

WHEN RECORDED RETURN TO:

Mr. Richard Sonntag  
Pivotal Promontory Development, L.L.C.  
8758 North Promontory Ranch Road  
P.O. Box 981810  
Park City, UT 84098

00717056 Bk01660 Pg00967-00969

ALAN SPRIGGS, SUMMIT CO RECORDER  
2004 NOV 16 14:20 PM FEE \$14.00 BY GGB  
REQUEST: PIVOTAL PROMONTORY DEVELOPMENT

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

**RANGE HILL- PHASE 1  
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 October, 2004, 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 Range Hill subdivision). The Range Hill 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 the Range Hill subdivision.

**SUPPLEMENTAL DECLARATION:**

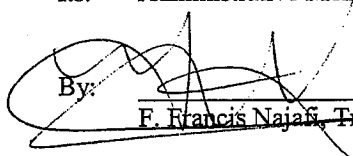
DECLARANT HEREBY DECLARES that all of the Lots within the Subdivision shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to the protective covenants, conditions, restrictions and equitable servitudes set forth in the Declaration, the terms of which Declaration are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

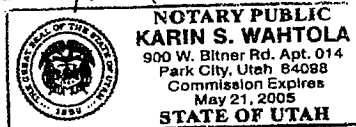
By: F. Francis Najafi as Trustee of the F. Francis Najafi  
Family Trust  
Its: Administrative Member

By:   
F. Francis Najafi, Trustee

State of Utah )  
  ) :ss  
County of Summit )

The foregoing was acknowledged before me this 28th day of October, 2004 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



## Exhibit A

**Range Hill:** A parcel of land located in the Southwest Quarter of Section 12, Township 1 South, Range 4 East, Salt Lake Base and Meridian being more particularly described as follows; Beginning at a point South 89°11'05" East 2023.84 feet and North 1840.46 feet from the Southwest Corner of Section 12, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, (Basis of bearing being South 89°11'05" East 5232.98 feet between an iron rod found at the Southwest Corner and a stone found at the Southeast Corner of said Section 12), and running thence to a point of curvature of a 1025.00 foot radius curve to the left, the center of which bears North 19°38'45" West; thence Northerly along the arc of said curve 98.63 feet through a central angle of 05°30'47"; thence North 64°50'28 East 214.48 feet to a point of curvature of a 475.00 foot radius non-tangent curve to the left, the center of which bears North 61°49'27" East; thence Southeasterly along the arc of said curve 284.69 feet through a central angle of 34°20'23"; thence South 02°33'11 East 266.36 feet, thence South 70°22'20 West 157.92 feet, thence North 83°14'57 West 223.04 feet, thence North 42°02'44 West 75.75 feet, thence North 16°55'39 West 56.22 feet to a point of curvature of a 71.50 foot radius non-tangent curve to the left, the center of which bears North 17°23'30" West; thence Northerly along the arc of said curve 150.90 feet through a central angle of 120°55'30"; thence North 48°18'59 West 106.57 feet to a point of curvature of a 105.00 foot radius curve to the right, the center of which bears North 41°41'01" East; thence Northerly along the arc of said curve 28.60 feet through a central angle of 15°36'20" to a point of curvature of a 25.00 foot radius compound curve to the right, the center of which bears North 57°17'21" East; thence Northerly along the arc of said curve 44.97 feet through a central angle of 103°03'54" to the POINT OF BEGINNING.

Containing 175,743 sq. ft. or 4.03 acres.