

**AFFIDAVIT OF JOSEPH C. ROBBINS**

STATE OF NORTH CAROLINA )  
COUNTY OF MOORE )

The undersigned being first duly sworn, states:

1. I, Joseph C. Robbins, own a mineral interest in the southwest quarter of Section 8, Township 29 North, Range 11 West, N.M.P.M., San Juan County, New Mexico (the "Property").

2. I am over the age of 18 years and have personal knowledge of the facts stated in this affidavit.

3. On June 6, 2005 I agreed to enter into a farmout agreement with Synergy Operating, LLC (Synergy) to farm my mineral interests the Property. This agreement is in the form of a letter agreement dated May 31, 2005 to me from Synergy Operating, LLC, Patrick Hegarty, Principal (the Farmout Agreement).

4. I was given no consideration to enter the Farmout Agreement with Synergy except for the promise that Synergy would drill a well on the Property at a future date.

5. Before Synergy drilled a well in performance of the Farmout Agreement I retained Sutin, Thayer & Browne to advise me regarding my rescission rights with respect to the Farmout Agreement because I became aware that the representations by Hegarty, which induced me to enter the Farmout Agreement, were not accurate.

6. Prior to Synergy drilling the subject well, I instructed Sutin, Thayer & Browne to provide Synergy notice of my rescission via letter to its attorney Jim Bruce.

7. Additionally, on January 26, 2006, I signed and instructed Sutin, Thayer & Browne to file a Notice of Rescission (the Rescission Notice) of the Farmout Agreement with the OCD. A copy of the Rescission Notice is attached hereto as Exhibit A.

8. I attest, verify, and state that Exhibit A is an authentic copy of the Notice that I signed. Examples of my signatures can also be found on the Farmout Agreement.

9. I further attest that I had a telephone conversation with Hagarty a few days after the Notice of Rescission had been filed with the OCD. I confirmed with Hagarty in that telephone conversation that I rescinded the Farmout Agreement.

FURTHER AFFIANT SAYETH NAUGHT.

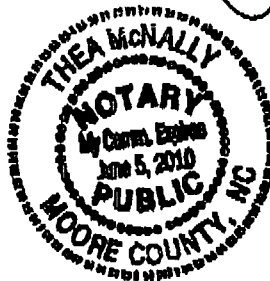
Joseph K. Robbins  
Joseph C. Robbins

SUBSCRIBED AND SWORN TO before me on the 29<sup>th</sup> day March, 2006, by Joe Robbins.

Thea McNally  
Notary Public

My commission expires:

June 5 2010



**BEFORE THE NEW MEXICO OIL CONSERVATION DIVISION**

**APPLICATION OF SYNERGY OPERATING,  
LLC, FOR COMPULSORY POOLING,  
SAN JUAN COUNTY, NEW MEXICO.**

**CASE NO. 13,486  
ORDER NO. R-12,376**

**NOTICE OF RESCISSION OF FARMOUT AGREEMENT**

Joseph C. Robbins hereby unequivocally and irrevocably rescinds the Farmout Agreement dated May 31, 2005, between Synergy Operating, LLC, Patrick Hegarty, Principal, and Joseph C. Robbins (the Farmout) on the following grounds:

1. Joseph C. Robbins was coerced into granting the Farmout by misrepresentations made to him by Patrick Hegarty.
2. Joseph C. Robbins entered the Farmout in reliance on material statements made by Patrick Hegarty that are now known to be false.
3. Rescission is appropriate as the Farmout remains executory since Synergy Operating, LLC, has not substantially completed performance. Joseph C. Robbins, therefore, revokes and rescinds the Farmout.
4. Service of this Notice has been made to Synergy Operating, LLC, Patrick Hegarty, Principal, through its attorney of record, James Bruce, and constitutes sufficient notice to Synergy Operating, LLC.

Accordingly, Joseph C. Robbins requests the New Mexico Oil Conservation Division to take notice that the above-referenced Farmout is hereby rescinded.

Respectfully Submitted,

Dated: Jan. 26, 2006

Joseph C. Robbins  
Joseph C. Robbins  
2136 N. Lakeshore Drive  
Chapel Hill, North Carolina 27514

EXHIBIT

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