

**WHEN RECORDED, RETURN TO:**

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

Tax Id No.: 58-036-0066, 58-036-0067 and 58-036-0063

**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 29 day of November, 2018.

**GRANTOR:**

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

\_\_\_\_\_  
Name: Jonathan S. Thornley  
Title: Division CFO

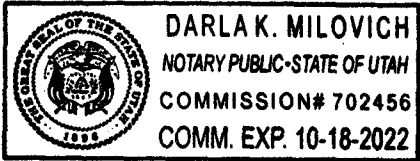
STATE OF UTAH            )  
  ) ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 29 day of November, 2018, by Jonathan S. Thornley, the Division CFO of D.R. Horton, Inc., a Delaware Corporation, on behalf of the corporation.

[Signature]  
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:**

A parcel of land situated in the Southeast quarter of Section 24, Township 5 South, Range 1 West, and the Southwest quarter of Section 19, Township 5 South, Range 1 East, Salt Lake Base and Meridian, beginning at a point located South 00°10'02" East 990.04 feet along the section line from the East quarter corner of Section 24 and running thence East 206.75 feet; thence South 00°37'32" West 286.70 feet; thence North 89°45'40" West 659.09 feet; thence South 00°02'52" East 42.81 feet; thence South 89°22'08" West 202.58 feet; thence North 00°09'56" East 154.70 feet to a point on a 305.00 foot radius non tangent curve to the left, (chord bears North 61°44'23" East 175.70 feet), continuing along the arc of said curve 178.22 feet; thence North 45°00'00" East 128.81 feet; thence East 412.60 feet to the point of beginning.

**PARCEL 2:**

Beginning at a point located South 00°10'02" East 638.44 feet, along the section line, from the East quarter corner of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian and running thence South 89°54'54" West 466.87 feet, along an existing fence line; thence South 00°03'06" West 320.93 feet, along an existing fence line; thence South 89°38'39" West 858.86 feet along an existing fence line; thence South 00°09'56" East 417.27 feet, along an existing fence line; thence South 89°18'00" East 129.66 feet; thence North 00°16'03" West 59.31 feet, along an existing fence line; thence North 89°22'08" East 741.07 feet, along an existing fence line; thence South 00°48'49" East 306.31 feet, along an existing fence line; thence South 89°45'40" East 650.89 feet along an existing fence line to the West right of way line of 9550 West Street, a Utah County road; thence North 00°37'32" East 987.71 feet, along said right of way line; thence South 89°54'54" West 211.62 feet, along an existing fence line, to the point of beginning.

**LESS AND EXCEPTING the following:**

A parcel of land situate in the Southeast quarter of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian, and the Southwest quarter of Section 19, Township 5 South, Range 1 East, Salt Lake Base and Meridian. Said parcel being located in the City of Saratoga Springs, Utah County, Utah. Said parcel also being a portion of that property described in Book 2970 at Page 294 of official records on file in the Utah County Recorder's office and being more particularly described as follows: Beginning at a point in the North line of said property described in Book 2970 at Page 294, said point being South 00°10'02" East along the section line 638.44 feet from the East quarter corner of said Section 24 and running thence South 89°54'54" West 466.87 feet, along an existing fence line; thence South 00°03'06" West 320.93 feet, along an existing fence line; thence South 02°02'52" East 30.00 feet, more or less, to the Northwest corner of Steve F. Gillen property recorded in Book 2970 at Page 290; thence East 673.86 feet, more or less, to the West right-of-way line of 9550 West Street, a Utah County road (now known as Saratoga Road); thence North 00°37'32" East along said West right-of-way line 351.94 feet, to the Northeast corner of said property recorded in Book 2970 at Page 294; thence South 89°54'54" West along said North line and an existing fence line 211.62 feet, to the point of beginning.

ALSO LESS AND EXCEPTING the following:

Beginning at a point located South 00°10'02" East 990.04 feet along the section line, from the East quarter corner of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian and running thence West 467.11 feet; thence South 02°02'52" East 326.95 feet; thence South 00°48'49" East 306.31 feet, along an existing fence line; thence South 89°45'40" East 650.89 feet along an existing fence to the West right of way line of 9550 West Street, a Utah County road; thence North 00°37'32" East 635.77 feet along said right of way line; thence West 206.75 feet to the point of beginning.

ALSO LESS AND EXCEPTING the following:

A parcel of land situated in the Southeast quarter of Section 24, Township 5 South, Range 1 West, and the Southwest quarter of Section 19, Township 5 South, Range 1 East, Salt Lake Base and Meridian, beginning at a point located South 00°10'02" East 990.04 feet along the section line from the East quarter corner of Section 24 and running thence East 206.75 feet; thence South 00°37'32" West 286.70 feet; thence North 89°45'40" West 659.09 feet; thence South 00°02'52" East 42.81 feet; thence South 89°22'08" West 202.58 feet; thence North 00°09'56" East 154.70 feet to a point on a 305.00 foot radius non tangent curve to the left, (chord bears North 61°44'23" East 175.70 feet), continuing along the arc of said curve 178.22 feet; thence North 45°00'00" East 128.81 feet; thence East 412.60 feet to the point of beginning.

SUBJECT TO the effects of that certain Boundary Line Agreement dated October 17, 2018 by and among Scott C. McLachlan, Doug Noland and Tanya Noland and Lee J. Smith and Joy P. Smith, Trustees, or their Successors in Trust, under the L & J Smith Trust dated April 3, 2014, recorded November 28, 2018 as Entry No. 113027:2018 of official records.

PARCEL 3:

A parcel of land situated in the Southeast quarter of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel also being a portion of Utah County Parcel No. 58-036-0062 and being more particularly described as follows: Beginning at a point on the North line of Parcel No. 58-036-0062, said point being South 00°10'02" East along the section line 990.04 feet and West along the North line of Parcel No. 58-036-0062, 412.60 feet from the East quarter corner of said Section 24 and running thence South 45°00'00" West 74.43 feet to a point on the West line of Parcel No. 58-036-0062; thence North 02°02'52" West 52.66 feet along the West line of Parcel No. 58-036-0062 to the Northwest corner of Grantor's property; thence East 54.51 feet along the North line of said Parcel No. 58-036-0062 to the point of beginning.

Tax Id No.: 58-036-0066, 58-036-0067 and 58-036-0063