# NM1 - 13

# BONDS



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON Governor Joanna Prukop Cabinet Secretary

September 17, 2003

Lori Wrotenbery Director Oil Conservation Division

Mr. Sherry K. Miller Environmental Plus, Inc. P.O. Box 1558 Eunice, NM 88231

RE: \$75,000 Surety Bond Commercial Surface Waste Management Facility Permit NM-01-0013 Environmental Plus, Inc., Principal RLI Insurance Company, Surety SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of Section 15, Township 22 South, Range 37 East, NMPM, Lea County, New Mexico Bond No. RLB0006022 and Rider No. 6

Dear Ms. Miller:

The New Mexico Oil Conservation Division hereby approves the above-referenced Commercial Surface Waste Management Facility Surety Bond and Rider.

Sincerely,

Mal Mon france

Gail MacQuesten, Assistant General Counsel

GM: mjk

Enclosure: Copy of Surety Bond No. RLB0006022 and Rider No. 6

xc with attachment:

Hobbs OCD Office Greg E. Chilson, RLI Insurance Co., 8 Greenway Plaza, Suite 400, Houston, TX 77046

# RECEIVED



#### SEP 1 5 2003

#### OIL CONSERVATION DIVISION

#### RIDER NO. 6

Attaching to and forming part of Bond for Commercial Surface Waste Disposal Facility, Bond No. UIB0004276, executed September 1, 1993, on behalf of Environmental Plus, Inc. as Principal, in favor of the State of New Mexico as Obligee, in the amount of Seventy Five Thousand and No/100 Dollars (\$75,000.00).

2.

It is understood and agreed that effective September 1, 2003, the Surety Company on the above referenced bond is amended to read **RLI Insurance Company**.

It is also understood and agreed that effective September 1, 2003, the bond number for the above referenced bond is amended from UIB0004276 to RLB0006022.

All other conditions and terms to remain as originally written or previously changed by rider.

Signed, sealed and dated this 1st day of September, 2003.

Environmental Plus, Inc. Principal Bv: **RLI Insurance Company** 

8 Greenway Plaza, Suite 400 Houston, TX 77046

Surety Bv:

Greg E. Chilson, Attorney-in-Fact



# THE REPRODUCTION OF

### THE

# FOLLOWING

# **DOCUMENT (S)**

# **CANNOT BE IMPROVED**

# **DUE TO**

# **THE CONDITION OF**

# **THE ORIGINAL**



9025 North Lindbergh Dr. • Peoria, IL 61615 (309) 692-1000 or (800) 645-2402



#### RLB0006022 POWER OF ATTORNEY RLI Insurance Company

i.

#### Know All Men by These Presents:

That the RLI INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Illinois, and authorized and licensed to do business in all states and the District of Columbia does hereby make, constitute and appoint: <u>GREG E. CHILSON</u>

in the City of <u>HOUSTON</u>, State of <u>TEXAS</u>, as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, all of the following classes of documents to-wit:

#### \$75,000.00

Indemnity, Surety and Undertakings that may be desired by contract, or may be given in any action or proceeding in any court of law or equity, policies indemnifying employers against loss or damage caused by the misconduct of their employees official, ball and surety and fidelity bonds. Indemnity in all cases where indemnity may be lawfully given; and with full power and authority to execute consents and waivers to modify or change or extend any bond or document executed for this Company and to compromise and settle any and all claims or demands made or existing against said Company.

The RLI INSURANCE COMPANY further certifies that the following is a true and exact copy of a Resolution adopted by the Board of Directors of RLI Insurance Company, and now in force to-wit:

\* All bonds, policies, undertakings. Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, of the Treasurer may appoint Attorneys-in-Fact or Agents who shall have authority to issue bonds, policies, or undertakings in the gametof the Company The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

(Blue shaded areas above indicate authenticity)

IN WITNESS WHEREOF, the RLI Insurance Company has caused these presents to be executed by its <u>PRESIDENT</u> with its corporate seal affixed this



On this 1 day of Sept. 2003 before me, a Notary Public, personally appeared <u>Jonathan E. Michael</u> and <u>Camille J. Hensey</u>, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as President and Corporate Secretary, respectively, of the said RLI INSURANCE COMPANY, and acknowledged said instrument to be the voluntary act and deed of said corporation.

Notary Public



SPA026 (10/01)

#### UNDERWRITERS INDEMNITY COMPANY

(Now Known As Lexon Insurance Company)

#### April 30, 2003

#### TO UNDERWRITERS INDEMNITY COMPANY BOND PRINCIPALS & OBLIGEES:

We want to take this opportunity to let you know about some important changes that are happening at Underwriters Indemnity Company ("UIC").

As you may know, since 1999, UIC has been part of the RLI Corp. family. RLI Corp. is a New York Stock Exchange listed company that operates its insurance business through a variety of affiliated insurance companies. RLI Corp.'s flagship insurance company is RLI Insurance Company, an A, IX, A.M. Best rated insurer.

Effective April 30, 2003, RLI Insurance Company assumed all of UIC's obligations under bonds and any policies of insurance it issued. As a result, Underwriters Indemnity Division of RLI Insurance Company is now the surety on all of UIC's previously issued bonds and the insurer on any policy of insurance. In addition, any obligations under indemnity agreement entered into with UIC are now owed to RLI Insurance Company.

You should also be aware that UIC has changed its name to Lexon Insurance Company. This assumption by RLI Insurance Company is in anticipation of Lexon Insurance Company coming under new ownership outside the RLI Corp. family in the near future.

These changes will not affect the service you have come to expect. Any questions should still be directed to my attention at the following address:

Roy C. Die, Vice President Underwriters Indemnity Division of RLI Insurance Company 8 Greenway Plaza Ste. 400 Houston, Texas 77046 713.961.1300 Telephone 800.223.2293 Toll Free Telephone 713.961.0285 Fax

Unless we hear from you in writing at the above address prior to September 15, 2003, we will assume that you have agreed to the assumption of UIC obligations by RLI Insurance Company.

