

STATE OF ALABAMA :
COUNTY OF SHELBY :

20080917000369240 1/11 \$43.00
Shelby Cnty Judge of Probate, AL
09/17/2008 01:31:30PM 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 June 19, 2008, 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 27th, day of June, 2008.

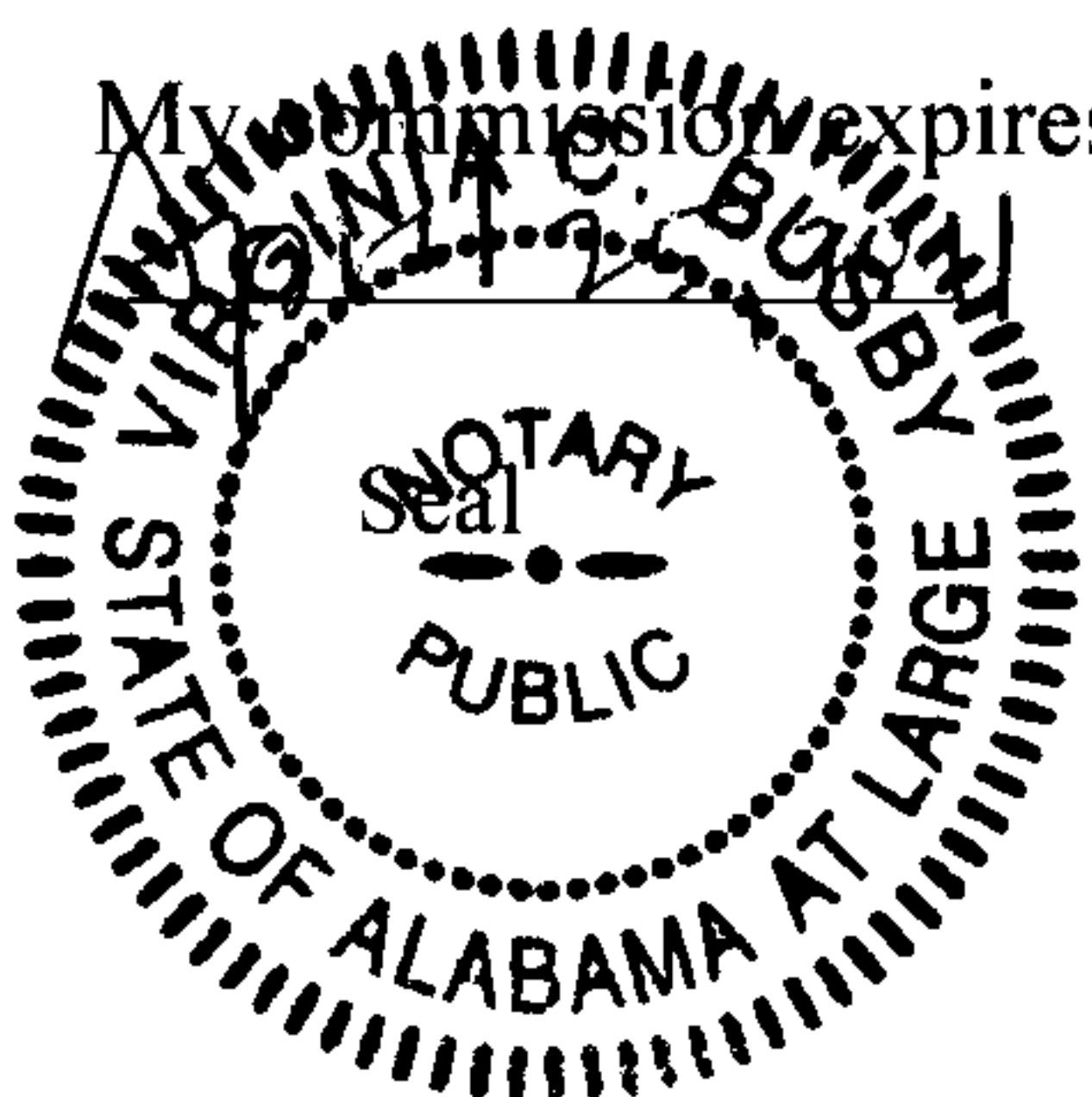

Robert D. Anderson, Jr.

