

## **SURFACE DAMAGE & RELEASE AGREEMENT**

THIS SURFACE DAMAGE AGREEMENT ("Agreement") is entered into by and between Ames B. Cox, with an address of 11747 Co. Rd. 24.3, Cortez, CO 81321, the owner of the surface estate in the NW/4 NE/4, Sec. 12, T39N, R18W, Dolores County, Colorado (the "Property"), and Bill Barrett Corporation ("Company"), whose address is 1099 18<sup>th</sup> Street, Suite 2300, Denver, CO 80202 ("the parties").

WHEREAS, Company owns the leasehold right of ingress and egress across the Property and to use so much of the surface as is reasonably necessary to explore for and produce oil and gas; and,



Well(s):

Cox #2H-12-39-18

AND,

Owner hereby grants, demises and conveys such easements and rights-of-way on and across the Property as may be necessary or convenient for the Operations.

### ADDITIONAL PROVISIONS



6. Company will provide Owner with ten (10) days notice by mail, phone call or personal visit prior to commencing Operations on the Property with heavy equipment. Owner acknowledges that this notice complies with, or hereby waives, all COGCC requirements that it be given advance notice by Company of the Operations. Owner acknowledges receiving from Company a brochure prepared by the COGCC which describes the rights and responsibilities of Owner as the surface owner of the Property.

15. Concerning any matter relating to the Operations, Owner may contact:

Operator: Bill Barrett Corporation  
Person to Contact: Brian Wert  
Address: 1099 18<sup>th</sup> Street, Suite 2300, Denver, CO 80202  
Phone Number: (303) 312-8166  
Fax: (303) 291-0420  
Email Address: BWert@BillBarrettCorp.com

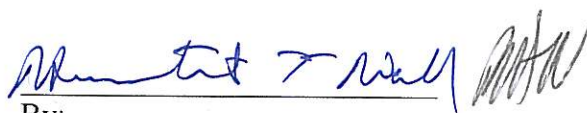
IN WITNESS WHEREOF, the parties have executed this Agreement this 2<sup>nd</sup> day of October, 2008.

OWNER:

  
\_\_\_\_\_

Ames B. Cox

COMPANY

  
\_\_\_\_\_

By: **Huntington T. Walker**  
**Sr. Vice President - Land**

EXHIBIT "A"

OWNER and OPERATOR acknowledge they have inspected the proposed well location and agree as to its location.

OWNER and OPERATOR hereby agree that surveyed plats will be substituted for this page when available. These plats will cover that area of the proposed well location and access in OWNER'S lands generally described as follows:

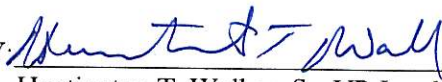
Township 39 North, Range 18 West, N.M.P.M.  
Section 12: NW/4 NE/4

OWNER:

  
\_\_\_\_\_  
Ames B. Cox

OPERATOR:

Bill Barrett Corporation

BY:   
\_\_\_\_\_  
Huntington T. Walker, Sr. VP-Land 