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CAUSE NO. 2006-35216

DOW HYDROCARBONS AND
RESOURCES INC.

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IN THE DISTRICT COURT OF

vs.

HARRIS COUNTY, T E X A S

ENTERPRISE PRODUCTS
OPERATING L.P.

129TH JUDICIAL DISTRICT

AGREED FINAL DECLARATORY JUDGMENT

The Court finds and declares that defendant Enterprise Products Operating L.P. ("Enterprise")'s delivery obligations under the 2002 Natural Gas Liquids Exchange Agreement between it and plaintiff Dow Hydrocarbons and Resources Inc. are not limited to Products produced from the Promix Fractionation Plant.

Defendant Enterprise Products Operating L.P.'s declaratory judgment counterclaims are DISMISSED in their entirety without prejudice because no justiciable controversy presently exists based upon the current state of the parties' pleadings and this Court's prior orders.

All other relief requested by either party is hereby DENIED, including, pursuant to the parties' agreement, any claim by either party for attorney's fees or costs of court.

Also pursuant to the parties' agreement, this order is final, but not appealable, and shall terminate for all time any controversy or dispute between the parties arising out of or related to Enterprise's declarations of force majeure under the 2002 Natural Gas Liquids Exchange Agreement due to Hurricanes Katrina and Rita in 2005. The parties agree that neither shall hereafter appeal this order or pursue any claim or cause of action arising out of or related to Enterprise's declarations of force majeure under the 2002 Natural Gas Liquids Exchange Agreement due to Hurricanes Katrina and Rita in 2005.

SIGNED on this 3rd day of August, 2009.

JUDGE PRESIDING

FILED
Loren Jackson
District Clerk

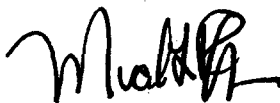
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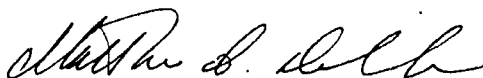
RECORDER'S MEMORANDUM:
This instrument is of poor quality
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AGREED TO:



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I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this _____

Certified Document Number: _____

LOREN JACKSON, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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