

WHEN RECORDED, RETURN TO:

Ted Harbour, Esq.
DRH Energy, Inc.
D.R. Horton Tower
301 Commerce Street, Suite 500
Fort Worth, TX 76102

Tax Id No.: 27-037-0088 and 27-037-0089

**SPECIAL WARRANTY DEED AND RESERVATION OF SURFACE RIGHTS
(Minerals)**

For the consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration received, **D.R. HORTON, INC.**, a Delaware Corporation, (“Grantor”), does hereby convey and warrant against all who claim by, through, or under Grantor to **DRH ENERGY, INC.**, a Colorado corporation (“Grantee”), the following property rights, to the extent not previously reserved or conveyed:

All oil, gas, petroleum, natural gas, coal, lignite and other hydrocarbons by whatever name, uranium, metals (including, without limitation, copper), and all minerals, gases and geothermal energy and geothermal substances and rights, whatsoever (collectively, “Minerals”), already found or which may hereafter be found, under the real property legally described on Exhibit A attached hereto and incorporated herein by this reference (the “Real Property”), together with all ores thereof and other products or materials produced in association therewith and the right to prospect for, mine and remove the Minerals; provided, however, that Grantee may not employ mining methods that destroy the surface of the Real Property or endanger, impair or affect the support for the Real Property or any existing or future improvement thereon. This conveyance also includes all of Grantor’s right, title and interest, if any, in and to the rights, rentals, royalties and other benefits accruing or to accrue under any lease or leases of the Minerals and rights to receive all bonuses, rents, royalties, production payments or monies of any nature accrued in the past or future with respect to the Minerals.

Grantor, for itself and its successors and assigns, hereby reserves and retains in perpetuity for its sole and exclusive use all rights to the surface and thirty feet (30’) below finished grade (collectively, the “Surface”) of all or any portion of the Real Property that is currently subject to a Plat Map (as defined below) for any purpose whatsoever in connection with the development, construction and installation of any existing or future improvements benefiting all or any portion of such property and the use and enjoyment of all or any portion of such property and such improvements. In the event that any portion of the remaining Real Property is ever conveyed by Grantor or its successor or assign to a bona fide third party retail purchaser, on the date Grantor executes a deed for such conveyance, the sole and exclusive use of the Surface of such portion for any purpose whatsoever in connection with the development, construction and installation of any existing or future improvements benefiting all or any portion of such property and the use

and enjoyment of all or any portion of such property and such improvements shall revert to Grantor, its successors and assigns. For purposes hereof, the term "Plat Map" means a final, government-approved subdivision map, plat or site plan for single-family residential or multi-family residential use and including, without limitation, condominium units, whether owner-occupied or held for rent or investment purposes, and apartment projects. Any portion of the Real Property that is made subject to a Plat Map, including any street, common area and any other land included in such map, whether currently or in the future, is referred to herein as a "Lot".

Provided, however, that nothing contained herein shall prevent Grantee from developing and removing any Minerals under the Surface of all or any portion of a Lot by slant drilling, subterranean entry or other means or operations conducted from the Surface of the Real Property which has not been subjected to a Plat Map or any other parcel as to which Grantee may then have rights of surface use or by any other suitable means or methods, provided that Grantee does not endanger, impair or affect the support of all or any portion of the Lots and any existing or future improvements thereon.

The reservation and reversion of the Surface of the Real Property contained in this Special Warranty Deed and the other covenants and agreements of Grantee contained in this Special Warranty Deed are for the benefit of the Grantor and its successors and assigns only. No successor or assign of Grantor shall have the right to enforce any of the terms of this Special Warranty Deed with respect to any portion of the Real Property except the portion of the Real Property owned by such successor or assign. No third party rights are intended to be conferred on any other person or entity and no third party shall have the right to enforce any of the terms of this Special Warranty Deed. The Grantor, or its successors or assigns only with respect to the portion of the Real Property owned by such successor or assign, may waive the reservation or reversion of the Surface or any or all of the covenants or agreements of Grantee contained herein by a written instrument signed by such party.

SUBJECT TO current taxes and assessments; reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, reservations, declarations, obligations, liabilities and other matters as may appear of record, and any matters that would be disclosed by an inspection or accurate ALTA/ACSM survey of the Real Property, Grantor binds itself and its successors to warrant and defend title to the Minerals as against the acts of Grantor and none other.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of this 23 day of August, 2021.

