

MEMORANDUM OF SURFACE USE AGREEMENT

STATE OF WYOMING §

COUNTY OF SHERIDAN §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Mary V. Hutton whose address is 132 Bellevue Street, Sheridan, WY 82801, and Stella M. Barker whose address P.O. Box 888, Sheridan, WY 82801, hereinafter referred to as "Owner's", and 33 Oil & Minerals LLC., as "Lessee", whose address is 490 N 31st Street, Suite 205, Billings, MT 59101 made and entered into a certain Surface and Damage Agreement dated January 16th, 2007 covering the following described land, situated in Campbell County, Wyoming to wit:

TOWNSHIP 56 NORTH, RANGE 84 WEST
Section 24: NW,NWSW

WHEREAS, it is the desire of Owner and Lessee to acknowledge the existence of the Surface and Damage Agreement in a recordable form.

NOW THEREFORE, the undersigned Owner and Lessee do hereby:

1. Acknowledge the execution of said Surface and Damage Agreement as set out above; and
2. Refer to that document for all terms and provisions and incorporate the same by reference as fully as if copied at length herein.

This memorandum shall not be deemed to enlarge, restrict or change the rights of any parties to said Surface and Damage Agreement but is for the purpose of giving record notice of the existence of the Surface and Damage Agreement in lieu of recording the document at length.

563192 MEMORANDUM
BOOK 481 PAGE 0018
RECORDED 01/18/2007 AT 03:50 PM
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

IN WITNESS WHEREOF, this instrument is executed this the 17th day of January, 2007.

OWNER:

By: Mary V. Hutton
Mary V. Hutton

LESSEE:
33 Oil & Minerals LLC

By: Peter C. Sheehan
Peter C. Sheehan, Managing Partner

OWNER:

By: Stella M. Barker
Stella M. Barker

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Wyoming }
COUNTY OF Sheridan } ss.

BEFORE ME, the undersigned, a Notary Public, in and for the County and State, on this 17 day of January, 2007, before me personally appeared Mary V. Hutton and Stella M. Barker to me known to be the identical person(s) described in and who executed the within and foregoing instrument of writing and acknowledged to me that he (she, they) duly executed the same as his (her, their) free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed my notarial seal the day and year first above written.

My commission expires: 04/20/2010

Brittany A. Buszkiewicz
Notary Public
Brittany A. Buszkiewicz
Printed Name

Residing at: Sheridan, WY

STATE OF WYOMING §

COUNTY OF SHERIDAN §



The above and foregoing instrument was acknowledged before me by **Peter C. Sheehan**, whose identity is personally known to me and who by me duly sworn, did say that he is the **Managing Member of 33 Oil & Minerals LLC** and acknowledged that said document was signed by him on behalf of company, on this _____ day of January, 2007.

Witness my hand and official seal

Notary