

STATE OF ALABAMA :
COUNTIES OF SHELBY AND BIBB :

20060906000438180 1/14 \$51.00
Shelby Cnty Judge of Probate, AL
09/06/2006 11:55:57AM FILED/CERT

SURFACE USE AFFIDAVIT

COMES NOW Robert D. Anderson, Jr., Land Manager for CDX Sequoya, LLC, a Texas limited liability company, and for CDX Gulf, LLC, a Texas limited liability company, who after being duly sworn did depose and state the following:

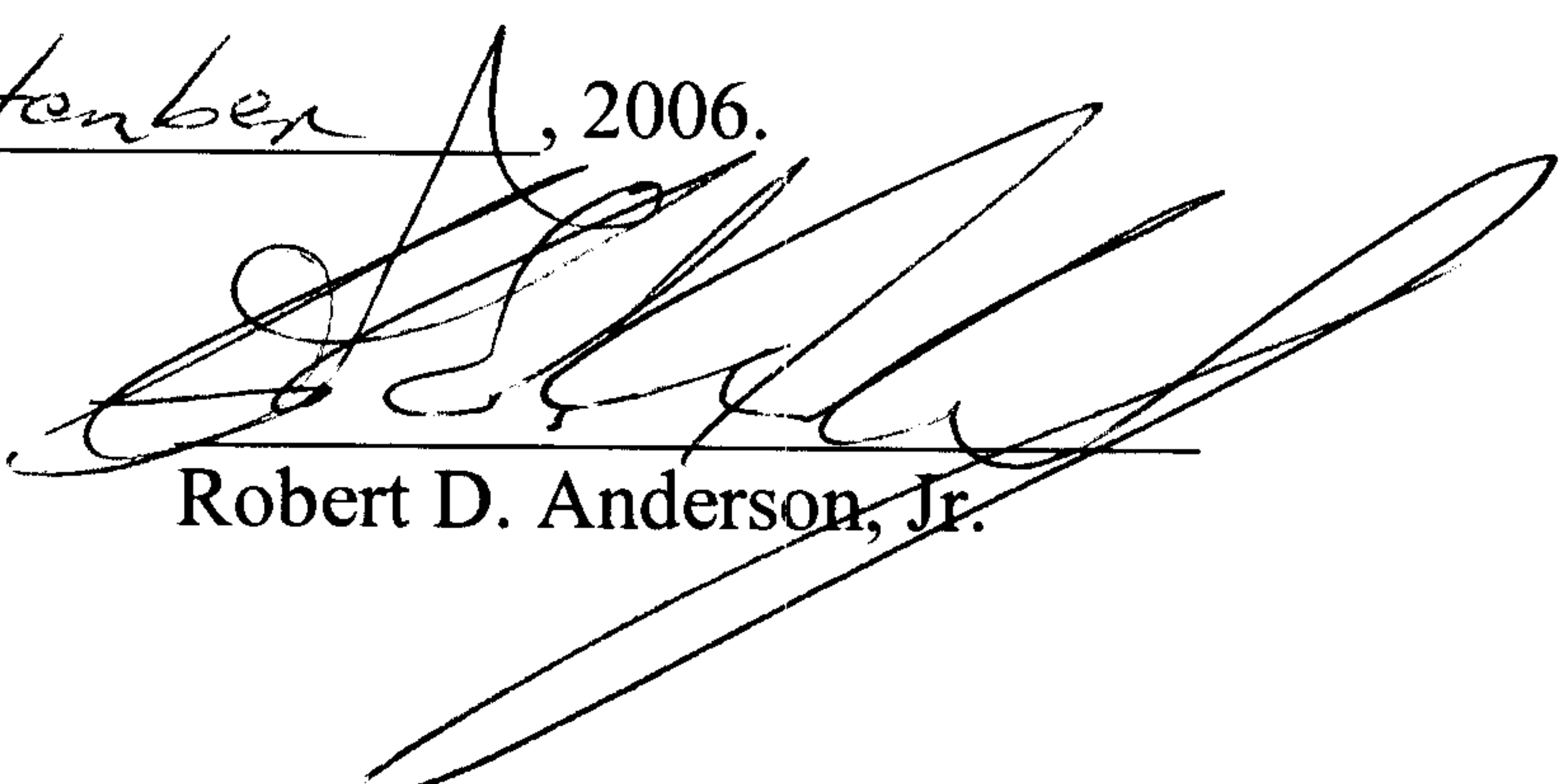
That I am the Land Manager for CDX Sequoya, LLC and CDX Gulf, LLC, and as such, have full knowledge of the drilling and pipeline activities and other operational affairs of said limited liability companies.