GRANTOR:

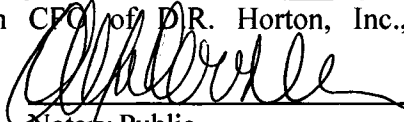
D.R. HORTON, INC.,
A Delaware Corporation

Name: Jonathan S. Thornley
Title: Division CFO

STATE OF UTAH)
) ss.

COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 23 day of August, 2021, by Jonathan S. Thornley, the Division CFO of D.R. Horton, Inc., a Delaware Corporation, on behalf of the corporation.



Notary Public

My Commission Expires:
10/18/22

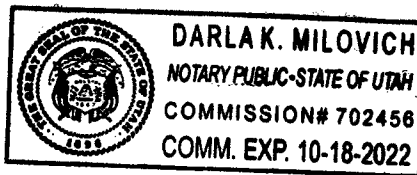


Exhibit A
to the Special Warranty Deed and Reservation of Surface Rights
Legal Description of the Property

That certain real property located in Utah County, Utah, more particularly described as follows:

PARCEL 1:

Beginning at a fence corner on the East line of a county road, said point being North 1376.20 feet and East 10.69 feet, according to the Utah Coordinate Bearings, Central Zone, from the West quarter corner of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence along a fence on the East line of said county road all of the following courses: South 00°17'25" East 1006.69 feet; thence South 00°37'02" East 436.23 feet; thence South 05°26' East 401.31 feet; thence South 00°49' East 126.00 feet to the North right of way fence of the Denver and Rio Grande Railroad; thence along said railroad right of way fence the following courses: South 55°04'48" East 698.03 feet; thence along a 3487.87 foot radius curve to the right 1212.55 feet, the chord to said curve bears South 45°07'14" East 1206.49 feet, the degree of curve on the railroad center line being 01°40'; thence parting from said fence East 486.35 feet to the West right of way fence of the Denver & Rio Grande Railroad; thence along said railroad right of way fence on all of the following courses: North 03°40'40" West 386.06 feet; thence along a 5694.65 foot radius curve to the left 2418.22 feet the chord to said curve bears North 15°43'23" West 2400.04 feet, the degree of curve at the railroad center line is 1; thence North 28°00'28" West 606.12 feet to a fence intersection; thence South 89°21'05" West along a fence 1003.49 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM any portion lying within the Southwest quarter of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian.

ALSO LESS AND EXCEPTING THEREFROM any portion within the bounds of the following Utah Power and Light property:

Beginning at the West boundary line of the Grantor's land which is the West one quarter corner of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian and running thence North 743.03 feet along said section line; thence South 28°14' East 839 feet, more or less; thence East 350 feet, more or less, to a ditch; thence Southwesterly 328 feet, more or less, along said ditch; thence South 28°14' East 70 feet, more or less; thence North 89°46' East 1173.57 feet to the East boundary line of said Grantor's land; thence South 14°30' East 123.82 feet along said East boundary line; thence South 89°46' West 1276.19 feet; thence North 28°14' West 475.87 feet; thence West 258.72 feet to the point of beginning.

ALSO LESS AND EXCEPTING THEREFROM any portion within the bounds of any railroad right of ways and any streets or highways.

ALSO LESS AND EXCEPTING THEREFROM the following:

Beginning at a point located North 1,376.20 feet and East 10.69 feet from the West quarter

corner of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian (basis of bearing: North 00°12'09" West along the section line from the West quarter corner to the Northwest corner of said Section 27); thence South 00°17'25" East 600.39 feet; thence South 28°26'09" East 406.23 feet; thence East 1,298.23 feet to the Westerly line of the Union Pacific Railroad; thence along said railroad the following 2 (two) courses: Northwesterly along the arc of a 5,694.65 foot radius nontangent curve (radius bears: South 66°56'53" West) 480.67 feet through a central angle of 04°50'10" (chord: North 25°28'12" West 480.53 feet); thence North 28°00'28" West 606.12 feet; thence South 89°21'05" West 1,003.49 feet to the point of beginning.

