

WHEN RECORDED MAIL TO:

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

ENT 30189:2021 PG 1 of 3
Andrea Allen
Utah County Recorder
2021 Feb 17 03:48 PM FEE 40.00 BY DA
RECORDED FOR Cottonwood Title Insurance Agency, Inc.
ELECTRONICALLY RECORDED

Above Space for Recorder's Use

**Tax Parcel No(s): 67:039:0010;
58:036:0109; 58:036:0142; 58:036:0124 and
58:036-0131**

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 thirty (30) feet below the ground elevation.

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 W. 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 February 12, 2021, before me, Carolyn Hastings, Notary Public, personally appeared Bill W. Wheat 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 *Carolyn Hastings*

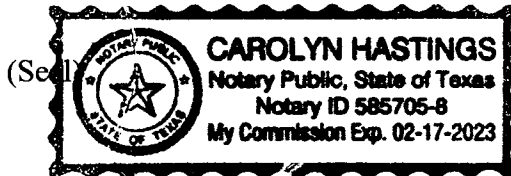


EXHIBIT "A"

LEGAL DESCRIPTION

All of Lot 1, NORTSHORE PLAT F-2 SUBDIVISION, according to the official plat thereof recorded February 4, 2021 as Entry No. 21985:2021, Map No. 17520 in the official records of the Utah County Recorder.

Tax Id No.: 58-036-0109, 58-036-0124, 58-036-0131, 58-036-0142 and 67-039-0010