

STATE OF ALABAMA :  
COUNTIES OF SHELBY AND BIBB :

20080410000146300 1/13 \$47.00  
Shelby Cnty Judge of Probate, AL  
04/10/2008 01:26:57PM FILED/CERT

### SURFACE USE AFFIDAVIT

COMES NOW Robert D. Anderson, Jr., Land Manager for CDX Sequoya, 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 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 company, a Surface Use Agreement, dated May 16, 2007, was obtained from Headwaters Investments Corporation, a Delaware nonstock corporation, 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, currently located at 200 Chase Park South, Suite 100, Hoover, Alabama 35244

Further, affiant saith not.

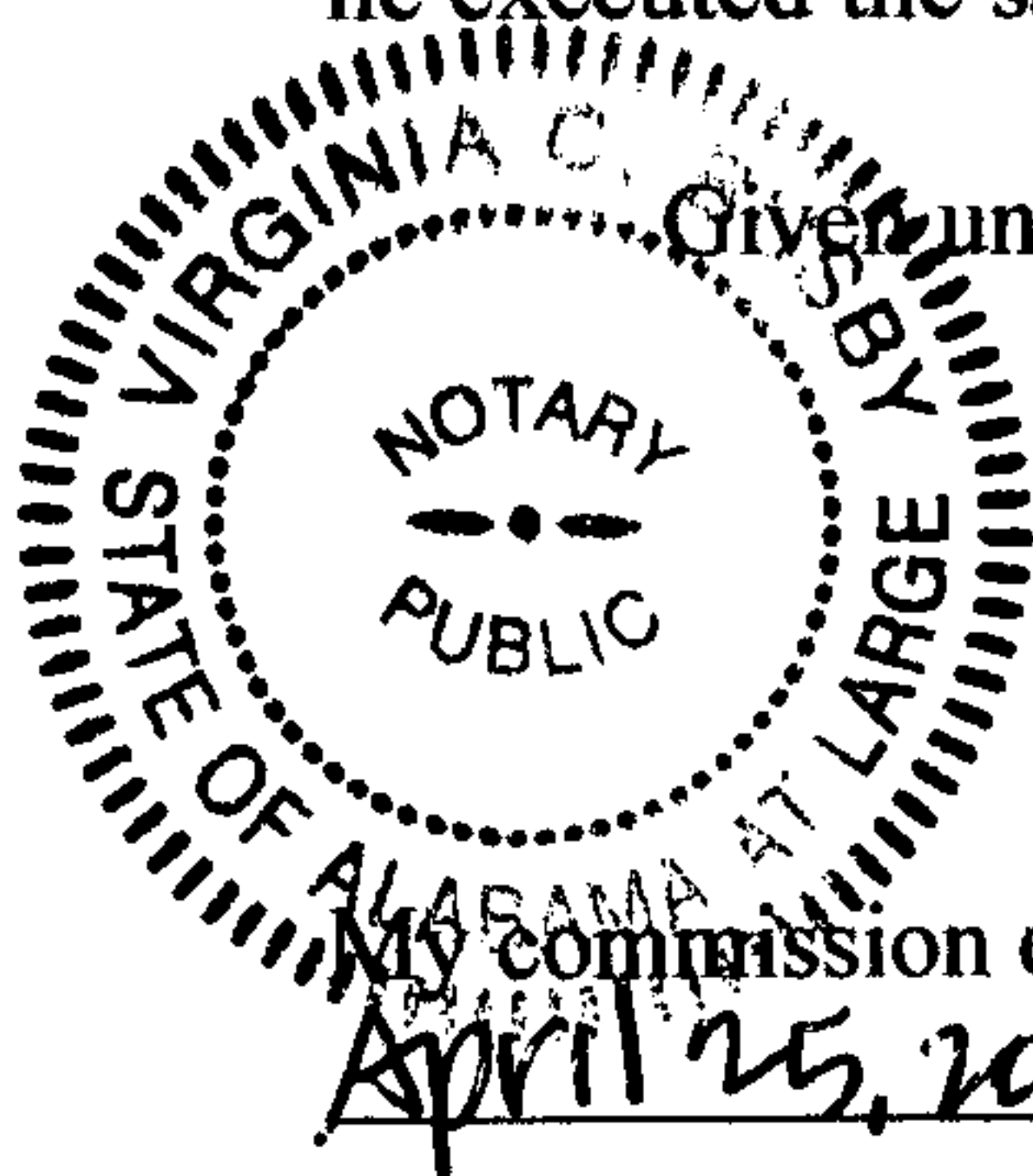
Executed this 10th, day of April, 2008.