Also being described by survey as follows:

A portion of the Northwest quarter of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian and being more particularly described as follows:

Beginning at a point of the East line of 2400 East Street, said point being located North 00°12'09" West 712.23 feet and East 16.57 feet from the West quarter corner of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North 00°17'25" West along said line 63.60 feet; thence South 28°26'09" East 406.23 feet; thence East 1228.14 feet to the West right-of-way line of the existing railroad; thence Southeasterly along said right-of-way line and arc of a 5629.65 foot radius non-tangent curve to the right (radius bears: South 66°35'40" West) 431.77 feet through a central angle of 04°23'40" (chord: South 21°12'30" East 431.66 feet) to the quarter section line; thence South 89°25'04" West along said line 1011.00 feet to a point on the North line of that real property described at Entry No. 24369:1978 in the official records of Utah County; thence along said line the following two (2) courses: South 89°47'51" West 183.64 feet; thence North 28°26'09" West 803.97 feet to the point of beginning.

PARCEL 1A:

A perpetual easement and right of way for the installation, construction, operation, maintenance and repair of a public roadway, along with a perpetual easement and right of way for the associated public utilities over the following:

Beginning at a point on the West line of that real property described at Entry No. 24369:1978 in the official records of Utah County, said point being located South 00°12'11" East along the section line 252.00 feet and East 394.78 feet from the West quarter corner of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian (Basis of Bearing: North 00°12'09" West between the West quarter corner and the Northwest corner of Section 27); thence North 28°26'09" West along said line 90.64 feet; thence North 89°36'24" East 116.55 feet; thence along the arc of a curve to the left 19.99 feet with a radius of 190.00 feet through a central angle of 06°01'38" chord: North 86°35'35" East 19.98 feet; thence South 27°41'09" East 73.56 feet to the East line of that real property described at Entry No. 24369:1978 in the official records of Utah County; thence South 28°26'09" East 10.47 feet; thence along the arc of a curve to the right 59.07 feet with a radius of 270.00 feet through a central angle of 12°32'09" chord: South 83°20'20" West 58.96 feet; thence South 89°36'24" West 73.93 feet to the point of beginning.

PARCEL 1B:

A perpetual easement and right of way for the installation, construction, operation, maintenance and repair of a public roadway, along with a perpetual easement and right of way for the associated public utilities over the following:

Beginning at a point on the North line of that real property described at Entry No. 24369:1978 in the official records of Utah County, said point being located South $00^{\circ}12'11''$ East along the section line 289.66 feet and East 1519.85 feet from the West quarter corner of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian (Basis of Bearing: North $00^{\circ}12'09''$ West between the West quarter corner and the Northwest corner of Section 27); thence North $89^{\circ}33'51''$ East along said line 84.75 feet; thence South $19^{\circ}42'25''$ East 4.55 feet; thence along the arc of a curve to the right 121.71 feet with a radius of 2860.00 feet through a central angle of $02^{\circ}26'18''$ chord: South $18^{\circ}29'16''$ East 121.70 feet to the South line of that real property described at Entry No. 24369:1978 in the official records of Utah County; thence South $89^{\circ}33'51''$ West along said line 83.69 feet; thence along the arc of a non-tangent curve to the left 94.07 feet with a radius of 2780.00 feet through a central angle of $01^{\circ}56'20''$ chord: North $18^{\circ}44'15''$ West 94.07 feet; thence North $19^{\circ}42'25''$ West 32.52 feet to the point of beginning.

PARCEL 1C:

A perpetual easement and right of way for the installation, construction, operation, maintenance and repair of a public roadway, along with a perpetual easement and right of way for the associated public utilities over the following:

Beginning at a point North $00^{\circ}12'09''$ West along the section line 248.60 feet from the West quarter corner of Section 27, Township 8 South, Range 3 East, Salt Lake Base and Meridian; thence North $00^{\circ}12'09''$ West along said section line 80.00 feet; thence East 222.95 feet to the East line of that real property described at Entry No. 24369:1978 in the official records of Utah County; thence South $28^{\circ}26'09''$ East along said line 90.98 feet; thence West 37.01 feet; thence South 225.91 feet; thence along the arc of a curve to the right 21.96 feet with a radius of 162.00 feet through a central angle of $07^{\circ}46'00''$ chord: South $03^{\circ}53'00''$ West 21.94 feet to the South line of that real property described at Entry No. 24369:1978 in the official records of Utah County; thence South $89^{\circ}47'51''$ West along said line 73.24 feet; thence North $12^{\circ}28'49''$ East 2.77 feet; thence along the arc of a curve to the left 19.60 feet with a radius of 90.00 feet through a central angle of $12^{\circ}28'49''$ chord: North $06^{\circ}14'24''$ East 19.57 feet; thence North 225.91 feet; thence West 156.98 feet to the point of beginning.