

26 \*'S

DESIGNATION OF UNIT

LASSINGER UNIT

Instr: 201302140004819 02/14/2013  
Pages: 6 F: \$117.50 2:02PM  
Michele Mustello T20130004184  
Butler County Recorder MLBRYSON K

COMMONWEALTH OF PENNSYLVANIA §§  
COUNTY OF BUTLER §§

KNOW ALL MEN BY THESE PRESENTS:

1. Designation of Unit. XTO Energy Inc. and Phillips Exploration, Inc., a wholly owned subsidiary of XTO Energy Inc., and successor by merger to Phillips Production Company, are the owners of the valid and subsisting oil, gas and mineral leases as described on Exhibit A attached hereto and made a part hereof (together with all amendments and corrections thereto, the "Leases"), insofar as the Leases cover and affect the land and depths described on Exhibit A. Pursuant to an unrecorded Agency Agreement dated June 2, 2011 between Phillips Exploration, Inc. and XTO Energy Inc., XTO Energy Inc. (referred to herein as the "Owner") has full authority to make and execute this Designation of Unit on behalf of Phillips Exploration, Inc. Pursuant to the provisions of the Leases and based upon the judgment of Owner that it is necessary and advisable to pool and combine the Leases and the lands and depths described on Exhibit A, and with the consent of the lessors of the Leases where required, the Owner hereby pools, consolidates, combines and unitizes the Leases and the lands and depths described on Exhibit A and all associated leasehold rights, overriding royalty, royalty interests and any other interest to the extent Owner has the authority to pool, for the purpose of drilling for, development, and production of gas and liquid hydrocarbons (including condensate, distillate and other liquids) from the Unit (as defined below). If at any time any tract of land or interest within the Unit is not properly pooled or unitized hereby or is not otherwise committed to the Unit, such fact shall not affect, terminate, impair or invalidate the Unit as to any interest properly pooled or unitized hereby or otherwise.

2. Description of the Unit. The unit ("Unit") includes the Leases, or portions thereof, and the interval(s), if any, as described on Exhibit A, and depicted on the plat attached hereto as Exhibit B. If no depth limitations are set forth in Exhibit A, the Unit shall cover all depths. The Owner intends to designate and pool all leases owned by Owner covering the lands depicted on Exhibit B regardless of whether the Leases are listed on Exhibit A or are improperly described on Exhibit A.

3. Production from the Unit. This Designation of Unit covers all operations and production from the land and depths described on the attached Exhibits A and B, which is produced from any well drilled to the unitized interval underlying the Unit area to the effect that operations on and production from any tract within the Unit shall be considered operations on and production from all tracts within the Unit. Production from the Unit shall be allocated proportionately among all of the tracts within the Unit in the proportion that the number of surface acres in each of such tracts bears to the total number of surface acres in the Unit.

4. **Amendment.** The Owner reserves the right to amend this Designation of Unit from time to time, and at any time, in order to correct any error herein or to include in this Unit any newly acquired interests within the Unit boundaries or to enlarge or reduce the Unit area in accordance with the applicable rules and regulations of any governmental regulatory body or agency having jurisdiction insofar as such right is granted in the Leases, by appropriate amendments or instruments.

5. **Counterpart Signatures.** This instrument may be executed as one document signed by all parties, or parties named herein may join herein by execution of a counterpart or ratification, with the same effect as if all parties executed this instrument. Executed signature pages from different originals may be combined to form a single original instrument for recording purposes. The failure of any one or more persons owning an interest in the Unit to execute this instrument or a counterpart or ratification thereof shall not in any manner affect the validity of same as to the parties who do execute this instrument. The Unit may not be ratified or joined in by any party who is not named below without the consent of the parties hereto.


6. **Effective Date.** The Unit shall be effective as of the date it is filed for record in the official public records of the county and state aforesaid, and shall remain in force as long as the pooled minerals are being produced from the Unit, or so long as the Leases covering the Unit are maintained in force by payment or tender of shut-in royalties or by any other means, in accordance with the terms of the Leases

This Designation of Unit shall be binding on the Owner and all other owners of the interests pooled hereby and their respective representatives, successors and assigns.

IN WITNESS WHEREOF, this Designation of Unit is executed on this 13<sup>th</sup> day of FEBRUARY, 2013.

OWNER:

XTO ENERGY INC., individually, and on behalf of its wholly owned subsidiary Phillips Exploration, Inc., successor by merger to Phillips Production Company

  
\_\_\_\_\_

BY: Edwin S. Ryan, Jr.

