

STATE OF ALABAMA:
COUNTIES OF SHELBY & BIBB:

20080410000146290 1/13 \$47.00
Shelby Cnty Judge of Probate, AL
04/10/2008 01:26:56PM 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 February 22, 2007, 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.

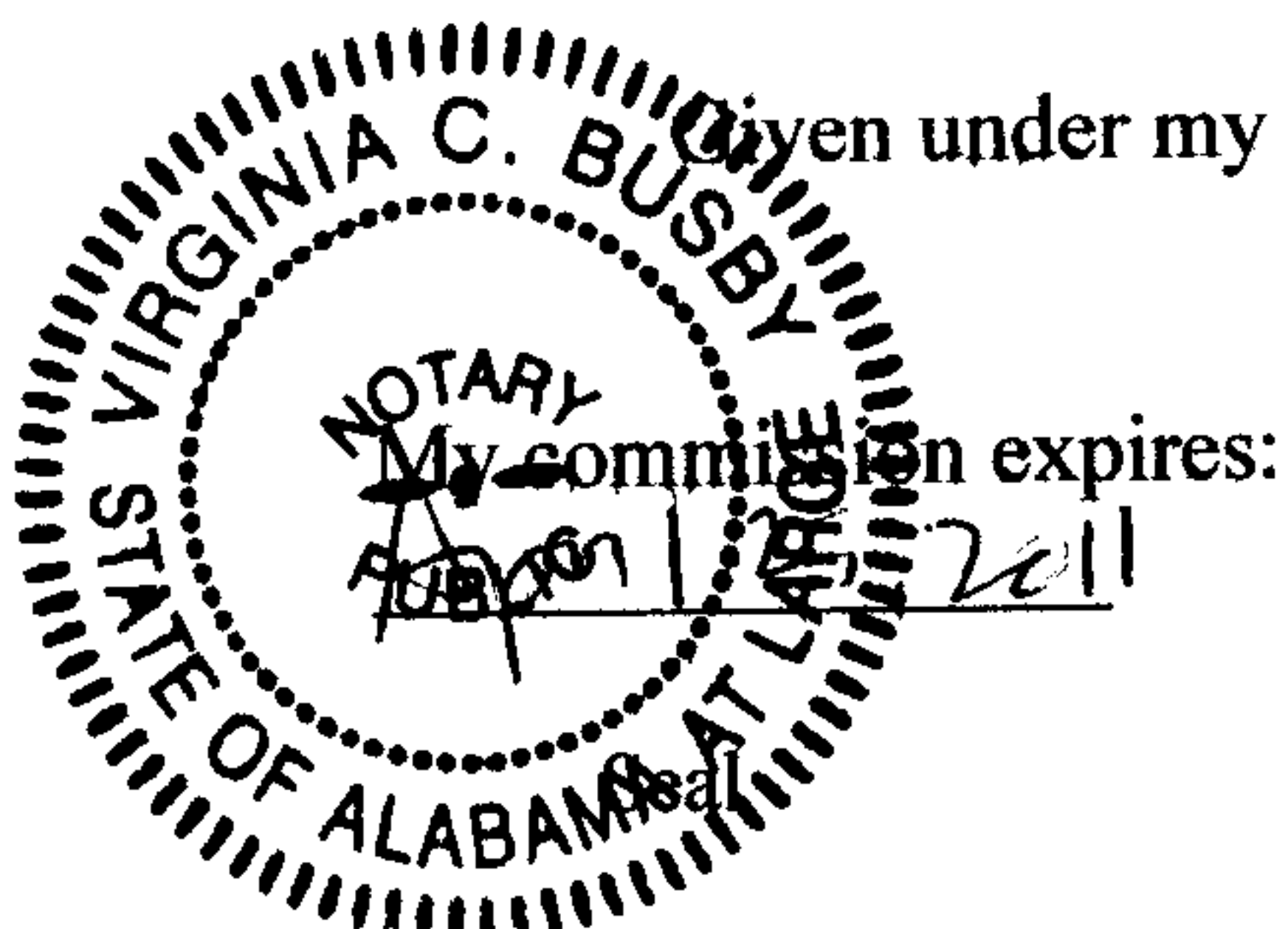
Executed this 22nd, day of February, 2008.