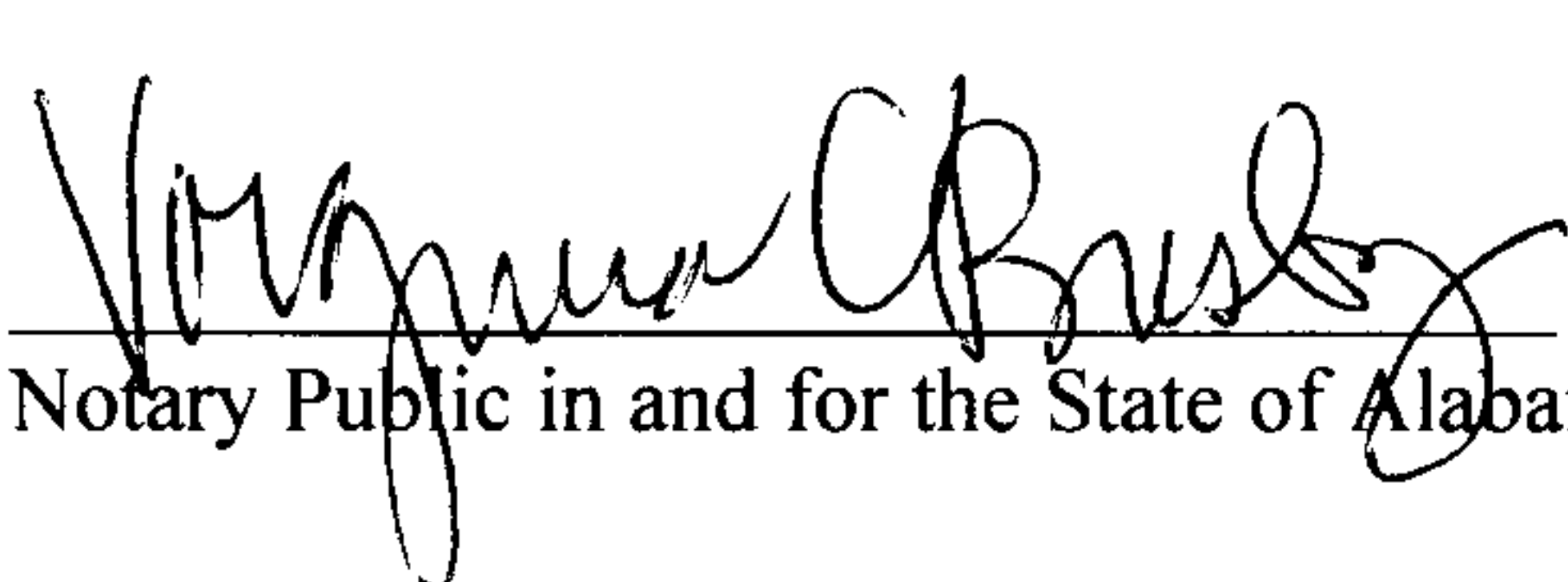
State of Alabama
County of Shelby

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 27th day of June, 2008.

My commission expires:




Notary Public in and for the State of Alabama at Large

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Exhibit "1"

Attached to and made a part of that certain Surface Use Affidavit dated 27th day of
June, 2008

Title: Surface Use Agreement

Date: June 19, 2008

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 FOREST, LLC and HAWAII ERS TIMBERLAND, LLC, as Grantors and CDX SEQUOYA, LLC and CDX GULF, LLC, as Grantees, dated JUNE 19,, 2008.

The following described property situated in Shelby County, Alabama:

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

Section 19, Township 21 South, Range 3 West

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

Section 24, Township 21 South, Range 4 West

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

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

Section 11, Township 22 South, Range 4 West

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

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

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

NONE



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EXHIBIT "B"

Attached to and made a part of the Surface Use Agreement dated *June 19*, 2008
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
SEE ATTACHED PLATS