Very truly yours,

UNDERWRITERS INDEMNITY COMPANY (Now Known As Lexon Insurance Company)

By: Kov/C. Die, President

Doc #:CHI02 (209217-00005) 60177015v3;05/23/2003/Time:14:12



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON Governor Joanna Prukop

**Cabinet Secretary** 

February 4, 2003

Lori Wrotenbery Director Oil Conservation Division

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT NO. 7001 1940 0004 3929 8867</u>

Ms. Sherry K. Miller Environmental Plus, Inc. P.O. Box 1558 Eunice, NM 88231

RE: \$75,000 Surety Bond Commercial Surface Waste Management Facility Permit NM-01-0013 Environmental Plus, Inc., Principal Underwriters Indemnity Company, Surety SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of Section 15, Township 22 South, Range 37 East, NMPM, Lea County, New Mexico Bond No. UIB0004276 and Rider No. 5

Dear Ms. Sherry K. Miller:

The New Mexico Oil Conservation Division hereby approves the above-referenced Commercial Surface Waste Management Facility Surety Bond and Rider.

Sincerely,

David K. Brooks, Assistant General Counsel

DKB: mjk

Enclosure: Copy of Surety Bond No. UIB0004276 and Rider No. 5

xc with attachment:

Hobbs OCD Office

Greg E. Chilson, Underwriters Indemnity Co., 8 Greenway Plaza, Suite 400, Houston, TX 77046

#### GENERAL POWER OF ATTORNEY

#### **CERTIFIED COPY**

NOW ALL MEN BY THESE PRESENTS: That UNDERWRITERS INDEMNITY COMPANY, a corporation organized and existing under the laws of he State of Texas, and having its principal office in the City of Houston, Texas, does hereby constitute and appoint:

Greg E. Chilson ts true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, ontracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute ule, regulation, contract or otherwise, in an amount not to exceed:

\$75,000.00 nd the execution of all such instrument(s) in pursuance of these presents, shall be binding upon said UNDERWRITERS INDEMNITY COMPANY as ully and amply to all intents and purposes as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office. This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of a resolution enacted by he Board of Directors of UNDERWRITERS INDEMNITY COMPANY. The following is a true transcript of said resolution:

That at all times since the formation of this corporation, the President or any Vice President, Assistant Vice President, Secretary or Assistant Secretary shall have power and authority.

- to appoint attorneys-in-fact, and to authorize them to execute on behalf of the company; and attach the Seal of the Company (1)thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and
- (2) to appoint special attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the Bylaws of the Company, and
- (3) to remove, at any time, any such attorney-in-fact or special attorney-in-fact and revoke the authority given to him.

urther, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said company adopted by consent of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the company in the future with respect to any bond or undertaking to which it is attached."

N TESTIMONY WHEREOF, UNDERWRITERS INDEMNITY COMPANY has caused this instrument to be signed and its corporate seal to be ffixed by its authorized officer, Roy C. Die; on this the 30th day of July, 2001.

#### TATE OF TEXAS

**COUNTY OF HARRIS** 

In this 30th day of July, 2001, before me came the individual who executed the preceding instrument, to me personally known, and, being duly worn, said that he is the therein described and authorized officer of UNDERWRITERS INDEMNITY COMPANY: that the seal affixed to said nstrument is the Corporate Seal of said company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said company.

N TESTIMONY WHEREOF I have hereunto set my hand and affixed my Official Seal It the City of Houston, Texas, the day and year first above written.



Roy C. Die

President

#### CERTIFICATION

, the undersigned officer of UNDERWRITERS INDEMNITY COMPANY, do hereby certify that I have compared the foregoing copy of the ower of Attorney and affidavit, and the copy of the Section of the By-Laws of said company as set forth in said Power of Attorney, and that the ame are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now n full force and effect.

N TESTIMONY WHEREOF, I have hereunto set my hand this <u>19</u> day of <u>Nov.</u> , <u>2002</u>	Assistant Secretary
Greg E. Chilson	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

Only a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red on the upper right corner is binding. Photoopies, carbon copies or other reproductions of this document are invalid and not binding upon the company.

INY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT VALIDITY.

JN1020 (08/01)

NEW MEXICO OIL CONSERVATION DIVISION

OIL CONSERVE ION DIVISION OF THE ENERGY. MINERALS AND NATURAL RESOURCES DEFARTMENT BOND NO. B04276

\$25,000.00 BOND FOR COMMERCIAL SURFACE WASTE DISPOSAL FACILITY

ROND NO. <u>BO4276</u> (For Use of Surety Company)

File with Oil Conservation Division. P. O. Box 2088. Senta Fe, New Mexico \$7504 KNOW ALL MEN BY THRSE PRESENTS:

Thet ENVIRONMENTAL PLUS, INC. (perthesented) (a corporation organized in the State of \_\_\_\_ New Mexico with its principal office in the City of \_\_\_\_\_ Eunice\_\_\_ \_\_\_\_, State of New Mexico \_\_, and authorized to do business in the State of New Mexico), as PRINCIPAL, and UNDERWRITERS INDEMNITY COMPANY , a corporation organized and existing under the laws of the State of \_\_\_\_\_\_\_ and authorized to do business in the State of New Mexico with duly appointed resident agent licensed in the State of New Mexico to execute this bond on behalf of the surety company, as SURETY, are held firmly bound unto the State of New Mexico, for the use and benefit of the Oil Conservation Division of the Energy, Minerals and Naturel Resources Department pursuant to Chapter 72. Laws of New Mexico, 1935, as amended, and to the State of New Mexico in the sum of Twenty Five Thousand (\$25,000.00) Dollars lawful money of the United States for the payment of which, well and truly to be made, said PRINCIPAL and SURETY hereby bind themselves, their successors and assigns, jointly and severally, firmly by these presents.

The conditions of this obligation are such that:

WHEREAS, The shove principal has heretufore or may hereafter enter into the collection, disposal or storage of produced water and/or other oil field related waste in Section 15 ..., Township 22 (dianth) (South), Range 37 (Beeth Creasty, N.M.P.M., Lea County, New Mexico.

NOW, THEREFORD, This \$25,000 performance bond is conditioned upon substantial compliance with all applicable statutes of the State of New Mexico and all rules, regulations, and orders of the Oil Conservation Division of the Energy and Minerals Department, and upon clean-up of the facility site to standards of the Oil Conservation Division; otherwise the principal amount of the bond to be forfeited to the State of New Mexico.

PROVIDED, HOWEVER, That sixty (A0) days after receipt by the Oil Conservation Division of written notice of concellation from the Surety, the obligation of the Surety shall terminate as to activities or operations conducted by PRINCIPAL after said sixty (60) day period but shall continue in effect, notwithstanding said notice. as to such activities or operations conducted or commenced before the expiration of the sixty day period.

