



FORM 9 – Seller Retains Responsibility Attestation

Fulcrum Energy Operating, LLC, Operator No. 10805 ("Fulcrum") and D90 Energy, LLC, Operator No. 10706 ("D90") (each a "Party" and collectively the "Parties"), hereby submit this Attestation to the Colorado Oil and Gas Conservation Commission ("Commission") in connection with that certain Form 9 – Subsequent (eForm Document No. 403192640 companion to Form 9 – Intent Document No. 403181458) ("Form 9") for notice of D90 Retaining Responsibility of Related Incidents set forth and described on Exhibit A, attached hereto. All capitalized terms used, but not specifically defined herein, shall have their meaning as set forth in the Commission's Rules. The Parties hereby attest as follows.

The information and content set forth in the Form 9 is true and correct to the best of the Parties' knowledge. Other than as described on Exhibit A, attached hereto, D90 is retaining no responsibility for any open and/or unresolved inspection items, warning letters, NOAVs, or compliance deficiencies associated with the Transferable Items set forth on the Form 9.

BUYING OPERATOR

Fulcrum Energy Operating, LLC
Operator No. 10805

By: 

Name: Brad Morse

Title: President

SELLING OPERATOR

D90 Energy, LLC
Operator No. 10706

By: 

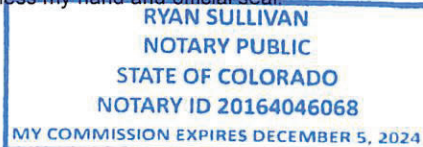
Name: Daniel Silverman

Title: President

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

The foregoing instrument was acknowledged before me this 26th day of April, 2023 by Brad Morse as President of Fulcrum Energy Operating, LLC.

Witness my hand and official seal.

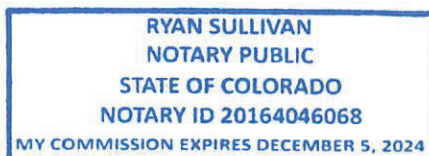



Notary Public

STATE OF ~~TEXAS~~ ²⁶ Colorado)
) ss.
COUNTY OF DENVER)

The foregoing instrument was acknowledged before me this 27th day of APRIL, 2023 by Daniel Silverman as President of D90 Energy, LLC.

Witness my hand and official seal.




Notary Public



Exhibit A to Form 9 – Seller Retains Responsibility Attestation

Retained Compliance Responsibility

Incidents Not Transferred to Buyer					
Item #	Document Number	Incident Type	Incident Date	Current Operator Number	Current Operator Name
1	403197216	Unresolved NOAV	5/20/2022	10706	D90 Energy LLC
2	403258393	Unresolved NOAV	1/1/2022	10706	D90 Energy LLC