

**WHEN RECORDED, RETURN TO:**

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

Tax Id No.: 66-862-0004, 58-024-0033, 58-024-0052, 58-023-0266, 58-023-0295, 58-023-0298, 58-023-0299,  
58-023-0301, 58-023-0327, 58-024-0029,

**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 15 day of December, 2021.

**GRANTOR:**

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

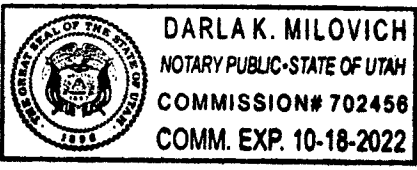
\_\_\_\_\_  
Name: Jonathan S. Thornley  
Title: Division CFO

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

The foregoing instrument was acknowledged before me this 15 day of December, 2021, 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:

Proposed COLD SPRING RANCH - HD3, being more particularly described as follows:

Lot 4, SOA INVESTMENT PLAT 1, according to the official plat thereof as recorded in the office of the Utah County Recorder, State of Utah, recorded December 10, 2021 as Entry No. 205196:2021.

PARCEL 2:

Proposed COLD SPRING RANCH - MD5, PHASE 2, being more particularly described as follows:

A portion of 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 N89°52'38"E along the section line 949.49 feet and North 1133.99 feet from the Southwest Corner of Section 12, Township 5 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing being S89°51'47"W from the Southeast Corner to the South Quarter of Section 11); thence N30°18'04"W 37.92 feet; thence North 302.00 feet; thence N89°57'25"E 51.72 feet; thence North 123.00 feet; thence N89°57'25"E 285.29 feet; thence S18°09'00"E 302.95 feet; thence along the arc of a non-tangent curve to the left 23.18 feet with a radius of 2056.00 feet through a central angle of 0°38'45", chord: S72°58'59"W 23.17 feet; thence S72°39'37"W 72.03 feet; thence along the arc of a curve to the left 352.00 feet with a radius of 1556.00 feet through a central angle of 12°57'41", chord: S66°10'46"W 351.25 feet to the point of beginning.

PARCEL 3:

Commencing North 1338.03 feet and East 1317.6 feet from the Southeast corner of Southwest quarter of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence North 00°02'00" West 109.12 feet; thence South 32°22'59" East 21.46 feet; thence South 91 feet; thence West 11.43 feet to beginning.

PARCEL 4:

Commencing North 1591.85 feet and West 1280.83 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence South 00°02'00" East 346.23 feet; thence along a curve to the left (chord bears South 01°44'11" East 57.6 feet, radius = 969 feet); thence West 31.04 feet; thence along a curve to the right (chord bears: North 01°41'00" West 57.58 feet, radius = 1000 feet); thence North 00°02'00" West 72.28 feet; thence South 89°58'00" West 8.47 feet; thence North 273.96 feet; thence South 89°58'20" East 39.28 feet to beginning.

## PARCEL 5:

Commencing North 1740.38 feet and West 1311.89 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence West 8.08 feet; thence North 373.32 feet; thence West 10.14 feet; thence North 00°02'00" West 146.08 feet; thence East 18 feet; thence South 00°02'00" East 519.39 feet to beginning.

## PARCEL 6:

Commencing North 1704.87 feet and West 1311.87 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence North 89°58'18" West 8.24 feet; thence North 35.66 feet; thence East 8.22 feet; thence South 00°02'00" East 35.66 feet to beginning.

## PARCEL 7:

Commencing North 2260.59 feet and West 1312.19 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence West 18.03 feet; thence North 00°02'00" West 486.41 feet; thence East 18.03 feet; thence South 00°02'00" East 486.41 feet to beginning.

## PARCEL 8:

Commencing North 699.6 feet and West 335.14 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence West 928.86 feet; thence South 4.01 feet; thence West 56 feet; thence North 31 feet; thence East 65.11 feet; thence North 106.77 feet; thence along a curve to the left (chord bears: North 06°51'20" West 119.37 feet, radius = 500 feet); thence North 13°42'39" West 58.97 feet; thence along a curve to the right (chord bears: North 08°20'01" West 187.43 feet, radius = 1000 feet); thence East 31.03 feet; thence along a curve to the left (chord bears: South 08°22'51" East 180.04 feet, radius = 969 feet); thence South 13°42'39" East 58.97 feet; thence along a curve to the right (chord bears: South 06°51'20" East 126.77 feet, radius = 531 feet); thence South 54.77 feet; thence along a curve to the left (chord bears: South 45°00'00" East 29.7 feet, radius = 21 feet); thence East 846.77 feet; thence South 19°53'31" East 61.66 feet to beginning.