  
Robert D. Anderson, Jr.

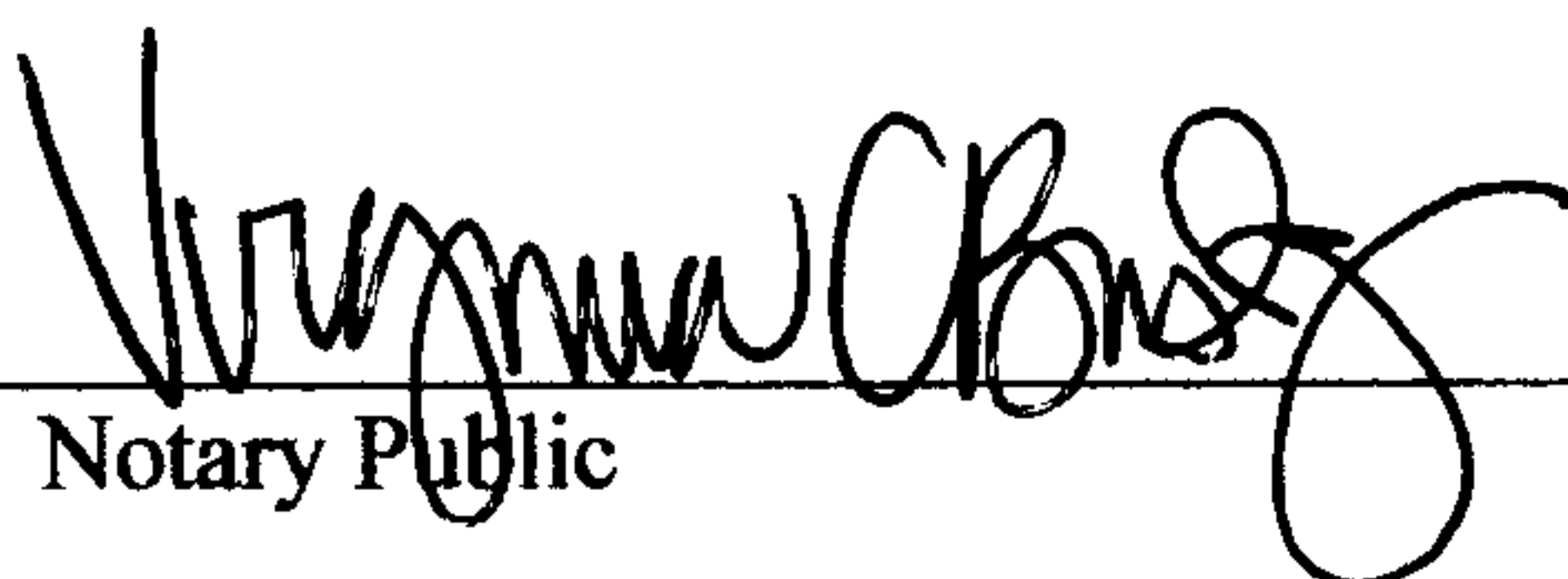
State of Alabama  
County of Shelby

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 10th day of April, 2008.



Seal

  
Notary Public

Recorded In RPB BK 212 PG 593, 04/10/2008 12:11:03 PM Recording Fee 45.50, TOTAL 45.50  
Jerry C. Ponder, Probate Judge, Bibb County, Alabama

Exhibit "1"

Attached to and made a part of that certain Surface Use Affidavit dated 10<sup>th</sup> day of April, 2008.

Title: Surface Use Agreement

Date: May 16, 2007

Grantor: Headwaters Investments Corporation

Grantee: CDX Sequoya, LLC

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

EXHIBIT "A"

20080410000146300 3/13 \$47.00  
Shelby Cnty Judge of Probate, AL  
04/10/2008 01:26:57PM FILED/CERT

Attached to and made a part of the Surface Use Affidavit, dated April 10, 2008

FPB 212 595

**EXHIBIT "A"**

Attached to and made a part of the Surface Use Agreement by and between HEADWATERS INVESTMENTS CORPORATION, as Grantor and CDX SEQUOYA, LLC as Grantee, dated May 16, 2007.