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

EXHIBIT "B" (3.) HAWAII ERS TIMBERLAND, LLC
NONE

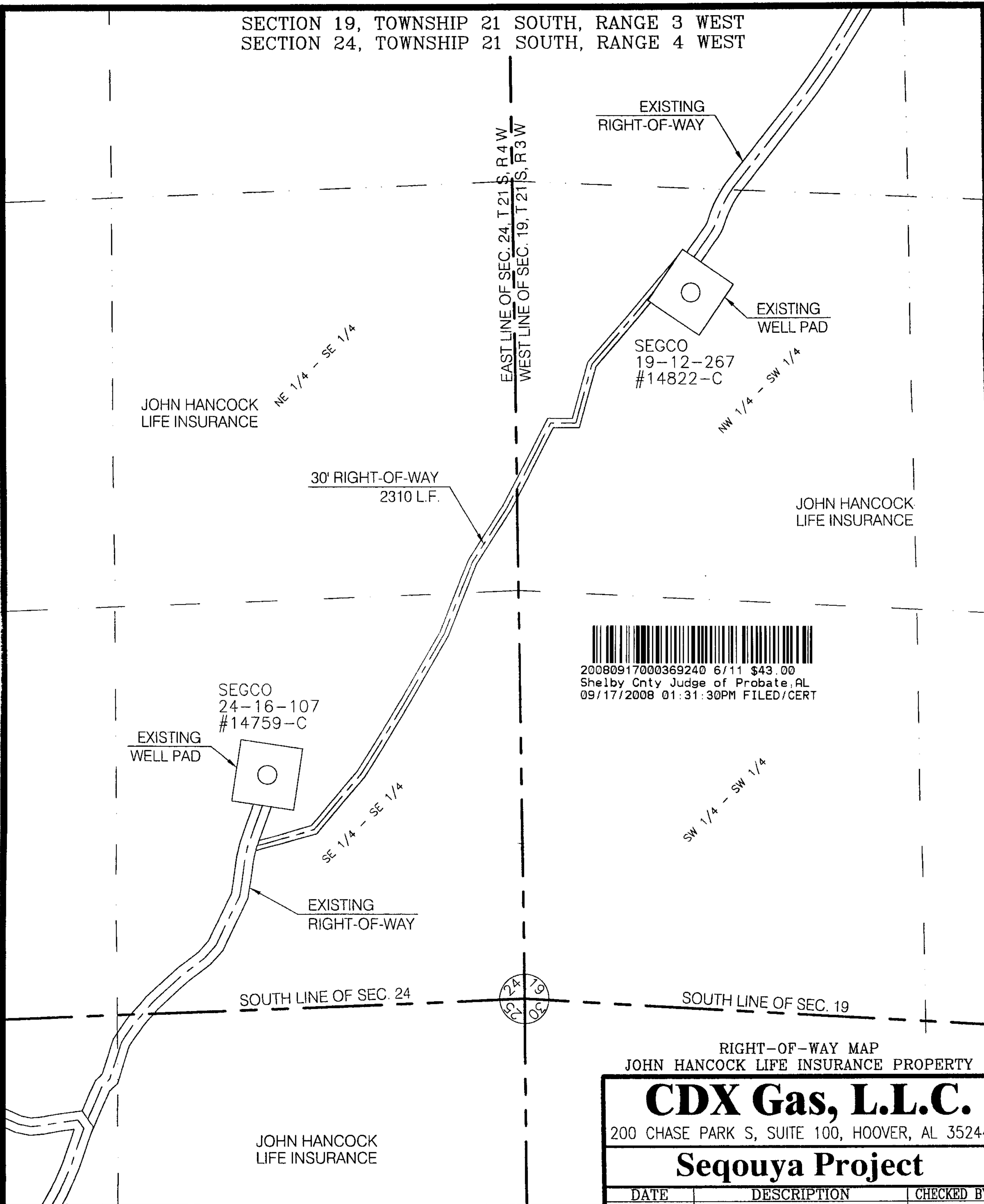


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EXHIBIT "B" (1.) JOHN HANCOCK LIFE INSURANCE COMPANY

SEE ATTACHED PLATS

SECTION 19, TOWNSHIP 21 SOUTH, RANGE 3 WEST
SECTION 24, TOWNSHIP 21 SOUTH, RANGE 4 WEST



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RIGHT-OF-WAY MAP
JOHN HANCOCK LIFE INSURANCE PROPERTY

CDX Gas, L.L.C.

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

Sequoya Project

DATE	DESCRIPTION	CHECKED BY
DATE: 07/02/07	DRAWN BY: E M H	FILE: JUL'07
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 "B" (2.) CAHABA FOREST, LLC