## PARCEL 9:

Commencing North 699.58 feet and East 846.26 feet from the Southwest corner of Section 12, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence East 308.71 feet; thence North 47°55'00" East 198 feet; thence North 338.57 feet; thence South 59°42'50" West 635.88 feet; thence South 31°49'18" East 177.22 feet to beginning.

## PARCEL 10:

Commencing North 853.19 feet and East 750.96 feet from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence North 31°49'18" West 54.47 feet; thence along a curve to the right (chord bears: North 53°37'36" East 317.34 feet, radius = 1499.45 feet); thence North 30°18'03" West 93.92 feet; thence North 19.26 feet; thence East 378.63 feet; thence South 59°02'10" West 650.78 feet to beginning.

LESS AND EXCEPTING therefrom any portion of the above described Parcel 11 lying within the bounds of Proposed COLD SPRING RANCH - MD5, PHASE 2, being more particularly described as follows and being the same as Parcel 2 above:

A portion of 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 N89°52'38"E along the section line 949.49 feet and North 1133.99 feet from the Southwest Corner of Section 12, Township 5 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing being S89°51'47"W from the Southeast Corner to the South Quarter of Section 11); thence N30°18'04"W 37.92 feet; thence North 302.00 feet; thence N89°57'25"E 51.72 feet; thence North 123.00 feet; thence N89°57'25"E 285.29 feet; thence S18°09'00"E 302.95 feet; thence along the arc of a non-tangent curve to the left 23.18 feet with a radius of 2056.00 feet through a central angle of 0°38'45", chord: S72°58'59"W 23.17 feet; thence S72°39'37"W 72.03 feet; thence along the arc of a curve to the left 352.00 feet with a radius of 1556.00 feet through a central angle of 12°57'41", chord: S66°10'46"W 351.25 feet to the point of beginning.

PARCEL 11:

Commencing South 2 chains from the Southeast corner of Section 11, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence West 389.67 feet; thence North 282.72 feet; thence North 89°57'25" East 51.72 feet; thence North 123 feet; thence North 89°57'25" East 285.29 feet; thence North 18°09'00" West 126.25 feet; thence North 18°09'00" West .02 feet; thence East .01 feet; thence North 18°09'00" West 27.79 feet; thence East 100.65 feet; thence South 552.419 feet to beginning.

ALSO:

Commencing North 1188.02 feet and East 1320.02 feet from the Southwest quarter of Section 12, Township 5 South, Range 1 West, Salt Lake Base and Meridian; thence East 80.33 feet; thence North 18°09'00" West 68.28 feet; thence along a curve to the right (chord bears: North 76°35'01" East 225.84 feet, radius = 2000 feet); thence North 18°09'00" West 457.95 feet; thence West 136.09 feet; thence South 552.42 feet to beginning.

LESS AND EXCEPTING therefrom any portion of the above described Parcel 12 lying within the bounds of Proposed COLD SPRING RANCH - MD5, PHASE 2, being more particularly described as follows and being the same as Parcel 2 above:

A portion of 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 N89°52'38"E along the section line 949.49 feet and North 1133.99 feet from the Southwest Corner of Section 12, Township 5 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearing being S89°51'47"W from the Southeast Corner to the South Quarter of Section 11); thence N30°18'04"W 37.92 feet; thence North 302.00 feet; thence N89°57'25"E 51.72 feet; thence North 123.00 feet; thence N89°57'25"E 285.29 feet; thence S18°09'00"E 302.95 feet; thence along the arc of a non-tangent curve to the left 23.18 feet with a radius of 2056.00 feet through a central angle of 0°38'45", chord: S72°58'59"W 23.17 feet; thence S72°39'37"W 72.03 feet; thence along the arc of a curve to the left 352.00 feet with a radius of 1556.00 feet through a central angle of 12°57'41", chord: S66°10'46"W 351.25 feet to the point of beginning.