That in the normal course of business for said limited liability companies, a Surface Use Agreement, dated September 6, 2005, was obtained from John Hancock Life Insurance Company, A Massachusetts corporation, Cahaba Forests, LLC, a Delaware limited liability company and Hawaii ERS Timberland, LLC, a Hawaii limited liability company, collectively, for various purposes, including, but not limited to, pipeline and power line rights-of-way, drillsite pads, roads and roadways, for the purpose of coalbed methane and oil and gas drilling and production operations.

That summary of such Surface Use Agreement is attached hereto as Exhibit "1" and third parties are hereby put on notice of the existence of such agreement. A copy of such agreement is located in the office of CDX Sequoya, LLC and CDX Gulf, LLC, currently located at 200 Chase Park South, Suite 100, Hoover, Alabama 35244

Further, affiant saith not.

Executed this 5th, day of September, 2006.


Robert D. Anderson, Jr.

State of Alabama
County of Shelby

I, the undersigned authority, a Notary Public, in and for said County in said State, hereby certify that Robert D. Anderson, Jr., whose name is signed to the foregoing Surface Use Affidavit and who is known to me, acknowledged before me on this day that, being informed of the contents of the Affidavit, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 5th day of September, 2006.

My commission expires:

10-20-09


Notary Public

Seal



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Exhibit "1"

Attached to and made a part of that certain Surface Use Affidavit dated September 5, 2006

Title: Surface Use Agreement

Date: September 6, 2005

Grantor: John Hancock Life Insurance Company, Cahaba Forests, LLC and
Hawaii ERS Timberland, LLC.

Grantee: CDX Sequoya, LLC and CDX Gulf, LLC

Description: See Exhibits "A", "B" and "C" attached hereto and made a part
Hereof.

EXHIBIT "A"

Attached to and made a part of the Surface Use Agreement by and between JOHN HANCOCK LIFE INSURANCE COMPANY, CAHABA FORESTS, LLC and HAWAII ERS TIMBERLAND, LLC, as Grantors and CDX SEQUOYA, LLC and CDX GULF, LLC, as Grantees, dated September 6th, 2005.

Exhibit "A" (1.) John Hancock Life Insurance Company Surface Ownership

The following described property situated in Shelby County, Alabama:

Section 4, Township 22 South, Range 4 West

NE $\frac{1}{4}$ NE $\frac{1}{4}$

SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 9, Township 22 South, Range 4 West

E $\frac{1}{2}$ NE $\frac{1}{4}$


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Exhibit "A" (2.) Hawaii ERS Timberland, LLC

The following described property situated in Shelby County, Alabama

Section 16, Township 22 South, Range 4 West

SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 21, Township 22 South, Range 4 West

NE $\frac{1}{4}$ NE $\frac{1}{4}$

NW $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ NW $\frac{1}{4}$

SW $\frac{1}{4}$ NE $\frac{1}{4}$

SE $\frac{1}{4}$ NE $\frac{1}{4}$

Exhibit "A" (3.) Cahaba Forests, LLC

The following described property situated in Shelby County, Alabama

Section 1, Township 22 South, Range 4 West

NW $\frac{1}{4}$ NE $\frac{1}{4}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$