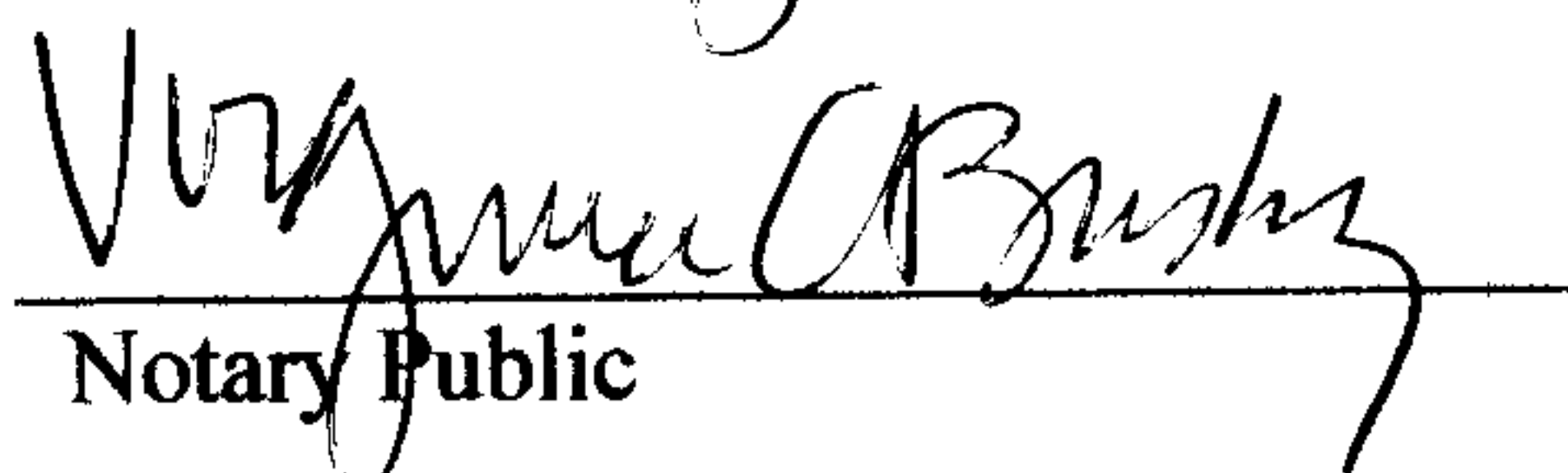

Robert D. Anderson, Jr.

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 22nd day of February, 2008.




Notary Public

Recorded In RPB BK 212 PG 606, 04/10/2008 12:15:35 PM Recording Fee 45.50, TOTAL 45.50
Jerry C. Pow, Probate Judge, Bibb County, Alabama

Exhibit "1"

Attached to and made a part of that certain Surface Use Affidavit dated February 22, 2008

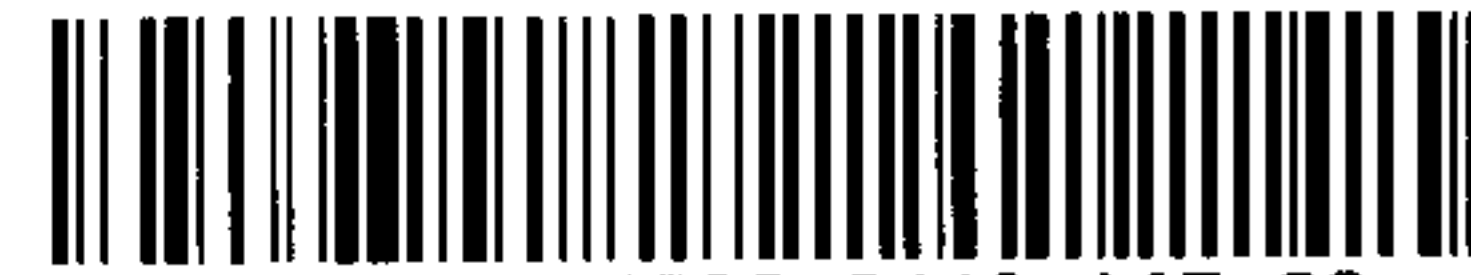
Title: Surface Use Agreement

Date: February 22, 2007

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.



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APB 212 607

EXHIBIT "A"

Attached to and made a part of the Surface Use Agreement by and between JOHN HANCOCK LIFE INSURANCE COMPANY, CAHABA FOREST, LLC and HAWAII ERS TIMBERLAND, LLC, as Grantors and CDX SEQUOYA, LLC and CDX GULF, LLC, as Grantees, dated February 22, 2007.

