



MEMORANDUM OF SURFACE USE AND DAMAGE AGREEMENT

WHEREAS, on the 30th day of September, 2010, **Dr. Howard L. Mussell** of PMB 209, 1842 Sugarland #108, Sheridan, Wyoming 82801, as Owner, entered into a Surface Use and Damage Agreement with **Fitzsimmons, LLC** of 2201 Cabin Court, Gillette, Wyoming 82718, as Operator, covering the following described lands in Sheridan County, Wyoming:

Township 55 North, Range 83 West, 6th P.M.

Section 14: S $\frac{1}{2}$

Section 14: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 16: E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 23: N $\frac{1}{2}$ NW $\frac{1}{4}$

Containing 560 acres, more or less

The purpose of the Surface Use and Damage Agreement is to set forth reasonable compensation to be paid by Operator to Owner for the use of the surface of the lands for oil and gas exploration, development and production, and to set forth certain terms and conditions with respect to such surface use.

The purpose of this Memorandum of Surface Use and Damage Agreement is to give notice to all interested parties as to the existence of the Surface Use and Damage Agreement, a copy of which should be consulted for specifics.

OWNER:

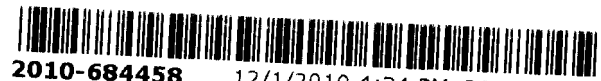
Dr. Howard L. Mussell

OPERATOR:

Fitzsimmons, LLC

By:

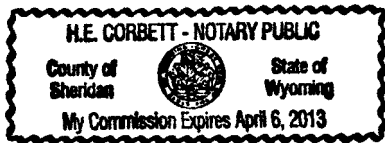
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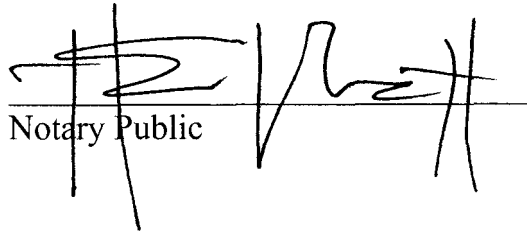


STATE OF WYOMING)
) ss.
COUNTY OF SHERIDAN)

The foregoing Memorandum of Surface Use and Damage Agreement was acknowledged fore me this 18 day of November, 2010, by Dr. Howard L. Mussell.

Witness my hand and official seal.





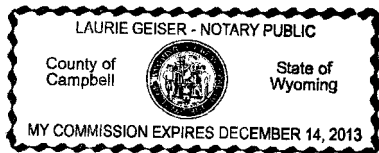
Notary Public

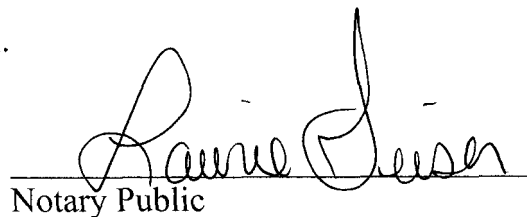
My Commission Expires: _____

STATE OF WYOMING)
) ss.
COUNTY OF CAMPBELL)

The foregoing Memorandum of Surface Use and Damage Agreement was acknowledged fore me this 18 day of November, 2010, by John L. Kennedy, who is the Manager of Fitzsimmons, LLC.

Witness my hand and official seal.





Notary Public

My Commission Expires: Dec. 14, 2013

NO. 2010-684458 MEMORANDUM

EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
JOHN L KENNEDY 2201 CABIN COURT
GILLETTE WY 82718