SW $\frac{1}{4}$ NE $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$

S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 2, Township 22 South, Range 4 West

SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10, Township 22 South, Range 4 West

NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 11, Township 22 South, Range 4 West

NW $\frac{1}{4}$ NE $\frac{1}{4}$

S $\frac{1}{2}$ NE $\frac{1}{4}$

S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 14, Township 22 South, Range 4 West

W $\frac{1}{2}$ NW $\frac{1}{4}$

N $\frac{1}{2}$ SW $\frac{1}{4}$

SE $\frac{1}{4}$ SW $\frac{1}{4}$

S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 15, Township 22 South, Range 4 West

SE $\frac{1}{4}$ NE $\frac{1}{4}$

N $\frac{1}{2}$ SE $\frac{1}{4}$

NE $\frac{1}{4}$ SW $\frac{1}{4}$

S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 22, Township 22 South, Range 4 West

NW $\frac{1}{4}$ NW $\frac{1}{4}$


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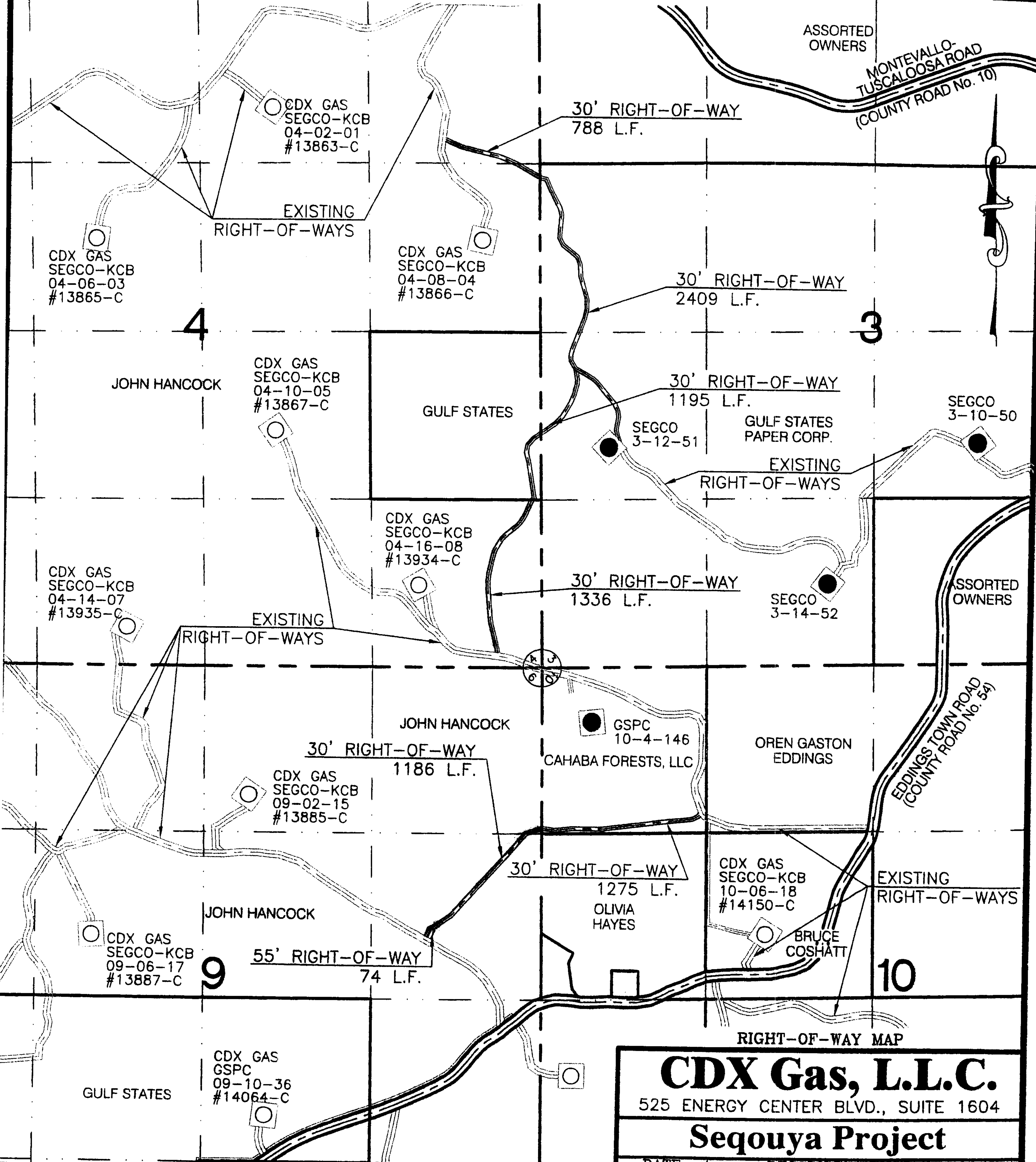
Exhibit "B"

