

Once Recorded Please Return To:  
Deanna J. Walker  
Phillips Petroleum Company  
P.O. Box 105  
Livermore, CO 80536

E 092763 B 506 P 271  
Date 18-JUL-2002 9:45am  
Fee: 26.00 Check  
SHARON MURDOCK, Recorder  
Filed By KR  
For DEANNA WALKER  
CARBON COUNTY CORPORATION

## MEMORANDUM OF SURFACE USE AND DAMAGE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS:

That **Mary Eaquina**, whose address is 321 South 100 West, Helper, Utah, 84526-1506, **Corinda Eaquina**, aka Carinda Eaquina, whose address is 321 South 100 West, Helper, Utah 84526-1506, **Grace M. Keele**, whose address is 445<sup>1450</sup> West 3500 North, Helper, Utah, 84526, and **David John Spatafore**, whose address is 1122 Gilmer Drive, Salt Lake City, Utah, 84105, *AK m.f.e. C.E.* joint tenants with the right of survivorship, (Collectively "**Grantor**"), and **Phillips Petroleum Company**, a Delaware Corporation, whose address is 4 B2 Phillips Building, Bartlesville, Oklahoma, 74004 ("**Grantee**") have entered into a Surface Use and Damage Agreement dated effective as of the 1st day of July, 2002 ("**Agreement**").

The Agreement, which is unrecorded and may be found in the files of Grantor and Grantee, is adopted herein and made a part hereof by reference to the same full extent as if all its provisions were copied in full in this Memorandum.

Pursuant to the terms of the Agreement, Grantor grants to Grantee and all of its parent, subsidiary, or other affiliated companies, their agents, employees and others authorized by them the right-of-way to use the Property described in Exhibit A, attached hereto and made a part of this Memorandum ("**Property**"), for the purpose of access to and from mineral leases it owns and operates underlying and in the vicinity of the Property ("**Leases**"), for well locations, pipelines and power lines and for other facilities related to its conduct of operations pursuant to the Leases.

This Memorandum shall be binding on and inure to the benefit of Grantor and Grantee, their respective heirs, administrators, successors and assigns.

The parties hereto have executed this Memorandum as of the dates of the respective acknowledgements.

**GRANTOR:**

**GRANTEE:**

**MARY EAQUINTA**

**PHILLIPS PETROLEUM COMPANY**

*Mary T. Equinta*

By: *[Signature]*

Title: Attorney-in-Fact

**CORINDA EAQUINTA**

*Corinda Equinta*

**GRACE M. KEELE**

*Grace M. Keele*

**DAVID JOHN SPATAFORE**

\_\_\_\_\_

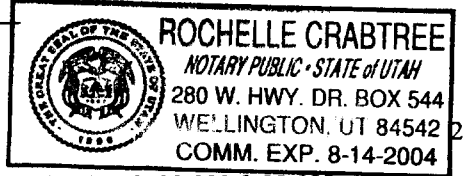
State of Utah }  
County of Carbon }

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **Mary Equinta**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily.

Given under my hand and official seal, this the 3 day of July, 2002.

*Rochelle Crabtree*  
Notary Public

My Commission Expires 8-14-2004



06/21/02  
Section 23 & 26, T13S, R9E, S.L.B.&M., Carbon County, Utah  
IRC Project UT/Carbon 125, 166, 170 & 171; Well No. 26-620, 23-639, 24-636, 26-628 & 26-629

The parties hereto have executed this Memorandum as of the dates of the respective acknowledgements.

**GRANTOR:**

**GRANTEE:**

**MARY EAQUINTA**

**PHILLIPS PETROLEUM COMPANY**

\_\_\_\_\_

By: \_\_\_\_\_

Title: Attorney-in-Fact


**CORINDA EAQUINTA**

\_\_\_\_\_

**GRACE M. KEELE**

\_\_\_\_\_

**DAVID JOHN SPATAFORE**

  
\_\_\_\_\_

State of \_\_\_\_\_ }

County of \_\_\_\_\_ }

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **Mary Eaquina**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily.

Given under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

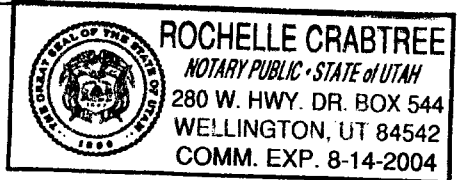
State of Utah }  
County of Carbon }

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **Corinda Eaquina**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily.

Given under my hand and official seal, this the 3 day of July, 2002.

Rochelle Crabtree  
Notary Public

My Commission Expires 8-14-2004



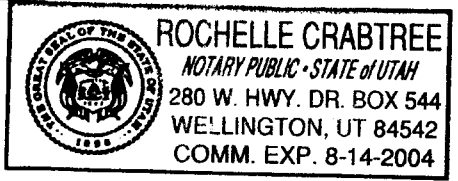
State of Utah }  
County of Carbon }

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **Grace M. Keele**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily.

Given under my hand and official seal, this the 3 day of July, 2002.

Rochelle Crabtree  
Notary Public

My Commission Expires 8-14-2004



State of UT }

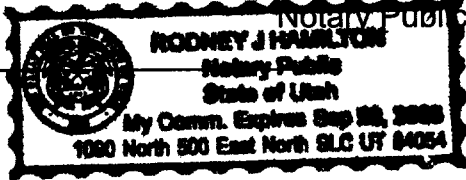
County of SALT Lake }

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that **David John Spatafore**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily.

Given under my hand and official seal, this the 5 day of July, 2002.

Rodney J Hamilton  
Notary Public

My Commission Expires \_\_\_\_\_



State of OKLAHOMA }

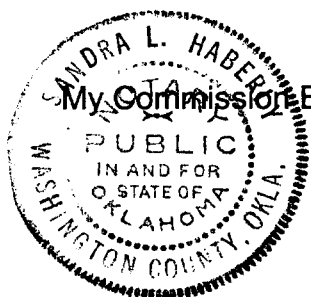
County of WASHINGTON }

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that J. D. Baccus, whose name as Attorney-in-Fact of **Phillips Petroleum Company**, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as authorized agent and with full authority, executed the same voluntarily and as the act of said corporation.

Given under my hand and official seal, this the 10<sup>th</sup> day of July, 2002.

Candra L. Habery  
Notary Public

My Commission Expires 12-16-03  
#99019858



**EXHIBIT A**

**Township 13 South, Range 9 East, S.L.B.&M.,**  
**Carbon County, Utah:**

- Section 23:** The East One-half of the Southwest One-quarter;  
**Section 26:** The East One-half of the Northwest One-quarter;  
The West One-half of the Northeast One-quarter;  
The Northeast One-quarter of the Southwest One-quarter;  
and  
The Northwest One-quarter of the Southeast One-quarter

06/21/02

Section 23 & 26, T13S, R9E, S.L.B.&M., Carbon County, Utah

IRC Project UT/Carbon 125, 166, 170 & 171; Well No. 26-620, 23-639, 24-636, 26-628 & 26-629

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