

AFFIDAVIT OF AGREEMENT FOR SURFACE ACCESS

Bradley Penn, being first duly sworn on his oath, states that he is familiar with the following described property, to wit:

SWEPI LP, as successor and assigns to Yates Petroleum Corporation, has a Agreement for Surface Access with the Battle Mountain Corporation whose address is P.O. Box 146 Savery, Wyoming 82332, Moffat County, Colorado, covering the following Lands:

Township 12 North, Range 90 West, 6th P.M.

Section 13: All (Lots 1-8, 10-21)

Section 23: All (Lots 1-8, 10-21)

Section 14: All

And that he is also familiar with the existence of such unrecorded instrument.

AFFIANT

Bradley Penn

Subscribed and sworn to before me this 30th day of May, 2012.

My commission expires:

Linda E. Lara
Notary Public in and for
Harris County, State of Texas.