The following described property situated in Shelby County, Alabama:

Section 7, Township 22 South, Range 3 West

NW ¼ of NE ¼  
NW ¼ of NW ¼  
SE ¼ of NW ¼

Section 24, Township 22 South, Range 4 West

W ½ of NW ¼  
W ½ of SW ¼

Section 26, Township 22 South, Range 4 West

W ½ of E ½ of Partial Section  
E ½ of W ½ of Partial Section

Section 1, Township 24 North, Range 11 East

NW ¼ of NW ¼  
S ½ of NW ¼  
N ½ of SW ¼  
N ½ of SE ¼

Section 3, Township 24 North, Range 11 East

N ½ of NE ¼  
SW ¼ of NE ¼  
SE ¼ of NW ¼



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## EXHIBIT "B"

Attached to and made a part of the Surface Use Affidavit, dated April 10, 2008

FPB 212 597



20080410000146300 6/13 \$47.00  
Shelby Cnty Judge of Probate, AL  
04/10/2008 01:26:57PM FILED/CERT

**EXHIBIT "B"**

Attached to and made a part of Surface Use Agreement by and between HEADWATERS  
INVESTMENTS CORPORATION and CDX SEQUOYA, LLC, dated  
May 16, 2007.

See Attached Plats

RPB 212 598

SECTION 7, TOWNSHIP 22 SOUTH, RANGE 3 WEST

CAHABA FORESTS, LLC



20080410000146300 7/13 \$47.00  
Shelby Cnty Judge of Probate, AL  
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SOUTH LINE OF SEC. 6  
NORTH LINE OF SEC. 7

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

200' x 200'  
WELL PAD

SECCO-KCB  
07-02-233

NE 1/4 - NW 1/4

NW 1/4 - NE 1/4

HEADWATERS  
INVESTMENTS, LLC

RIGHT-OF-WAY MAP  
HEADWATERS INVESTMENTS, LLC PROPERTY

**CDX Gas, L.L.C.**

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

**Seqouya Project**

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

|                |                   |                 |
|----------------|-------------------|-----------------|
| DATE: 05/01/08 | DRAWN BY: E M H   | FILE: APR'08    |
| SCALE: 1"=300' | CHECKED BY: S C F | Job No.: 04-120 |

**Faulkner Surveying**

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

RPB 212 599

SECTION 7, TOWNSHIP 22 SOUTH, RANGE 3 WEST



NORTH LINE OF SEC. 7

SESCO-KCB  
07-04-301

200' x 200'  
WELL PAD

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

HEADWATERS  
INVESTMENTS, LLC

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Shelby Cnty Judge of Probate, AL  
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WEST LINE OF SEC. 7

EXISTING  
55' RIGHT-OF-WAY

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

SESCO-KCB  
07-06-302

200' x 200'  
WELL PAD

HEADWATERS  
INVESTMENTS, LLC

SESCO-KCB  
07-12-232

EXISTING  
WELL PAD

RIGHT-OF-WAY MAP  
HEADWATERS INVESTMENTS, LLC PROPERTY

**CDX Gas, L.L.C.**

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

**Seqouya Project**

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

|                |                   |                 |
|----------------|-------------------|-----------------|
| DATE: 11/28/06 | DRAWN BY: E M H   | FILE: OCT'06    |
| SCALE: 1"=400' | CHECKED BY: S G F | Job No.: 04-120 |

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RPB 212 600

7



SECTION 24, TOWNSHIP 22 SOUTH, RANGE 4 WEST

MONTEVALLO-  
BOOTHTON RD  
(BIBB COUNTY RD 10)

20080410000146300 9/13 \$47.00  
Shelby Cnty Judge of Probate, AL  
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RPB 212 601

SESCO-KCB  
24-04-303

200' x 200'  
WELL PAD

SESCO-KCB  
23-08-131

EXISTING  
WELL PAD

55' RIGHT-OF-WAY  
1148 L.F.

55' RIGHT-OF-WAY  
1474 L.F.