ENVIRONMENTAL PLUS, INC. PRINCIPAL P.O. Box 969 Eunice, NM 88231

RECEIVED

\*93 SEP 13 AM 9 53

Mailing Address

(Note: Principal, if corporation Affix corporate seal here.)

Countersigned by: Slemm H. Dauferd

UNDERWRITERS INDEMNITY COMPANY SDRETT

8 Greenway Plaza, Suite 4000 Houston, TX 77046

-Mailing Address At forney TheFact, Roy C. Die

(Note: Corporate surely affix corporate seal here.)

Note: If corporate surply executes this bond by an attorney-in-fact not in New Nexico, the resident New Mexico agent shall counteraign here below.)

Glenn H. Danfight New Mexico Resident Agent	Address	
STATE OF New Mexico	}.	
COUNTY OF Lea	)	
On this 1st	day of September . 1993, before me	
personally appeared Gler	m H. Danford , to me known to be the	
person (persons) described acknowledged that he (they)	in and who executed the foregoing instrument and executed the same as he (their) free act and deed.	
	have hereunto set my hand and seal on the day and yes	ir İ.
this contricate tiret abov	< And the stand for the stand of the stand o	~
10 27-01	Notary Structure Seal	
My Coomission Expires:		ţ
	STATE OF NEW MEXICO	ł
Ac	My Commission Expires	3
STATE OF New Mexico	<b>)</b>	
COUNTY OF Lea	) )¥\$.	
	day of September, 19 93 . before me perso	neli
	, to me personally known who, being by me duly a	
	ident of Environmental Plus, Inc	
and that the foregoing inst	rument was signed and sealed on behalf of said corpor	atte
by authority of its board - free act and deed of said of	of directors, and acknowledged said instrument to be corporation.	the
	have hereunto set my hand and seal on the day and ye	
this certificate first abov	a written.	
	Starbancabletating	,
10-77-96	Notary Parties OFFICIAL SEAL	-
My Commission Expires	SKYLA GILBERT	
	STATE OF NEW MEXICO.	
STATE OF TExas		
STATE OF <u>Texas</u>	STATE OF NEW MEXICO.	
COUNTY OF Harris	My Commission Expires <u>/0-22-96</u>	
COUNTY OF Harris On this lst day	state of New MEXICO. My Commission Expires <u>/0-22-96</u> )ss. y of September <u>19 93</u> , before me appe	аге;
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#### GENERAL POWER OF ATTORNEY

#### **CERTIFIED COPY**

KNOW ALL MEN BY THESE PRESENTS: That UNDERWRITERS INDEMNITY COMPANY, a corporation organized and existing under the laws of the State of Texas, and having its principal office in the City of Houston, Texas, does hereby constitute and appoint:

#### ROY C. DIE

its true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, in an amount not to exceed:

This Power of Attorney is executed, and may be cerified to and may be revoked, pursuant to and by authority of Article V, Section 6(C) of the By-Laws adopted by the Board of Directors of UNDERWRITERS INDEMNITY COMPANY, at a meeting called and held on the 23rd day of January 1985, of which the following is a true transcript of said Section 6(C):

"The President or any Vice President, Assistant Vice President, Secretary or Resident Secretary shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and
- (2) to appoint special Attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the By-laws of the Company, and
- (3) to remove, at any time, any such Attorney-in-fact or Special Attorney-in-fact and revoke the authority given to him."

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 23rd day of January, 1985, of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN TESTIMONY WHEREOF, UNDERWRITERS INDEMNITY COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, E.H. Frank, III, on this the third day of September, 1991.

#### STATE OF TEXAS

COUNTY OF HARRIS

On this the 3rd day of September, 1991, before me came the individual who executed the preceding instrument, to me personally known, and, being duly sworn, said that he is the therein described and authorized officer of **UNDERWRITERS INDEMNITY COMPANY:** that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Houston, Texas, the day and year first above written.

Mary William NOTARY PUBLIC, Harris County, Texas

#### CERTIFICATION

I, the undersigned officer of UNDERWRITERS INDEMNITY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this	1ST day of	SEPTEMBER	<u>19 <b>93</b></u>
· · · · · · · · · · · · · · · · · · ·		Pat Doehring	Assistant Secretary

Only a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red on the upper right corner is binding. Photocopies, carbon copies or other reproductions of this document are invalid and not binding upon the Company. ANY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT VALIDITY.

UN1020 (9/91)



tanke\_ President

#### BOND RIDER NO. 2

Attaching to and forming part of Bond For Commercial Surface Waste Disposal Facility, Bond No. UIB0004276, effective September 1, 1993 on behalf of Environmental Plus, Inc. as Principal, in favor of the State of New Mexico as Obligee, in the amount of Thirty Seven Thousand Five Hundred and no/100 Dollars (\$37,500.00)

It is understood and agreed that effective June 5, 2001 the description on the bond has been amended to read:

1) on description: description has been expanded to: permit legal # SWQ NWQ & NWQ of NWQ of Sec 14 SEQ NEQ & NEQ of NEQ of Sec 15 All in T22S R37E

All other conditions and terms to remain as originally written.

Signed, sealed and dated this 5<sup>th</sup> day of June, 2001

Environmental Plus, Inc.	
Principal	
R Jana	
By: Bon Willes	
· _ · · · · · · · · · · · · · · · · · ·	

Underwriters Indemnity Company Surety

By: 6y C. Die, Attorney-in-Fact

CERTIFICATE OF AUTHORITY NO.  $\sim O$ 

olin N. Neuille NOTARY PUBLIC, Harris County, Texas

President

#### GENERAL POWER OF ATTORNEY

#### **CERTIFIED COPY**

KNOW ALL MEN BY THESE PRESENTS: That UNDERWRITERS INDEMNITY COMPANY, a corporation organized and existing under the laws of the State of Texas, and having its principal office in the City of Houston, Texas, does hereby constitute and appoint:

#### Roy C. Die

its true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, in an amount not to exceed:

#### \$37,500.00

and the execution of all such instrument(s) in pursuance of these presents, shall be binding upon said UNDERWRITERS INDEMNITY COMPANY as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office. This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of a resolution enacted by the Board of Directors of UNDERWRITERS INDEMNITY COMPANY. The following is a true transcript of said resolution:

That at all times since the formation of this corporation, the President or any Vice President, Assistant Vice President, Secretary or Assistant Secretary shall have power and authority.

