

TOP Operating Co

10881 W Asbury Ave Ste 230
Lakewood CO 80227-1971
303-727-9915

December 18, 2012

Mr Michael A. Litzenber and Mrs Katherine M. Litzenberger
16084 Weld County RD 5
Mead, CO 80542

RE: Notice Of Operations
Kintz #2 well
Township 3 North, Range 68 West, 6th P.M.
Section 8: NE $\frac{1}{4}$
Weld County, Colorado

Ladies and Gentlemen,

In accordance with the rules and regulations of the State of Colorado Oil and Gas Conservation Commission ("COGCC"), this letter shall serve as formal thirty (30) day notice by TOP Operating Co. ("TOP") of its intention to conduct drilling operations on the above referenced well in Weld County, Colorado. As an operational matter a formal application for a Permit to Drill will initially be prepared and submitted to the Colorado Oil and Gas Conservation Commission under TOP's statewide bond.

Operations are estimated to begin sometime in the next ninety (90) days, pending receipt of required permits, approval of title and drilling rig availability.

The well location may be staked prior to consultation; however, our representative Murray Herring will be available to consult with you prior to commencement of the operations to discuss the location of the well-site, roads, production facilities and other related matters. Upon reaching a mutual agreement, TOP will replace its bond with a Surface Owners Agreement. In the absence of reaching a mutually satisfactory surface agreement within a thirty (30) day period, TOP may elect to proceed with the commencement of operations under its statewide bond.

The COGCC regulations provide that the surface owner may waive the thirty (30) day notice requirement. Therefore, enclosed is an owner response form. Please review and indicate your preference with regard to the consultation requirement. Also enclosed is the "Oil and Gas Well Negotiation, Consultation and Reclamation Rules - Information for Oil and Gas Operators,

Surface Owners and Surface Tenants Enclosure" and a self-addressed stamped envelope for your convenience in returning your signed response.

As the surface owner, it is your responsibility to notify any affected tenant farmer, lessee or other party that may own or have an interest in any crops or surface improvements that could be affected by these proposed operations.

If you should need anything further in this regard, please contact me at (720) 663-1698 or Murray Herring at (303) 727-9915 x.203.

Sincerely,
TOP Operating Co.

Paul R. Herring
Landman

PRH/hs
enclosure

**OWNER RESPONSE LETTER
(Consultation Requirement)**

Kintz #2 well

NE¼ Sec. 8; T3N-R68W 6th P.M., Weld County, Colorado

After review of TOP's Notice Letter dated December 18, 2012, the undersigned surface/mineral owner(s) acknowledge that the oil and gas lease(s) covering the subject lands is/are valid and subsisting and that all things necessary to maintain said lease(s) in effect have been performed and indicate(s) the following response:

PLEASE COMPLETE THE FOLLOWING:

1. The surface owner desires to assign a designated representative to be contacted for consultation with respect to the proposed drilling of the referenced well.

Designated Representative (Agent)

Name:

Address:

Phone:

2. The undersigned agrees to waive the minimum thirty (30) day notice requirement as provided in the Notice Letter (check one).

Yes:

No:

SIGNED AND DATED THIS DAY OF December, 2012

Owner(s):

By:

Michael A. Litzenberger

By:

Katherine M. Litzenberger

Phone: () -

Preferred date and time for consultation: 01/___/2013