES WITHIN THE SW/4 OF SECTION 34,
TOWNSHIP 34 NORTH, RANGE 9 WEST,
OF THE NEW MEXICO PRINCIPAL MERIDIAN,
LA PLATA COUNTY, COLORADO
PAGE 2 OF 2



NOTES:

1.) BASIS OF BEARING: BETWEEN A FOUND MONUMENT AT THE CENTER-SOUTH ONE-SIXTEENTH CORNER AND A SET MONUMENT AT THE CENTER QUARTER CORNER OF SECTION 34, TOWNSHIP 34 NORTH, RANGE 9 WEST, N.M.P.M., LA PLATA COUNTY, COLORADO LINE BEARS: N 01°57'19\"/>

2.) LOCATION OF UNDERGROUND UTILITIES DEPICTED ARE APPROXIMATE. PRIOR TO EXCAVATION UNDERGROUND UTILITIES SHOULD BE FIELD VERIFIED. ALL CONSTRUCTION ACTIVITIES SHOULD BE FIELD VERIFIED WITH COLORADO ONE-CALL AUTHORITIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.



THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Randy D. Russell
RANDY D. RUSSELL, PLS
COLORADO L.S. #38093

DATE: 12-17-08

JOB No.: XTO031

DATE: 12/12/08

~ SURFACE OWNERSHIP ~	
ZELLITTI PROPERTIES	
488.34 FT/ 28.35 ACRES	
DATE OF SURVEY	12/10/08
BY	RR

RXS

Russell Surveying
1409 W. Aztec Blvd. #3
Aztec, New Mexico 87410
(505) 334-8637

PIPELINE(S) RIGHT OF WAY AND EASEMENT
SITUATED WITHIN LANDS OF ZELLITTI PROPERTIES
AND ZELLITTI, ET UX
WHICH LIES WITHIN THE SW/4 OF SECTION 34,
TOWNSHIP 34 NORTH, RANGE 9 WEST,
OF THE NEW MEXICO PRINCIPAL MERIDIAN,
LA PLATA COUNTY, COLORADO
PAGE 1 OF 2

A non-exclusive, perpetual, forty (40) foot wide Pipeline(s) Right of Way and Easement, located in the Northeast Quarter of the Southwest Quarter (NE/4 SW/4) and the Southeast Quarter of the Southwest Quarter (SE/4 SW/4) of Section Thirty-Five (34), Township Thirty-Four (34) North, Range Nine (9) West, N.M.P.M., La Plata County, Colorado. Said Right of Way and Easement lying twenty feet (20') on each side of the following described Centerline:

Beginning, for a tie, at a 1-1/2" AC stamped "LS 5836" found at the Center-South One-Sixteenth Corner of said Section 34;

Thence, North 01°57'19" East, along the North/South Center Section Line of said Section 34, a distance of 20.02 feet to the True Point of Beginning for the herein described Centerline;

Thence: South 89°52'24" West, a distance of 61.00 feet;

Thence: South 57°58'32" West, a distance of 176.59 feet;

Thence: South 53°36'22" West, a distance of 230.75 feet, to the Terminus Point for the herein described Easement.

The above described Centerline being 468.34 feet in length.

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED
FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR
UNDER MY DIRECT SUPERVISION AND THAT THE SAME ARE TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Randy D. Russell DATE: 12-17-08
RANDY D. RUSSELL, PLS
COLORADO L.S. #38093

JOB No.: XTO031

DATE: 12/09/08



Russell Surveying
1409 W. Aztec Blvd. #3
Aztec, New Mexico 87410
(505) 334-8637



150' 0 150' 300'
SCALE = 300'