(1) to appoint attorneys-in-fact, and to authorize them to execute on behalf of the Company; and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and

(2) to appoint special attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the Bylaws of the Company, and

(3) to remove, at any time, any such attorney-in-fact or special attorney-in-fact and revoke the authority given to him.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted by consent of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN TESTIMONY WHEREOF, UNDERWRITERS INDEMNITY COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, E.H. Frank, III, on this the 30th day of April 1996.

#### STATE OF TEXAS COUNTY OF HARRIS

On this 30th day of April 1996, before me came the individual who executed the preceding instrument, to me personally known, and, being duly sworn, said that he is the therein described and authorized officer of UNDERWRITERS INDEMNITY COMPANY: that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Houston, Texas, the day and year first above written.

#### CERTIFICATION

I, the undersigned officer of UNDERWRITERS INDEMNITY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this_	<u>5th</u> day of	June	<u>, xxx2001</u>
	<u>(</u> ) –	Hry E Unbon Greg E. Chilson	Assistant Secretary

Only a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red on the upper right corner is binding. Photocopies, carbon copies or other reproductions of this document are invalid and not binding upon the Company. ANY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT VALIDITY.



#### BOND RIDER NO. 3

Attaching to and forming part of Bond For Commercial Surface Waste Disposal Facility, Bond No. BO4276, effective September 1, 1993 on behalf of Environmental Plus, Inc. as Principal, in favor of the State of New Mexico as Obligee, in the amount of Thirty Seven Thousand Five Hundred and no/100 Dollars (\$37,500.00)

It is understood and agreed that effective June 7, 2001 the bond number is amended to read:

#### UIB0004276

All other conditions and terms to remain as originally written.

Signed, sealed and dated this 7<sup>th</sup> day of June, 2001

Environmental Plus, Inc.
Principal
By: 12en Milly
Underwriters Indemnity Company
Surety
Surety
By:
∕Roy C. Die, Attorney-in-Fact



#### CERTIFICATE OF AUTHORITY NO. $\partial D \partial D$

#### GENERAL POWER OF ATTORNEY

#### **CERTIFIED COPY**

KNOW ALL MEN BY THESE PRESENTS: That UNDERWRITERS INDEMNITY COMPANY, a corporation organized and existing under the laws of the State of Texas, and having its principal office in the City of Houston, Texas, does hereby constitute and appoint:

#### Roy C. Die

its true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings. recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, in an amount not to exceed:

#### \$37,500.00

and the execution of all such instrument(s) in pursuance of these presents, shall be binding upon said UNDERWRITERS INDEMNITY COMPANY as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office. This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of a resolution enacted by the Board of Directors of UNDERWRITERS INDEMNITY COMPANY. The following is a true transcript of said resolution:

That at all times since the formation of this corporation, the President or any Vice President, Assistant Vice President, Secretary or Assistant Secretary shall have power and authority.

(1) to appoint attorneys-in-fact, and to authorize them to execute on behalf of the Company; and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and

(2) to appoint special attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the Bylaws of the Company, and

(3) to remove, at any time, any such attorney-in-fact or special attorney-in-fact and revoke the authority given to him.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted by consent of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN TESTIMONY WHEREOF, UNDERWRITERS INDEMNITY COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, E.H. Frank, III, on this the 30th day of April 1996.

#### STATE OF TEXAS COUNTY OF HARRIS

On this 30th day of April 1996, before me came the individual who executed the preceding instrument, to me personally known, and, being duly sworn, said that he is the therein described and authorized officer of UNDERWRITERS INDEMNITY COMPANY: that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Houston. Texas, the day and year first above written.



trank

President

#### CERTIFICATION

I, the undersigned officer of UNDERWRITERS INDEMNITY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney. and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF. I have hereunto set my hand this.	day of	June	
	<u> </u>	Huy EUlubon Greg E. Chilson	Assistant Secretary

Only a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red on the upper right corner is binding. Photocopies, carbon copies or other reproductions of this document are invalid and not binding upon the Company. ANY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT

VALIDITY.

UN1020 (4/96)

#### RIDER NO. 5

Attaching to and forming part of Bond for Commercial Surface Waste Disposal Facility, Bond No. UIB0004276, effective September 1, 1993, on behalf of Environmental Plus, Inc. as Principal, in favor of the State of New Mexico as Obligee, in the amount of Fifty Six Thousand Two Hundred Fifty and No/100 Dollars (\$56,250.00).

It is understood and agreed that effective February 1, 2003, the above bond is increased by Eighteen Thousand Seven Hundred Fifty and No/100 Dollars (\$18,750.00).

The total penal sum is amended to read Seventy Five Thousand and No/100 Dollars (\$75,000.00).

All other conditions and terms to remain as originally written.

Signed, sealed and dated this 19<sup>th</sup> day of November, 2002.

Environmental Plus, Inc. Principal

Underwriters Indemnity Company 8 Greenway Plaza, Suite 400 Houston, TX\_77046

Surety By:

Greg E. Chilson, Attorney-in-Fact



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON Governor Betty Rivera Cabinet Secretary

March 6, 2002

Lori Wrotenbery Director Oil Conservation Division

<u>CERTIFIED MAIL</u> RETURN RECEIPT NO. 7001 1940 0004 7923 3828

Mr. Charles Bettis Environmental Plus, Inc. P.O. Box 1558 Eunice, NM 88231

RE: \$56,250 Surety Bond Commercial Surface Waste Management Facility Permit NM-01-0013 Environmental Plus, Inc., Principal Underwriters Indemnity Company, Surety SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of Section 15, Township 22 South, Range 37 East, NMPM, Lea County, New Mexico Bond No. UIB0004276 and Rider No. 4

Dear Mr. Charles Bettis:

The New Mexico Oil Conservation Division hereby approves the above-referenced Commercial Surface Waste Management Facility Surety Bond and Rider.

Sincerely,

David K. Broth

David K. Brooks, Assistant General Counsel

DKB: mjk

Enclosure: Copy of Surety Bond No. UIB0004276 and Rider No. 1 and 4

xc with attachment:

Hobbs OCD Office Greg E. Chilson, Underwriters Indemnity Co., 8 Greenway Plaza, Suite 400, Houston, TX 77046

#### RIDER NO. 4

Attaching to and forming part of Bond for Commercial Surface Waste Disposal Facility, Bond No. UIB0004276, effective September 1, 1993, on behalf of Environmental Plus, Inc. as Principal, in favor of the State of New Mexico as Obligee, in the amount of Thirty Seven Thousand Five Hundred and No/100 Dollars (\$37,500.00).