SESCO-KCB  
24-06-227

EXISTING  
WELL PAD

EXISTING  
RIGHT-OF-WAY

24

HEADWATERS  
INVESTMENTS, LLC

CAHABA FORESTS, LLC

EAST LINE OF SEC. 23  
WEST LINE OF SEC. 24

200' x 200'  
WELL PAD

SESCO-KCB  
24-12-304

EXISTING  
RIGHT-OF-WAY

EXISTING  
RIGHT-OF-WAY

SESCO-KCB  
24-14-226

EXISTING  
WELL PAD

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

CAHABA FORESTS, LLC

RIGHT-OF-WAY MAP  
HEADWATERS INVESTMENTS, LLC PROPERTY

**CDX Gas, L.L.C.**

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

**Seqouya Project**

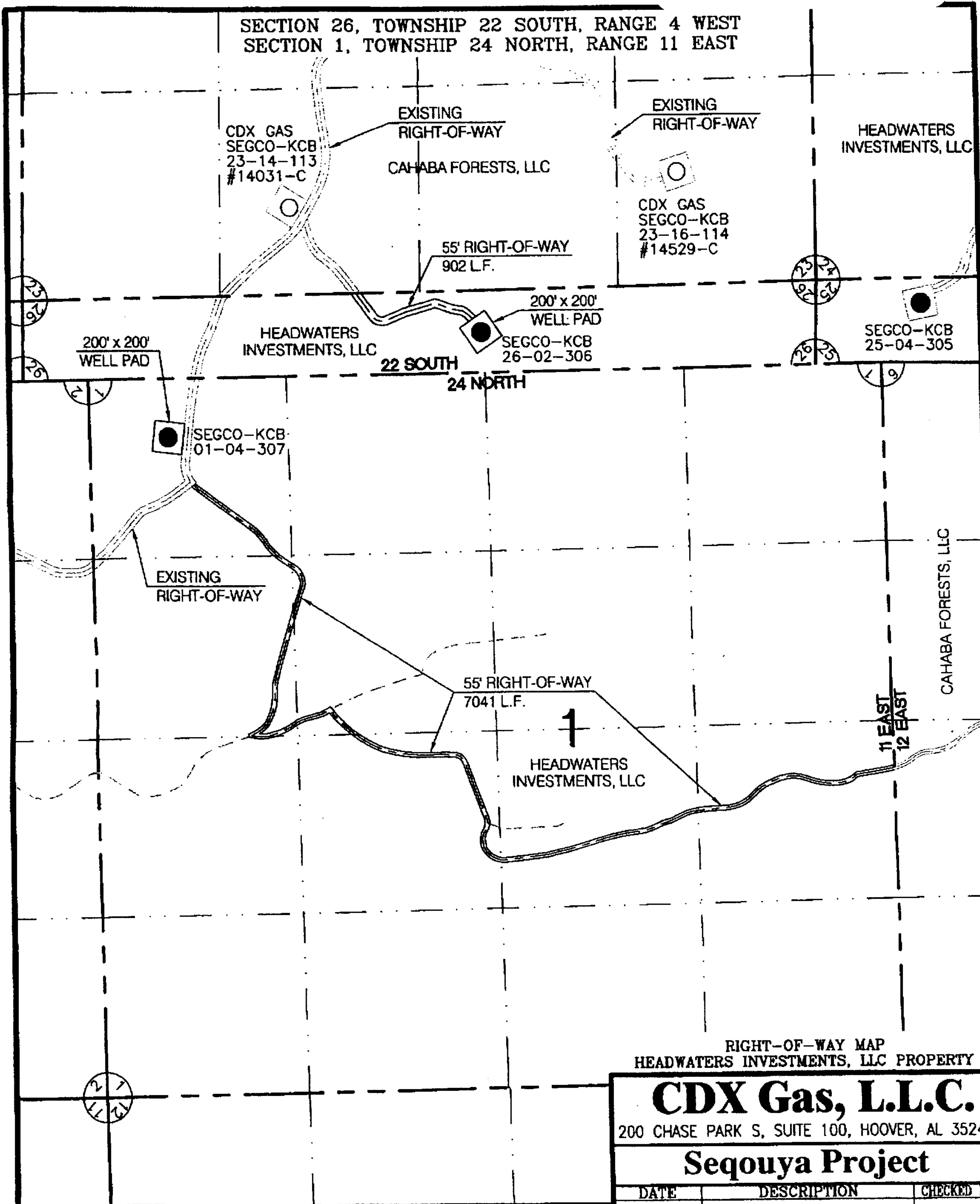
| DATE | DESCRIPTION | CHECKED BY |
|------|-------------|------------|
|      |             |            |
|      |             |            |
|      |             |            |

|                |                   |                 |
|----------------|-------------------|-----------------|
| DATE: 11/28/08 | DRAWN BY: E M H   | FILE: OCT'08    |
| SCALE: 1"=500' | CHECKED BY: S G F | Job No.: 04-120 |

