

MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT

Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 4 day of APRIL, 2012 between the undersigned, and subject to the conditions set forth therein, Encana Oil & Gas (USA) Inc. ("Encana") with an address at 370 17th Street, Suite 1700, Denver, Colorado 80202, and Fort Lupton East, LLP (Owner) with an address at 8791 Circle Drive, Westminster, Colorado 80031, agreed to the location of wells and payment for damages to the surface of land connected with the access to and the drilling, construction, completion, recompletion, reworking, re-entry, production, maintenance and operations of the wells and associated pipelines, tank batteries and other facilities or property of Encana associated with the wells and located on the following land:

Township 2 North, Range 66 West, of the 6<sup>th</sup> P.M.

Section 28: S/2SE/4

EXC BEG SW COR SE/4 N417.5' E208.75' S417.5' W208.75' TO BEG (2A)

ALSO EXC E330' (10A). Containing 66 acres more or less

Weld County, Colorado

This Memorandum of Surface Damage and Release 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.

In witness whereof this instrument is executed effective the 7<sup>th</sup> day of APRIL 2012.

ENCANA OIL & GAS (USA) INC.

Ricardo D. Gallegos, Attorney-in-Fact

FORT LUPTON EAST, LLP

John Vandemoer  
John Vandemoer, General Partner  
Fort Lupton East, LLP

## ACKNOWLEDGMENTS

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by Ricardo D. Gallegos, Attorney-in-Fact of Encana Oil & Gas (USA) Inc., a Delaware corporation, on behalf of said corporation.

Witness my hand and official seal.

Notary Public  
My Commission Expires: \_\_\_\_\_

STATE OF COLORADO )  
COUNTY OF Adams ) ss.

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of April, 2012, by John Vandemoer for and on behalf of Fort Lupton East, LLP as its General Partner.

Witness my hand and official seal.

\_\_\_\_\_  
 Notary Public  
 My Commission Expires: 7/05/2018