It is understood and agreed that effective February 20, 2002, the above bond is increased by Eighteen Thousand Seven Hundred Fifty and No/100 Dollars (\$18,750.00).

The total penal sum is amended to read Fifty Six Thousand Two Hundred Fifty and No/100 Dollars (\$56,250.00).

All other conditions and terms to remain as originally written.

Signed, sealed and dated this 20<sup>th</sup> day of February, 2002.

Environmental Plus, Inc. Principal

Sen M By:\_\_

Underwriters Indemnity Company 8 Greenway Plaza, Suite 400 Houston, TX 77046

Surety ( By

Greg E. Chilson, Attorney-in-Fact

#### GENERAL POWER OF ATTORNEY

#### **CERTIFIED COPY**

NOW ALL MEN BY THESE PRESENTS: That UNDERWRITERS INDEMNITY COMPANY, a corporation organized and existing under the laws of e State of Texas, and having its principal office in the City of Houston, Texas, does hereby constitute and appoint:

Greg E. Chilson s true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, ontracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute ile, regulation, contract or otherwise, in an amount not to exceed:

#### \$56,250.00

nd the execution of all such instrument(s) in pursuance of these presents, shall be binding upon said UNDERWRITERS INDEMNITY COMPANY as illy and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal ffice. This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of a resolution enacted by e Board of Directors of UNDERWRITERS INDEMNITY COMPANY. The following is a true transcript of said resolution:

- That at all times since the formation of this corporation, the President or any Vice President, Assistant Vice President, Secretary or Assistant Secretary shall have power and authority.
- to appoint attorneys-in-fact, and to authorize them to execute on behalf of the company; and attach the Seal of the Company (1)thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and
- (2) to appoint special attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the Bylaws of the Company, and
- (3) to remove, at any time, any such attorney-in-fact or special attorney-in-fact and revoke the authority given to him.

urther, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said company adopted by onsent of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the company in the future with respect to any bond or undertaking to which it is attached."

N TESTIMONY WHEREOF, UNDERWRITERS INDEMNITY COMPANY has caused this instrument to be signed and its corporate seal to be ffixed by its authorized officer, Roy C. Die; on this the 30th day of July, 2001.

#### TATE OF TEXAS

OUNTY OF HARRIS

in this 30th day of July, 2001, before me came the individual who executed the preceding instrument, to me personally known, and, being duly worn, said that he is the therein described and authorized officer of UNDERWRITERS INDEMNITY COMPANY: that the seal affixed to said istrument is the Corporate Seal of said company; that the said Corporate Seal and his signature were duly affixed by order of the Board of irectors of said company.

N TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal t the City of Houston, Texas, the day and year first above written.

#### ERTIFICATION

, the undersigned officer of UNDERWRITERS INDEMNITY COMPANY, do hereby certify that I have compared the foregoing copy of the ower of Attorney and affidavit, and the copy of the Section of the By-Laws of said company as set forth in said Power of Attorney, and that the ame are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now 1 full force and effect.

N TESTIMONY WHEREOF, I have hereunto set my hand this 20th day of Feb., 2002.	Assistant Secretary
Greg E. Chilson	

Inly a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red on the upper right corner is binding. Photoopies, carbon copies or other reproductions of this document are invalid and not binding upon the company.

#### NY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT VALIDITY.

IN1020 (08/01)



Roy C. Die

President

STATE OF NEW MEXICO

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION



POST OFFICE BOX 2088

STATE LAND OFFICE BUILDING SANTA FE, NEW MEXICO 87504

(505) 827-5800

September 17, 1993

BRUCE KING GOVERNOR

ANITA LOCKWOOD CABINET SECRETARY

> Environmental Plus, Inc. P. O. Box 969 Eunice, N.M. 88231

Attention: Charlie Bettis, Pres.

Re: \$25,000 Bond for Commercial Surface Waste Disposal Facility, Environmental Plus, Inc., Principal Underwriters Indemnity Co., Surety Sec. 15, T-22-S, R-37-E, Lea County Bond No. BO 4276

Dear Mr. Bettis:

The Oil Conservation Division hereby approves the above-referenced bond effective September 13, 1993.

Sincerely, WILLIAM J. LEMAY, Director

dr/

cc: Oil Conservation Division Hobbs, New Mexico

Underwriters Indemnity Co.

OF THE ENERGY, MINERALS AND NATURAL RESIDERS DEPARTMENT BOND NO. B04276

OIL CONSERVE IN DIVISION \$25,000.00 BOND FOR COMMERCIAL SURFACE MASTE DISPOSAL FACILITY

> ROND NO. <u>BO4276</u> (For Use of Surety Company) ROND NO.

File with Oil Conservation Division, P. O. Box 2085, Senta Fe, New Mexico \$7504 KNOW ALL MEN BY THESE PRESENTS:

Thet ENVIRONMENTAL PLUS, INC. (pertnessnip) (a corporation organized in the State of \_\_\_\_\_ New Mexico with its principal office in the City of \_\_\_\_ Eunice\_\_ \_, State of New Mexico \_\_\_, and authorized to do business in the State of New Mexico), as PRINCIPAL. and UNDERWRITERS INDEMNITY COMPANY \_, a corporation organized and existing under the laws of the State of Texas and authorized to do business in the State of New Mexico with duly appointed resident

and authorized to do business in the State of New Mexico with duly appointed resident agent licensed in the State of New Mexico to execute this bond on behalf of the surety company, as SURETY, are held firmly bound unto the State of New Mexico, for the use and benefit of the Oil Conservation Division of the Energy. Minerals and Naturel Resources Department pursuant to Chapter 72. Laws of New Mexico, 1935, as amended, and to the State of New Mexico in the sum of Twenty Five Thousand (\$25,000.00) Dollars lawful money of the United States for the payment of which, well and truly to be made, said PRINCIPAL and SURETY hereby bind themselves, their successors and assigns, jointly and severally, firmly by these presents.

