

**WHEN RECORDED, RETURN TO:**

D.R. Horton, Inc.  
12351 S. Gateway Park Place #D100  
Draper, UT 84020  
Attn: Jonathan S. Thornley

Tax Id No.: 11-015-0003, 11-030-0026, 11-030-0114, 11-015-0006, 11-028-0018, 11-029-0052,  
11-029-0033, 11-030-0023, 11-034-0076, 11-030-0112, 11-030-0171, 11-030-0172,  
11-030-0173, 11-036-0238, 11-029-0047, 11-029-0040, 11-029-0039 and 11-029-0053

**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 10<sup>th</sup> day of March, 2021

**GRANTOR:**

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

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

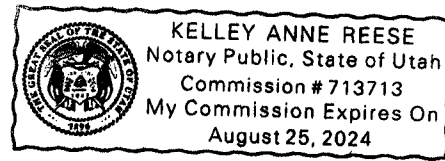
STATE OF UTAH            )  
  ) ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of March, 2021, by Jonathan S. Thornley, the Division CFO of D.R. Horton, Inc., a Delaware Corporation, on behalf of the corporation.

  
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Notary Public

My Commission Expires:

August 25, 2024



**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:

AS SURVEYED PARCEL "A":

A portion of Sections 21, 22, 27, 28, 29, 32 and 33 of Township 4 South, Range 1 East, Salt Lake Base and Meridian, described by survey as follows:

Beginning at a point located N89°52'57"E along the Section Line 49.96 feet and North 49.77 feet from the Northwest Corner of Section 27, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence N89°51'23"W 1562.01 feet; thence S0°01'55"E 1759.85 feet; thence S76°05'04"W 1180.91 feet; thence S0°01'36"E 665.73 feet; thence N89°50'24"W 863.82 feet; thence South 3642.93 feet to the northerly right-of-way line of SR-92; thence along said right-of-way line the following twelve (12) courses: N81°39'47"W 810.94 feet; thence along the arc of a 9520.00 foot radius curve to the left 967.46 feet through a central angle of 5°49'21" (chord: N84°34'28"W 967.04 feet); thence N0°04'53"W 50.05 feet; thence northwesterly along the arc of a 9570.00 foot radius non-tangent curve to the left (radius bears: S2°30'03"W) 24.77 feet through a central angle of 0°08'54" (chord: N87°34'24"W 24.77 feet); thence S0°04'53"E 50.05 feet; thence northwesterly along the arc of a 9520.00 foot radius non-tangent curve to the left (radius bears: S2°22'18"W) 42.75 feet through a central angle of 0°15'26" (chord: N87°45'25"W 42.75 feet); thence N87°53'08"W 626.36 feet; thence S82°17'02"W 408.22 feet; thence S81°45'11"W 256.74 feet; thence S79°17'40"W 151.11 feet; thence S83°06'31"W 292.19 feet; thence N89°59'58"W 243.99 feet to the easterly right-of-way line of 500 West Street according to the official plat thereof; thence along said right-of-way line the following ten (10) courses: N0°05'57"W 325.72 feet; thence along the arc of a 69.50 foot radius curve to the right 109.17 feet through a central angle of 90°00'00" (chord: N44°54'03"E 98.29 feet); thence N0°05'57"W 70.00 feet; thence S89°54'03"W 49.50 feet; thence along the arc of a 31.00 foot radius curve to the right 48.69 feet through a central angle of 90°00'00" (chord: N45°05'57"W 43.84 feet); thence N0°05'57"W 402.21 feet; thence along the arc of a 585.00 foot radius curve to the right 103.39 feet through a central angle of 10°07'34" (chord: N4°57'50"E 103.25 feet); thence along the arc of a 31.00 foot radius curve to the right 52.34 feet through a central angle of 96°43'51" (chord: N58°23'32"E 46.34 feet); thence S73°14'32"E 1.57 feet; thence N16°45'28"E 80.00 feet to the south line of **PLAT "A", ASD NORTHEAST SCHOOL** subdivision; thence along the boundary of said subdivision the following thirteen (13) courses: S73°14'32"E 286.36 feet; thence along the arc of a 960.00 foot radius curve to the left 273.02 feet through a central angle of 16°17'40" (chord: S81°23'22"E 272.10 feet); thence S89°32'12"E 1355.56 feet; thence along the arc of a 31.00 foot radius curve to the left 48.69 feet through a central angle of 90°00'00" (chord: N45°27'48"E 43.84 feet); thence N0°27'48"E 750.07 feet; thence along the arc of a 31.00 foot radius curve to the left 48.69 feet through a central angle of 90°00'00" (chord: N44°32'12"W 43.84 feet); thence N89°32'12"W 356.39 feet; thence along the arc of a 1035.00 foot radius curve to the right 507.70 feet through a central angle of 28°06'20" (chord: N75°29'02"W 502.63 feet); thence N61°25'52"W 147.92 feet; thence northeasterly along the arc of a 947.00 foot radius non-tangent curve to the left (radius bears: N59°19'38"W) 34.93 feet through a central angle of 2°06'48" (chord: N29°36'58"E 34.93 feet); thence N30°09'35"E 74.52 feet; thence northeasterly along the arc of a 952.00 foot radius non-tangent curve to the left (radius bears: N65°55'42"W) 170.44 feet through a central angle of 10°15'28" (chord: N18°56'34"E 170.21 feet); thence S89°53'58"W 423.26 feet to the east line of **PHASE 1, CANYON HILLS** subdivision; thence N0°03'21"W along the east line of **PHASE 1, 3 AND 8, CANYON HILLS** subdivision 1356.75 feet to the northeast corner of **PHASE 8, CANYON HILLS** subdivision; thence along that real property described in Deed Entry No. 18109:1996 in the official records of the Utah County Recorder the

