

WHEN RECORDED RETURN TO:  
Mr. Richard Sonntag  
Pivotal Promontory Development, L.L.C.  
8758 North Promontory Ranch Road  
Park City, UT 84098

00761738 BK01758 Pg00430-00437

ALAN SPRIGGS, SUMMIT CO RECORDER  
2005 DEC 14 15:58 PM FEE \$114.00 BY GGB  
REQUEST: PIVOTAL PROMONTORY DEVELOPMENT

**SUPPLEMENTAL MASTER DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
PROMONTORY**

**ASPEN CAMP SUBDIVISION  
SUMMIT COUNTY, UTAH**

THIS SUPPLEMENTAL MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PROMONTORY is made as of this 5<sup>th</sup> day of December, 2005, by PIVOTAL PROMONTORY DEVELOPMENT, L.L.C., an Arizona limited liability company, referred to below as "Declarant."

**RECITALS:**

A. Pivotal Promontory Development, L.L.C. is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Promontory dated January 2, 2002 and recorded January 3, 2002 as Entry Number 00607465 in Book 01426 at Page 522 of the Official Records of the Summit County Recorder (the "Declaration"). All capitalized terms contained herein shall have the definitions set forth herein or in the Declaration.

B. Declarant is the owner of certain real property located in Summit County, Utah, which is more particularly described in Exhibit A (the Aspen Camp subdivision). The Aspen Camp subdivision (hereinafter the "Subdivision") is included within the Initial Property.

C. Declarant intends to develop the Subdivision as a residential subdivision subject to the Promontory SPA Plan, dated January 16, 2001, as amended, and subject to certain protective covenants, conditions and restrictions all as set forth in the Declaration, and which are deemed to be covenants running with the land mutually burdening and benefiting each of the Lots within Promontory, including those within the Subdivision.

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**SUPPLEMENTAL DECLARATION:**

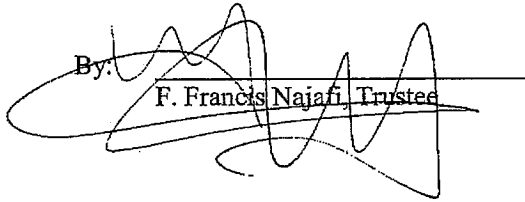
DECLARANT HEREBY DECLARES that all of the Lots within the Subdivision shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to the protective covenants, conditions, restrictions and equitable servitudes set forth in the Declaration, the terms of which Declaration are deemed incorporated herein by this reference. The covenants, conditions and restrictions of the Declaration are intended to, and shall in all cases run with the title of the land, and be binding upon the successors, assigns, heirs, lien holders, and any other person holding any interest in the Lots within the Subdivision, and shall inure to the benefit of all other Lots in Promontory which are subject to the Declaration. The covenants, conditions and restrictions of the Declaration shall be binding upon the Declarant as well as its successors in interest, and may be enforced by the Declarant or by any Owner of a benefited Lot to the extent provided in the Declaration.

**THIS SUPPLEMENTAL DECLARATION** was executed as of the date stated above.

PIVOTAL PROMONTORY DEVELOPMENT, L.L.C., an  
Arizona limited liability company

By: Pivotal Group X, LLC, an Arizona limited liability  
company  
Its: Administrative Member

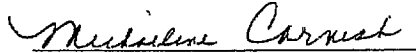
By: F. Francis Najafi as Trustee of the F. Francis Najafi  
Family Trust  
Its: Administrative Member

By:   
F. Francis Najafi, Trustee

State of Arizona )  
                                          :SS  
County of Maricopa )

The foregoing was acknowledged before me this 8th day of December, 2005 by F. Francis Najafi, Trustee of the F. Francis Najafi Family Trust, Administrative Member of Pivotal Group X, LLC, Administrative Member of Pivotal Promontory Development, LLC.



