


**AFFIDAVIT OF NOTIFICATION TO SEVERED MINERAL ESTATE OWNER(S)**

I DANIEL L. KUPFERER (applicant/owner consultant) researched the records of the El Paso County Clerk and Recorder and established that there \_\_\_\_\_ was / X was not a mineral estate owner(s) on the real property known as "NABILSI-ABUSHABAN SUBDIVISION"; PER STEWART TITLE OF COLORADO SPRINGS, INC. TITLE COMMITMENT ORDER NO. 200563502KD-2 DATED JULY 14, 2005.\*

Pursuant to §24-65.5-103(4), C.R.S., I certify that a Notice of an initial public hearing/administrative decision will be mailed to the mineral estate owner(s) (if established above) and a copy will be mailed to the El Paso County Planning and Community Development Department no less than thirty (30) days prior to the initial public hearing/administrative decision.

Dated this 29TH day of AUGUST, 2023.

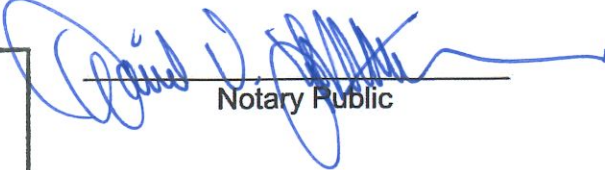
  
STATE OF COLORADO ) DANIEL L. KUPFERER, FOR AND ON BEHALF  
                                  ) OF LAND DEVELOPMENT CONSULTANTS, INC.  
                                  ) s.s.  
COUNTY OF EL PASO )

The foregoing certification was acknowledged before me this 29TH day of AUGUST, 2023, by DANIEL L. KUPFERER, FOR AND ON BEHALF OF LAND DEVELOPMENT CONSULTANTS, INC.

Witness my hand and official seal.

My Commission Expires: 07-10-2026

DAVID VINCENT HOSTETLER  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19904009649  
MY COMMISSION EXPIRES JULY 10, 2026

  
Notary Public

\* NOTE: ACCORDING TO SCHEDULE B SECTION 2 EXCEPTIONS ITEM NO. 10 (ATTACHED), THIS INTEREST EXPIRED IN 1959 AND NO SUBSEQUENT DOCUMENT OF RECORD OR EVIDENCE EXISTS ON-SITE OF ANY TYPE OF VISIBLE MINING ACTIVITY TO DATE.

**SCHEDULE B**  
**Section 2**

Order Number: 200563502KD-2

**EXCEPTIONS**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession, not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof, but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
6. Unpatented mining claims; reservations or exceptions in patents, or an act authorizing the issuance thereof.
7. Water rights, claims or title to water.
8. Taxes for the year 2005, and subsequent years; special assessments or charges not certified to the County Treasurer.

(NOTE: This exception will appear on the Owner's Policy only.)

9. Taxes for the year 2005, and subsequent years, a lien, but not yet due or payable.

(NOTE: This exception will appear on the Loan Policy only.)

10. Undivided one-half interest in all oil, gas, coal or other minerals, within or underlying the herein described land and additional property for a period of fifteen years from April 15, 1944 and as long thereafter as minerals are being produced from said property as reserved by Owen B. Looney in the Deed to Fred Wolf and Macella Wolf, recorded May 2, 1944 in Book 1059 at Page 90, and any and all assignments thereof, or interest therein.

11. Covenants, conditions, and restrictions as contained in Deed recorded April 6, 1962 in Book 1904 at Page 860, as follows:

- a) That no more than two dwellings shall be constructed on the tract hereby conveyed, and such dwellings shall be single-family residences only.
- b) That the property shall be used for residential purposes only.
- c) That no building shall be constructed closer than fifty feet to any property line.
- d) That no hogs shall be raised, bred or kept on the property.

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