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FPB 212 602

RIGHT-OF-WAY MAP  
HEADWATERS INVESTMENTS, LLC PROPERTY

**CDX Gas, L.L.C.**

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

**Sequoya Project**

| DATE           | DESCRIPTION       | CHECKED BY      |
|----------------|-------------------|-----------------|
| DATE: 11/28/06 | DRAWN BY: E M H   | FILE: OCT'06    |
| SCALE: 1"=800' | CHECKED BY: S G F | Job No.: 04-120 |

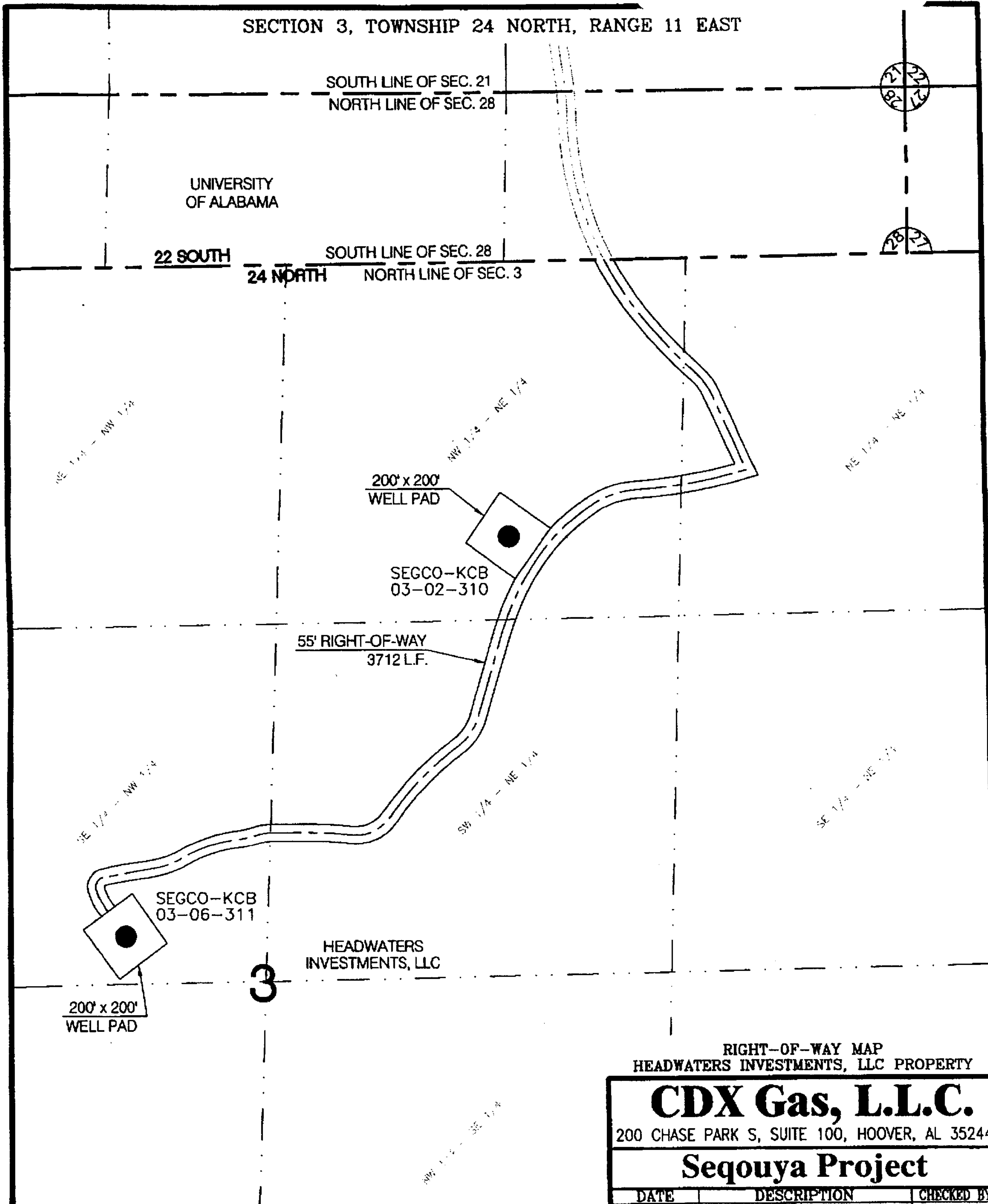
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LICENSED PROFESSIONAL SURVEYORS  
P.O. BOX 40270 / 1701 HOLT ROAD NE / TUSCALOOSA, ALABAMA 35404 / (205) 553-8333





