

WHEN RECORDED MAIL TO:

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

Above Space for Recorder's Use

**Tax Parcel No(s): 14-32-376-007;  
14-32-376-008**

**FIRST AMENDMENT**  
**TO**  
**WAIVER OF SURFACE RIGHTS**

**THIS FIRST AMENDMENT TO WAIVER OF SURFACE RIGHTS** (this "Amendment") is executed as of May 30, 2024 (the "Effective Date"), by **DRH Energy, Inc.**, a Colorado corporation ("DRH Energy"), whose mailing address is 1341 Horton Circle, Arlington, Texas 76011, Attn: Corporate Legal, and **DHIC – Little Valley, LLC**, a Delaware limited liability company (the "Property Owner"), whose mailing address is 1341 Horton Circle, Arlington, Texas 76011, Attn: Scott Tuthill.

**RECITALS:**

A. Pursuant to the terms of that certain Waiver of Surface Rights recorded September 30, 2021, executed by DRH Energy, and filed of record as Entry Number 13787506 in Book 11247, Page 4908 with the Salt Lake County Recorder (the "Surface Waiver"), relating to the property described therein and as shown on Exhibit "A" attached hereto, DRH Energy waived its surface rights with respect to the Minerals, Resources and Groundwater (as those terms are defined in the Surface Waiver).

B. For the benefit of Property Owner and all future owners of the Surface estate, DRH Energy and Property Owner now desire to amend the Surface Waiver as set forth below. Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Surface Waiver.

NOW THEREFORE, for good and valuable consideration, DRH Energy and Property Owner hereby amend the Surface Waiver as follows:

1. The last sentence of the first paragraph of the Surface Waiver is deleted in its entirety and is replaced with: "As used herein, the term "Surface" shall mean the area between the ground elevation of the Property to a depth of one hundred (100) feet below the ground elevation."

2. Miscellaneous. The recitals above in this Amendment are true and correct and incorporated into this Amendment for all purposes. Other than by this Amendment, the Surface Waiver has not been modified or amended and is in full force and effect.

**[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK; SIGNATURE PAGE  
FOLLOWS]**

IN WITNESS WHEREOF, the undersigned has executed this Amendment to be effective as of the Effective Date.

## **DRH ENERGY:**

**DRH Energy, Inc.,**  
a Colorado corporation

By: Michael J. Murray  
Printed Name: Michael J. Murray  
Title: Chief Operating Officer

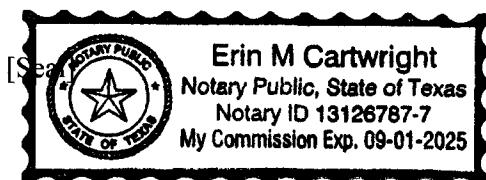
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy or validity of that document.

STATE OF TEXAS  
COUNTY OF TARRANT

On May 29, 2024, before me, Erin M Cartwright, Notary Public, personally appeared Michael Murray who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of Texas that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Eric M. Casper  
Notary Public, State of Texas

**PROPERTY OWNER:**

**DHIC – LITTLE VALLEY, LLC,**  
a Delaware limited liability company

By: DHI Communities, Inc.,  
a Delaware corporation,  
its sole member

By: Michael J. Murray  
Printed Name: Michael J. Murray  
Title: Chief Operating Officer

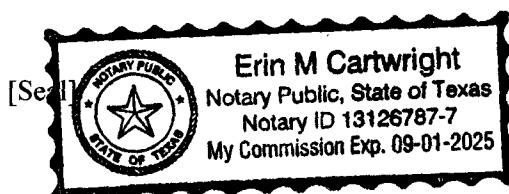
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STATE OF TEXAS  
COUNTY OF TARRANT

On May 29, 2024, before me, Erin M Cawthon Notary Public, personally appeared Michael S Murray who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of Texas that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Erin M. Cartwright  
Notary Public, State of Texas

Exhibit "A"

Lot 1 and Parcel "A", ASCEND AT LITTLE VALLEY PLAT, according to the official plat thereof as recorded in the Salt Lake County Recorder's Office on October 25, 2021 as Entry No. 13806621 in Book 2021P at Page 267.

Parcel Nos. 14-32-376-007 and 14-32-376-008