

RELEASE AND QUITCLAIM

This Release and Quitclaim is made and entered into effective the 1st day of December 2006, by and between UNITED STATES TRUST COMPANY, N.A. and FREDERICK F. MOON, as co-trustees of the Trust under the will of John E. Andrus (the "Andrus Trust"), 114 West 47th Street New York, New York 10036, and _____

_____, whose address is _____
_____.

RECITALS

- A. WHEREAS, that certain Mineral Deed from Arlington Land Company to Mosota Land Company, dated September 5, 1913, filed November 21, 1913 in Book 19-A, Page 428 of the real property records of Rio Arriba County, New Mexico, covering real estate located in Rio Arriba County, New Mexico. ("Arlington Deed")
- B. WHEREAS, that certain Mineral Deed from Arlington Land Company to Mosota Land Company, dated January 21, 1914, filed February 23, 1914, in Book 19-A, page 525 of the real property records of Rio Arriba County, New Mexico. ("Mosota Deed")

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and Other Good and Valuable Consideration paid to the Andrus Trust by _____

_____, the receipt and sufficiency of which is hereby acknowledged by the Andrus Trust, the Andrus Trust, for itself and its successors and assigns, does hereby release and quitclaim to _____

_____, and to their heirs and assigns, which the Andrus Trust may have in all ores, coal, petroleum, oil, gas, metals, carbons or hydro-carbons, mines and valuable mineral deposits, lodes and veins found or hereafter to be found, together with their dips in, on, or beneath the surface of Exhibit "A" and any and all right, title and interest, claims and demand created by virtue of the following reservation contained in the Arlington and Mosota Deeds, stated above;

"Together with the right to enter in and upon said lands; to explore and prospect for such ores, coal, petroleum, oil, gas, metals, carbons or hydro-carbons and valuable mineral deposits, lodes and veins; to mine, take, remove, sell and dispose of any and all ores, coal, petroleum, oil, gas, metals, carbons or hydro-carbons, and valuable mineral deposits which may be found therein; and in aid thereof and in connection therewith, to place, erect, construct and maintain such buildings, structures, machinery, equipment, conduits, roads and railroads thereon, sink such shafts, make such excavations, remove such soil, rock or valuable mineral deposits and materials, occupy such portions of said premises, and erect, construct, operate and maintain such canals, flumes, dams or other water systems as may be necessary or useful."

and any and all right, title and interest, claims and demand created by virtue of the following surface option provision which reads as follows: