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7/30/2018 4:56:00 PM \$18.00  
Book - 10698 Pg - 2946-2950  
ADAM GARDINER  
Recorder, Salt Lake County, UT  
COTTONWOOD TITLE  
BY: eCASH, DEPUTY - EF 5 P.

**WHEN RECORDED, RETURN TO:**

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

Tax Id No.: 33-08-403-008 through 33-08-403-016, inclusive

**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

Division Code: 26000  
South Hills

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 19 day of July, 2018.

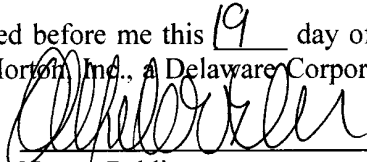
**GRANTOR:**

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

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

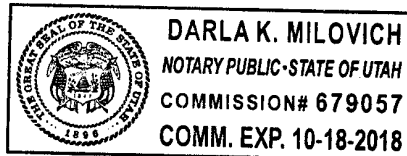
STATE OF UTAH            )  
                                  ) ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 19 day of July, 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:

10/18/18



**Exhibit A**  
to the Special Warranty Deed and Reservation of Surface Rights  
**Legal Description of the Property**

That certain real property located in Salt Lake County, Utah, more particularly described as follows:

A PARCEL OF LAND SITUATED IN THE EAST HALF OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 89°25'56" EAST ALONG THE SECTION LINE 622.85 FEET AND NORTH 803.60 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 8, TOWNSHIP 4 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE SOUTH 66°32'38" WEST 86.87 FEET TO THE POINT OF A 15.00 FOOT RADIUS CURVE; THENCE NORTHWESTERLY 23.12 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 88°19'35" (WHICH LONG CHORD BEARS NORTH 69°22'02" WEST 20.90 FEET) TO THE POINT ON A 1296.50 FOOT RADIUS COMPOUNDING CURVE; THENCE NORTHWESTERLY 6.70 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 0°17'46" (WHICH THE RADIUS POINT BEARS SOUTH 64°47'46" WEST AND LONG CHORD BEARS NORTH 25°21'07" WEST 6.70 FEET); THENCE SOUTH 64°30'00" WEST 50.00 FEET TO THE POINT OF A 1246.50 FOOT NON-TANGENT RADIUS CURVE; THENCE SOUTHEASTERLY 3.97 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 0°10'57" (WHICH THE RADIUS POINT BEARS SOUTH 64°30'00" WEST AND LONG CHORD BEARS SOUTH 25°24'31" EAST 3.97 FEET) TO THE POINT ON A 15.00 FOOT RADIUS COMPOUNDING CURVE; THENCE SOUTHWESTERLY 24.05 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 91°51'41" (WHICH LONG CHORD BEARS SOUTH 20°36'47" WEST 21.55 FEET); THENCE SOUTH 66°32'38" WEST 71.54 FEET TO THE POINT ON A 15.00 FOOT RADIUS CURVE; THENCE NORTHWESTERLY 23.04 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 88°01'26" (WHICH LONG CHORD BEARS NORTH 69°26'39" WEST 20.84 FEET) TO THE POINT OF A 1145.00 FOOT RADIUS COMPOUNDING CURVE; THENCE NORTHWESTERLY 621.55 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 31°06'09" (WHICH THE RADIUS POINT BEARS SOUTH 64°34'04" WEST AND LONG CHORD BEARS NORTH 40°59'00" WEST 613.95 FEET); THENCE NORTH 33°27'55" EAST 106.15 FEET; THENCE NORTH 24°00'00" EAST 276.85 FEET; THENCE SOUTH 43°28'21" EAST 128.47 FEET TO THE POINT OF A 225.00 FOOT NON-TANGENT RADIUS CURVE; THENCE NORTHEASTERLY 132.65 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 33°46'49" (WHICH THE RADIUS POINT BEARS SOUTH 43°28'21" EAST AND LONG CHORD BEARS NORTH 63°25'03" EAST 130.74 FEET); THENCE NORTH 9°41'32" WEST 101.66 FEET; THENCE NORTH 82°04'39" EAST 202.84 FEET; THENCE SOUTH 07°55'21" EAST 88.00 FEET; THENCE NORTH 82°04'39" EAST 68.00 FEET; THENCE NORTH 07°55'21" WEST 88.00 FEET; THENCE NORTH 82°04'39" EAST 287.87 FEET; THENCE SOUTH 44°09'45" EAST 107.88 FEET; THENCE SOUTH 30°28'07" WEST 80.55 FEET TO THE POINT OF A 225.00 FOOT NON-TANGENT RADIUS CURVE; THENCE SOUTHEASTERLY 88.98 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 22°39'28" (WHICH THE RADIUS POINT BEARS SOUTH 30°28'07" WEST AND LONG CHORD BEARS SOUTH 48°12'09" EAST 88.40 FEET) TO THE POINT OF A 2055.50 FOOT RADIUS COMPOUNDING CURVE; THENCE SOUTHEASTERLY 440.04 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°15'57" (WHICH THE RADIUS POINT BEARS SOUTH 53°07'35"

