

WHEN RECORDED MAIL TO:

D.R. Horton, Inc.  
12351 S. Gateway Park Place, #D100  
Draper, UT 84020  
ATTN: Jonathan S. Thornley

File No.: 119178-DMP

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

\*\*\*Note: This deed is given for the purpose of correcting the legal description of the subject property as referenced in that certain Special Warranty Deed and Reservation of Surface Rights (Minerals) recorded October 18, 2019 as Entry No. 107778:2019.

In Reference to Tax ID Number(s):

58-023-0264, 58-023-0243, 58-024-0007, 58-024-0020 and 58-024-0027, 58-023-0240,  
58-023-0241 and 58-023-0272

**WHEN RECORDED, RETURN TO:**

Ted Harbour, Esq.  
DRH Energy, Inc.  
D.R. Horton Tower  
1341 Horton Circle  
Arlington, TX 76011

Tax Id No.: 58-023-0264, 58-023-0243, 58-024-0007, 58-024-0020, 58-024-0027, 58-023-0240, 58-023-0241  
and 58-023-0272

**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.



**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:

Proposed COLD SPRING RANCH - HD 2, being more particularly described as follows:

A portion of the Southeast quarter of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian, located in Lehi, Utah, and more particularly described as follows:

Beginning at a point located South 89°51'47" West along the section line 1306.91 feet and North 760.72 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence West 25.95 feet; thence along the arc of a 2062.00 foot radius curve to the left 467.86 feet through a central angle of 13°00'01" (chord: South 83°30'00" West 466.86 feet); thence along the arc of a 21.00 foot radius curve to the right 33.40 feet through a central angle of 91°07'09" (chord: North 57°26'26" West 29.99 feet); thence North 11°52'52" West 574.81 feet; thence along the arc of a 2165.00 foot radius non-tangent curve (radius bears: South 10°14'24" East) to the right 386.93 feet through a central angle of 10°14'24" (chord: North 84°52'48" East 386.42 feet); thence East 212.79 feet; thence South 00°02'00" East 72.28 feet; thence along the arc of a 1031.00 foot radius curve to the left 246.12 feet through a central angle of 13°40'39" (chord: South 06°52'20" East 245.54 feet); thence South 13°42'39" East 58.97 feet; thence along the arc of a 469.00 foot radius curve to the right 112.23 feet through a central angle of 13°42'39" (chord: South 06°51'20" East 111.96 feet); thence South 54.77 feet; thence along the arc of a 21.00 foot radius curve to the right 32.99 feet through a central angle of 90°00'00" (chord: South 45°00'00" West 29.70 feet) to the point of beginning.

PARCEL 2:

A portion of the Southeast quarter of Section 11 and the Southwest quarter of Section 12, Township 5 South, Range 1 West, Salt Lake Base and Meridian, located in Lehi, Utah, more particularly described as follows:

Beginning at a point located South 89°51'47" West along the section line 135.71 feet and North 573.18 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence Northwesterly along the arc of a 1292.00 foot radius non-tangent curve (radius bears: South 79°35'09" West) to the left 90.89 feet through a central angle of 04°01'50" (chord: North 12°25'46" West 90.87 feet); thence along the arc of a 1108.00 foot radius curve to the right 340.66 feet through a central angle of 17°36'56" (chord: North 05°38'13" West 339.32 feet); thence South 78°54'02" East 60.87 feet; thence along the arc of a 1050.00 foot radius curve to the right 293.53 feet through a central angle of 16°01'01" (chord: South 70°53'31" East 292.57 feet); thence South 62°53'01" East 196.64 feet; thence along the arc of a 303.00 foot radius curve to the left 365.43 feet through a central angle of 69°06'03" (chord: North 82°33'58" East 343.68 feet); thence North 48°00'57" East 79.10 feet; thence South 31°49'18" East

451.34 feet to the Westerly bank of the Jordan River; thence along said Westerly bank the following two (2) courses: South  $58^{\circ}18'24''$  West 82.61 feet; thence South  $40^{\circ}06'13''$  West 89.69 feet; thence North  $22^{\circ}40'03''$  West 182.97 feet; thence West 897.31 feet to the point of beginning.

PARCEL 3:

A portion of the Southeast quarter of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian, located in Lehi, Utah more particularly described as follows:

Beginning at a point on the North line of Cold Spring Ranch Backbone Phase 1 Roadway Dedication Plat, said point being located South  $89^{\circ}51'47''$  West along the section line 1,280.90 feet and North 1,707.92 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence North  $89^{\circ}58'19''$  West along said line 31.00 feet; thence North  $00^{\circ}02'00''$  West 1,059.95 feet to an existing fence line; thence North  $89^{\circ}45'33''$  East along said fence 31.00 feet; thence South  $00^{\circ}02'00''$  East 1,060.09 feet to the point of beginning.

PARCEL 4:

A portion of the Southeast quarter of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian, located in Lehi, Utah, more particularly described as follows:

Beginning at a point located South  $89^{\circ}51'47''$  West along the section line 701.04 feet and North 2,527.06 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence West 56.00 feet; thence North 31.60 feet; thence East 56.00 feet; thence South 31.60 feet to the point of beginning.

PARCEL 5:

A portion of the Southeast quarter of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian, located in Lehi, Utah, more particularly described as follows:

Beginning at a point located South  $89^{\circ}51'47''$  West along the section line 757.04 feet and North 2,390.68 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence West 15.00 feet; thence North  $00^{\circ}00'17''$  West 33.00 feet; thence Northeasterly along the arc of a 15.00 foot radius non-tangent curve to the left (radius bears: North  $00^{\circ}00'02''$  West) 23.48 feet through a central angle of  $89^{\circ}40'56''$  (chord: North  $45^{\circ}09'30''$  East 21.15 feet); thence South 47.92 feet to the point of beginning.