

AFFIDAVIT OF SURFACE USE AGREEMENT

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

SWEPI LP, has a Surface Use Agreement dated July 7, 2011, with David R. Seely, Shirley M. Seely and Wellsweep Ranches, LLC, covering Township 5 North, Range 90 W, 6<sup>th</sup> P.M. portions of Section 27: Lots 1-7, N2SW, SWNE, S2NW; Section 28: Lots 1, 3, 4, NESE, N2, NESW; Section 33: Lots 1 & 2; Section 34: Lots 3, 4, 6, 11 & 12, Moffat County, Colorado.

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

AFFIANT

Bradley Penn

Subscribed and sworn to before me this 10th day of January, 2012.

My commission expires: 2/4/2013  
Linda E. Lara  
\_\_\_\_\_  
Notary Public in and for  
Harris County, State of Texas