Senior Vice President – Land Administration *KS*

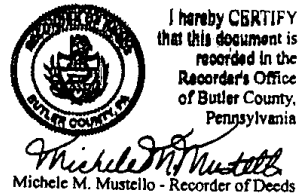
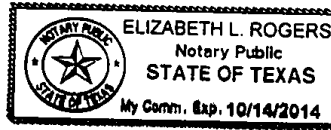
*DA*

STATE OF TEXAS       §  
                                  §  
COUNTY OF TARRANT §

On this 13<sup>th</sup> day of FEBRUARY, 2013, before me, a Notary Public, the undersigned officer, personally appeared Edwin S. Ryan, Jr., and acknowledged himself to be the Senior Vice President – Land Administration of XTO Energy Inc., a Delaware corporation, and that he as such Senior Vice President – Land Administration, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

*Elizabeth L. Rogers*  
Notary Public, State of Texas



*Mail to*  
*Bryson Kuka, L.P.,*  
*714 Venture Dr #137*  
*Morgantown, WV. 26508*

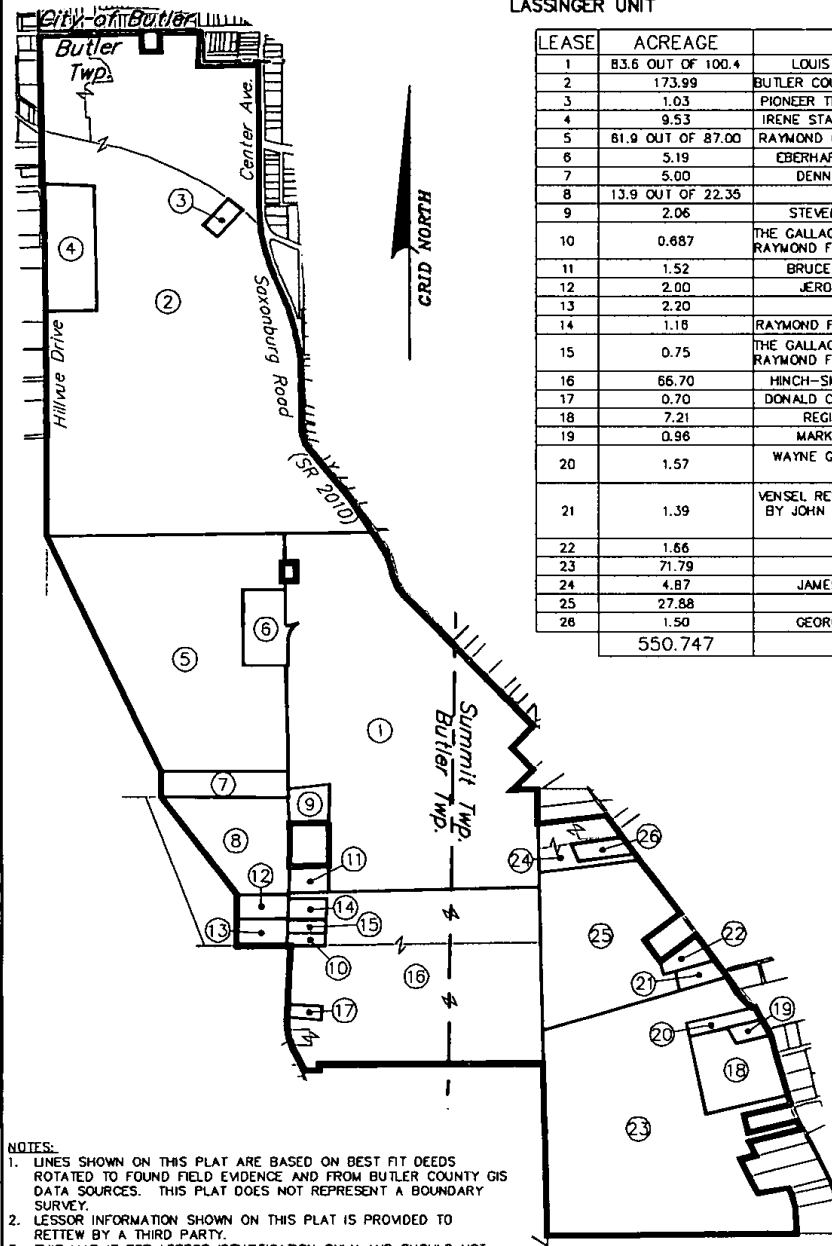
**EXHIBIT "A"**  
**TO THAT CERTAIN**  
**DESIGNATION OF UNIT**  
**LASSINGER UNIT**

