

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, as successor and assigns to East Resources Management LLC, has a Surface Use Agreement and Indemnification with the Stover Ranch-Colorado, Jasper Stover, President, dated the 15th of June 2010 covering Township 5 North, Range 90 W, and 6th P.M. Section 33: Lot 4. 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 1st day of December, 2011.

My commission expires:

Linda E. Lara

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

