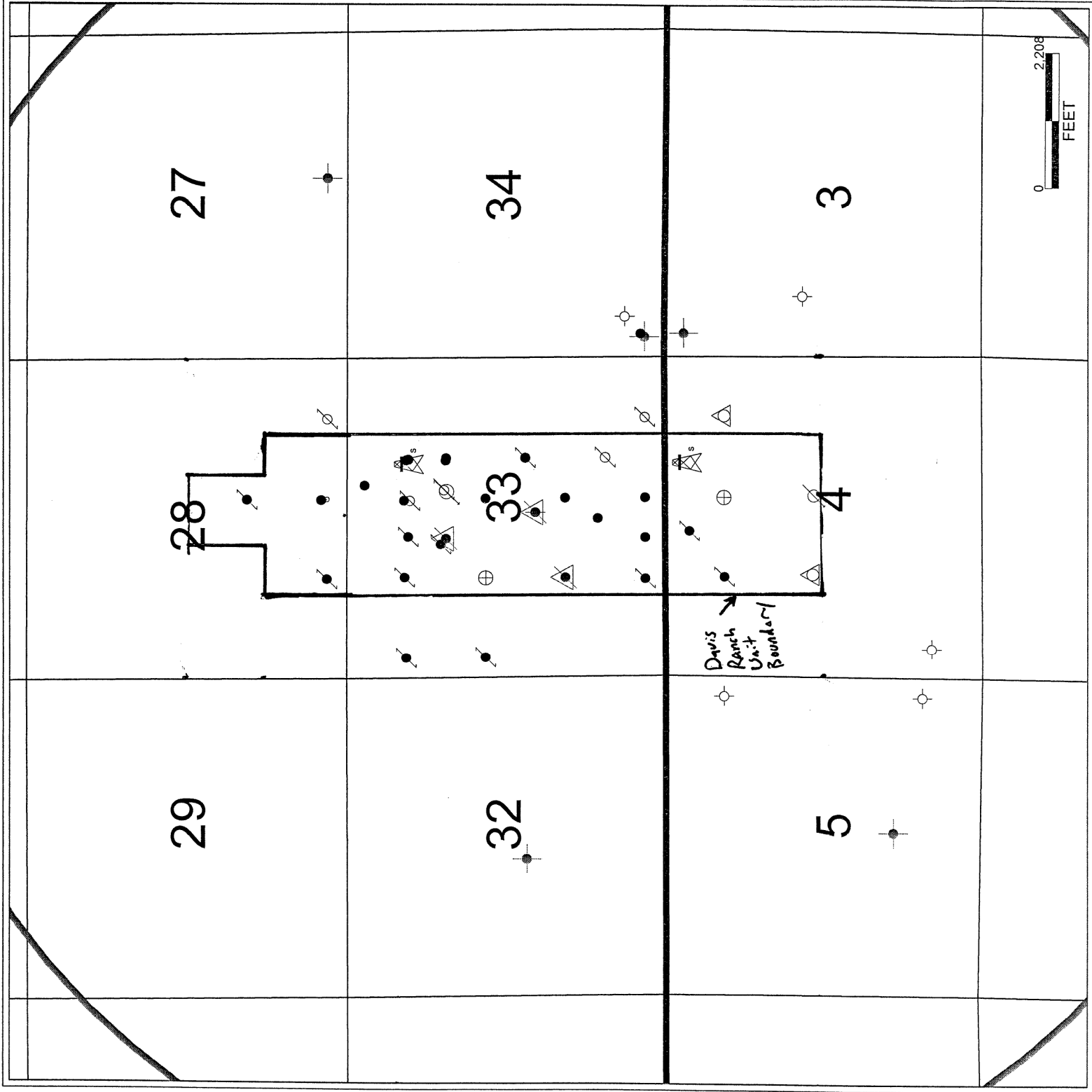


DAVIS "B" 7



STATE OF KANSAS }  
WABAUNSEE COUNTY } 89.  
FILED FOR RECORD THIS DAY  
OF JUN 26 1961 A. D.  
at 9:50 o'clock A. M., and recorded in  
Book 28 of Deeds, Page 235  
Thomas Stinson  
Register of Deeds

AMENDMENT TO  
ROYALTY OWNERS' UTILIZATION AGREEMENT

WHEREAS, on July 6, 1950, Royalty Owners, as First Parties, owning a mineral interest in the following described lands, to-wit:

South Half of the Southwest Quarter (S/2 SW) of Section 27 and all of Section 28, Township 13 South, Range 10 East; All of Section 33 and the Northwest Quarter (NW/4) of Section 34, Township 13 South, Range 10 East; West Half and the Northeast Quarter (NE/4) of Section 4 and all of the Southeast Quarter (SE/4) of said Section 4 except a tract of land described as follows: Commencing at the Southeast corner of said quarter section and running thence North 88 $\frac{1}{2}$  feet; thence South 70 West 660 feet; thence South 290 East 275.8 feet; thence East 143.75 feet to the place of beginning, containing 2.33 acres more or less, said exception being intended to cover all that part of said Southeast Quarter (SE/4) which lies East of Public Road No. 593; and the North Half (N/2) of Section 9, and all that part of the Southwest Quarter (SW/4) of Section 3 described as follows: Beginning at the Northwest corner of said quarter section and running thence East a distance of 495.1 feet; thence in a Southwesterly direction on and along the center line of Public Road No. 529 to its intersection with the West line of said quarter section; thence North on and along the West line of said quarter section a distance of 1009.4 feet to the place of beginning, containing 5.41 acres, more or less, in Township 14 South, Range 10 East, all in Wabaunsee County, Kansas,

and The Carter Oil Company, owning oil and gas leases covering said lands, comwit:

Oil and Gas Lease dated May 21, 1948, between G. H. Davis and Elizabeth O. Davis, his wife, as lessors, to R. C. Tack, as lessee, which lease is recorded in Book 16 at Page 15 of the records of the Register of Deeds in Wabaunsee County, Kansas;

Oil and Gas Lease dated May 21, 1948, between G. H. Davis and Elizabeth O. Davis, his wife, as lessors, to R. C. Tack, as lessee, which lease is recorded in Book 16 at Page 13 of the records of the Register of Deeds in Wabaunsee County, Kansas;

Oil and Gas Lease dated May 21, 1948, between G. H. Davis and Elizabeth O. Davis, his wife, as lessors, to R. C. Tack, as lessee, which lease is recorded in Book 16 at Page 14 of the records of the Register of Deeds in Wabaunsee County, Kansas;

entered into that certain Royalty Owners' Utilization Agreement which was recorded on July 27, 1950 in Book 18 at Page 270 in the Office of the Register of Deeds of Wabaunsee County, Kansas; and,

WHEREAS, the undersigned First Parties are now the owners of all of the mineral interests in said lands; and,

WHEREAS, Humble Oil & Refining Company, a Delaware corporation, successor by merger to The Carter Oil Company, owns all oil and gas leasehold rights covering said lands; and,

0-739110

WHEREAS, First Parties and Humble Oil & Refining Company desire to amend said Royalty Owners' Unitization Agreement by deleting from the purview thereof the following described lands, to-wit:

South Half of the Southwest Quarter (S/2 SW) of Section 27; North Half (N/2) of Section 28; Northwest Quarter (NW/4) of Section 34, all in Township 13 South, Range 10 East; and All of the South Half (S/2) of Section 4 except the following described tract: Commencing at the Southeast corner of the Southeast Quarter (SE/4) and running thence North 884.58 feet; thence South 7° West 660 feet; thence South 29° East 275.8 feet; thence East 143.75 feet to the place of beginning, containing 2.33 acres more or less, said exception being intended to cover all that part of said Southeast Quarter (SE/4) which lies East of Public Road No. 593; the North Half (N/2) of Section 9; Part of the Southwest Quarter (SW/4) of Section 3 described as beginning at the Northwest corner of said quarter section and running thence East a distance of 495.1 feet; thence in a southwesterly direction on and along the center line of Public Road No. 529 to its intersection with the West line of said quarter section; thence North on and along the West line of said quarter section a distance of 1009.4 feet to the place of beginning, containing 5.41 acres, more or less, in Township 14 South, Range 10 East, Wabaunsee County, Kansas;

and,

WHEREAS, First Parties and Humble Oil & Refining Company desire that said Royalty Owners' Unitization Agreement remain in full force and effect as to all lands covered thereby except those deleted by this instrument.