Tract # Depicted on Exhibit B	Instrument #	Lessor	Lessee	County	Township	State	Tax Parcel #	Acres
1	200912010028136	Louis E. Hortert and Janet L. Hortert, husband and wife	Phillips Exploration, Inc.	Butler	Butler	PA	051-48-3	Insofar as Lease covers 83.6
2	201103040005836	Butler County Poor District and Butler County	Phillips Exploration, Inc.	Butler	Butler	PA	051-48-A 051-40-38 051-39-28	173.9900
3	201212310037558	Pioneer Trails Council, Boy Scouts of America	XTO Energy Inc.	Butler	Butler	PA	051-40-39	1.0300
4	201210040028794	Irene Stacy Community Mental Health Center	XTO Energy Inc.	Butler	Butler	PA	051-39-27	9.5300
5	201009010019577	Raymond C. Lassinger and Peggy Lou Lassinger, husband and wife	Phillips Exploration, Inc.	Butler	Butler	PA	051-48-2A	Insofar as Lease covers 61.9
6	201209170026659	Eberhard B. Carroll and Oana M. Nastase	XTO Energy Inc.	Butler	Butler	PA	051-48-2	5.1900
7	201210040028802	Dennis E. Slater and Wendy L. Slater	XTO Energy Inc.	Butler	Butler	PA	051-48-1	5.0000
8	201205150013815	John E. Beatty	XTO Energy Inc.	Butler	Butler	PA	051-56-1A	Insofar as Lease covers 13.9
9	201210040028770	Steven M. Slater and Sue Ellen Slater	XTO Energy Inc.	Butler	Butler	PA	051-48-3B	2.0600
10	201209170026671	The Gallagher Family Revocable Living Trust, by Raymond F. Gallagher and Beverly A. Gallagher	XTO Energy Inc.	Butler	Butler	PA	051-56-13A	0.6870
11	201209170026672	Bruce H. Ziegler and Mary Jane Ziegler	XTO Energy Inc.	Butler	Butler	PA	051-56-14	1.5200
12	201209170026688	Jerome B. Piroch and Mary J. Piroch	XTO Energy Inc.	Butler	Butler	PA	051-56-2	2.0000
13	201209170026668	June B. Naugle	XTO Energy Inc.	Butler	Butler	PA	051-56-3	2.2000
14	201209170026670	Raymond F. Gallagher and Vaughn S. Gallagher	XTO Energy Inc.	Butler	Butler	PA	051-56-13B	1.1600
15	201209170026669	The Gallagher Family Revocable Living Trust, by Raymond F. Gallagher and Beverly A. Gallagher	XTO Energy Inc.	Butler	Butler	PA	051-56-13D	0.7500
16	201009010019569	Hinch-Smith Farm Family Limited Partnership, by its General Partner, Hinch-Smith, Inc.	Phillips Exploration Land Holdings I, LLC	Butler	Butler	PA	051-56-11 051-56-12 051-56-13	66.7000
17	201209170026667	Donald C. Gallagher and Luella J. Gallagher	XTO Energy Inc.	Butler	Butler	PA	051-56-11A	0.7000
18	201209270027949	Regis L. Etzel, Jr., and Carol Etzel, husband and wife	XTO Energy Inc.	Butler	Summit	PA	290-2F14- A1N	7.2100
19	201209270027955	Mark A. Kams and Rebecca S. Kams, husband and wife	XTO Energy Inc.	Butler	Summit	PA	290-2F14- A10D	0.9600
20	201210300031253	Wayne Grelling, by Robert Dubyak, as duly qualified attorney-in-fact as evidenced by that certain POA recorded at Instrument Number 201209270027929, Recorder's Office, Butler County, Pennsylvania	XTO Energy Inc.	Butler	Summit	PA	290-2F14- A1E	1.5700
21	201210300031257	Vensel Revocable Trust dated January 4, 2010, by John F. Vensel and Deborah E. Vensel, as Trustees	XTO Energy Inc.	Butler	Summit	PA	290-2F14- A1F	1.3900
22	201209270027952	Pearl L. Burtner, a widow by death not having since remarried	XTO Energy Inc.	Butler	Summit	PA	290-2F14- A1C	1.6600
23	201004060007019	Timothy E. Hortert, single	Phillips Exploration, Inc.	Butler	Summit	PA	290-2F14-A1	71.7900
24	201209270027948	James J. Harpel and Karen L. Harpel, husband and wife	XTO Energy Inc.	Butler	Summit	PA	290-2F14- A1LA 290-2F14- A1J 290-2F14- A1K	4.8700
25	201012140029594	Edward J. Etzel	Phillips Exploration, Inc.	Butler	Summit	PA	290-2F14- A1M	27.8800

