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3469867 04/18/2007 03:32P Weld County, CO
1 of 6 R 31.00 D 0.00 Steve Moreno Clerk & Recorder

Surface Agmt / Surety

RECEIVED

MAY 18 2010

COGCC

116

**MEMORANDUM OF AMENDMENT TO COMPATIBLE DEVELOPMENT AND
SURFACE USE AGREEMENT**

Pursuant to the terms of that certain unrecorded Amendment to Compatible Development And Surface Use Agreement dated effective the 22nd day of November, 2006 between the undersigned, and subject to the conditions set forth therein, ~~LANDMARK INVESTMENTS, INC., ("LI") with an address of 6 West Hubbard, Suite 600, Chicago, Illinois 60610,~~ FREDERICK DEVELOPMENT COMPANY, INC. ("FDC") with an address of 2500 Arapahoe Avenue, Boulder, Colorado 80302, the town of FREDERICK (Frederick), with an address of 401 Locust Street, P.O. Box 435, Frederick, Colorado 80530, and ENCANA OIL & GAS (USA) INC., ("EnCana") with an address of 370 17th Street, Suite 1700, Denver, Colorado 80202, agreed to the compatible use of the surface for development and for oil and gas operations including drilling, construction, completion, recompletion, reworking, re-entry, production, maintenance and other operations located on the following land:

Township 2 North, Range 68 West, Weld County, Colorado
Section 34: SE/4

This Memorandum of Amendment to Compatible Development and Surface Use 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. A true and complete copy of the Agreement is available at the offices of EnCana.

In witness whereof this instrument is executed effective the 22nd day of November 2006.

~~LANDMARK INVESTMENTS, INC.~~

By: _____
Title: _____

TOWN OF FREDERICK*

By: [Signature]
Title: Mayor

ATTEST:

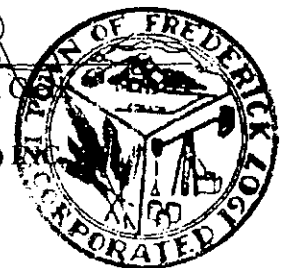
By: [Signature]
Town Clerk

FREDERICK DEVELOPMENT COMPANY,
INC.

By: _____
Title: _____

ENCANA OIL & GAS (USA) INC.

By: _____
Byron R. Gale, Attorney-in-Fact



*Town of Frederick hereby joins and consents to the provisions of the Agreement expressly as it applies to Section 1. g. regarding the closure of roads, and insofar as the Town may be affected by accepting ownership of roads, streets, dedicated open space, trails, parks and other areas for public use.

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In witness whereof this instrument is executed effective the ____ day of _____ 2006.

~~LANDMARK INVESTMENTS, INC.~~

TOWN OF FREDERICK*

By: _____
Title: _____

By: _____
Title: _____

ATTEST:

By: _____
Town Clerk

FREDERICK DEVELOPMENT COMPANY,
INC.

ENCANA OIL & GAS (USA) INC.

By: [Signature]
Title: AUTHORIZED REPRESENTATIVE

By: _____
Byron R. Gale, Attorney-in-Fact

*Town of Frederick hereby joins and consents to the provisions of the Agreement expressly as it applies to Section 1. g. regarding the closure of roads, and insofar as the Town may be affected by accepting ownership of roads, streets, dedicated open space, trails, parks and other areas for public use.

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~~LANDMARK INVESTMENTS, INC.~~

TOWN OF FREDERICK*

By: _____
Title: _____

By: _____
Title: _____

ATTEST:

By: _____
Town Clerk

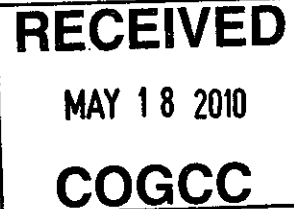
FREDERICK DEVELOPMENT COMPANY,
INC.

ENCANA OIL & GAS (USA) INC.

By: _____
Title: _____

By: Byron R. Gale
Byron R. Gale, Attorney-in-Fact

*Town of Frederick hereby joins and consents to the provisions of the Agreement expressly as it applies to Section 1. g. regarding the closure of roads, and insofar as the Town may be affected by accepting ownership of roads, streets, dedicated open space, trails, parks and other areas for public use.



ACKNOWLEDGMENTS

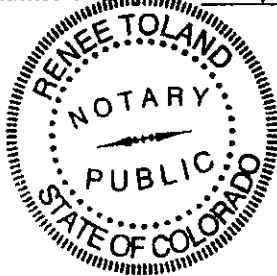
STATE OF COLORADO)
) ss.
COUNTY OF Boulder)

On this 21st day of November 2006, before me personally appeared Jon Lee known to me to be Authorized Representative, and that he/she executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said Jon Lee, 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: 11/2/06

SEAL



Renee Toland
Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF _____)

On this _____ day of _____ 2006, before me personally appeared _____ known to me to be _____, and that he/she executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said _____, 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

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MAY 18 2010

COGCC

ACKNOWLEDGMENTS

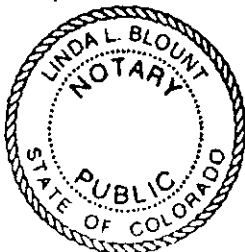
STATE OF COLORADO)
) ss.
COUNTY OF Weld)

On this 22nd day of November 2006, before me personally appeared Genie E. Dooling known to me to be Mayor, Town of Frederick, and that he/she executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said Mayor, Town of Frederick 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: October 18, 2010

SEAL



Linda L. Blount
Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF Weld)

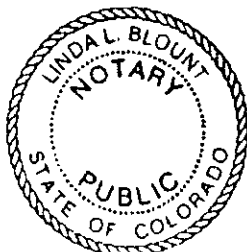
On this 22nd day of November 2006, before me personally appeared Namette Stone known to me to be Town Clerk, Town of Frederick, and that he/she executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said Town of Frederick for the 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: October 18, 2010

Linda L. Blount
Notary Public

SEAL



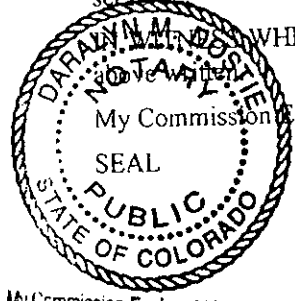
My Commission Expires
OCTOBER 18, 2010

RECEIVED
MAY 18 2010
COGCC

ACKNOWLEDGEMENTS

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

On this 22nd day of November 2006, before me personally / appeared Byron R. Gale known to me to be Attorney-in-Fact of EnCana Oil and Gas (USA) Inc. and that he/she executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said instrument, for the uses and purposes therein set forth.



WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.
My Commission Expires: August 18, 2008

Daralyn M. Dootie
Notary Public

My Commission Expires 08/18/2008
STATE OF COLORADO)
) ss.
COUNTY OF _____)

On this _____ day of _____ 2006, before me personally appeared _____ known to me to be _____, and that he/she executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said _____, 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: _____

SEAL

Notary Public