

## MEMORANDUM OF SURFACE DAMAGE AGREEMENT

This Memorandum is made and entered into this 15<sup>th</sup> day of August, 2007, by and between **Warren R. Stroh** ("Owner") with an address at 19463 WCR 19, Johnstown, CO 80534, and **K.P. Kauffman Company, Inc.** ("Kauffman") with an address at 1675 Broadway, Ste. 2800, Denver, Colorado 80202-4628.

As of the date above, Owners and Kauffman entered into a Surface Damage Agreement ("Agreement") providing for the use of the surface of the land described below by Kauffman in connection with certain oil and gas operations and the compensation to Owner for all damages (except as provided for in the Agreement) to the surface of the land associated with the drilling, testing completion, reworking, pumping, operation and maintenance of the well site to be located in:

**NW/4NE/4 Sec 33, Township 4 North, Range 67 West, 6<sup>th</sup> P.M., Weld County, Colorado,**

This Memorandum of Surface Damage Agreement is executed by Owner and Kauffman and placed of record in Weld County, Colorado for the purpose of placing all persons on notice of the existence of the Agreement. A true and complete copy of the Agreement is available from Kauffman to any person with an interest in the above described land.

**OWNERS:**

Warren R. Stroh  
Warren R. Stroh

**K.P. KAUFFMAN COMPANY, INC.**

Kevin P. Kauffman, Chairman and  
Chief Executive Officer

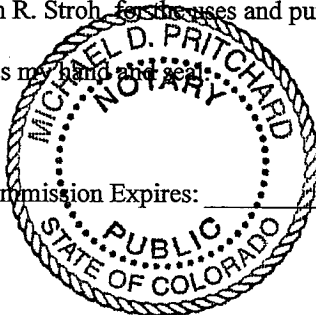
### ACKNOWLEDGEMENTS

STATE OF COLORADO     )  
  )  
COUNTY OF WELD        )

The foregoing instrument of writing was acknowledged before me on this 23<sup>rd</sup> day of August, 2007 by Warren R. Stroh for the uses and purposes stated herein.

Witness my hand and seal:

My Commission Expires: \_\_\_\_\_



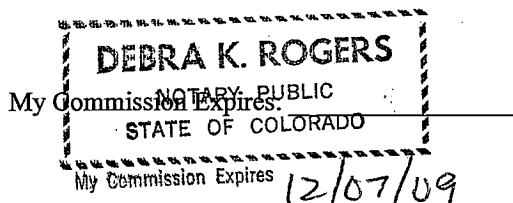
Michael D. Pritchard  
Notary Public  
Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

STATE OF COLORADO     )  
  )  
COUNTY OF DENVER     )

The foregoing instrument of writing was acknowledged before me on this 29<sup>th</sup> day of August, 2007 by Kevin P. Kauffman, for and on behalf of the K.P. Kauffman Company, Inc., a California corporation, for the uses and purposes stated herein.

Witness my hand and seal:



Debra K. Rogers  
Notary Public  
Print Name: Debra K. Rogers

Address: 1675 Broadway, Suite 2800  
Denver, CO 80202-4628