

WHEN RECORDED MAIL TO:

D. R. Horton, Inc.
Attn: Corporate Legal
1341 Horton Circle
Arlington, Texas 76011

13787506
9/30/2021 2:59:00 PM \$40.00
Book - 11247 Pg - 4908-4910
RASHELLE HOBBS
Recorder, Salt Lake County, UT
COTTONWOOD TITLE
BY: eCASH, DEPUTY - EF 3 P.

Tax Parcel No(s): A portion of 14-32-326-001 and 14-32-376-002

WAIVER OF SURFACE RIGHTS

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, DRH ENERGY, INC., a Colorado corporation (“**DRHE**”), for itself and its successors and assigns, hereby expressly releases and waives all rights of ingress and egress to enter upon the Surface (hereinafter defined) of the lot(s) or tract(s) of land described on Exhibit “A” attached hereto and made a part hereof (the “**Property**”) for purposes of exploring for, developing or producing any oil, gas, petroleum, natural gas, coal, lignite, uranium, metals, groundwater and other subsurface water, other minerals, geothermal energy or geothermal substances (the “**Minerals, Resources and Groundwater**”); provided, however, nothing herein shall be deemed to prevent DRHE, or its successors or assigns, from exploring for, operating for, studying, developing, drilling, withdrawing, capturing, pumping, producing, extracting, mining, treating, storing or transporting the Minerals, Resources and Groundwater in, on and under, and that may be produced from the Property, by pooling, unitization, directional drilling or any other manner or method that does not require the entry upon the Surface of the Property, and there is hereby expressly reserved to DRHE, and its successors and assigns, the right to explore for, operate for, study, develop, drill, withdraw, capture, pump, produce, extract, mine, treat, store and transport the Minerals, Resources and Groundwater from the Property (and to have access to and control of underground formations of the Minerals, Resources and Groundwater) through wells or other structures at Surface locations situated outside the Property. As used herein, the term “**Surface**” shall mean the area between the ground elevation of the Property to a depth of thirty (30) feet below the ground elevation.

The foregoing waiver of Surface rights shall be effective with respect to any interest that DRHE owns in the Minerals, Resources and Groundwater as of the date hereof. Nothing herein shall constitute a representation, warranty or other assurance that DRHE owns the rights to the Minerals, Resources and Groundwater or any portion thereof or any interest therein, and DRHE hereby disclaims any such representation, warranty or other assurance, express or implied.

The foregoing waiver of Surface rights shall be subject and subordinate to any and all matters of record as of this date in the county in which the Property is situated, including, without limitation, any easements created for access or for transportation of any Minerals, Resources or Groundwater.

This instrument shall run with the Property and shall be binding upon and inure to the benefit of DRHE and each owner of the Surface of the Property and their respective successors and assigns. This instrument may be terminated or modified with respect to the Property or any

portion thereof by an instrument executed by DRHE, or its successors or assigns, and the then-current record title holder of the Property or the portion thereof as to which this instrument is being terminated or modified, which written instrument shall be recorded in the real property records of the county in which the Property or such portion is situated.

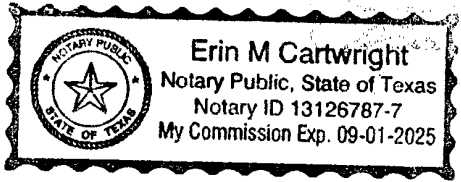
EXECUTED as of the date of the acknowledgement set forth below.

DRH ENERGY, INC., a Colorado corporation

By: [Signature]
Name: David V. Auld
Title: President and CEO

STATE OF TEXAS)
) : ss.
COUNTY OF TARRANT)

This instrument was acknowledged before me this 24 day of Sept., 2021
by David V. Auld, President & CEO
of D.R. Horton, Inc., a Delaware corporation, on behalf of said corporation.



[Signature]
NOTARY PUBLIC SIGNATURE

EXHIBIT "A"

LEGAL DESCRIPTION

Proposed ASCEND AT LITTLE VALLEY PLAT, being more particularly described as follows:

A parcel of land all and part of two entire tracts described as Parcel 2 in that certain Special Warranty Deed, recorded as Entry No. 13698960 in Book 11195 at Page 6442 and also described as Parcel 2 in that certain Special Warranty Deed, recorded as Entry No. 13571525 in Book 11121 at Page 2647 in the Office of the Salt Lake County Recorder. Said parcel of land being situated in the Southwest Quarter of Section 32, Township 1 South, Range 2 West, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point on the Westerly right-of-way line of 8400 West Street (SR-111), said point being South 00°01'06" West 1,275.16 feet along the section line and North 89°58'54" West 71.00 feet from the Center of Section 32, Township 1 South, Range 2 West, Salt Lake Base Meridian; and running thence South 00°01'06" West 654.19 feet along the Westerly right-of-way line of said 8400 West Street (SR-111); thence North 89°40'50" West 371.62 feet; thence North 00°19'22" East 96.50 feet; thence North 89°40'50" West 478.25 feet; thence North 25.35 feet; thence South 89°52'32" West 83.60 feet; thence Northwesterly 148.55 feet along the arc of a 175.00 foot radius curve to the left (center bears South 82°29'28" West and the chord bears North 31°49'39" West 144.13 feet with a central angle of 48°38'13"); thence Northwesterly 22.47 feet along the arc of a 15.00 foot radius curve to the right (center bears North 33°51'14" East and the chord bears North 13°14'06" West 20.43 feet with a central angle of 85°49'20"); thence Northeasterly 313.28 feet along the arc of a 1,180.00 foot radius curve to the left (center bears North 60°19'26" West and the chord bears North 22°04'14" East 312.36 feet with a central angle of 15°12'41"); thence North 14°27'52" East 150.19 feet; thence Northeasterly 23.15 feet along the arc of a 15.00 foot radius curve to the right (center bears South 75°32'08" East and the chord bears North 58°40'08" East 20.92 feet with a central angle of 88°24'31"); thence Southeasterly 450.96 feet along the arc of a 2,010.00 foot radius curve to the left (center bears North 12°52'23" East and the chord bears South 83°33'16" East 450.02 feet with a central angle of 12°51'18"); thence South 89°58'54" East 372.93 feet; thence Southeasterly 23.83 feet along the arc of a 27.50 foot radius curve to the right (center bears South 00°01'06" West and the chord bears South 65°09'26" East 23.09 feet with a central angle of 49°38'56") to the point of beginning.