following two (2) courses: N0°03'09"W 1304.41 feet (monumented with a found rebar and cap set in concrete); thence N89°50'54"E 1332.52 feet to the west line of Section 28, T4S, R1E, SLB&M; thence N0°10'43"E along the Section Line 1325.48 feet to the Northwest Corner of said Section 28; thence N0°13'47"E along the Section Line 2640.10 feet to the West 1/4 Corner of Section 21, T4S, R1E, SLB&M; thence N0°13'28"E along the Section Line 1346.52 feet to the south line of that Record of Survey prepared by Stantec Engineering on file in the office of the Utah County Surveyor as Survey No. 12-154; thence N89°59'41"E along said survey line 3420.94 feet to a found rebar and cap set in concrete monument; thence S0°00'19"E along said survey line and in part along the west line of **MAPLE HOLLOW 10, 11, & 13 AT SUNCREST** subdivision 715.98 feet; thence along the southerly line of **MAPLE HOLLOW 10, 11, & 13 AT SUNCREST** subdivision the following two (2) courses: N89°59'41"E 2900.00 feet; thence N73°56'41"E 899.58 feet to a found rebar and cap set in concrete monument, said point being the northwest corner of the Alpine Joint Venture LTD property as defined by that Record of Survey prepared by Wilding Engineering on file in the office of the Utah County Surveyor as Survey No. 16-134 (said point being monumented with a found rebar and cap set in concrete); thence along said survey line the following three (3) courses: S19°19'38"E 3047.04 feet to a found brass cap stamped "M17" set in concrete; thence N61°40'44"E 697.56 feet; thence N65°46'11"E 502.33 feet to the East Line of the Southwest Quarter of the Southeast Quarter of Section 22, T4S, R1E, SLB&M; thence S0°10'29"W along said East Line (40 Acre Line) 1181.60 feet to the Northeast Corner of the Northwest Quarter of the Northeast Quarter of Section 27, T4S, R1E, SLB&M; thence S0°06'11"W along the East Line of said Northwest Quarter (40 Acre Line) 1328.11 feet to the north line of **PHASE 7, DRY CREEK HIGHLANDS** subdivision; thence along the boundary of **PHASE 7, 8 & 6, DRY CREEK HIGHLANDS** subdivisions the following two (2) courses: S89°49'52"W 1322.57 feet; thence S0°02'55"W 828.20 feet to the north line of that real property described in Deed Entry No. 21542:2004 in the official records of the Utah County Recorder; thence along said real property the following two (2) courses: N89°59'48"W 421.32 feet; thence S45°00'12"W 307.69 feet; thence N36°48'06"W 1807.67 feet; thence S77°12'44"W 895.54 feet; thence N0°02'25"W 1170.16 feet to the point of beginning.