Attached to and made a part of the Surface Use Agreement dated *September 6*, 2005 by and between John Hancock Life Insurance Company, Cahaba Forests, LLC and Hawaii ERS Timberland, LLC., as Grantors and CDX Sequoya, LLC and CDX Gulf, LLC, as Grantees.

Exhibit "B" (1.) John Hancock Life Insurance Company


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SECTIONS 3, 4, 9 & 10, TOWNSHIP 22 SOUTH, RANGE 4 WEST



RIGHT-OF-WAY MAP

CDX Gas, L.L.C.

525 ENERGY CENTER BLVD., SUITE 1604

Sequoya Project

DATE	DESCRIPTION	CHECKED BY
8/02/05	REV. ROW LAYOUTS	E M H
DATE: 07/27/05	DRAWN BY: E M H	FILE: JUL'05
SCALE: 1"=1000'	CHECKED BY: S G F	Job No.: 04-120

Faulkner Surveying
 LICENSED PROFESSIONAL SURVEYORS
 P.O. BOX 40270 / 1701 HOLT ROAD NE / TUSCALOOSA, ALABAMA 35404 / (205) 553-8333

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Exhibit "B"

Attached to and made a part of the Surface Use Agreement dated *September*, 2005 by and between John Hancock Life Insurance Company, Cahaba Forests, LLC and Hawaii ERS Timberland, LLC., as Grantors and CDX Sequoya, LLC and CDX Gulf, LLC, as Grantees.

Exhibit "B" (2.) Hawaii ERS Timberland, LLC


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Exhibit "B"

Attached to and made a part of the Surface Use Agreement dated *September 6*, 2005 by and between John Hancock Life Insurance Company, Cahaba Forests, LLC and Hawaii ERS Timberland, LLC., as Grantors and CDX Sequoya, LLC and CDX Gulf, LLC, as Grantees.

Exhibit "B" (3.) Cahaba Forests, LLC


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CAHABA FOREST, LLC

EXISTING
RIGHT-OF-WAYS

ASSORTED
OWNERS

DOGWOOD ROAD
(COUNTY RD No. 22)

MONTEVALLO-TUSCALOOSA ROAD

(COUNTY ROAD No. 10)

2

1

PEA RIDGE DR

CAHABA FOREST, LLC

CAHABA FOREST, LLC

CAHABA FOREST, LLC

EXISTING
RIGHT-OF-WAYS

EXISTING
RIGHT-OF-WAYS

ASSORTED
OWNERS

SEGCO-KCB
11-02-58

CDX GAS
SEGCO
11-08-99
#14052-C

CDX GAS
SEGCO
11-06-98
#14051-C

11

EXISTING
RIGHT-OF-WAYS

CDX GAS
SEGCO
11-10-100
#14053-C

MONTEVALLO-BOOTHTON ROAD
(COUNTY ROAD No. 10)

J A POLK

12

RIGHT-OF-WAY MAP

CDX Gas, L.L.C.