NOW, THEREFORE, Know all men by these presents that the undersigned First Parties and Humble Oil & Refining Company do hereby amend that certain Royalty Owners' Unitization Agreement hereinabove referred to by deleting from the purview thereof the following described lands, to-wit:

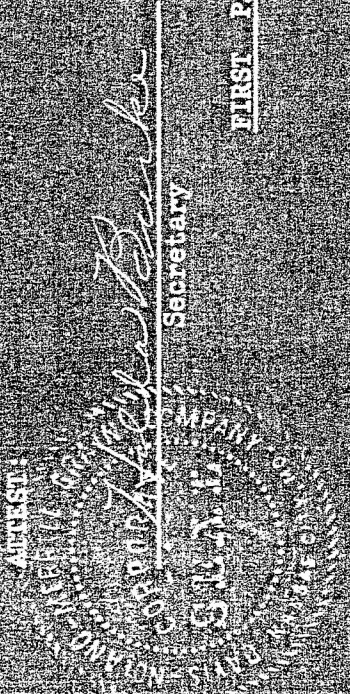
South Half of the Southwest Quarter (S/2 SW) of Section 27; North Half (N/2) of Section 28; Northwest Quarter (NW/4) of Section 34, all in Township 13 South, Range 10 East; and All of the South Half (S/2) of Section 4 except the following described tract: Commencing at the Southeast corner of the Southeast Quarter (SE/4) and running thence North 884.58 feet; thence South 7° West 660 feet; thence South 29° East 275.8 feet; thence East 143.75 feet to the place of beginning, containing 2.33 acres more or less, said exception being intended to cover all that part of said Southeast Quarter (SE/4) which lies East of Public Road No. 593; the North Half (N/2) of Section 9; Part of the Southwest Quarter (SW/4) of Section 3 described as beginning at the Northwest corner of said quarter section and running thence East a distance of 495.1 feet; thence in a southwesterly direction on and along the center line of Public Road No. 529 to its intersection with the West line of said quarter section; thence North on and along the West line of said quarter section a distance of 1009.4 feet to the place of beginning, containing 5.41 acres, more or less, in Township 14 South, Range 10 East, Wabaunsee County, Kansas.

Said Royalty Owners' Unitization Agreement shall remain in full force and affect as to all lands covered thereby other than the lands herein deleted, and it is agreed that the lands remaining subject to the Royalty Owners' Unitization Agreement are considered to be fully developed and Humble shall be under no obligation to drill any additional well or wells on said lands unless said lands in the future suffer drainage by wells located on lands of other owners. Humble shall not be relieved of the implied covenants contained in the leases to develop the property as to any commercial production that may hereafter be encountered on or offsetting said lands in formations not now producing.

IN WITNESS WHEREOF the parties hereto execute this instrument this 24th day of May, 1961.

DAVIS-NOLAND-MERRILL GRAIN COMPANY

By: [Signature]  
President

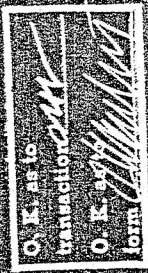


FIRST PARTIES

HUMBLE OIL & REFINING COMPANY

By: [Signature]

J. J. Mullane  
Attorney In Fact



ATTEST:

OK-1586-11

STATE OF Oklahoma }  
COUNTY OF McCurtain }

On this 24th day of May, 1961, before me, a Notary Public in and for said County and State, personally appeared Robert F. Hackett to me personally known to be the identical person who subscribed the name of the major party to the foregoing instrument and who is the president of DAVIS-NOLAND-MERRILL GRAIN CO.

and he acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of such corporation and that he subscribed the same in full faith and belief that the same were the free and voluntary act and deed of such corporation and that he was duly qualified to act as the Notary Public in and for said County and State at the time and place above written.

[Signature]  
Notary Public

OKLAHOMA-KANSAS-NEBRASKA ACKNOWLEDGMENT  
(CORPORATE)

1951

STATE OF Oklahoma ss.

COUNTY OF Oklahoma

On this 28th day of August

1951

before me, a Notary Public in and for said County and State, personally appeared

J. J. Mullane to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument of

his attorney, its last one, acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of such

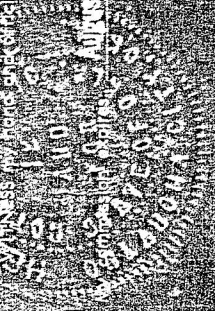
party or parties and affirms therein set forth

in these my hands and official seal this day and year last above written

*Shelton E. Smith*

Notary Public

August 28, 1951



1951