CENTERLINE OF 40' WIDE ROAD RIGHT OF WAY AND EASEMENT

SITUATED WITHIN LANDS OF BYRON R. AND KRISTIN Q. HILLIARD

Deed filed on December 3, 1986, Reception No. 540797

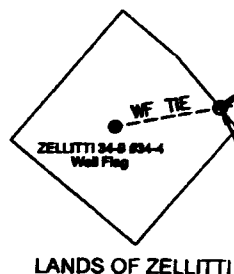
WHICH LIES WITHIN THE N/2 OF THE SE/4 OF SECTION 34,
AND WITHIN LANDS OF ZELLITTI PROPERTIES AND ZELLITTI, ET UX

WHICH LIES WITHIN THE SW/4 OF SECTION 34,
TOWNSHIP 34 NORTH, RANGE 9 WEST,
OF THE NEW MEXICO PRINCIPAL MERIDIAN,
LA PLATA COUNTY, COLORADO

SET 2" AC
LS #38093
C 1/4

BEGIN NEW ACCESS AND NEW PIPELINE
AT EXISTING RED CEDAR PIPELINE
ADJACENT TO EXISTING ROAD

END NEW ACCESS AND NEW PIPELINE
AT EXISTING RED CEDAR PIPELINE
ADJACENT TO EXISTING ROAD
TIE INTO EXISTING PIPELINE AND
FOLLOW EXISTING ACCESS TO
EXISTING WELL PAD



LANDS OF ZELLITTI

END ACCESS AND PIPELINE SURVEY
AT EXISTING WELL PAD
TIE TO WELL FLAG
S 78°54'47" W - 170.26'

S 88°21'34" E 2690.64' (M)
BASIS OF BEARINGS

FND 1-1/2" AC
LS #5836
S 1/16th

LINE TABLE

LINE	LENGTH	BEARING
L1	138.25'	N73°57'00"W
L2	71.90'	S76°46'00"W
L3	107.70'	S47°08'53"W
L4	169.34'	S00°00'25"W
L5	63.57'	S45°53'34"W
L6	375.19'	N88°21'40"W
L7	213.41'	N48°26'34"W
L8	72.24'	N75°24'43"W
L9	50.77'	S60°57'35"W
L10	99.78'	S08°02'34"W
L11	56.64'	S61°57'25"W
L12	28.67'	N88°23'03"W
L13	61.00'	S89°52'24"W
L14	176.59'	S57°58'32"W
L15	230.75'	S53°36'22"W

NOTES:

1.) BASIS OF BEARING: BETWEEN FOUND MONUMENTS AT THE
CENTER-SOUTH ONE-SIXTEENTH CORNER AND THE SOUTH
SIXTEENTH CORNER OF SECTION 34, TOWNSHIP 34 NORTH,
RANGE 9 WEST, N.M.P.M., LA PLATA COUNTY, COLORADO.
LINE BEARS: S 88°21'34" E A DISTANCE OF 2690.64' FEET AS
MEASURED BY G.S.

2.) LOCATION OF UNDERGROUND UTILITIES DEPICTED ARE APPROXIMATE.
PRIOR TO EXCAVATION UNDERGROUND UTILITIES SHOULD BE FIELD
VERIFIED. ALL CONSTRUCTION ACTIVITIES SHOULD BE FIELD VERIFIED
WITH COLORADO ONE-CALL AUTHORITIES AT LEAST 48 HOURS PRIOR
TO CONSTRUCTION.

~ SURFACE OWNERSHIP ~	
BYRON & KRISTIN HILLIARD	
1447.47 FT/ 87.73 RODS	
~ SURFACE OWNERSHIP ~	
ZELLITTI PROPERTIES, ET UX	
468.34 FT/ 28.38 RODS	
TOTAL ACCESS LENGTH	
1915.81 FT/ 116.11 RODS	
DATE OF SURVEY	06/30/08
RR	

