

WHEN RECORDED MAIL TO:

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

ENT 206301:2021 PG 1 of 3  
Andrea Allen  
Utah County Recorder  
2021 Dec 13 04:52 PM FEE 40.00 BY SW  
RECORDED FOR Cottonwood Title Insurance Agency, Inc.  
ELECTRONICALLY RECORDED

(Space Above for Recorder's Use)

Tax Parcel No(s): 11-029-0054

### 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 two hundred (200) feet below the ground elevation. Without limiting the generality of the foregoing, the then current owner of the Property, or any portion thereof, will have the exclusive use of all rights to the Surface.

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: Bill Wheat  
Name: Bill W. Wheat  
Title: Chief Financial 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 )

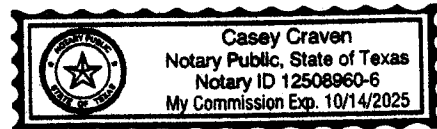
COUNTY OF TARRANT )

on December 7, 2021, before me, Casey Craven  
Notary Public, personally appeared Bill W. Wheat, CFO 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.

Signature Casey Craven (Seal)



**EXHIBIT "A"****LEGAL DESCRIPTION**

The Property consists of that certain parcel of real property located in Sections 29, 32 and 33 of Township 4 South, Range 1 East, Salt Lake Base and Meridian, described by survey as follows:

Beginning at a point on the east line of Traverse Terrace Drive, Center Street, and 3950 North Street Road Dedication Plat, said point being located N00°04'17"W along the Section Line 906.43 feet and East 69.42 feet from the Southeast Corner of Section 29, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence S89°32'12"E 416.94 feet; thence along the arc of a curve to the left 231.75 feet with a radius of 350.00 feet through a central angle of 37°56'15" chord: N71°29'40"E 227.54 feet; thence N52°31'33"E 83.81 feet; thence along the arc of a curve to the right 229.03 feet with a radius of 350.00 feet through a central angle of 37°29'35", chord: N71°16'20"E 224.97 feet; thence S89°58'53"E 810.37 feet; thence South 1691.76 feet; thence N89°59'48"W 1222.31 feet; thence N00°00'12"E 85.00 feet; thence N89°59'48"W 185.00 feet; thence S00°00'12"W 242.00 feet; thence N86°04'30"W 305.26 feet; thence S00°27'48"W 51.15 feet the northerly right-of-way line of SR-92; thence along said right-of-way line the following five (5) courses: along the arc of a non-tangent curve to the left 52.86 feet with a radius of 9520.00 feet through a central angle of 00°19'05", chord: N87°19'36"W 52.86 feet; thence N00°04'53"W 50.05 feet; thence N87°34'24"W 24.77 feet; thence S00°04'53"E 50.05 feet; thence along the arc of a non-tangent curve to the left 26.44 feet with a radius of 9520.00 feet through a central angle of 00°09'33", chord: N87°42'28"W 26.44 feet; thence N00°27'48"E 52.87 feet; thence N87°58'14"W 644.17 feet; thence S82°03'40"W 427.60 feet; thence S87°23'39"W 234.14 feet; thence N87°27'39"W 683.60 feet to the easterly right-of-way line of 500 West Street according to the official plat thereof; thence along said right-of-way line the following eight (8) courses: thence N00°05'57"W 158.42 feet; thence along the arc of a curve to the right 109.17 feet with a radius of 69.50 feet through a central angle of 90°00'00", chord: N44°54'03"E 98.29 feet; thence N00°05'57"W 70.00 feet; thence S89°54'03"W 49.50 feet; thence along the arc of a curve to the right 48.69 feet with a radius of 31.00 feet through a central angle of 90°00'00", chord: N45°05'57"W 43.84 feet; thence N00°05'57"W 402.21 feet; thence along the arc of a curve to the right 103.39 feet with a radius of 585.00 feet through a central angle of 10°07'34", chord: N04°57'50"E 103.25 feet; thence along the arc of a curve to the right 52.34 feet with a radius of 31.00 feet through a central angle of 96°43'51", chord: N58°23'33"E 46.34 feet; thence S73°14'32"E 287.93 feet, the previous course being in part along the south line of Traverse Terrace Drive, Center Street, and 3950 North Street Road Dedication Plat; thence continuing along the boundary of said road dedication plat the following three (3) courses: along the arc of a curve to the left 295.77 feet with a radius of 1040.00 feet through a central angle of 16°17'40", chord: S81°23'22"E 294.77 feet; thence S89°32'12"E 1466.56 feet; thence N00°27'48"E 927.07 feet to the point of beginning.