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3794343 09/23/2011 02:56P Weld County, CO
1 of 2 R 16.00 D 0.00 Steve Moreno Clerk & Recorder

MEMORANDUM OF SURFACE DAMAGE AND RELEASE AGREEMENT

Pursuant to the terms of that certain unrecorded Surface Damage and Release Agreement dated effective the 12th day of September, 2011 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 Martin Gutierrez and Berta A. Gutierrez, ("Owner") with an address at 7717 County Road 31 Fort Lupton, Colorado 80621, agreed to the location of a 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 a 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 68 WEST, 6TH P.M.

Section 28: SW1/4NE1/4
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 6th day of September 2011.

ENCANA OIL & GAS (USA) INC.

By: [Signature]
Ricardo D. Gallegos, Attorney-in-Fact

[Signature]
DRM

MARTIN GUTIERREZ AND BERTA A. GUTIERREZ

By: [Signature]
Martin Gutierrez

By: [Signature]
Berta A. Gutierrez

ACKNOWLEDGMENTS

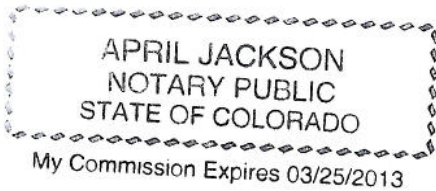
STATE OF COLORADO)
)ss
CITY AND COUNTY OF DENVER)

On this 14th day of Sept., 2011, before me personally appeared Ricardo D. Gallegos who executed the within and foregoing instrument as Attorney-in-Fact of Encana Oil & Gas (USA) Inc. on behalf of the corporation, and acknowledged the instrument to be the free and voluntary act and deed of the corporation 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 3/25/13

(SEAL)



Notary Public: April Jackson

STATE OF COLORADO)
)ss
COUNTY OF WELD)

On this 1st day of September, 2011, before me personally appeared Martin Gutierrez and Berta A. Gutierrez known to me to be the person who executed the within and foregoing instrument, and acknowledged that they executed said instrument as their free and voluntary act and deed 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: 2/15/2014

(SEAL)



Notary Public: Robert J. Bresnahan