The following described property situated in Bibb County and Shelby County, Alabama:

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

None

Exhibit "A" (2.) Cahaba Forests, LLC Surface Ownership

Section 31, Township 21 South, Range 3 West

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

Section 35, Township 21 South, Range 4 West

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

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

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

Section 36, Township 21 South, Range 4 West

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

Section 1, Township 22 South, Range 4 West

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

Section 2, Township 22 South, Range 4 West

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

Section 15, Township 22 South, Range 5 West

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


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

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

Exhibit "A" (3.) Hawaii ERS Timberland, LLC

Section 21, Township 22 South, Range 4 West

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


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EXHIBIT "B"

Attached to and made a part of the Surface Use Agreement dated *February 22*, 2007
by and between JOHN HANCOCK INSURANCE COMPANY, CAHABA FOREST,
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
N/A

EXHIBIT "B" (2.) CAHABA FOREST, LLC
SEE ATTACHED PLATS

EXHIBIT "B" (3.) HAWAII ERS TIMBERLAND, LLC
SEE ATTACHED PLATS




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EXHBIT "B" (1.) JOHN HANCOCK LIFE INSURANCE COMPANY
N/A

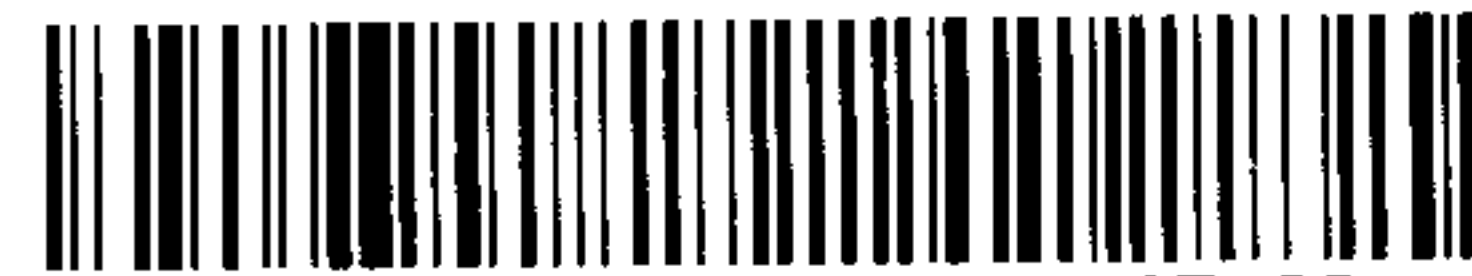
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EXHBIT "B" (2.) CAHABA FOREST, LLC

SEE ATTACHED PLATS

RPB 212 611



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SECTION 31, TOWNSHIP 21 SOUTH, RANGE 5 WEST

CAHABA FOREST, LLC

SEGCO-KCB
32-04-251

CAHABA FOREST, LLC

ALABAMA POWER CO.

CAHABA FOREST, LLC

EXISTING
RIGHT-OF-WAY

SEGCO-KCB
31-8-23
#13938-C

SEGCO-KCB
31-7-22
#13925-C

WEST LINE OF SEC. 32
EAST LINE OF SEC. 31

EXISTING
RIGHT-OF-WAY

GULF STATES
PAPER CORP.

55' RIGHT-OF-WAY
475 L.F.

CAHABA FOREST, LLC

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GULF STATES
PAPER CORP.

LITTLE GEM
32-12-73

SEGCO-KCB
31-10-270

RIGHT-OF-WAY MAP
CAHABA FOREST, LLC PROPERTY

CDX Gas, L.L.C.

200 CHASE PARK S, SUITE 100, HOOVER, AL 35244

Sequoya Project

DATE	DESCRIPTION	CHECKED BY
------	-------------	------------

DATE: 10/02/06	DRAWN BY: E M H	FILE: SEP'06
SCALE: 1" = 400'	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

US STEEL

35

SECTION 3, 36, TOWNSHIP 21 SOUTH, RANGE 4 WEST
SECTION 1-2, TOWNSHIP 22 SOUTH, RANGE 4 WEST

SEGC0-KCB
35-10-44

200' x 200'
WELL PAD

CAHABA FOREST, LLC

55' RIGHT-OF-WAY
1781 L.F.

SEGC0-KCB
35-14-43

200' x 200'
WELL PAD

21 SOUTH
22 SOUTH

55' RIGHT-OF-WAY
2768 L.F.

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CAHABA FOREST, LLC

SEGC0-KCB
35-16-42
#14741-C

55' RIGHT-OF-WAY
607 L.F.

