



02589758

*Surface Agreement Surety**1/2***MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT**

Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 24th day of February, 2010 between the undersigned, and subject to the conditions set forth therein, EnCana Oil & Gas (USA) Inc. ("EnCana") with an address at 370 17th Street, Suite 1700, Denver, Colorado 80202, and Carol Roberts, Personal Representative of the Estate of Terry Ruth Gardner, deceased ("Owner") with an address at 1129 19th Avenue, Longmont, Colorado 80501, agreed to the location of one or more wells and payment for damages to the surface of Land connected with the access to and the drilling, construction, completion, recompletion, reworking, re-entry, production, maintenance and operations of the wells and associated pipelines, tank batteries and other facilities or property of EnCana associated with the wells and located on the following Land:

Township 2 North, Range 67 West, 6th P.M.

Section 9: NW/4

Weld County, Colorado

This Memorandum of Surface Damage and Release Agreement is executed by Owner and EnCana and placed of record in Weld County, Colorado for the purpose of placing all persons on notice of the existence of the Agreement.

In witness whereof this instrument is executed effective the 24th day of February, 2010.

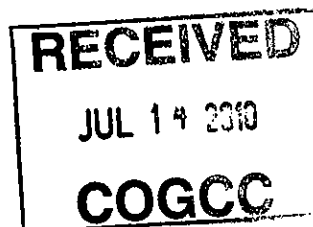
ENCANA OIL & GAS (USA) INC.

By: *[Signature]*

Ricardo D. Gallegos, Attorney-in-Fact

OWNER: *[Signature]*

Carol Roberts, Personal Representative of the Estate of Terry Ruth Gardner, deceased



ACKNOWLEDGMENTS

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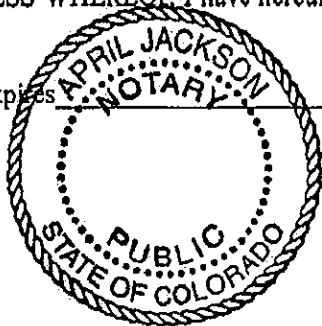
STATE OF COLORADO)
)ss
CITY AND COUNTY OF DENVER)

On this 2nd day of March, 2010, before me personally appeared Ricardo D. Gallegos who executed the within and foregoing instrument as Attorney-in-Fact of EnCana Oil & Gas (USA) Inc. on behalf of the corporation, and acknowledged the instrument to be the free and voluntary act and deed of the corporation for the uses and purposes therein set forth

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

My Commission Expires _____

(SEAL)



Notary Public: April Jackson

My Commission Expires 03/25/2013

STATE OF COLORADO)
)ss
CITY AND COUNTY OF WELD)

On this 24th day of February, 2010, before me personally appeared Carol Roberts, Personal Representative of the Estate of Terry Ruth Gardner, deceased, known to me to be the person who executed the within and foregoing instrument, and acknowledged that he/she executed said instrument as his/her free and voluntary act and deed for the uses and purposes therein set forth.

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

My Commission Expires: 06/30/2010

(Seal)

Doug Pearlman
Notary Public: Doug Pearlman
Address: 2082 Ivy Street
Denver, CO 80507