  
Notary Public  
Residing at: Scottsdale, Az

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**EXHIBIT A**

**Pods 58-61, Aspen Camp  
Legal Description**

**Parcel A:**

A parcel of land located in Section 12 and Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point which bears North  $89^{\circ}11'05''$  West along the Section Line 404.89 feet and North 133.15 feet from the Southeast Corner of Section 12, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South  $89^{\circ}11'05''$  East 5232.98 feet between the Southeast Corner of said Section 12 and the Southwest Corner of said Section 12, both corners being found monuments); thence South  $17^{\circ}13'44''$  West 264.48 feet; thence South  $60^{\circ}00'47''$  West 290.42 feet; thence South  $50^{\circ}52'52''$  West 552.77 feet; thence South  $30^{\circ}54'16''$  West 132.76 feet; thence South  $06^{\circ}11'58''$  West 289.79 feet; thence South  $41^{\circ}02'15''$  West 328.53 feet; thence North  $66^{\circ}59'20''$  West 440.62 feet to a point on a curve having a 1350.00 foot radius that curves to the right, the center of which bears South  $66^{\circ}59'20''$  East, said point being on the Easterly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1), thence along the Easterly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1) the following 10 calls: 1) along the arc of said curve 270.50 feet through a central angle of  $11^{\circ}28'50''$ ; 2) to a point of reverse curvature of a 700.00 foot radius curve to the left, the center of which bears North  $55^{\circ}30'30''$  West, thence along the arc of said curve 164.14 feet through a central angle of  $13^{\circ}26'05''$ ; 3) thence North  $21^{\circ}03'25''$  East 190.03 feet; 4) to a point of curvature of a 225.00 foot radius curve to the left, the center of which bears North  $68^{\circ}56'35''$  West, thence along the arc of said curve 413.69 feet through a central angle of  $105^{\circ}20'41''$ ; 5) thence North  $84^{\circ}17'16''$  West 148.29 feet; 6) to a point of curvature of a 275.00 foot radius curve to the right, the center of which bears North  $05^{\circ}42'44''$  East, thence along the arc of said curve 250.31 feet through a central angle of  $52^{\circ}09'06''$ ; 7) thence North  $32^{\circ}08'10''$  West 477.88 feet; 8) to a point of curvature of a 575.00 foot radius curve to the right, the center of which bears North  $57^{\circ}51'50''$  East, thence along the arc of said curve 617.89 feet through a central angle of  $61^{\circ}34'11''$ ; 9) thence North  $29^{\circ}26'01''$  East 679.84 feet; 10) to a point of

curvature of a 225.00 foot radius curve to the left, the center of which bears North 60°33'59" West, thence along the arc of said curve 408.47 feet through a central angle of 104°00'55"; thence leaving the Easterly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1) and thence North 15°25'06" East 211.60 feet; thence North 82°59'07" East 98.40 feet; thence South 55°07'54" East 249.58 feet; thence North 82°33'39" East 490.49 feet; thence North 88°07'48" East 556.43 feet; thence South 30°14'42" East 131.57 feet to a point on a curve having a 225.00 foot radius that curves to the right, the center of which bears South 30°14'42" East, thence along the arc of said curve 100.70 feet through a central angle of 25°38'39"; thence North 85°23'57" East 215.64 feet to a point of curvature of a 225.00 foot radius curve to the right, the center of which bears South 04°36'03" East, thence along the arc of said curve 90.41 feet through a central angle of 23°01'18"; thence South 70°02'43" East 26.25 feet to a point of curvature of a 25.00 foot radius curve to the left, the center of which bears North 19°58'29" East, thence along the arc of said curve 21.03 feet through a central angle of 48°11'23" to a point of reverse curvature of a 50.00 foot radius curve to the right, the center of which bears South 28°12'54" East, thence along the arc of said curve 42.97 feet through a central angle of 49°14'04"; thence North 66°43'34" East 132.74 feet; thence South 69°09'42" East 116.44 feet; thence South 20°50'18" West 340.68 feet; thence North 79°31'26" West 285.21 feet; thence South 05°02'06" West 558.94 feet; thence South 76°43'04" East 402.27 feet; thence South 00°11'16" East 304.09 feet; thence South 15°50'50" West 230.75 feet; thence South 36°18'50" West 417.53 feet to the POINT OF BEGINNING.