JOB No.: XTO031

DATE: 10/09/09



Russell Surveying
1409 W. Aztec Blvd. #3
Aztec, New Mexico 87410
(505) 334-8637

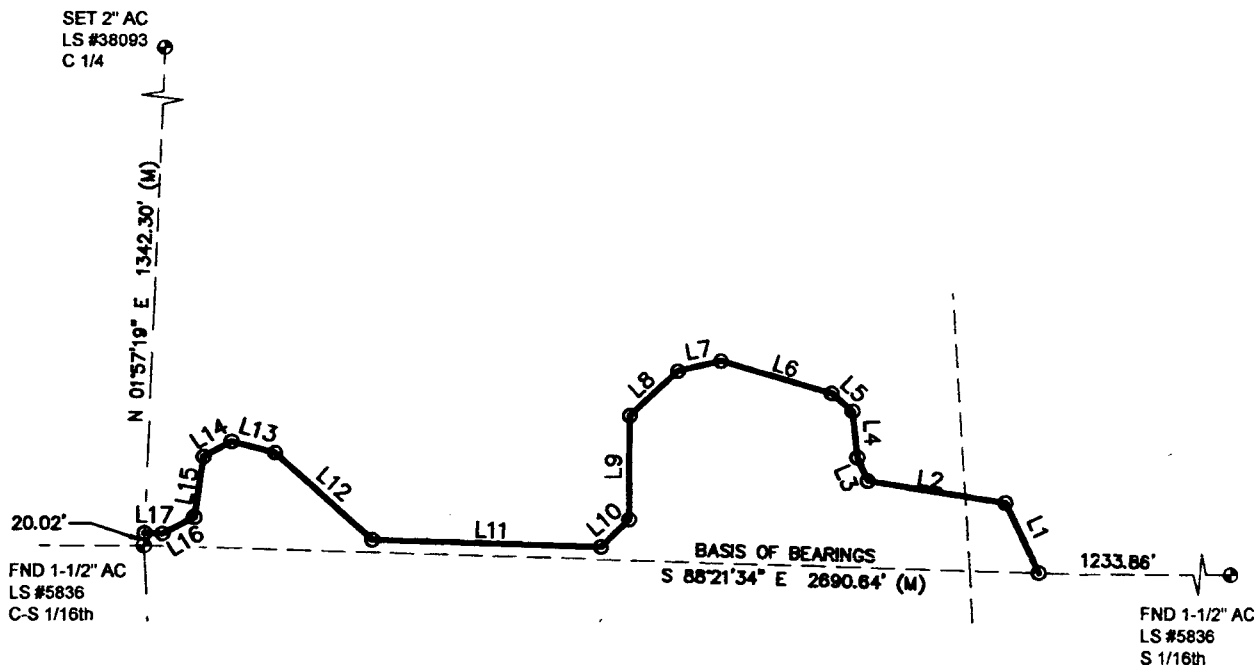


150' 0 150' 300'



SCALE = 300'

PIPELINE(S) RIGHT OF WAY AND EASEMENT
SITUATED WITHIN LANDS OF BYRON R. AND KRISTIN Q. HILLIARD
Deed filed on December 3, 1986, Reception No. 540797
WHICH LIES WITHIN THE N/2 OF THE SE/4 OF SECTION 34,
TOWNSHIP 34 NORTH, RANGE 9 WEST,
OF THE NEW MEXICO PRINCIPAL MERIDIAN,
LA PLATA COUNTY, COLORADO
PAGE 2 OF 2



NOTES:

1.) BASIS OF BEARING: BETWEEN FOUND MONUMENTS AT THE CENTER-SOUTH ONE-SIXTENTH CORNER AND THE SOUTH SIXTENTH CORNER OF SECTION 34, TOWNSHIP 34 NORTH, RANGE 9 WEST, N.M.P.M., LA PLATA COUNTY, COLORADO. LINE BEARS: S 85°21'34" E A DISTANCE OF 2690.64 FEET AS MEASURED BY G.P.S.

2.) LOCATION OF UNDERGROUND UTILITIES DEPICTED ARE APPROXIMATE. PRIOR TO EXCAVATION UNDERGROUND UTILITIES SHOULD BE FIELD VERIFIED. ALL CONSTRUCTION ACTIVITIES SHOULD BE FIELD VERIFIED WITH COLORADO ONE-CALL AUTHORITIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.