EXISTING
RIGHT-OF-WAY

400' x 400'
WELL PAD

SEGC0-KCB
02-01-299H

SEGC0-KCB
01-04-32

EAST LINE OF SEC. 2
WEST LINE OF SEC. 1

CAHABA FOREST, LLC

RIGHT-OF-WAY MAP
CAHABA FOREST, LLC PROPERTY

CDX Gas, L.L.C.

200 CHASE PARK S, SUITE 100, HOOVER, AL 35244

Sequoya Project

DATE	DESCRIPTION	CHECKED BY
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DATE: 10/05/06	DRAWN BY: E M H	FILE: SEP'06
SCALE: 1" = 500'	CHECKED BY: S G F	Job No.: 04-120

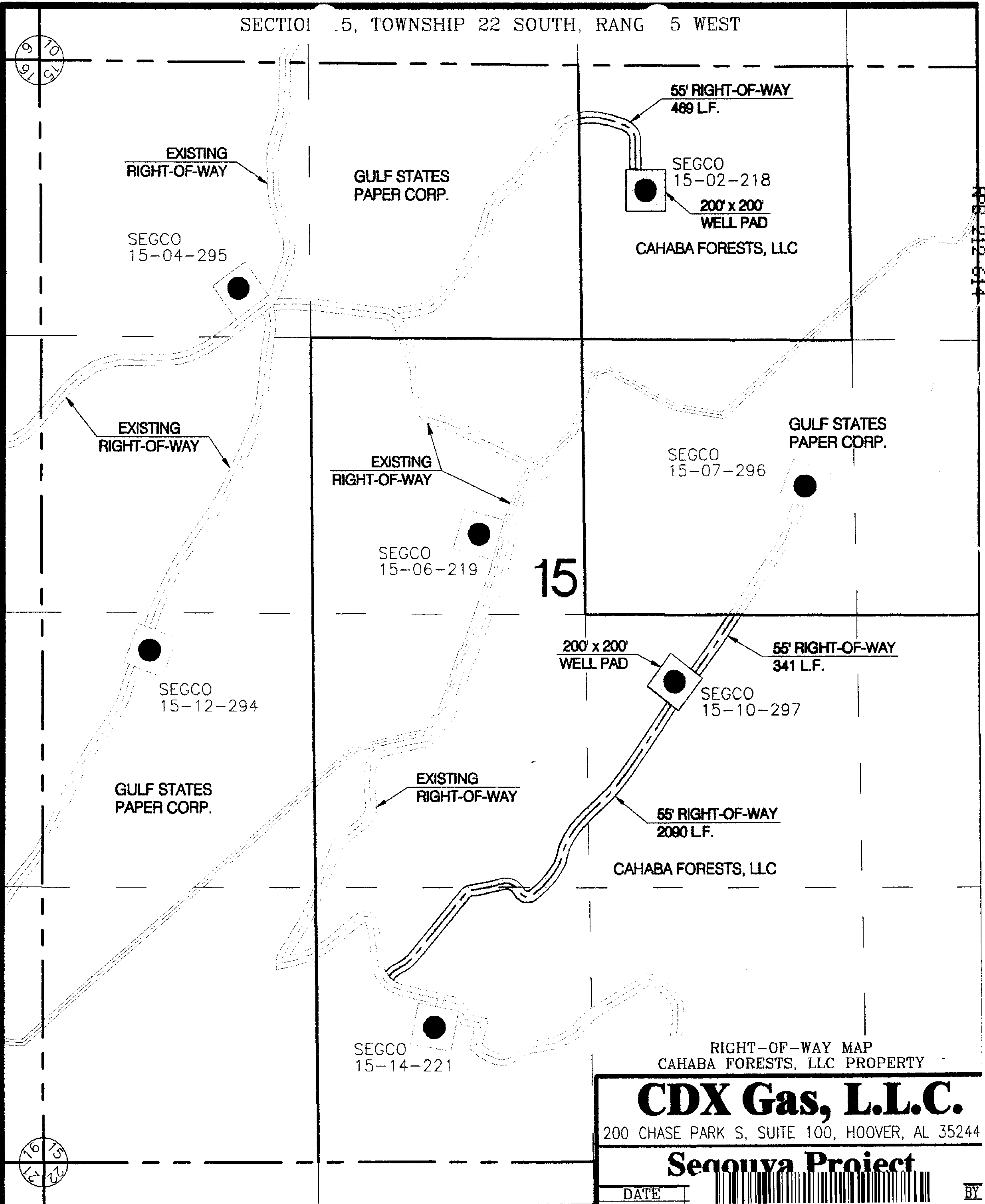
Faulkner Surveying

LICENSED PROFESSIONAL SURVEYORS

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

APB 212 613

SECTION 15, TOWNSHIP 22 SOUTH, RANGE 5 WEST



RIGHT-OF-WAY MAP
CAHABA FORESTS, LLC PROPERTY

CDX Gas, L.L.C.