26	201210050028872	George A. Gulish and Karen S. Gulish, husband and wife	XTO Energy Inc.	Butler	Summit	PA	290-2F14- A1L	1.5000
----	-----------------	---	-----------------	--------	--------	----	------------------	--------

**Together with all amendments, ratifications, corrections, and/or modifications of the Oil and Gas Leases described herein, and INSO FAR as said Oil and Gas Leases cover all depths.  
End of Exhibit "A"**

EXHIBIT "B"  
DESIGNATION OF UNIT  
LASSINGER UNIT



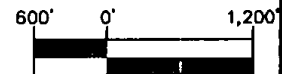
LEASE	ACREAGE	LESSOR
1	83.6 OUT OF 100.4	LOUIS E. HORTERT AND JANET L. HORTERT
2	173.99	BUTLER COUNTY POOR DISTRICT AND BUTLER COUNTY
3	1.03	PIONEER TRAILS COUNCIL, BOY SCOUTS OF AMERICA
4	9.53	IRENE STACEY COMMUNITY MENTAL HEALTH CENTER
5	61.9 OUT OF 87.00	RAYMOND C. LASSINGER AND PEGGY LOU LASSINGER
6	5.19	EBERHARD B. CARROLL AND DANA M. NASTASE
7	5.00	DENNIS E. SLATER AND WENDY L. SLATER
8	13.9 OUT OF 22.35	JOHN E. BEATTY
9	2.06	STEVEN M. SLATER AND SUE ELLEN SLATER
10	0.687	THE GALLAGHER FAMILY REVOCABLE LIVING TRUST, BY RAYMOND F. GALLAGHER AND BEVERLY A. GALLAGHER
11	1.52	BRUCE H. ZIEGLER AND MARY JANE ZIEGLER
12	2.00	JEROME B. PIROCH AND MARY J. PIROCH
13	2.20	JUNE B. NAUGLE
14	1.18	RAYMOND F. GALLAGHER AND VAUGHN S. GALLAGHER
15	0.75	THE GALLAGHER FAMILY REVOCABLE LIVING TRUST, BY RAYMOND F. GALLAGHER AND BEVERLY A. GALLAGHER
16	66.70	HINCH-SMITH FARM FAMILY LIMITED PARTNERSHIP
17	0.70	DONALD C. GALLAGHER AND LUELLA J. GALLAGHER
18	7.21	REGIS L. ETZEL, JR., AND CAROL ETZEL
19	0.96	MARK A. KARNS AND REBECCA S. KARNS
20	1.57	WAYNE GRELLING, BY ROBERT DUBYAK, AS DULY QUALIFIED ATTORNEY-IN-FACT
21	1.39	VENSEL REVOCABLE TRUST DATED JANUARY 4, 2010, BY JOHN F. VENSEL AND DEBORAH E. VENSEL, AS TRUSTEES
22	1.66	PEARL L. BURTNER
23	71.79	TIMOTHY E. HORTERT
24	4.87	JAMES J. HARPEL AND KAREN L. HARPEL
25	27.88	EDWARD J. ETZEL
26	1.50	GEORGE A. GULUSH AND KAREN S. GULUSH
	550.747	TOTAL UNIT ACRES

NOTES:

1. LINES SHOWN ON THIS PLAT ARE BASED ON BEST FIT DEEDS ROTATED TO FOUND FIELD EVIDENCE AND FROM BUTLER COUNTY GIS DATA SOURCES. THIS PLAT DOES NOT REPRESENT A BOUNDARY SURVEY.
2. LESSOR INFORMATION SHOWN ON THIS PLAT IS PROVIDED TO RETTEW BY A THIRD PARTY.
3. THIS MAP IS FOR LESSOR IDENTIFICATION ONLY AND SHOULD NOT BE RELIED UPON FOR ANY OTHER PURPOSE.

LEGEND

UNIT LINE  
LEASE LINE  
PARCEL LINE  
MUNICIPAL LINE



SCALE: 1"=1,200'

DESIGNATION OF  
UNIT BOUNDARY  
FOR  
**LASSINGER UNIT**  
SUMMIT & BUTLER TWP. BUTLER CO., PA

**XTO ENERGY**  
502 KEYSTONE DRIVE  
WARRENDALE, PA 15086  
P: 724-772-3500  
F: 724-772-3505

**RETTEW**  
RETTEW Associates, Inc.  
Two Towers, 4855 Coudersville Pl., Ste 305  
Pittsburgh, PA 15205  
Phone (717) 687-3001 • Fax (717) 687-6853

DRAWN BY: JES/SWF  
DATE: 2013-02-13  
SCALE: AS NOTED  
DWG. NO. 091322020