SEE ATTACHED PLATS

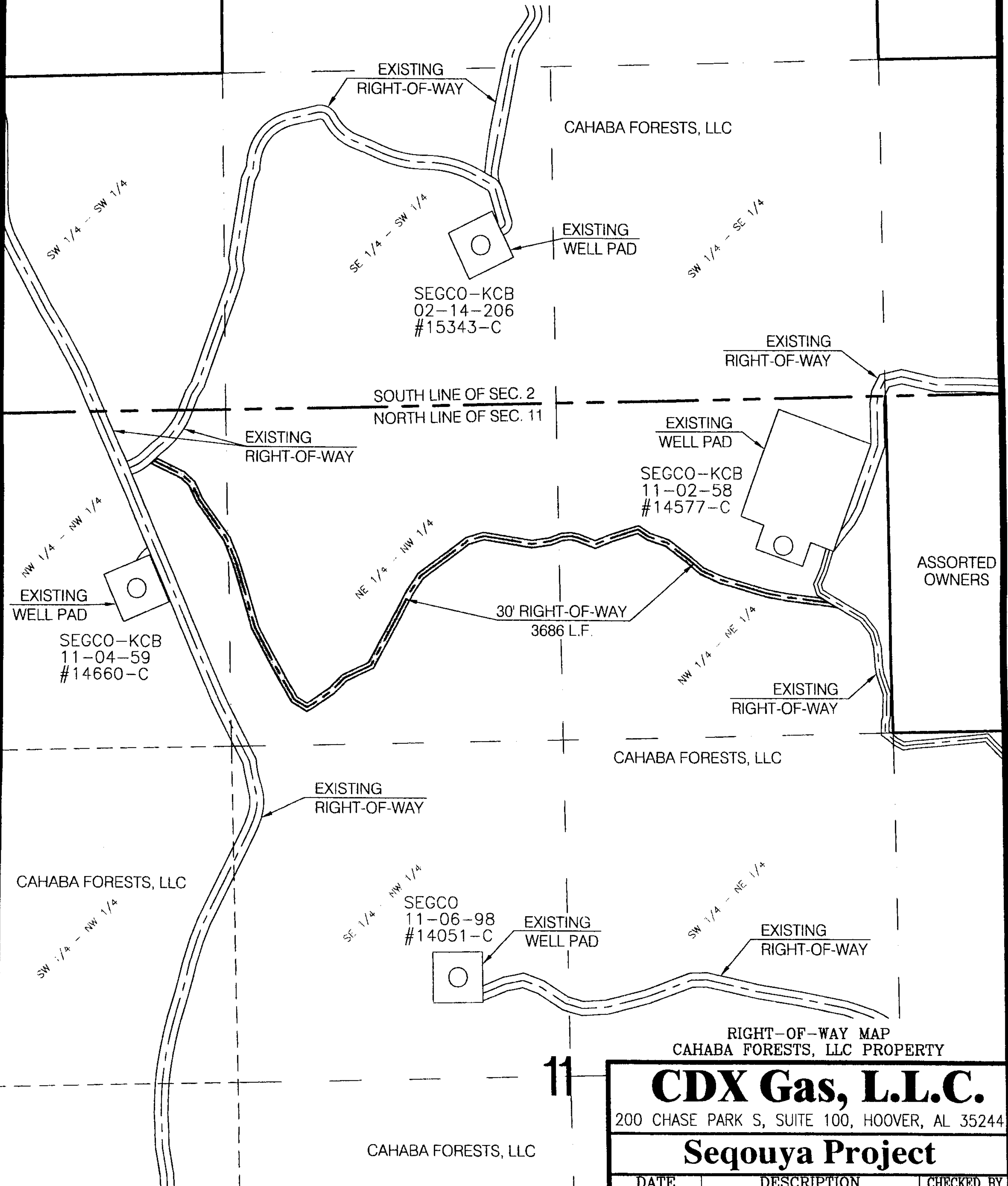


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SECTION 11, TOWNSHIP 22 SOUTH, RANGE 4 WEST



RIGHT-OF-WAY MAP
CAHABA FORESTS, LLC PROPERTY

CDX Gas, L.L.C.

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

Sequoya Project

DATE	DESCRIPTION	CHECKED BY
DATE: 04/07/08	DRAWN BY: E M H	FILE: APR'08
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

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

NONE



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EXHIBIT "C"

Attached to and made a part of that certain Surface Use Agreement dated *June 19*, 2008 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
S19-T21S-R3W	30' ROW	30	2310	1.59
S24-T21S-R4W				
			Total Acres	1.59

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

S-T-R	Facility	Width / Ft.	Length / Ft.	Acres
S11-T22S-R4W	30' ROW	30	3686	2.54
			Total Acres	2.54

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

S-T-R	Facility	Width / Ft.	Length / Ft.	Acres
None	None	None	None	#VALUE!
			Total Acres	0.00

EXHIBIT "C"
(Acreage Summary)

Attached to and made a part of that certain Surface Use Agreement dated *JUNE 19*, 2008, 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	1.59
CAHABA FOREST, LLC	TOTAL ACRES	2.54
HAWAII ERS TIMBERLAND, LLC	TOTAL ACRES	0.00
COMBINED TOTAL ACRES		4.13