

**MEMORANDUM OF  
SURFACE DAMAGE AND RELEASE AGREEMENT**

WHEREAS, on the 29 day of April, 2013, Lawrence J. Merritt and Jo Ann Merritt, whose address is 14774 Weld County Road 72, Greeley, Colorado 80631 ("Owner") entered into a Surface Damage and Release Agreement ("Agreement") with **Bill Barrett Corporation**, 1099 18<sup>th</sup> Street, Suite 2300, Denver, CO 80202 ("Operator"), covering the below described lands in Weld County, Colorado.

Township 6 North, Range 66 West, 6<sup>th</sup> P.M.

Section 9: Lot B of Recorded Exemption No. 0805-09-1 RE-2946, recorded February 18, 2005 at Reception No. 3262279, being a part of the North Half of Section 9, Township 6 North, Range 66 West of the 6<sup>th</sup> P.M., County of Weld, State of Colorado

**WHEREAS**, said Agreement provides for, among other things, the right to enter upon and use the Owner's property for the purpose of erecting, maintaining, and reclaiming well site location(s) for one (1) or more wells on Owner's land. Said Agreement sets forth payment and specific amounts to cover damages resulting from the construction, use and maintenance of the well site location(s). Said Agreement, with all of its terms, conditions, covenants and other provisions, is referred to and incorporated into this Memorandum for all purposes.

**WHEREAS**, said Agreement also provides that Owner expressly acknowledges that this Agreement satisfies BBC's obligation under COGCC rules to consult in good faith with the surface owner regarding the proposed oil and gas operations and that this Agreement shall be deemed to be specifically applicable to, and to fully satisfy, the obligation of BBC to accommodate Owner's use of the surface of the described lands, existing or future, and waives any statutory or common law claims to the contrary.

**WHEREAS**, said Agreement further provides for the waiver by Owner of all notices as required by the COGCC for issuing APDs and as may be required under provisions of COGCC Rule 305. Said Agreement further provides that the provisions of Rule 306.a. "Consultation with surface owner" have been met or waived. Said Agreement further provides for 1) the waiver by Owner of any COGCC setbacks inconsistent with this Agreement, including, but not limited to, setbacks for high density areas and surface lot lines; 2) the waiver by Owner of the COGCC well location requirements of Rule 318A.a., locating a well outside of the GWA drilling window, and 318A.c., locating a well more than 50 feet from existing wells; and 3) the waiver by Owner of its right to appeal COGCC APDs or conditions of approval for such permits.

**NOW THEREFORE**, this Memorandum of Surface Use and Release Agreement is executed for the purpose of recordation in the office of the County Clerk of Weld County in order to give notice of the Agreement. It is not intended by this Memorandum to construe, define, limit or modify said Agreement, but to merely disclose to the public that said Agreement does exist.

**OWNER(s)**

Lawrence J. Merritt

Jo Ann Merritt

**BILL BARRETT CORPORATION**

By: \_\_\_\_\_

Name: Steve W. Rawlings

Title: Senior Vice President – Operations

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

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

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

STATE OF COLORADO )  
 ) ss.  
COUNTY OF WELD *LARIMER* )

My commission expires JULY 15, 2015

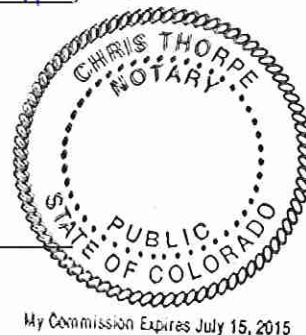
Notary Public: Chris



STATE OF COLORADO )  
 ) ss.  
COUNTY OF WELD *Larimer* )

