

After Recording Return to:

Davis Graham & Stubbs LLP
Attn: Chris Lane
1550 17th Street, Suite 500
Denver, Colorado 80202

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is dated April ~~20~~²², 2022, and is made by Varra Companies, Inc., a Colorado corporation, with an address of 12618 County Road 13, Longmont, CO 80504 (“Grantor”), and Raptor Materials LLC, a Delaware limited liability company, with an address of 5960 Berkshire Lane, Suite 900, Dallas, TX 75225 (“Grantee”).

WITNESS, that Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto Grantee, its successors and assigns forever, all the real property, together with improvements, located in the County of Weld, State of Colorado, more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (the “Land”);

TOGETHER with all and singular hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of Grantor, either in law or in equity, of, in and to the above bargained premises, with the hereditaments, privileges, easements, rights of way and appurtenances, including all right, title and interest of Grantor in (i) all rock, limestone, granite, construction aggregate, crushed stone, sand, gravel, caliche, clay, top soil, or other similar material or substances appurtenant to the Land (collectively, the “Sand and Gravel”) and (ii) all oil, gas, natural gas, hydrocarbons and minerals appurtenant to the Land (the “Minerals”), together with any and all surface use, access easements, and all other rights in connection therewith (collectively and together with the Land, the “Property”).

RESERVING to the Grantor, its successors and assigns, any and all water and water rights appurtenant to the Property, including any right, title and interest in and to any water, water rights, both tributary and nontributary, reservoirs, ditches and well rights and effluent, used on and in connection with the Property, whether adjudicated or unadjudicated, and including, without limitation, all water court applications, well registration statements and well permits and any and all well equipment or other equipment for the storage, treatment or distribution of water on or in connection with the Property including, without limitation, 5/9 share of capital stock in The Last Chance Ditch Company, which shall be reserved by Grantor.

TO HAVE AND TO HOLD the Property with the appurtenances, unto Grantee, its successors and assigns forever. Grantor, for itself, and its successors and assigns, does covenant,

grant, bargain and agree to and with the Grantee, its successors and assigns, that Grantor shall and will WARRANT AND FOREVER DEFEND the Property in the quiet and peaceable possession of Grantee, its successors and assigns, against all and every person or persons lawfully claiming the whole or any part thereof BY, THROUGH OR UNDER Grantor, subject only to those matters set forth on **Exhibit B**, attached hereto and incorporated herein by this reference (the "**Permitted Exceptions**").

(Signature page follows)

Exhibit A

Legal Description of the Land

Parcel 1:

Lot A, Recorded Exemption No. 1209-33-2 RE-3922, a portion of the Northwest One-Quarter of Section 33, Township 3 North, Range 67 West, of the 6th P.M., which is Lot B of Recorded Exemption No. 1209-33-2 RE- 2185, County of Weld, State of Colorado.

Parcel 2:

Lot B, Recorded Exemption No. 1209-33-2 RE-3922, a portion of the Northwest One-Quarter of Section 33, Township 3 North, Range 67 West, of the 6th P.M., which is Lot B of Recorded Exemption No. 1209-33-2 RE-2185, County of Weld, State of Colorado.

Parcel 3:

Lot C, Recorded Exemption No. 1209-33-2 RE-3922, a portion of the Northwest One-Quarter of Section 33, Township 3 North, Range 67 West, of the 6th P.M., which is Lot B of Recorded Exemption No. 1209-33-2 RE-2185, County of Weld, State of Colorado.

Parcel 4:

Lot D, Recorded Exemption No. 1209-33-2 RE-3922, a portion of the Northwest One-Quarter of Section 33, Township 3 North, Range 67 West, of the 6th P.M., which is Lot B of Recorded Exemption No. 1209-33-2 RE-2185, County of Weld, State of Colorado.

