

# MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT

Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 24<sup>th</sup> day of February, 2011 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 80651, and Mayer Family Farms, LLC (Owner) with an address at 13895 Weld County Road 21, Platteville, Colorado 80651 agreed to the location of the Well 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 Well and associated pipelines, tank batteries and other facilities or property of Encana associated with the well and located on the following Land:

Township 3 North, Range 67 West, Weld County, Colorado  
Section 33: NE/4

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 24 day of February, 2011.

**ENCANA OIL & GAS (USA) INC.**

By: \_\_\_\_\_  
Ricardo D. Gallegos, Attorney-in-Fact

**OWNER: Mayer Family Farms, LLC**

By: Mayer Family Farms LLC  
Timothy A. W. [Signature], mg-

ACKNOWLEDGMENTS

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

On this \_\_\_\_ day of \_\_\_\_ 2011, 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 \_\_\_\_\_

Notary Public: \_\_\_\_\_

(SEAL)

STATE OF COLORADO )  
 )ss  
COUNTY OF WELD )

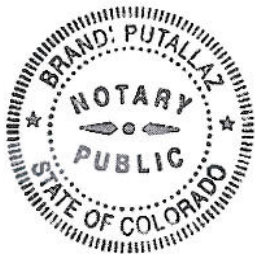
On this 24 day of Feb, 2011, before me personally appeared Linda A. Pyeatt, Manager of Mayer Family Farms, LLC known to me to be the person who executed the within and foregoing instrument, and acknowledged that she executed said instrument as her free and voluntary act and deed for the uses and purposes 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: 11-25-2012

(SEAL)

Notary Public: Brandi Putallaz



My Commission Expires  
11-25-2012