

**WHEN RECORDED, RETURN TO:**

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

Tax Id No.: 13-029-0121, 13-029-0122, 58-036-0082, 58-036-0084, 58-036-0028, 58-036-0053, 58-036-0055  
13-028-0053, 13-074-0017, 13-028-0006, 13-074-0019

**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.

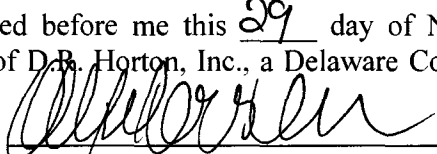
GRANTOR:

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

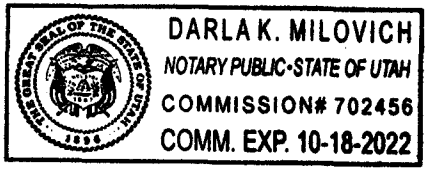
\_\_\_\_\_  
Name: Jonathan S. Thornley  
Title: Division CFO

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.

  
\_\_\_\_\_  
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:

PARCELS A, B, and C, MCLACHLAN SARATOGA SUBDIVISION, according to the official plat thereof as recorded in the office of the Utah County Recorder, State of Utah, being more particularly described as follows:

**PARCEL A:**

A portion of the Southeast quarter and Northeast quarter of Section 24, Township 5 South, Range 1 West, and the Southwest quarter and Northwest quarter of Section 19, Township 5 South, Range 1 East, Salt Lake Base and Meridian, located in Saratoga Springs, Utah.

Beginning at a point located South 00°10'34" East 184.61 feet and East 216.60 feet from the East quarter corner of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence North 89°26'53" West 678.12 feet; thence North 00°33'07" East 82.88 feet; thence North 89°59'44" West 39.92 feet; thence North 00°00'16" East 129.28 feet; thence North 65°35'52" West 176.12 feet; thence Southwesterly along the arc of an 888.00 foot radius non-tangent curve to the right (radius bears: North 57°21'36" West) 34.71 feet through a central angle of 02°14'22" (chord: South 33°45'35" West 34.71 feet); thence North 55°07'14" West 75.71 feet; thence North 59°10'24" West 259.31 feet; thence North 613.48 feet; thence North 89°12'20" East 4.71 feet; thence North 00°47'40" West 61.93 feet to the South line of that real property described in Deed Entry No. 109533:2015; thence North 89°59'55" East along said real property 1,191.64 feet to the Northeast corner of that real property described in Deed Entry No. 117218:2013; thence South along said real property 266.16 feet; thence North 89°52'30" West 608.65 feet; thence South 00°11'30" West 290.00 feet; thence South 89°52'30" East 609.62 feet; thence South 43.52 feet; thence West 9.17 feet to the Northeast corner of that real property described in Deed Entry No. 117221:2013; thence South 00°31'08" West along said real property 514.63 feet to the point of beginning.

**PARCEL B:**

A portion of the Southeast quarter of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian, located in Saratoga Springs, Utah.

Beginning at a point located South 00°10'34" East 818.25 feet and West 468.00 feet from the East quarter corner of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence South 02°10'00" East along an existing fence line 11.60 feet to the West line of that real property described in Deed Entry No. 122739:2007; thence South 00°02'34" West along said real property and an existing fence line 130.29 feet; thence South 89°38'07" West 858.86 feet; thence North 00°18'40" West 136.49 feet; thence North 89°43'36" East 125.00 feet; thence North 00°16'24" West 84.65 feet; thence North 89°43'36" East 22.40 feet; thence South 81°50'47" East 60.00 feet; thence North 89°49'06" East 519.50 feet; thence North 89°42'18" East 54.00 feet; thence South 00°17'42" East 68.32 feet; thence North 89°42'16" East 79.01 feet to the point of beginning.

**PARCEL C:**

A portion of 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, located in Saratoga Springs, Utah.

Beginning at a point located North 8.48 feet from the Southeast corner of Section 24, Township 5

South, Range 1 West, Salt Lake Base and Meridian; thence West 278.58 feet to the intersection with the Southerly line of that real property described in Deed Entry No. 96711:2016; thence along said real property the following fourteen (14) courses: North 80°44'22" East 36.65 feet; thence North 69°06'55" East 103.01 feet; thence North 29°48'55" West 20.26 feet; thence South 68°18'12" West 92.75 feet; thence South 80°44'22" West 60.37 feet; thence South 85°38'36" West 67.83 feet; thence South 88°49'39" West 16.19 feet; thence South 89°34'52" West 277.93 feet; thence South 89°57'27" West 163.58 feet; thence South 89°26'51" West 162.70 feet; thence North 88°57'40" West 175.05 feet; thence South 88°19'44" West 25.94 feet (the previous nine courses follow along an existing fence line); thence South 04°09'58" East 0.75 feet; thence South 67°24'21" West 5.64 feet; thence West 0.72 feet to the Southerly extension of an existing fence line; thence North 00°07'30" West along said fence line 1,251.85 feet to a fence corner; thence North 89°18'32" West along an existing fence line 1.65 feet to the Southwest corner of that fence line agreement described in Deed Entry No. 36827:1992; thence along said fence line agreement the following two (2) courses: North 00°16'35" West 59.31 feet; thence North 89°21'36" East 741.07 feet to the West line of that real property described in Deed Entry No. 125178:2009; thence South 00°49'21" East along said real property 117.33 feet; thence South 89°10'39" West 200.00 feet; thence South 00°49'21" East 200.00 feet; thence North 89°10'39" East 200.00 feet; thence North 00°49'21" West 11.02 feet to the Southeast corner of that real property described in Deed Entry No. 125178:2009; thence South 89°46'11" East along said real property 656.09 feet; thence South 825.51 feet; thence West 200.00 feet; thence South 191.52 feet to the point of beginning.