200 CHASE PARK S, SUITE 100, HOOVER, AL 35244

Senouya Project



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DATE

DATE: 09/29/1

SCALE: 1"=800'

CHECKED BY: S G F

JOB NO.: U4-120

Faulkner Surveying


LICENSED PROFESSIONAL SURVEYORS

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

EXHIBIT "B" (3.) HAWAII ERS TIMBERLAND, LLC

SEE ATTACHED PLATS

FPB 212 615


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SECTION 21, TOWNSHIP 22 SOUTH, RANGE 4 WEST

PPB 212 616

HAWAII ERS
TIMBERLAND, LLC

HAWAII ERS
TIMBERLAND, LLC

EXISTING
RIGHT-OF-WAY

EXISTING
RIGHT-OF-WAY

55' RIGHT-OF-WAY
304 L.F.

SOUTH LINE OF SEC. 20
NORTH LINE OF SEC. 29

SOUTH LINE OF SEC. 21
NORTH LINE OF SEC. 28

HAWAII ERS
TIMBERLAND, LLC

UNIVERSITY
OF ALABAMA

24 NORTH

22 SOUTH

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RIGHT-OF-WAY MAP
HAWAII ERS TIMBERLAND, LLC PROPERTY

CDX Gas, L.L.C.

200 CHASE PARK S, SUITE 100, HOOVER, AL 35244

Seqouya Project

DATE	DESCRIPTION	CHECKED BY

Faulkner Surveying

LICENSED PROFESSIONAL SURVEYORS

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

DATE: 10/05/06	DRAWN BY: E M H	FILE: SEP'06
SCALE: 1" = 300'	CHECKED BY: S G F	Job No.: 04-120

EXHIBIT "C"

Attached to and made a part of that certain Surface Use Agreement dated 2007 between JOHN HANCOCK LIFE INSURANCE COMPANY, CAHABA FOREST, 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
	None			

EXHIBIT "C" (2.) CAHABA FOREST, LLC

S-T-R	Facility	Width / Ft.	Length / Ft.	Acres
S31-T21S-R3W	55' ROW	55	475	0.60
S35-T21S-R4W	SEGCO-KCB Well # 35-10-44 Well Pad	200	200	0.92
S35-T21S-R4W	55' ROW	55	1781	2.25
S35-T21S-R4W	SEGCO-KCB Well # 35-14-43 Well Pad	200	200	0.92
S35-T21S-R4W S2-T22S-R4W	55' ROW	55	2768	3.49
S35-T21S-R4W S1 & 2-T22S-R4W	SEGCO-KCB Well # 02-01-299H Well Pad	400	400	3.67
S35 & S36-T21S-R4W S1 & S2-T22S-R4W	55' ROW	55	607	0.77
S15-T22S-R5W	SEGCO Well # 15-02-218 Well Pad	200	200	0.92
S15-T22S-R5W	55' ROW	55	469	0.59
S15-T22S-R5W	SEGCO Well # 15-10-297 Well Pad	200	200	0.92
S15-T22S-R5W	55' ROW	55	2090	2.64
S15-T22S-R5W	55' ROW	55	341	0.43
Total Acres				18.12

EXHIBIT "C" (3.) Hawaii ERS Timberland, LLC

S-T-R	Facility	Width / Ft.	Length / Ft.	Acres
S21-T22S-R4W	55' ROW	55	304	0.38
Total Acres				0.38




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Exhibit "C"
(Acreage Summary)

Attached to and made a part of that certain Surface Use Agreement dated _____, 2007 between JOHN HANCOCK LIFE INSURANCE COMPANY, CAHABA FOREST, LLC AND HAWAII ERS TIMBERLAND, LLC, as Grantors, and CDX SEQUOYA, LLC and CDX GULF, LLC, as Grantees.

JOHN HANCOCK LIFE INSURANCE COMPANY	TOTAL ACRES	0.00
CAHABA FOREST, LLC	TOTAL ACRES	18.12
HAWAII ERS TIMBERLAND, LLC	TOTAL ACRES	0.38
COMBINED TOTAL ACRES		18.50


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