*LESS AND EXCEPTING THE FOLLOWING DESCRIBED TWO (2) PARCELS OF LAND:*

A parcel of land, situate in the Northwest quarter of Section 33, Township 4 South, Range 1 East, Salt Lake Base and Meridian. The boundaries of said parcel are described as follows:

Beginning at a point which is North 89°58'12" West 2087.22 feet along the section line and South 508.13 feet from the North quarter corner of said Section 33 and running thence South 258.84 feet to the Northerly line of a 50-foot wide UDOT public utility easement to the beginning of a non-tangential curve to the left with a radius of 9570.00 feet; thence along the arc of said curve 185.77 feet through a central angle of 01°06'44" with a chord bearing North 84°47'56" West 185.77 feet; thence North 242.00 feet; thence East 185.00 feet to the point of beginning.

*(NOTE: Rotate the bearings in the above description 0°0'12" clockwise to match the bearings on this survey)*

AND:

Beginning at a point located North 89°51'24" West 3765.00 feet along the South line of Section 21 from the section corner common to Sections 21, 22, 27 and 28, Township 4 South, Range 1 East, Salt Lake Base and Meridian; and running thence North 00°08'36" East 1170.00 feet; thence South 89°51'24" East 375.00 feet; thence South 00°08'36" West 1170.00 feet to the South

line of said Section 21; thence North 89°51'24" West 375.00 feet along said South line of Section 21 to the point of beginning.

*(NOTE: Rotate the bearings in the above description 0°6'51" counterclockwise to match the bearings on this survey)*

ALSO LESS AND EXCEPTING FROM ALTA SURVEY PARCEL "A" ABOVE, that portion of said parcel lying within the bounds of the Traverse Terrace Drive, Center Street and 3950 North Street Road Dedication Plat as recorded December 15, 2020 as Entry No. 199673:2020 of official records.

AS SURVEYED PARCEL "B":

A portion of the Southeast Quarter of Section 29, Township 4 South, Range 1 East, Salt Lake Base and Meridian, described by survey as follows:

Beginning at the intersection of the westerly right-of-way line of 500 West Street and the east line of **PHASE 3 CROSSING AT TRAVERSE** subdivision, said point being located N89°57'02"E along the Section Line 584.81 feet and North 232.58 feet from the South 1/4 Corner of Section 29, Township 4 South, Range 1 East, Salt Lake Base and Meridian; thence N0°04'28"W along the east lien of said subdivision 1094.46 feet to the south line of **PHASE 1, CANYON HILLS** subdivision; thence N89°51'04"E along said south line 14.02 feet to the west right-of-way line of Canyon Hills Road according to the official plat thereof; thence along said right-of-way the following three (3) courses: S0°05'40"E 220.54 feet; thence along the arc of a 541.00 foot radius curve to the left 289.48 feet through a central angle of 30°39'29" (chord: S15°25'24"E 286.04 feet); thence S30°45'09"E 305.78 feet to the westerly right-of-way line of 500 West Street according to the official plat thereof; thence along said right-of-way line the following three (3) courses: along the arc of a 31.00 foot radius curve to the right 45.48 feet through a central angle of 84°03'44" (chord: S11°16'43"W 41.51 feet); thence along the arc of a 665.00 foot radius curve to the left 355.26 feet through a central angle of 30°36'31" (chord: S38°00'19"W 351.05 feet); thence along the arc of a 31.00 foot radius curve to the right 28.85 feet through a central angle of 53°19'42" (chord: S49°21'54"W 27.82 feet) to the point of beginning.

LESS AND EXCPETING therefrom the reservations referenced in that certain Quit-Claim Deed recorded in the records of the Utah County Recorder on July 22, 1916 as Entry No. 4614 in Book 98 at Page 513.