Containing 112.04 acres, more or less.

**Parcel B:**

A parcel of land located in Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point which bears North 89°11'05" West along the Section Line 1928.04 feet and South 1229.94 feet from the Southeast Corner of Section 12, Township 1 South, Range 4 East, Salt Lake Base and Meridian, said point also being South 1341.41 feet and West 1522.99 feet from the point of beginning of Aspen Camp Parcel A (Basis of Bearing being South 89°11'05" East 5232.98 feet between the Southeast Corner of said Section 12 and the Southwest Corner of said Section 12, both corners being found monuments); thence South 66°59'20" East 296.68 feet; thence South 32°50'33" West 502.14 feet; thence North 57°18'35" West 167.20 feet to a point on the Easterly right of way of Promontory Ranch

Road (a.k.a. Access Easement No. 1); thence along the Easterly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1) the following three calls; 1) North 32°41'25" East 55.03 feet; 2) to a point of curvature of a 375.00 foot radius curve to the left, the center of which bears North 57°18'35" West, thence along the arc of said curve 167.82 feet through a central angle of 25°38'26"; 3) to a point of reverse curvature of a 1350.00 foot radius curve to the right, the center of which bears South 82°57'01" East, thence along the arc of said curve 250.90 feet through a central angle of 10°38'55" to the POINT OF BEGINNING.

Containing 2.41 acres, more or less.

**Parcel C:**

A parcel of land located in Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point which bears North 89°11'05" West along the Section Line 2269.10 feet and South 1214.31 feet from the Southeast Corner of Section 12, Township 1 South, Range 4 East, Salt Lake Base and Meridian, said point also being North 20.48 feet and West 341.02 feet from the point of beginning of Aspen Camp Parcel B (Basis of Bearing being South 89°11'05" East 5232.98 feet between the Southeast Corner of said Section 12 and the Southwest Corner of said Section 12, both corners being found monuments); thence South 75°10'03" East 283.21 feet to a point on a curve having a 1400.00 foot radius that curves to the left, the center of which bears South 75°10'03" East, said point also being on the Westerly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1); thence along the Westerly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1) the following four calls; 1) along the arc of said curve 190.17 feet through a central angle of 7°46'58"; 2) to a point of reverse curvature of a 325.00 foot radius curve to the right, the center of which bears North 82°57'01" West, thence along the arc of said curve 145.44 feet through a central angle of 25°38'26"; 3) thence South 32°41'25" West 396.06 feet; 4) to a point of curvature of a 900.00 foot radius curve to the right, the center of which bears North 57°18'35" West, thence along the arc of said curve 212.34 feet through a central angle of 13°31'06"; thence leaving the Westerly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1) and thence North 48°17'21" West 351.40 feet; thence North 32°41'25" East 781.63 feet to the POINT OF BEGINNING.

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Containing 7.04 acres, more or less.

**Parcel D:**

A parcel of land located in Section 12 and Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point which bears South 89°11'05" East along the Section Line 2548.23 feet and South 18.47 feet from the Southwest Corner of Section 12, Township 1 South, Range 4 East, Salt Lake Base and Meridian, said point also being West 415.61 feet and North 1201.75 feet from the point of beginning of

Corner of said Section 12 and the Southwest Corner of said Section 12, both corners being found monuments); thence North 57°51'50" East 349.49 feet to a point on the Westerly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1); thence along the Westerly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1) the following six calls; 1) South 32°08'10" East 367.96 feet; 2) to a point of curvature of a 325.00 foot radius curve to the left, the center of which bears North 57°51'50" East, thence along the arc of said curve 295.82 feet through a central angle of 52°09'06"; 3) thence South 84°17'16" East 148.29 feet; 4) to a point of curvature of a 175.00 foot radius curve to the right, the center of which bears South 05°42'44" West, thence along the arc of said curve 321.76 feet through a central angle of 105°20'41"; 5) thence South 21°03'25" West 190.03 feet; 6) to a point of curvature of a 650.00 foot radius curve to the right, the center of which bears North 68°56'35" West, thence along the arc of said curve 53.95 feet through a central angle of 4°45'19"; thence leaving the Westerly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1) and thence North 46°30'54" West 252.99 feet; thence North 54°14'45" West 95.47 feet; thence North 83°03'44" West 376.59 feet; thence North 32°19'35" West 567.34 feet to the POINT OF BEGINNING.