LINE TABLE		
LINE	LENGTH	BEARING
L1	125.16	N25°30'13"W
L2	226.33	N81°08'16"W
L3	41.68	N23°30'46"W
L4	76.18	N06°02'35"W
L5	45.08	N49°12'55"W
L6	190.32	N73°58'46"W
L7	71.90	S76°46'00"W
L8	107.70	S47°08'53"W
L9	169.34	S00°00'25"W
L10	63.57	S45°53'34"W
L11	375.19	N88°21'40"W
L12	213.41	N48°26'34"W
L13	72.24	N75°24'43"W
L14	50.77	S60°57'35"W
L15	99.78	S08°02'34"W
L16	56.64	S61°57'25"W
L17	28.67	N88°23'03"W

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Randy D. Russell DATE: 12-9-08
RANDY D. RUSSELL, PLS
COLORADO L.S. #38093

JOB No.: XTO031

DATE: 12/05/08

~ SURFACE OWNERSHIP ~		
BYRON & KRISTIN HILLIARD		
2013.97 FT/ 122.06 MOOS		
DATE OF SURVEY	11/24/08	RR



Russell Surveying
1409 W. Aztec Blvd. #3
Aztec, New Mexico 87410
(505) 334-8637

PIPELINE(S) RIGHT OF WAY AND EASEMENT
SITUATED WITHIN LANDS OF BYRON R. AND KRISTIN Q. HILLIARD
Deed filed on December 3, 1986, Reception No. 540797
WHICH LIES WITHIN THE N/2 OF THE SE/4 OF SECTION 34,
TOWNSHIP 34 NORTH, RANGE 9 WEST,
OF THE NEW MEXICO PRINCIPAL MERIDIAN,
LA PLATA COUNTY, COLORADO
PAGE 1 OF 2

A non-exclusive, perpetual, forty (40) foot wide Right of Way and Easement, located in the North Half of the Southeast Quarter (N/2 SE/4) of Section Thirty-Five (34), Township Thirty-Four (34) North, Range Nine (9) West, N.M.P.M., La Plata County, Colorado. Said Right of Way and Easement lying twenty feet (20') on each side of the following described Centerline:

Beginning, for a tie, at a 1-1/2" AC stamped "LS 5836" found at the South One-Sixteenth Corner of said Section 34;
Thence, North 88°21'34" West, a distance of 1233.86 feet to the True Point of Beginning for the herein described Centerline;

Thence: North 25°30'13" West, a distance of 125.16 feet;
Thence: North 81°08'16" West, a distance of 226.33 feet;
Thence: North 23°30'46" West, a distance of 41.68 feet;
Thence: North 06°02'35" West, a distance of 76.18 feet;
Thence: North 49°12'55" West, a distance of 45.08 feet;
Thence: North 73°58'46" West, a distance of 190.32 feet;
Thence: South 76°46'00" West, a distance of 71.90 feet;
Thence: South 47°08'53" West, a distance of 107.70 feet;
Thence: South 00°00'25" West, a distance of 169.34 feet;
Thence: South 45°53'34" West, a distance of 63.57 feet;
Thence: North 88°21'40" West, a distance of 375.19 feet;
Thence: North 48°26'34" West, a distance of 213.41 feet;
Thence: North 75°24'43" West, a distance of 72.24 feet;
Thence: South 60°57'35" West, a distance of 50.77 feet;
Thence: South 08°02'34" West, a distance of 99.78 feet;
Thence: South 61°57'25" West, a distance of 56.64 feet;
Thence: North 88°23'03" West, a distance of 28.67 feet, from whence the Center-South One-Sixteen Corner of Section 34 bears South 01°57'19" West, a distance of 20.02 feet.

Described easement being 2013.97 feet in length.



THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED
FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR
UNDER MY DIRECT SUPERVISION AND THAT THE SAME ARE TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Randy D. Russell DATE: 12-9-08
RANDY D. RUSSELL, PLS
COLORADO L.S. #38093

JOB No.: XTO031

DATE: 12/09/08



Russell Surveying
1409 W. Aztec Blvd. #3
Aztec, New Mexico 87410
(505) 334-8637

EXHIBIT "A"

ROAD RIGHT OF WAY AND EASEMENT

SITUATED WITHIN LANDS OF BYRON R. AND KRISTIN Q. HILLIARD

Deed filed on December 3, 1986, Reception No. 540797

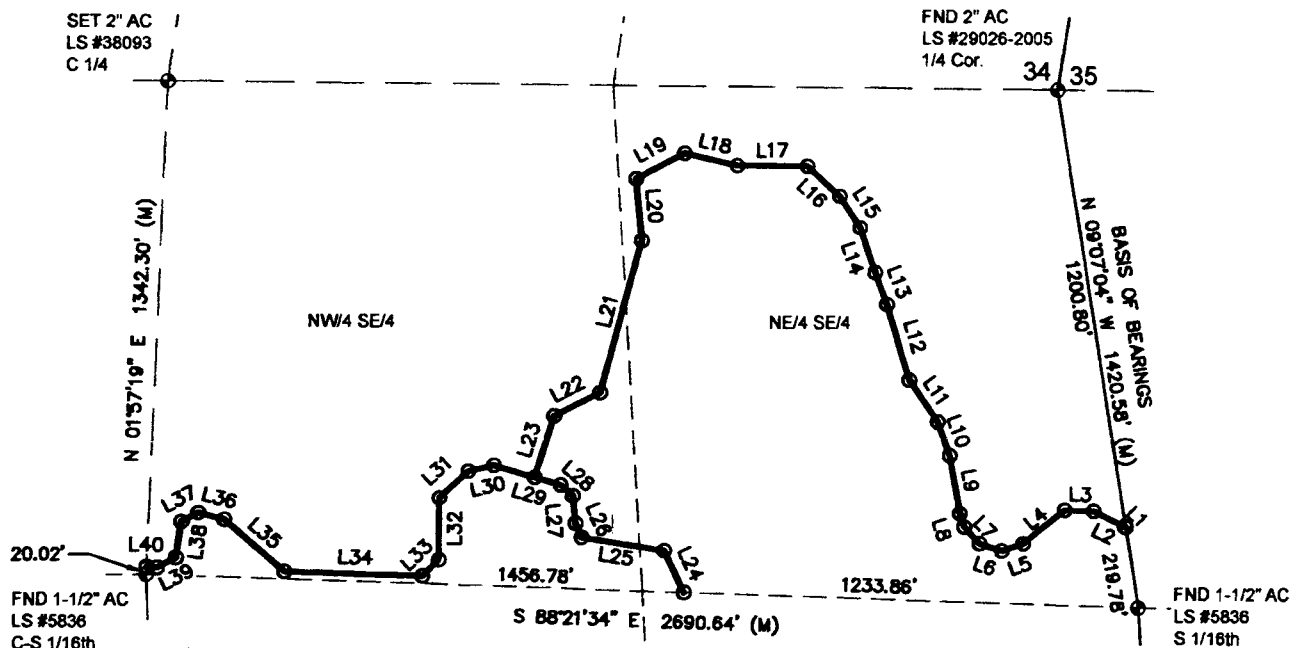
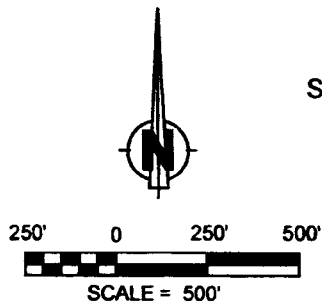
WHICH LIES WITHIN THE N/2 OF THE SE/4 OF SECTION 34,

TOWNSHIP 34 NORTH, RANGE 9 WEST,

OF THE NEW MEXICO PRINCIPAL MERIDIAN,

LA PLATA COUNTY, COLORADO

PAGE 2 OF 2



NOTES:

1.) BASIS OF BEARING: BETWEEN FOUND MONUMENTS AT THE EAST QUARTER CORNER AND THE SOUTH SIXTEENTH CORNER OF SECTION 34, TOWNSHIP 34 NORTH, RANGE 9 WEST, N.M.P.M. LA PLATA COUNTY, COLORADO. LINE BEARS: S 08°07'04" E A DISTANCE OF 1420.58 FEET AS MEASURED BY C.P.S.