The conditions of this obligation are such that:

WHEREAS. The above principal has heretufore or may hereafter enter into the collection. disposal or storage of produced water and/or other oil field related waste in Section 15\_\_\_\_, Township 22\_ (dentsh) (South), Range 37\_ (Seets) Lea County, New Mexico. OHERSTR. N.M.P.M.,

NOW, THEREFORE, This \$25,000 performance bond is conditioned upon aubstantial compliance with all applicable statutes of the State of New Mexico and all rules, regulations, and orders of the Oil Conservation Division of the Energy and Minerals Department, and upon clean-up of the facility site to standards of the Oil Conservation Division: otherwise the principal amount of the bond to be forfeited to the State of New Mexico.

PROVIDED, HOWEVER, That sixty (80) days after receipt by the Oil Conservation Division of written notice of cancelintion from the Surety, the obligation of the Surety shall terminate as to activities or operations conducted by PRINCIPAL after said sixty (60) day period but shall continue in effect. notwithstanding said notice. as to such activities or operations conducted or commenced before the expiration of the sixty day period.

SOUELL.

Houston, TX

Signed and sealed this 1st day of September . 19 93.

ENVIRONMENTAL	PLUS, INC.
PRINCIPAL P.O. Box 969	•
Fundas NM 90	0001

unice. NM 88231

Mailing Address

'93 SE" 1: AM 9 53

(Note: Principal, if corporation Affix corporate seal here.) Malling Address

77046

UNDERWRITERS INDEMNITY COMPANY

8 Greenway Plaza, Suite 4000

By\_ALVOPREY TR-Fact, Roy Die

(Note: Corporate surely affix corporate seal here.)

Note: If curporate suraty executes this bond by an attorney-in-fact not in New Mexico, the resident New Mexico agent shall countersign here below.) Countersigned by: Slern H. Stugerd

#### GENERAL POWER OF ATTORNEY

14140

trank President

OF AUTHORITY NO.

#### **CERTIFIED COPY**

KNOW ALL MEN BY THESE PRESENTS: That UNDERWRITERS INDEMNITY COMPANY, a corporation organized and existing under the laws of the State of Texas, and having its principal office in the City of Houston, Texas, does hereby constitute and appoint:

#### ROY C. DIE

its true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, in an amount not to exceed:

This Power of Attorney is executed, and may be cerified to and may be revoked, pursuant to and by authority of Article V, Section 6(C) of the By-Laws adopted by the Board of Directors of UNDERWRITERS INDEMNITY COMPANY, at a meeting called and held on the 23rd day of January 1985, of which the following is a true transcript of said Section 6(C):

"The President or any Vice President, Assistant Vice President, Secretary or Resident Secretary shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and
- (2) to appoint special Attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the By-laws of the Company, and
- (3) to remove, at any time, any such Attorney-in-fact or Special Attorney-in-fact and revoke the authority given to him."

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 23rd day of January, 1985, of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN TESTIMONY WHEREOF, UNDERWRITERS INDEMNITY COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, E.H. Frank, III, on this the third day of September, 1991.

#### STATE OF TEXAS

COUNTY OF HARRIS

On this the 3rd day of September, 1991, before me came the individual who executed the preceding instrument, to me personally known, and, being duly sworn, said that he is the therein described and authorized officer of **UNDERWRITERS INDEMNITY COMPANY:** that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Houston, Texas, the day and year first above written.

Mary William NOTARY PUBLIC. Harris County, Texas

#### CERTIFICATION

I, the undersigned officer of UNDERWRITERS INDEMNITY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this _	<b>1ST</b> day of	SEPTEMBER	19 <b>3</b>
		Pat Doehring	Assistant Secretary

Only a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red on the upper right corner is binding. Photocopies, carbon copies or other reproductions of this document are invalid and not binding upon the Company. ANY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT VALIDITY.

UN1020 (9/91)

Glenn H. Dabord New Mexico Resident Agent	P.O. Bo	x 💭, Eunice, NM 8	8231
STATE OF New Mexico	, •.		
COUNTY OF Lea	) 38.		
On this 1st de	vol September	. 1993 . bi	fore me
personally appeared Glenn H	. Danford	, to me known t	o be the
person (persons) described in acknowledged that he (they) ext	and who executed	the foregoing instru	nent and
IN WITNESS WIEREOF, I have			
this certificate first above wa	itten.	and end seel on the day	, and year in
	5	When the list of	
My Commission Expires	Nötä	SKYLA GIL	BERT
My Coamission Expires:		NOTARY PI STATE OF NEW	JBLIC
ACIDION	LEDGMENT FORM FOR	My Commission Expires	22-76
STATE OF New Mexico )			
STATE OF New Mexico			
On this 1st day		19 93 . hefere	me nevernati.
appeared Charlie Bettis	, to me personall	y known who, being by m	ne duly sworn
did say that he is Presiden	t	or Environmental Pl	us, Inc
and that the foregoing instrume	nt was signed and	sealed on behalf of sai	d corporation
by authority of its board of d free act and deed of said corpo	irectors, and ackn pration.	owledged said instrumer	it to be the
IN WITNESS WHEREOF, I have		and and set on the day	w and uses to
this certificate first above wi	litten.		y and year in
·	Starla	Callebra	
10-22-96	Notary Parts	OFFICIAL SEAL	}
My Commission Expires		SKYLA GILBERT	}
		STATE OF NEW MEXICO.	
STATE OF ' Texas	My Comm	ission Expires 10-22-96	
COUNTY OF Harris	55.		•
مستخد والبري بيرجه بواليدان الأراب بيران الأرب بيران الراب			
On this 1st day of			
Roy C. Die duly sworn, did say that he is	Attorney-in-Fa	personally known, who,	being by me
Indemnity Co. and that the fe			
said corporation by authority	of its board of	directors, and acknowld	
Instrument to be the free act a	and deed of said co	rporation.	
IN WITNESS WIEREOP. I have this certificate first above w		nand and seat on the da	y and your li
NUMMINIA NCY	Man		~~
WWW NANCY COM	Notary Pu	16TT	<u></u>
	-	0 ()	
(Soter Orrerationum ty attac	h power of attorney	7)	
Sor TEX +	APPROVED BY: DIL CO <u>n</u> servation (7)	VISION	
A COF TEXT +			
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# NEW MEXICO ENERGY, MERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON Governor Jennifer A. Salisbury Cabinet Secretary Lori Wrotenbery Director Oil Conservation Division

November 20, 2001

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT NO.</u> 7099-3220-0000-5051-2375

Mr. Charles Bettis Environmental Plus, Inc. P.O. Box 1558 Eunice, NM 88231

RE: \$37,500 Surety Bond Commercial Surface Waste Management Facility Permit NM-01-0013 Environmental Plu, Inc., Principal Underwriters Indemnity Company, Surety SW/4 NW/4 and the NW/4 NW/4 of Section 14, and the SE/4 NE/4 and the NE/4 NE/4 of Section 15, Township 22 South, Range 37 East, NMPM, Lea County, New Mexico Bond No. UIB0004276 and Rider No. 1

Dear Mr. Charles Bettis:

The New Mexico Oil Conservation Division hereby approves the above-referenced Commercial Surface Waste Management Facility Surety Bond and Rider.