Containing 8.58 acres, more or less.

**Parcel E:**

A parcel of land located in Section 12 and Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian; and being more particularly described as follows:

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Beginning at a point which bears South  $89^{\circ}11'05''$  East along the Section Line 1275.67 feet and South 310.17 feet from the Southwest Corner of Section 12, Township 1 South, Range 4 East, Salt Lake Base and Meridian, said point also being South 273.59 feet and West 1272.43 feet from the point of beginning of Aspen Camp Parcel D (Basis of Bearing being South  $89^{\circ}11'05''$  East 5232.98 feet between the Southeast Corner of said Section 12 and the Southwest Corner of said Section 12, both corners being found monuments); thence North  $18^{\circ}01'59''$  East 37.13 feet; thence North  $15^{\circ}06'55''$  East 482.66 feet; thence North  $17^{\circ}19'45''$  East 218.63 feet; thence North  $03^{\circ}50'49''$  West 183.48 feet; thence North  $88^{\circ}29'39''$  East 144.56 feet; thence North  $73^{\circ}25'11''$  East 446.56 feet; thence South  $30^{\circ}32'19''$  East 285.67 feet; thence North  $68^{\circ}08'45''$  East 232.39 feet to a point of curvature of a 425.00 foot radius curve to the right, the center of which bears South  $21^{\circ}51'15''$  East, thence along the arc of said curve 153.86 feet through a central angle of  $20^{\circ}44'34''$ ; thence North  $88^{\circ}53'20''$  East 117.25 feet to a point of curvature of a 25.00 foot radius curve to the left, the center of which bears North  $01^{\circ}06'40''$  West, thence along the arc of said curve 37.34 feet through a central angle of  $85^{\circ}35'18''$  to a point on a curve having a 625.00 foot radius that curves to the left, the center of which bears South  $86^{\circ}41'58''$  East, said point being on the Westerly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1), thence along the arc of said curve and along the Westerly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1) 96.25 feet through a central angle of  $8^{\circ}49'24''$ ; to a point on a curve having a 25.00 foot radius that curves to the left, the center of which bears South  $84^{\circ}28'38''$  West; thence leaving the Westerly right of way of Promontory Ranch Road (a.k.a. Access Easement No. 1) and thence along the arc of said curve 37.34 feet through a central angle of  $85^{\circ}35'18''$ ; thence South  $88^{\circ}53'20''$  West 117.25 feet to a point of curvature of a 375.00 foot radius curve to the left, the center of which bears South  $01^{\circ}06'40''$  East, thence along the arc of said curve 135.76 feet through a central angle of  $20^{\circ}44'34''$ ; thence South  $68^{\circ}08'45''$  West 244.54 feet to a point of curvature of a 225.00 foot radius curve to the right, the center of which bears North  $21^{\circ}51'15''$  West, thence along the arc of said curve 37.82 feet through a central angle of  $9^{\circ}37'47''$ ; thence South  $77^{\circ}46'32''$  West 109.24 feet to a point of curvature of a 275.00 foot radius curve to the left, the center of which bears South  $12^{\circ}13'28''$  East, thence along the arc of said curve 191.63 feet through a central angle of  $39^{\circ}55'35''$  to a point of reverse curvature of a 75.00 foot radius curve to the right, the center of which bears North  $52^{\circ}09'02''$  West, thence along the arc of said curve 8.95 feet through a central angle of  $6^{\circ}50'20''$  to a point of reverse curvature of a 25.00 foot radius curve to the left, the center of which bears South  $45^{\circ}18'42''$  East, thence along the arc of said curve 16.35 feet through a central angle of  $37^{\circ}28'53''$  to a point of reverse curvature of a 50.00 foot radius curve to the right, the center of which bears North  $82^{\circ}47'35''$  West, thence along the arc of said curve 76.00 feet through a central angle of