Exhibit B**Permitted Exceptions**

1. Right of Way conveyed to The Boulder and Weld Reservoir Company in Deed recorded in Book 217 at Page 273 and Book 217 at Page 274 and Book 217 at Page 276 of Weld County Records.
2. Oil and gas lease between Delbert Parker and Jean M. Parker and Tom Vessels dated May 3, 1970, recorded May 26, 1970 as Reception No. 1548059, and any interests therein or rights thereunder.
3. 30 foot ingress/egress easement as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on the Plat(s) of Recorded Exemption Map No. 1209-33-2 RE-2185 recorded June 4, 1998 as Reception No. 2630552.
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors recorded February 9, 2022 at Reception No. 4800896.
4. Terms, conditions, provisions, agreements and obligations contained in the Memorandum of Surface Damage Agreement(s) recorded May 06, 2002 at Reception No. 2948987 and Reception No. 2948988 and Reception No. 2948989 and recorded January 29, 2007 at Reception No. 3451627.
5. Any interest which may have been acquired by the public in the 30 feet of subject property by reason of Resolution of Board of County Commissioners recorded October 14, 1889 in Book 86 at Page 273 which provides for public roads 60 feet in width being 30 feet on each side of section lines on the public domain. As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors recorded February 9, 2022 at Reception No. 4800896.
6. General Notes; 30' foot access, road, and utility easement along southerly and easterly side of property; existing road and centerline of ditch near southerly side of property; apparent 60' right of way for countyroad along northerly side of property; and fence line locations, all as set forth on the Plat(s) of Recorded Exemption No. 1209-33-2 RE-3922 recorded February 18, 2005 at 3262272.
As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors recorded February 9, 2022 at Reception No. 4800896.
7. Terms, conditions, provisions, agreements and obligations contained in the Request of Notification of Surface Development recorded April 21, 2006 at Reception No. 3381181.
8. Terms, conditions, provisions, agreements and obligations contained in the Memorandum of Surface Use Agreement recorded July 31, 2006 at Reception No.3407542.
9. Terms, conditions, provisions, agreements and obligations contained in the Operating Agreements recorded April 13, 2010 at Reception No. 3686503 and June 28, 2010 at Reception No. 3702132 and September 15, 2010 at Reception No. 3718695 and January 21, 2011 at Reception No. 3746182 and February 07, 2011 at Reception No. 3749362 and March 09, 2011 at Reception No. 3755074.

10. Any taxes or assessments by reason of the inclusion of the Land in the Northern Colorado Water Conservancy District as evidenced in instrument recorded September 29, 2010 at Reception No. 3721790.
11. Terms, conditions, provisions, agreements and obligations contained in the Right-of-Way Grant as set forth below:

Recording Date: November 9, 2011

Recording No.: 3804593

As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors recorded February 9, 2022 at Reception No. 4800896.

12. Terms, conditions, provisions, agreements and obligations contained in the findings of fact, conclusions of law, judgment and decree of the water court approving a change of water rights and a plan for augmentation as set forth below:

Recording Date: April 15, 2013

Recording No.: 3924748

13. Mineral Deeds and any interests therein or rights thereunder recorded June 3, 2014 at Reception No. 4020416 and June 6, 2014 at Reception No. 4021655.

14. Terms, conditions, provisions, agreements and obligations contained in the Notice of Agreement recorded December 27, 2016 at 4265068.

15. Terms, conditions, provisions, agreements and obligations contained in the Report of the Commission as set forth below:

Recording Date: April 7, 2017

Recording No.: 4292250

16. Terms, conditions, provisions, agreements and obligations contained in the Improvements and Road Maintenance Agreement as set forth below:

Recording Date: June 1, 2018

Recording No.: 4403687

17. Terms, conditions, provisions, agreements and obligations contained in the survey as set forth below:

Recording Date: June 1, 2018

Recording No.: 4403688

As shown on Survey prepared by Lat40°, Inc. Professional Land Surveyors recorded February 9, 2022 at Reception No. 4800896.

18. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Job No.: 2021338

Dated: January 19, 2022

Prepared by: Lat40°, Inc.

Recording Date: February 9, 2022

Recording No: 4800896

Matters shown: fence lines do not coincide with all property lines; numerous wells, tank batteries and production facilities located on property; overhead utility line crosses through subject property without benefit of an easement.