Sincerely,

Tavid K. Prophe

David K. Brooks, Assistant General Counsel

DKB: mjk

Enclosure: Copy of Surety Bond No. UIB0004276 and Rider No. 1

xc with attachment:

Hobbs OCD Office Roy C. Die, Underwriters Indemnity Co., 8 Greenway Plaza, Suite 400, Houston, TX 77046

#### BOND RIDER NO. 1

Attaching to and forming part of Bond For Commercial Surface Waste Disposal Facility, Bond No. UIB0004276, effective September 1, 1993 on behalf of Environmental Plus, Inc. as Principal, in favor of the State of New Mexico, as Obligee, in the amount of Twenty Five Thousand and No/100 Dollars (\$25,000.00).

It is understood and agreed that effective May 2, 2001 the bond amount is increased by Twelve Thousand Five Hundred and No/ 100 Dollars (\$12,500.00) and is amended to read:

Thirty Seven Thousand Five Hundred and No/ 100 Dollars (\$37,500.00)

All other conditions and terms to remain as originally written.

Signed, sealed and dated this 2nd day of May, 2001.

Environmental Plus, Inc. Principal

By: BanMilles

Underwriters Indemnity Company 8 Greenway Plaza, Suite 400 Houston, Texas 77046

Surety

By: < Roy Q. Die, Attorney-in-Fact

CERTIFICATE OF AUTHORITY NO. 2020



GENERAL POWER OF ATTORNEY

#### **CERTIFIED COPY**

KNOW ALL MEN BY THESE PRESENTS: That UNDERWRITERS INDEMNITY COMPANY, a corporation organized and existing under the laws of the State of Texas, and having its principal office in the City of Houston. Texas, does hereby constitute and appoint:

#### Roy C. Die

its true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings. recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, in an amount not to exceed:

\$37,500.00 and the execution of all such instrument(s) in pursuance of these presents, shall be binding upon said UNDERWRITERS INDEMNITY COMPANY as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office. This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of a resolution enacted by the Board of Directors of UNDERWRITERS INDEMNITY COMPANY. The following is a true transcript of said resolution:

That at all times since the formation of this corporation, the President or any Vice President. Assistant Vice President, Secretary or Assistant Secretary shall have power and authority.

(1) to appoint attorneys-in-fact, and to authorize them to execute on behalf of the Company: and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and

(2) to appoint special attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the Bylaws of the Company, and

(3) to remove, at any time, any such attorney-in-fact or special attorney-in-fact and revoke the authority given to him.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted by consent of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN TESTIMONY WHEREOF. UNDERWRITERS INDEMNITY COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, E.H. Frank. III, on this the 30th day of April 1996.

#### STATE OF TEXAS COUNTY OF HARRIS



President

On this 30th day of April 1996, before me came the individual who executed the preceding instrument, to me personally known, and, being duly sworn, said that he is the therein described and authorized officer of UNDERWRITERS INDEMNITY COMPANY: that the seal affixed to said instrument is the Corporate Seal of said Company: that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF. I have hereunto set my hand and affixed my Official Seal, at the City of Houston, Texas, the day and year first above written.

alies N. Neuille NOTARY PUBLIC. Harris County. Texas

#### CERTIFICATION

I, the undersigned officer of UNDERWRITERS INDEMNITY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney. and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this	<b>2</b> day of .	Мау	xx2001
		Bry E Unbon Greg E. Chilson	Assistant Secretary

Only a certified copy of Power of Attorney bearing the Certificate of Authority No. printed in red on the upper right corner is binding. Photocopies, carbon copies or other reproductions of this document are invalid and not binding upon the Company. ANY INSTRUMENT ISSUED IN EXCESS OF THE PENALTY AMOUNT STATED ABOVE IS TOTALLY VOID AND WITHOUT

#### VALIDITY.

NEW MEXICO OIL CONSERVATION DIVISION

DONSERVE ON DIVISION OF THE ENERGY. MINERALS AND NATURAL REPARTMENT BOND NO. B04276

\$25,000.00 BOND FOR COMMERCIAL SURFACE WASTE DISPOSAL FACILITY 193 SE2 311 AM 9 53

ROND NO. ROND NO. <u>BO4276</u> (For Use of Surety Company)

File with Oil Conservation Division. P. O. Box 2088. Sents Fe, New Mexico \$7504 KNOW ALL MEN BY THESE PRESENTS:

Thet ENVIRONMENTAL PLUS, INC. (pertnession) (a corporation organized in the State of New Mexico with its principal office in the City of \_\_\_\_\_ Eunice\_\_\_ \_\_, State of New Mexico \_, and authorized to do business in the State of New Mexico), as PRINCIPAL. and UNDERWRITERS INDEMNITY COMPANY , a corporation organized and existing under the laws of the State of \_\_\_\_\_\_\_Texas and authorized to do business in the State of New Mexico with duly appointed resident agent licensed in the State of New Mexico to execute this bond on behalf of the surety company, as SURETY, are held firmly bound unto the State of New Mexico, for the use and benefit of the Oll Conservation Division of the Energy, Minerals and Natural Resources Department pursuant to Chapter 72. Laws of New Mexico, 1935, as amended, and to the State of New Mexico in the sum of Twenty Five Thousand (\$25,000.00) Dollars lawful money of the United States for the payment of which, well and truly to be made, said PRINCIPAL and SURETY hereby bind themselves, their successors and assigns, jointly and severally, firmly by these presents.

The conditions of this obligation are such that:

WHEREAS, The above principal has heretufore or may hereafter enter into the collection, disposal or storage of produced water and/or other oil field related waste in Section 15 , Township 22 (Nexth) (South), Range 37 (Beerly) CHEERSTR. N.M. P.M., Lea\_\_\_\_ County, New Mexico.