WEST AND LONG CHORD BEARS SOUTH 30°44'26" EAST 439.20 FEET); THENCE SOUTH 65°23'33" WEST 50.00 FEET TO THE POINT ON A 15.00 FOOT NON-TANGENT RADIUS CURVE; THENCE SOUTHWESTERLY 23.86 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 91°09'05" (WHICH THE RADIUS POINT BEARS SOUTH 65°23'33" WEST AND LONG CHORD BEARS SOUTH 20°58'05" WEST 21.43 FEET); THENCE SOUTH 66°32'38" WEST 86.26 FEET TO THE POINT ON A 1904.00 FOOT NON-TANGENT RADIUS CURVE; THENCE NORTHWESTERLY 584.28 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 17°34'57" (WHICH THE RADIUS POINT BEARS SOUTH 65°47'29" WEST AND LONG CHORD BEARS NORTH 32°59'59" WEST 582.00 FEET); THENCE SOUTH 82°04'39" WEST 87.09 FEET TO THE POINT ON A 15.00 FOOT RADIUS CURVE; THENCE SOUTHWESTERLY 25.75 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 98°20'33" (WHICH LONG CHORD BEARS SOUTH 32°54'23" WEST 22.70 FEET); THENCE SOUTH 73°44'06" WEST 50.00 FEET TO THE POINT ON A 125.00 FOOT NON-TANGENT RADIUS CURVE; THENCE NORTHWESTERLY 10.42 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 4°46'39" (WHICH THE RADIUS POINT BEARS NORTH 73°44'06" EAST AND LONG CHORD BEARS NORTH 13°52'34" WEST 10.42 FEET) TO THE POINT ON A 15.00 FOOT RADIUS COMPOUNDING CURVE; THENCE NORTHWESTERLY 22.63 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 86°26'06" (WHICH THE RADIUS POINT BEARS NORTH 78°30'45" EAST AND LONG CHORD BEARS NORTH 54°42'18" WEST 20.54 FEET) THENCE SOUTH 82°04'39" WEST 234.36 FEET TO THE POINT ON A 175.00 FOOT RADIUS CURVE; THENCE SOUTHWESTERLY 16.56 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 5°25'17" (WHICH LONG CHORD BEARS SOUTH 79°22'01" WEST 16.55 FEET) TO THE POINT ON A 15.00 FOOT RADIUS COMPOUNDING CURVE; THENCE SOUTHWESTERLY 32.42 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 123°51'07" (WHICH THE RADIUS POINT BEARS SOUTH 13°20'38" EAST AND LONG CHORD BEARS SOUTH 14°48'44" WEST 26.47 FEET); THENCE SOUTH 40°07'27" WEST 50.00 FEET TO THE POINT ON A 125.00 FOOT NON-TANGENT RADIUS CURVE; THENCE NORTHWESTERLY 26.66 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 12°13'18" (WHICH THE RADIUS POINT BEARS NORTH 40°07'27" EAST AND LONG CHORD BEARS NORTH 43°45'54" WEST 26.61 FEET) TO THE POINT ON A 15.00 FOOT RADIUS COMPOUNDING CURVE; THENCE NORTHWESTERLY 25.03 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 95°36'43" (WHICH THE RADIUS POINT BEARS NORTH 52°20'45" EAST AND LONG CHORD BEARS NORTH 85°27'37" WEST 22.23 FEET) TO THE POINT ON A 175.00 FOOT RADIUS COMPOUNDING CURVE THENCE SOUTHWESTERLY 69.44 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 22°44'02" (WHICH THE RADIUS POINT BEARS SOUTH 43°15'58" EAST AND LONG CHORD BEARS SOUTH 35°22'01" WEST 68.98 FEET); THENCE SOUTH 24°00'00" WEST 23.97 FEET TO THE POINT ON A 1398.00 FOOT NON-TANGENT RADIUS CURVE; AND RUNNING THENCE SOUTHEASTERLY 651.80 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 26°42'48" (WHICH THE RADIUS POINT BEARS SOUTH 38°48'21" WEST AND LONG CHORD BEARS SOUTH 37°50'15" EAST 645.91 FEET) TO THE POINT OF BEGINNING.