525 ENERGY CENTER BLVD., SUITE 1604

Sequoya Project

DATE	DESCRIPTION	CHECKED BY
8/01/05	REV. ROW WIDTHS	E M H

DATE: 07/27/05	DRAWN BY: E M H	FILE: JUL'05
SCALE: 1"=1000'	CHECKED BY: S G F	Job No.: 04-120

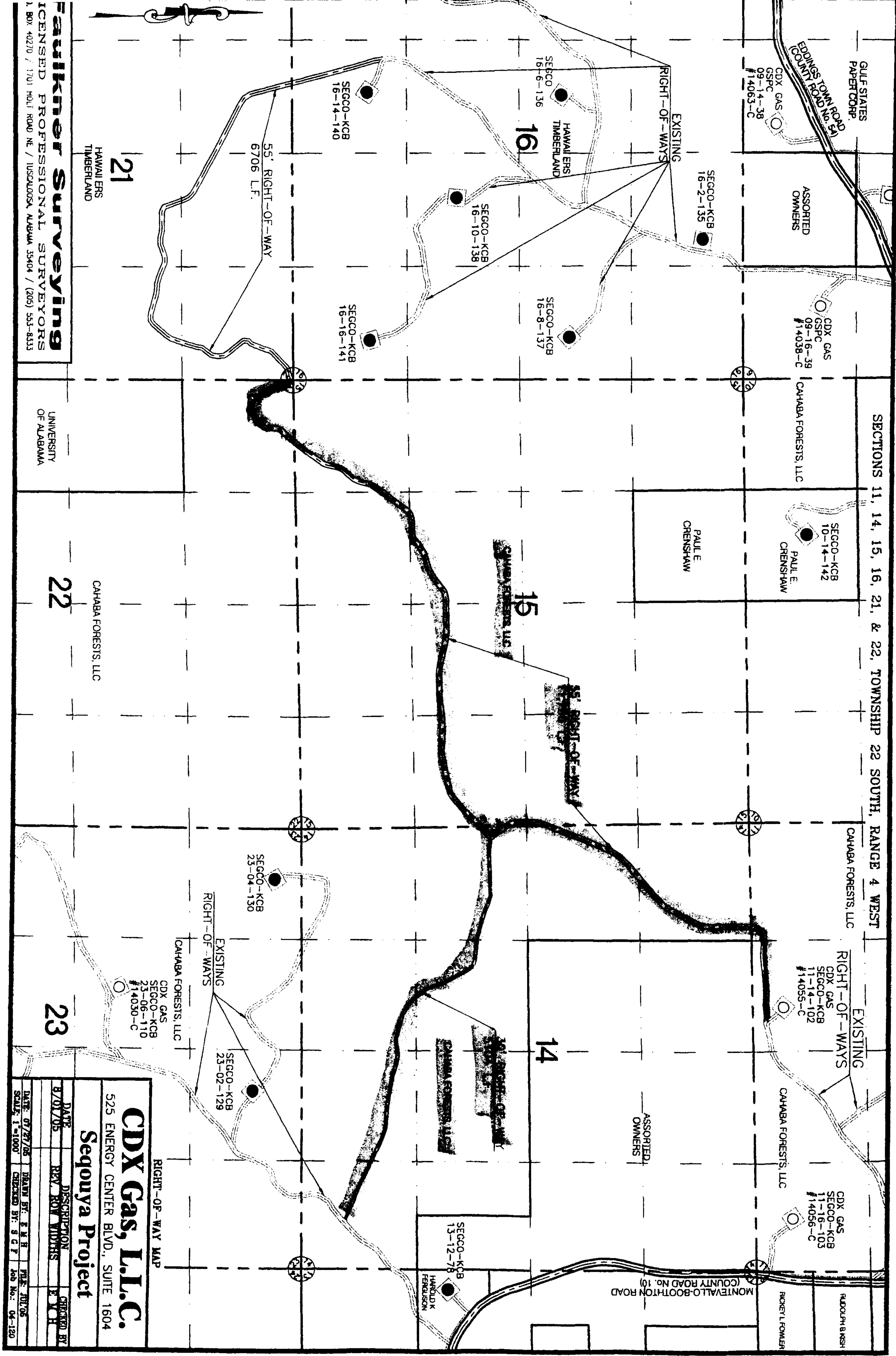
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LICENSED PROFESSIONAL SURVEYORS