NOW, THEREFORG. This \$25,000 performance bond is conditioned upon substantial compliance with all applicable statutes of the State of New Mexico and all rules, regulations, and orders of the Oil Conservation Division of the Energy and Minerals Department, and upon clean-up of the facility site to standards of the Oil Conservation Division; otherwise the principal amount of the bond to be forfeited to the State of New Mexico.

PROVIDED. HONEVER, That sixty (80) days after receipt by the Oil Conservation Division of written notice of concellation from the Surety, the obligation of the Surely shall terminate as to activities or operations conducted by PRINCIPAL after said sixty (60) day period but shall continue in effect, notwithstanding said notice. as to such activities or operations conducted or commenced before the expiration of the sixty day period.

	Signad	and	sealed	this	lst	day of	September	. 19 9	3		
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ENVIRONMENTAL PLUS, INC.	UNDERWRITERS INDEMNITY COMPANY
P.O. Box 969	8 Greenway Plaza, Suite 400
Eunice, NM 88231	Houston, TX 77046
Mailing Address	Malling Address
By <u>Hanfie Bettis</u> , thes.	By Altorney-In-Fact, Roy C. Die
(Note: Principal, if corporation Affix corporate seal here.)	(Note: Corporate surely affix corporate seal here.)
Mexico, the resident New Mexic	his bond by an attorney-in-fact not in New . co agent shall countersign here below.)
Countersigned by: Slern H. L	Jangerd

RECEVED

Glenn H. D. Mord New Mexico Resident Agent		P.O. Box	9, Eunice,	NM 88231
STATE OF New Mexico	,	••		
COUNTY OF Lea	)85)	ι.		
On this 1st personally appeared G1 person (persona) describ	enn H. Danfor	<u>d</u>		own to be the
acknowledged that he (the	y) executed the	same sa h	(their) free ac	t and deed.
IN WITNESS WHEREOF, this certificate first ab	I have hereunt	o aet my ha	nd and seal on th	te day and year
THIS COLUTICALS LIPE AD	ove written.	$\leq b$	And	
(2) 27 2(		Notar	A PARTY COPT	CIAL SEAL
My Commission Expires:			. ₽== 1 (P2 = ≤2, Z = ≤) ₹ J	LA GILBERT
•				OF NEW MEXICO
			My Commission Expire	5_10-22-96
	ACKNOWLEDGMENT	FORM FOR C	DEPORATION	~~~~~~~~~~
STATE OF New Mexico	- )			
COUNTY OF Lea	_ >			
On this lst	_ day ofS	eptember	, 19 <u>93</u> , be	fore me persona
appeared Charlie Bettis	, to me	personally	known who, being	by me duly swo
did say that he is <u>Pre</u>	sident		of Environmenta	al Plus, Inc.
and that the foregoing ind by authority of its board free act and deed of said	of directors.	igned and s and acknow	taled on behalf o viedged said inst	f said corporat rument to be th
IN WITNESS WHEREOF,	I have hereuntd	set my ha	nd and seal on th	te day and year
this certificate first abo	ova written.	1 1	$\sim 11$	
	Notar	J Drive Fra	- that	
10-22-96 My Commission Expires			OFFICIAL SEAL SKYLA GILBERT	
my commission Expires			NOTARY PUBLIC STATE OF NEW MEXIC	
		- Interior		
STATE OF _ Texas	)	My Commiss	ion Expires <u>10-22-</u>	76
COUNTY OF Harris	) 55.			
On this lst d	av of . Septe	mber	. 19 93 . h	efore me appear
Roy C. Die		, to me p	ersonally known,	who, being by
duly sworn, did say that	he is Attorn	ey-in-Fact	of U	nderwriters
Indemnity Co. and that	the foregoing i	nstrument	ves signed and se	ated on behalf
said corporation by authorithe instrument to be the free	brity of fts b	oard of di	rectors, and ack	nowledged sold
IN WITNESS WIEREOF. this cortificate first abo	e nave nereunto ove written.	ser my ha	ng ang seal on th	e any and year
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WINNING COMMENT		NOLA FU BUL	<u>Mar 3/-</u>	
JALY ZAARD987.				
(Poter Orrerats suraty	attach power of	attorney)	<u> </u>	
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MIL PIRES	UIL CUNSER	VALION DIV		
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CERTIFICATE OF AUTHORITY NO.

#### GENERAL POWER OF ATTORNEY

#### **CERTIFIED COPY**

KNOW ALL MEN BY THESE PRESENTS: That UNDERWRITERS INDEMNITY COMPANY, a corporation organized and existing under the laws of the State of Texas, and having its principal office in the City of Houston. Texas, does hereby constitute and appoint:

#### ROY C. DIE

its true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, in an amount not to exceed:

This Power of Attorney is executed, and may be cerified to and may be revoked, pursuant to and by authority of Article V, Section 6(C) of the By-Laws adopted by the Board of Directors of UNDERWRITERS INDEMNITY COMPANY, at a meeting called and held on the 23rd day of January 1985, of which the following is a true transcript of said Section 6(C):

"The President or any Vice President, Assistant Vice President, Secretary or Resident Secretary shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and
- (2) to appoint special Attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the By-laws of the Company, and
- (3) to remove, at any time, any such Attorney-in-fact or Special Attorney-in-fact and revoke the authority given to him."

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 23rd day of January, 1985, of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN TESTIMONY WHEREOF, UNDERWRITERS INDEMNITY COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, E.H. Frank, III, on this the third day of September. 1991.

STATE OF TEXAS COUNTY OF HARRIS



trunk President

On this the 3rd day of September, 1991, before me came the individual who executed the preceding instrument, to me personally known, and, being duly sworn, said that he is the therein described and authorized officer of **UNDERWRITERS INDEMNITY COMPANY:** that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF. I have hereunto set my hand and affixed my Official Seal, at the City of Houston, Texas, the day and year first above written.

May Wellin NOTARY PUBLIC. Harris County. Texas

#### CERTIFICATION

I, the undersigned officer of UNDERWRITERS INDEMNITY COMPANY, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this	<b>1ST</b> day of	SEPTEMBER	, 19 <b>93</b>
	A CONTRACT OF	Pat Doehring 8	_ Assistant Secretary

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UN1020 (9/91)