PARCEL 1-D - ("HARBOR PARCEL"):

A portion of the Northwest quarter of Section 30, Township 5 South, Range 1 East, Salt Lake Base and Meridian, located in Saratoga Springs, Utah, more particularly described as follows:

Beginning at a point located South 50.00 feet from the Northwest corner of Section 30, Township 5 South, Range 1 East, Salt Lake Base and Meridian (basis of bearing: North 00°10'34" West along the section line from the Southeast corner to the East quarter corner of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian); thence North 89°30'22" East 250.42 feet; thence North 00°29'38" West 26.58 feet; thence South 89°24'27" East 38.95 feet; thence North 89°42'01" East 222.02 feet; thence North 89°58'23" East 76.52 feet; thence North 89°04'52" East 166.99 feet; thence North 89°38'06" East 74.69 feet; thence North 89°21'34" East 112.46 feet; thence North 89°34'23" East 220.22 feet; thence South 87°35'38" East 63.07 feet; thence South 08°31'58" East 95.26 feet; thence South 19°36'32" East 21.26 feet; thence South 14°30'26" East 28.26 feet; thence South 03°00'41" East 30.72 feet; thence South 07°55'53" East 75.51 feet; thence South 08°21'28" East 80.49 feet; thence South 13°52'27" East 19.12 feet; thence South 05°19'44" East 92.05 feet; thence South 16°18'12" West 130.77 feet; thence South 29°32'10" East 7.79 feet; thence South 12°58'58" West 216.83 feet to the settlement boundary of Utah Lake; thence along said boundary the following four (4) courses: North 81°57'02" West 437.45 feet; thence North 72°41'56" West 257.18 feet; thence North 87°26'46" West 528.61 feet; thence South 85°36'38" West 1.87 feet; thence North 586.40 feet to the point of beginning.

PARCEL 2:

A portion of the Southeast quarter and the Northeast 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, located in Saratoga Springs, Utah, described as follows:

Beginning at a point on the East line of that real property described in Deed Entry No. 117221:2013, said point being located South 00°10'34" East 184.61 feet and East 216.60 feet from the East quarter corner of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence South 00°31'08" West along said real property 120.28 feet to an existing fence; thence along an existing fence line the following three (3) courses: North 89°25'18" West 680.77 feet; thence South 01°26'00" West 326.59 feet; thence South 02°10'00" East 193.89 feet; thence South 89°42'16" West 79.01 feet; thence North 00°17'42" West 68.32 feet; thence South 89°42'18" West 54.00 feet; thence South 89°49'06" West 519.50 feet; thence North 81°50'47" West 60.00 feet; thence South 89°43'36" West 22.40 feet;

thence South 00°16'24" East 84.65 feet; thence South 89°43'36" West 125.00 feet; thence South 00°18'40" East 136.49 feet to the Northwest corner of that real property described in Deed Entry No. 70517:2014; thence along said real property the following two (2) courses: South 00°10'28" East 417.27 feet; thence South 89°18'32" East 1.31 feet to a fence corner; thence South 00°08'00" West along a fence line 244.29 feet to the Southeast corner of that real property described in Deed Entry No. 117221:2013; thence along said real property and an existing fence line the following five (5) courses: South 89°45'14" West 662.94 feet; thence North 00°14'29" West 798.08 feet; thence North 89°30'02" East 663.55 feet; thence North 00°16'25" West 824.57 feet; thence North 00°03'11" East 186.55 feet to the South line of that real property described in Deed Entry No. 11728:2013; thence along said real property the following two (2) courses: West 1.10 feet; thence North 00°04'00" West 463.54 feet to the Westerly extension of the South line of that real property described in Deed Entry No. 109533:2015; thence along said real property the following three (3) courses: North 89°59'55" East 60.23 feet; thence North 00°08'11" West 281.16 feet; thence North 89°59'55" East 309.96 feet; thence South 00°47'40" East 61.93 feet; thence South 89°12'20" West 4.71 feet; thence South 613.48 feet; thence South 59°10'24" East 259.31 feet; thence South 55°07'14" East 75.71 feet; thence Northeasterly along the arc of an 888.00 foot radius non-tangent curve to the left (radius bears: North 55°07'14" West) 34.71 feet through a central angle of 02°14'22" (chord: North 33°45'35" East 34.71 feet); thence South 65°35'52" East 176.12 feet; thence South 00°00'16" West 129.28 feet; thence South 89°59'44" East 39.92 feet; thence South 00°33'07" West 82.88 feet; thence South 89°26'53" East 678.12 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the following described Parcels owned by Saratoga Springs City:

Beginning at a point located 1,104.90 feet West and 2,264.96 feet South, from the Northeast corner of Section 24, Township 5 South, Range 1 West, Salt Lake Base and Meridian to the point of beginning running thence West a distance of 200.00 feet; thence South a distance of 200.00 feet; thence East a distance of 200.00 feet; thence North a distance of 200.00 feet to said point of beginning.

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