My commission expires JULY 15, 2015

Notary Public: Chris Z



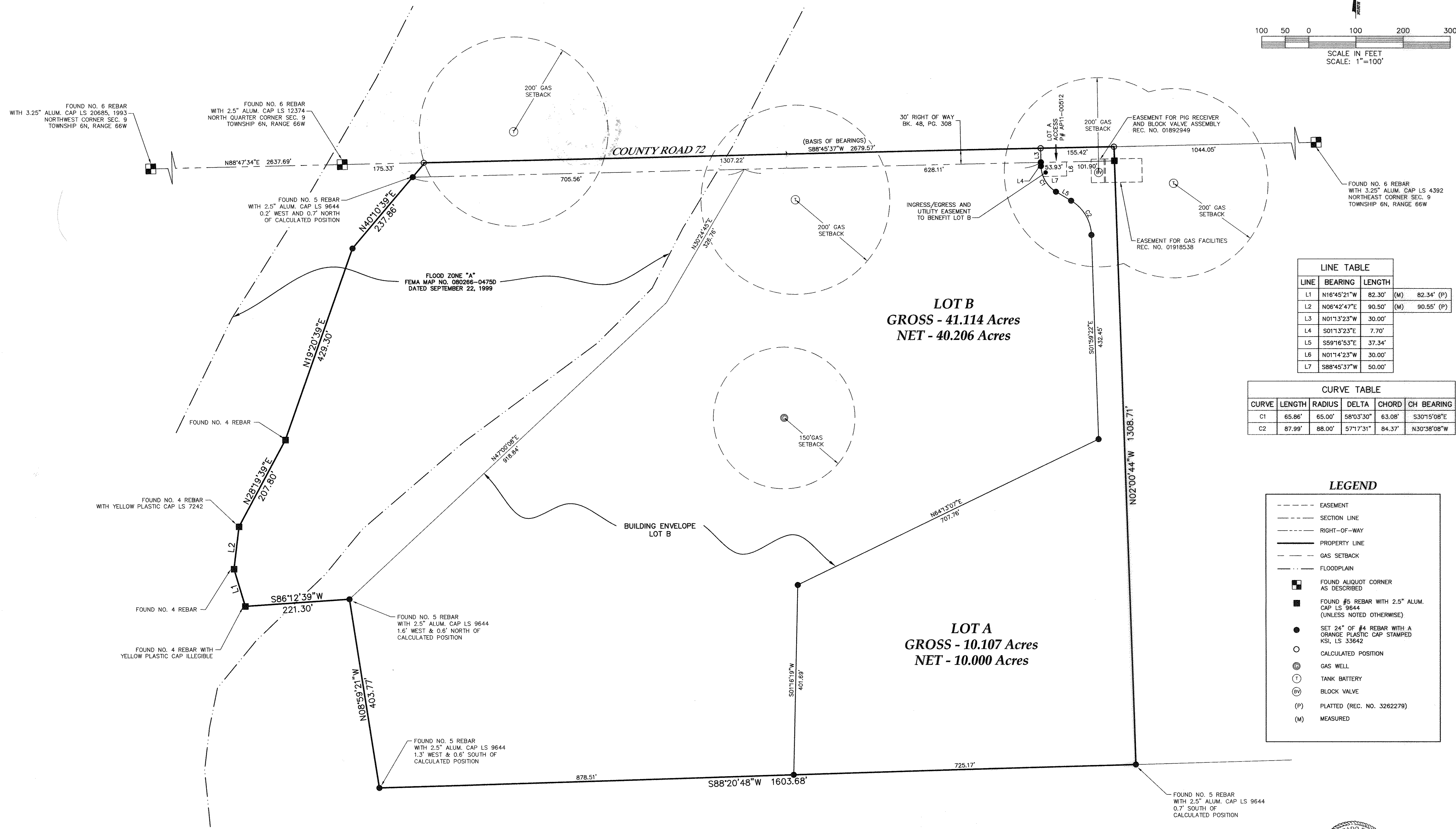






# RECORDED EXEMPTION NO. 0805-9-1 RECX11-0045

A Replat of Lot B, Recorded Exemption No. 0805-09-1 RE-2946  
Being Located in the North Half Of Section 9, Township 6 North, Range 66 West Of The 6th P.M.,  
County Of Weld, State Of Colorado



LINE TABLE		
LINE	BEARING	LENGTH
L1	N16°45'21"W	82.30' (M) 82.34' (P)
L2	N06°42'47"E	90.50' (M) 90.55' (P)
L3	N01°13'23"W	30.00'
L4	S01°13'23"E	7.70'
L5	S59°16'53"E	37.34'
L6	N01°14'23"W	30.00'
L7	S88°45'37"W	50.00'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	65.86'	65.00'	58°03'30"	63.08'	S30°15'08"E
C2	87.99'	88.00'	57°17'31"	84.37'	N30°38'08"W

**LEGEND**

- EASEMENT
- SECTION LINE
- RIGHT-OF-WAY
- PROPERTY LINE
- GAS SETBACK
- FLOODPLAIN
- FOUND ALIQUOT CORNER AS DESCRIBED
- FOUND #5 REBAR WITH 2.5" ALUM. CAP LS 9644 (UNLESS NOTED OTHERWISE)
- SET 24" OF #4 REBAR WITH A ORANGE PLASTIC CAP STAMPED KSI, LS 33642
- CALCULATED POSITION
- ⊙ GAS WELL
- ⊙ TANK BATTERY
- ⊙ BLOCK VALVE
- (P) PLATTED (REC. NO. 3262279)
- (M) MEASURED

Lawrence S. Papak - On Behalf of King Surveyors, Inc.  
Colorado Registered Professional  
Land Surveyor #33642

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