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SECTION 3, TOWNSHIP 24 NORTH, RANGE 11 EAST



FPB 212 603

RIGHT-OF-WAY MAP  
HEADWATERS INVESTMENTS, LLC PROPERTY

**CDX Gas, L.L.C.**

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

**Sequoya Project**

| DATE           | DESCRIPTION       | CHECKED BY      |
|----------------|-------------------|-----------------|
|                |                   |                 |
|                |                   |                 |
|                |                   |                 |
| DATE: 11/28/08 | DRAWN BY: E M H   | FILE: OCT'08    |
| 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

EXHIBIT "C"

Attached to and made a part of the Surface Use Affidavit, dated April 10, 2008.



20080410000146300 12/13 \$47.00  
Shelby Cnty Judge of Probate, AL  
04/10/2008 01:26:57PM FILED/CERT

RPB 212 604

# Exhibit "C"

Attached to and made a part of that certain Surface Use Agreement dated *May 16* 2007 between HEADWATERS INVESTMENTS CORPORATION, as Grantor, and CDX SEQUOYA, LLC, as Grantee.

| S-T-R         | Facility                           | Width / Ft. | Length / Ft.       | Acres        |
|---------------|------------------------------------|-------------|--------------------|--------------|
| S07-T22S-R3W  | Segco-KCB Well # 07-02-233 Wellpad | 200         | 200                | 0.92         |
| S07-T22S-R3W  | 55' ROW                            | 55          | 453                | 0.57         |
| S07-T22S-R3W  | Segco-KCB Well # 07-04-301 Wellpad | 200         | 200                | 0.92         |
| S07-T22S-R3W  | 55' ROW                            | 55          | 89                 | 0.11         |
| S07-T22S-R3W  | Segco-KCB Well # 07-06-302 Wellpad | 200         | 200                | 0.92         |
| S07-T22S-R3W  | 55' ROW                            | 55          | 349                | 0.44         |
| S24-T22S-R4W  | Segco-KCB Well # 24-04-303 Wellpad | 200         | 200                | 0.92         |
| S24-T22S-R4W  | 55' ROW                            | 55          | 1474               | 1.86         |
| S24-T22S-R4W  | Segco-KCB Well # 24-12-304 Wellpad | 200         | 200                | 0.92         |
| S24-T22S-R4W  | 55' ROW                            | 55          | 1148               | 1.45         |
| S24-T22S-R4W  | 55' ROW                            | 55          | 486                | 0.61         |
| S26-T22S-R4W  | Segco-KCB Well # 26-02-306 Wellpad | 200         | 200                | 0.92         |
| S26-T22S-R4W  | 55' ROW                            | 55          | 902                | 1.14         |
| S01-T24N-R11E | Segco-KCB Well # 01-04-307 Wellpad | 200         | 200                | 0.92         |
| S01-T24N-R11E | 55' ROW                            | 55          | 7041               | 8.89         |
| S03-T24N-R11E | Segco-KCB Well # 03-02-310 Wellpad | 200         | 200                | 0.92         |
| S03-T24N-R11E | Segco-KCB Well # 03-06-311 Wellpad | 200         | 200                | 0.92         |
| S03-T24N-R11E | 55' ROW                            | 55          | 3712               | 4.69         |
|               |                                    |             | <b>Total Acres</b> | <b>28.04</b> |

FPB 212 605

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