

WHEN RECORDED RETURN TO:

Mr. Richard Sonntag  
Pivotal Promontory Development, L.L.C.  
8758 North Promontory Ranch Road  
Park City, UT 84098

00776906 BK01789 Pg00329-00331

ALAN SPRIGGS, SUMMIT CO RECORDER  
2006 MAY 05 11:53 AM FEE \$93.00 BY GGB  
REQUEST: PIVOTAL PROMONTORY DEVELOPMENT

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

**NORTHGATE CANYON SUBDIVISION  
SUMMIT COUNTY, UTAH**

THIS SUPPLEMENTAL MASTER DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR PROMONTORY is made as of this 20<sup>th</sup> day of  
April, 2006, 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, as amended and supplemented, 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 (together with all amendments and supplements, 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 Northgate Canyon subdivision). The Northgate Canyon subdivision (hereinafter the "Subdivision") is included within the Land Subject to Annexation.

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.

BK1789 PG0329

**SUPPLEMENTAL DECLARATION:**

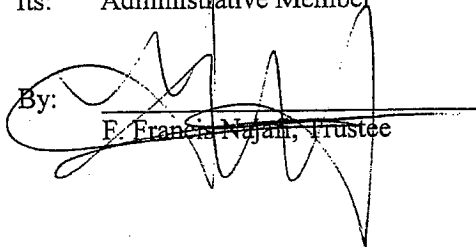
DECLARANT HEREBY DECLARES that all of the Lots within the Subdivision shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to the protective covenants, conditions, restrictions and equitable servitudes set forth in the Declaration, the terms of which Declaration are 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

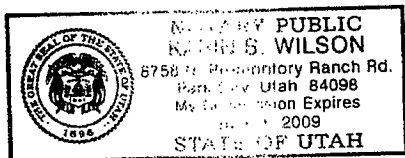
By: Pivotal Group X, LLC, an Arizona limited liability company  
Its: Administrative Member


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

By:   
F. Francis Najafi, Trustee

State of Utah )  
County of Summit ) :SS

The foregoing was acknowledged before me this 20th day of April, 2006 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: Park City, UT

**RECORDERS NOTE**  
DUE TO THE COLOR OF THE INK  
OF THE NOTARY SEAL AFFIXED  
TO THIS DOCUMENT, THE  
SEAL MAY BE UNSATISFACTORY  
FOR COPYING.

**EXHIBIT A**

**Pods 99-101, North Gate Canyon  
Legal Description**

A parcel of land located in Section 2, 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  $01^{\circ}28'53''$  East 2850.72 feet and 1967.61 feet West from the Northeast Corner of Section 2, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South  $01^{\circ}28'53''$  East 2229.57 feet between Northeast Corner of said Section 2 and West Quarter Corner of said Section 1, the Northeast corner being a found monument), and running thence South  $21^{\circ}48'45''$  East 253.96 feet; thence South  $54^{\circ}53'06''$  West 138.34 feet to a point of curvature of a 75.00 foot radius curve to the right, the center of which bears South  $54^{\circ}53'06''$  West, thence along the arc of said curve 21.44 feet through a central angle of  $16^{\circ}22'41''$ ; thence South  $18^{\circ}44'13''$  East 387.44 feet; thence South  $71^{\circ}15'47''$  West 39.12 feet to a point of curvature of a 275.00 foot radius curve to the left, the center of which bears South  $18^{\circ}44'13''$  East, thence along the arc of said curve 122.88 feet through a central angle of  $25^{\circ}36'03''$ ; thence South  $44^{\circ}20'16''$  East 50.00 feet to a point of curvature of a 225.00 foot radius curve to the left, the center of which bears South  $44^{\circ}20'16''$  East, thence along the arc of said curve 70.94 feet through a central angle of  $18^{\circ}03'57''$ ; thence South  $46^{\circ}34'28''$  East 402.34 feet; thence South  $36^{\circ}34'39''$  West 481.18 feet; thence North  $89^{\circ}19'03''$  West 894.58 feet; thence North  $85^{\circ}07'35''$  West 1112.10 feet; thence South  $84^{\circ}52'35''$  West 596.99 feet; thence North  $04^{\circ}38'30''$  East 244.13 feet; thence North  $24^{\circ}32'11''$  East 231.54 feet; thence North  $11^{\circ}18'29''$  East 492.98 feet; thence North  $08^{\circ}59'13''$  West 206.73 feet; thence North  $05^{\circ}59'33''$  East 442.48 feet; thence North  $15^{\circ}02'54''$  East 363.51 feet; thence North  $55^{\circ}17'28''$  East 262.94 feet; thence North  $03^{\circ}47'44''$  West 418.15 feet; thence North  $36^{\circ}39'52''$  East 206.27 feet; thence North  $77^{\circ}56'57''$  East 139.79 feet; thence South  $78^{\circ}53'37''$  East 297.12 feet; thence North  $82^{\circ}38'10''$  East 197.45 feet; thence South  $28^{\circ}58'54''$  East 1449.95 feet; thence North  $89^{\circ}32'56''$  East 258.31 feet; thence North  $78^{\circ}10'36''$  East 415.92 feet to the POINT OF BEGINNING.

Containing 118.26 acres more or less.