P.O. BOX 40270 / 1701 HOLT ROAD NE / TUSCALOOSA, ALABAMA 35404 / (205) 553-8333



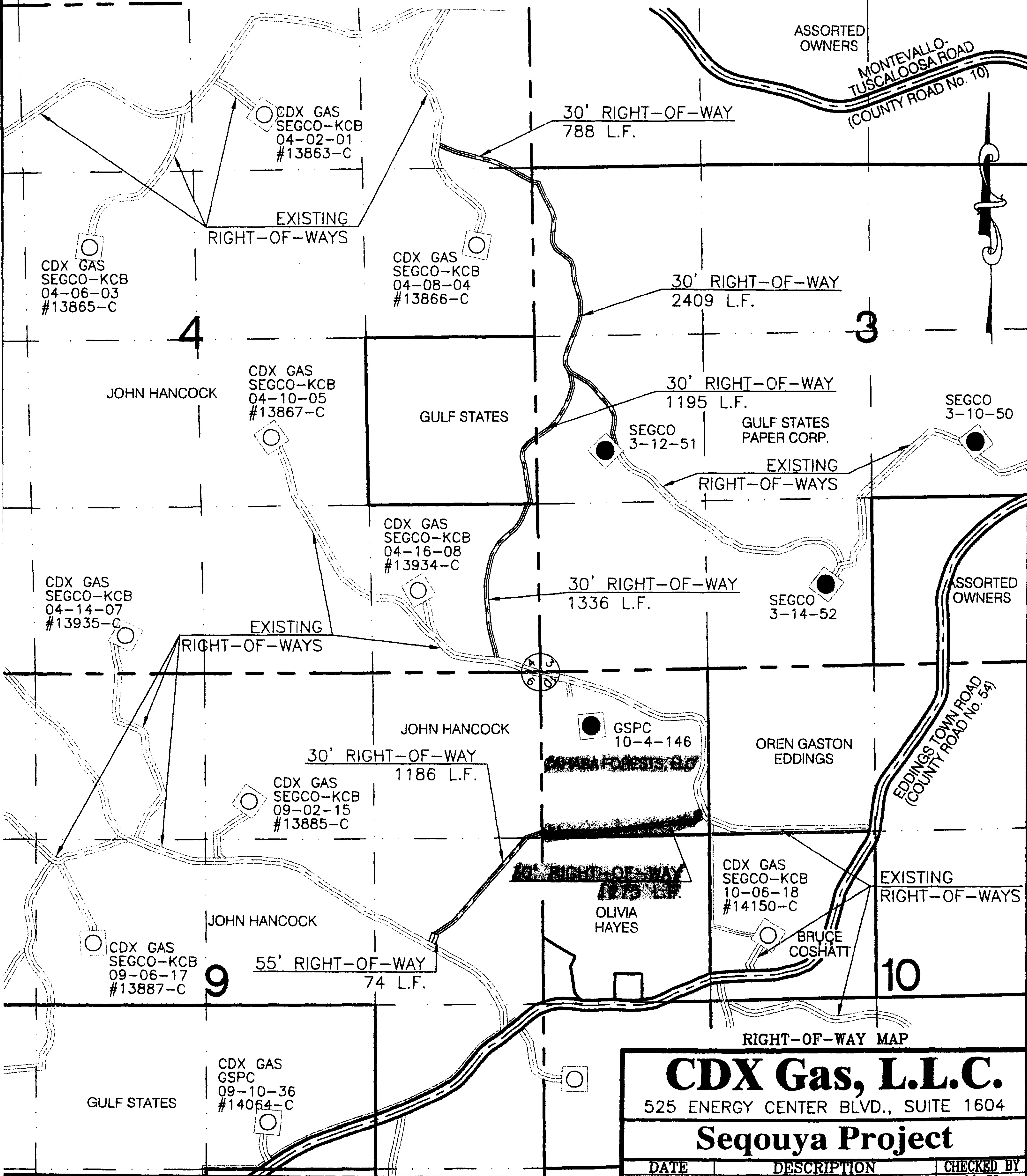
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LICENSED PROFESSIONAL SURVEYORS
1 BOX 40270 / 1701 HOLT ROAD NE / U.S.C. ALABAMA 35404 / (205) 553-8333