2.) LOCATION OF UNDERGROUND UTILITIES DEPICTED ARE APPROXIMATE. PRIOR TO EXCAVATION UNDERGROUND UTILITIES SHOULD BE FIELD VERIFIED. ALL CONSTRUCTION ACTIVITIES SHOULD BE FIELD VERIFIED WITH COLORADO ONE-CALL AUTHORITIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE SAME ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

LINE TABLE					
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	3.62	N46°00'35"W	L21	423.59	S15°06'51"W
L2	93.60	N63°49'52"W	L22	140.44	S62°49'42"W
L3	77.88	N88°13'02"W	L23	173.86	S17°02'13"W
L4	144.66	S50°34'42"W	L24	125.16	N25°30'13"W
L5	61.39	S71°10'23"W	L25	226.33	N81°08'16"W
L6	63.31	N72°01'56"W	L26	41.68	N23°30'46"W
L7	61.88	N42°40'58"W	L27	76.18	N06°02'35"W
L8	38.52	N18°10'13"W	L28	45.08	N49°12'55"W
L9	160.65	N10°15'36"W	L29	190.32	N73°58'46"W
L10	97.21	N20°11'23"W	L30	71.90	S76°46'00"W
L11	136.35	N34°41'13"W	L31	107.70	S47°08'53"W
L12	210.69	N16°59'33"W	L32	169.34	S00°00'25"W
L13	91.73	N20°33'14"W	L33	63.57	S45°53'34"W
L14	128.15	N19°13'39"W	L34	375.19	N88°21'40"W
L15	103.03	N33°02'56"W	L35	213.41	N48°26'34"W
L16	122.09	N47°19'44"W	L36	72.24	N75°24'43"W
L17	193.02	N89°37'11"W	L37	50.77	S60°57'35"W
L18	145.94	N76°50'16"W	L38	99.78	S08°02'34"W
L19	147.91	S61°36'43"W	L39	56.64	S61°57'25"W
L20	170.98	S05°35'05"E	L40	28.67	N88°23'03"W

Randy D. Russell
 RANDY D. RUSSELL, PLS
 COLORADO L.S. #38093
 DATE: 12-9-08

~ SURFACE OWNERSHIP ~
 BYRON & KRISTIN HILLIARD
 5004.47 FT/ 303.30 RODS
 DATE OF SURVEY 11/24/08 RR



Russell Surveying
 1409 W. Aztec Blvd. #3
 Aztec, New Mexico 87410
 (505) 334-8637

JOB No.: XTO031

DATE: 12/09/08

EXHIBIT "A"
ROAD RIGHT OF WAY AND EASEMENT

SITUATED WITHIN LANDS OF BYRON R. AND KRISTIN Q. HILLIARD

Deed filed on December 3, 1986, Reception No. 540797

WHICH LIES WITHIN THE N/2 OF THE SE/4 OF SECTION 34,
TOWNSHIP 34 NORTH, RANGE 9 WEST,
OF THE NEW MEXICO PRINCIPAL MERIDIAN,
LA PLATA COUNTY, COLORADO

PAGE 1 OF 2

A non-exclusive, perpetual, thirty (30) foot wide Right of Way and Easement, located in the North Half of the Southeast Quarter (N/2 SE/4) of Section Thirty-Five (34), Township Thirty-Four (34) North, Range Nine (9) West, N.M.P.M., La Plata County, Colorado. Said Right of Way and Easement lying fifteen feet (15') on each side of the following described Centerline:

Beginning, for a tie, at a 2" AC stamped "LS 29026" found at the East Quarter Corner of said Section 34;
Thence, South 09°07'04" East, along the west line of said Section 34, a distance of 1200.80 feet to the True Point of Beginning for the herein described Centerline;

Thence: North 46°00'35" West, a distance of 3.62 feet;
Thence: North 63°49'52" West, a distance of 93.60 feet;
Thence: North 88°13'02" West, a distance of 77.88 feet;
Thence: South 50°34'42" West, a distance of 144.66 feet;
Thence: South 71°10'23" West, a distance of 61.39 feet;
Thence: North 72°01'56" West, a distance of 63.31 feet;
Thence: North 42°40'58" West, a distance of 61.88 feet;
Thence: North 18°10'13" West, a distance of 38.52 feet;
Thence: North 10°15'36" West, a distance of 160.65 feet;
Thence: North 20°11'23" West, a distance of 97.21 feet;
Thence: North 34°41'13" West, a distance of 136.35 feet;
Thence: North 16°59'33" West, a distance of 210.69 feet;
Thence: North 20°33'14" West, a distance of 91.73 feet;
Thence: North 19°13'39" West, a distance of 128.15 feet;
Thence: North 33°02'56" West, a distance of 103.03 feet;
Thence: North 47°19'44" West, a distance of 122.09 feet;
Thence: North 89°37'11" West, a distance of 193.02 feet;
Thence: North 76°50'16" West, a distance of 145.94 feet;
Thence: South 61°36'43" West, a distance of 147.91 feet;
Thence: South 05°35'05" East, a distance of 170.98 feet;
Thence: South 15°06'51" West, a distance of 423.59 feet;
Thence: South 62°49'42" West, a distance of 140.44 feet;
Thence: South 17°02'13" West, a distance of 173.86 feet, to the Terminus Point for this portion of the herein described Easement being 2990.50 feet in length;

continuing as an easement from a Point on the South Line of said North Half of the Southeast Quarter of Section 34, from Whence the South One-Sixteenth Corner of said Section 34 bears South 88°21'34" East, a distance of 1233.86 feet,

Thence: North 25°30'13" West, a distance of 125.16 feet;
Thence: North 81°08'16" West, a distance of 226.33 feet;
Thence: North 23°30'46" West, a distance of 41.68 feet;
Thence: North 06°02'35" West, a distance of 76.18 feet, to the aforementioned Terminus Point;
Thence: North 49°12'55" West, a distance of 45.08 feet;
Thence: North 73°58'46" West, a distance of 190.32 feet;
Thence: South 76°46'00" West, a distance of 71.90 feet;
Thence: South 47°08'53" West, a distance of 107.70 feet;
Thence: South 00°00'25" West, a distance of 169.34 feet;
Thence: South 45°53'34" West, a distance of 63.57 feet;
Thence: North 88°21'40" West, a distance of 375.19 feet;
Thence: North 48°26'34" West, a distance of 213.41 feet;
Thence: North 75°24'43" West, a distance of 72.24 feet;
Thence: South 60°57'35" West, a distance of 50.77 feet;
Thence: South 08°02'34" West, a distance of 99.78 feet;
Thence: South 61°57'25" West, a distance of 56.64 feet;
Thence: North 88°23'03" West, a distance of 28.67 feet, to the Terminus Point for this portion of the herein described Easement, being 2013.97 feet in length, from whence the Center-South One-Sixteen Corner of Section 34 bears South 01°57'10" West, a distance of 20.02 feet.

Total length of the herein described easement being 5004.47 feet in length.

THIS IS TO CERTIFY THAT THE ABOVE PLAT WAS PREPARED
FROM FIELD NOTES OF ACTUAL SURVEYS MADE BY ME OR
UNDER MY DIRECT SUPERVISION AND THAT THE SAME ARE TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF

Randy D. Russell DATE: 12-9-08
RANDY D. RUSSELL, PLS
COLORADO L.S. #38093

JOB No.: XTO031

DATE: 12/09/08



RS

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