UNIVERSITY OF ALABAMA



RIGHT-OF-WAY MAP

CDX Gas, L.L.C.

525 ENERGY CENTER BLVD., SUITE 1604

Seqouya Project

DATE	DESCRIPTION	CHECKED BY
8/02/05	REV. ROW LAYOUTS	E M H
DATE: 07/27/05	DRAWN BY: E M H	FILE: JUL'05
SCALE: 1"=1000'	CHECKED BY: S G F	Job No.: 04-120

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Exhibit "C"

Attached to and made a part of that certain Surface Use Agreement dated *September 6th*, 2005 between JOHN HANCOCK LIFE INSURANCE COMPANY, CAHABA FORESTS, LLC and HAWAII ERS TIMBERLAND, LLC, as Grantors, and CDX SEQUOYA, LLC, and CDX GULF, LLC, as Grantees.

EXHIBIT "C" (1.) JOHN HANCOCK LIFE INSURANCE COMPANY

S-T-R	Facility	Width / Ft.	Length / Ft.	Acres
S4-T22S-R4W	30' ROW	30	2124	1.46
S9-T22S-R4W	30' ROW	30	1186	0.82
S9-T22S-R4W	55' ROW	55	74	0.09
Total Acres				2.37

EXHIBIT "C" (2.) HAWAII ERS TIMBERLAND, LLC

S-T-R	Facility	Width / Ft.	Length / Ft.	Acres
S16 & 21-T22S-R4W	55' ROW	55	6706	8.47
Total Acres				8.47

EXHIBIT "C" (3.) CAHABA FORESTS, LLC

S-T-R	Facility	Width / Ft.	Length / Ft.	Acres
S1-T22S-R4W	55' ROW	55	3270	4.13
S1 & 2-T22S-R4W	30' ROW	30	2099	1.45
S10-T22S-R4W	30' ROW	30	1275	0.88
S11-T22S-R4W	30' ROW	30	1645	1.13
S11, 14, 15 & 22-T22S-R4W	55' ROW	55	11790	14.89
S14-T22S-R4W	30' ROW	30	5104	3.52
Total Acres				25.99


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Exhibit "C"
(Acreage Summary)

Attached to and made a part of Surface Use Agreement, dated September 6th, 2005 by and between JOHN HANCOCK LIFE INSURANCE COMPANY, CAHABA FORESTS, LLC and HAWAII ERS TIMBERLAND, LLC, as Grantors, and CDX SEQUOYA, LLC and CDX GULF, LLC.

JOHN HANCOCK LIFE INSURANCE COMPANY	TOTAL ACRES	2.37
HAWAII ERS TIMBERLAND, LLC	TOTAL ACRES	8.47
CAHABA FORESTS, LLC	TOTAL ACRES	<u>25.99</u>
COMBINED TOTAL ACRES		36.83


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