

Promontory Nicklaus West Supplemental Design Guidelines

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The following design criteria apply to the Lots within Promontory Nicklaus West described more fully in the Promontory SPA Plan, the Promontory Development Agreement, and the Recorded Plats for each phase of Promontory Nicklaus West, which are on file with the Summit County Recorder's Office.

1. DEFINITIONS

All capitalized terms contained herein shall have the definitions set forth in Promontory's Design Guidelines, the Declaration, the By-Laws, or the Development Agreement.

2. THE DESIGN PHILOSOPHY

In order for the Promontory Community to achieve the authentic mountain ranch character that is so appropriate to its setting, the entirety of its architecture and its landscape must work together in harmony. Many interpretations of Mountain Ranch architectural character are both anticipated and encouraged throughout Promontory's custom Villages; however, in certain Villages, special care is being taken by the Developer to ensure that the architectural character of the Residences is of a scale and style that is internally consistent.

Specifically, Promontory Nicklaus West (hereinafter, may be referred to in whole or in part as the "Villa(s)") have been carefully designed to evoke qualities of authenticity, proportionality, craftsmanship, sustainability, and social sophistication; while effectively integrating their architectural and landscaping improvements into the native environment of Promontory. The Villas have been specially positioned to take advantage of various views and to still create an integrated Village appearance. Their careful detail and articulation incorporates Promontory's "mountain ranch" character into smaller building forms which each have a higher degree of landscaping than might be found in Promontory's other custom Villages. These Supplemental Design Guidelines (hereinafter, Supplemental Guidelines) will ensure the continued visual integrity of Promontory Nicklaus West in the future by preserving the Village's unique character, as well as its continuing integration into the Promontory Community.

These Supplemental Guidelines for Promontory Nicklaus West have been promulgated pursuant to Article 4.3 of Promontory's Declaration of Covenants, Conditions, and Restrictions (hereinafter, the "Declaration") and the Supplemental Master Declaration of Covenants, Conditions, and Restrictions for Promontory; Promontory Nicklaus West (hereinafter, the "Supplemental Declaration"). These Supplemental Guidelines only apply to the real and personal property subject to the Declaration and the Supplemental Declaration and, with respect to that real and personal property only, they supplement Promontory's general Design Guidelines (hereinafter the "Design Guidelines") promulgated by Promontory's Architectural Review Committee (hereinafter, the "Committee"), pursuant to Section 4.8.8 of the Promontory SPA Plan dated January 16, 2001. Both sets of design guidelines are binding upon all Persons in accordance with the Declaration who may at any time construct, reconstruct, refinish, alter, or maintain any improvement within Promontory Nicklaus West, or who make any change in the natural or existing surface, drainage, or plant life thereof.

These Supplemental Guidelines are administered and enforced by the Committee in accordance with the Declaration and the procedures herein and therein set forth. In addition, the Committee administers and enforces the Design Guidelines pursuant to the Promontory SPA Plan. These Supplemental Guidelines and the Design Guidelines may be amended from time to time by the Committee, and it is the responsibility of each Owner or other Person to obtain and review a copy of the most recently revised Supplemental Guidelines and Design Guidelines.

The purpose of the Committee is to evaluate each proposed design, alteration, addition, improvement, and the like; for appropriateness to the applicable Lot, to the existing improvements, to the particular Village, and to the Community as a whole. Many times, the Committee, in its sole discretion, may decide that a condition or proposal which is acceptable in one situation may not be acceptable in another. The end goal is for the appearance and character of all Residences and buildings within Promontory, including their exterior landscaping, architecture, art, and sculpture, to harmonize with and to enhance all of their natural and manmade surroundings, rather than to dominate and/or contrast sharply with them.

As Promontory Nicklaus West is a thoroughly thought-out and well-designed Village from inception, the Committee will rarely accept any later additions or improvements to Lots within it. Exterior colors, exterior materials, rock selection(s), and landscaping shall remain and be maintained in the same manner in which they were installed. Owners within Promontory Nicklaus West have a special duty of respect to their neighbors' rights, views, and privacy.

Within Promontory Nicklaus West, the placement and orientation of the Residences and the landscaping have been very carefully designed and located. Thus, the indiscriminate addition of any architectural, landscaping, or art feature on an individual Lot could very easily have a substantial impact on a neighboring Lot. In this spirit, the following terms modify, reiterate, and/or further restrict terms within the *Design Guidelines*. Any and all terms within the *Design Guidelines* which are not restricted, modified, or reiterated herein by these *Supplemental Guidelines* shall remain the same and shall apply to any and all Lots and Residences within Promontory Nicklaus West.

3. VILLAS DESIGN AND PLANNING GUIDELINES

The climate, terrain, and existing vegetation at Promontory are all important factors to be considered in the designing of any improvements to properties within the Community. The following guidelines are intended to ensure environmentally sound and aesthetically pleasing development at Promontory, which will mutually benefit all Promontory members.

3.1 The Building Envelope Concept

The building envelope concept is a major component of the philosophy behind designing and planning improvements on each individual Lot. The building envelope for each Villa is defined as the building footprint of the Residence plus attached porches, patios, and roof overhangs; all as originally delivered by the Developer. Generally, exterior modification(s) of the enclosed structure extending beyond the original building footprint shall never be allowed at any Villa.

However, in limited circumstances, the building envelope may be expanded to allow the addition of optional features that were formally offered by the Developer during construction, but which offers were not accepted by an Owner and therefore not installed. Limited encroachments (such as low walls for the purpose of screening satellite dishes) may be approved by the Committee, in its sole discretion.

3.2 Access Drives

Each Villa has been provided access by a single driveway or a shared drive as stated in the Design Guidelines, in these Supplemental Guidelines, and in the Recorded Plat. No modifications to driveways shall be allowed.

Any change, modification, and/or addition to the driving surface of any driveway shall be pre-approved by the Committee, in its sole discretion.

3.3 On-Site Parking

Each Villa has been designed with a specific area to accommodate parking for two (2) guest automobiles within the private portion of the shared driveway, which area is immediately in front of the Villa's garage. Owners possessing trucks, buses, motor homes, campers, boats, trailers, motorcycles, or any other motorized vehicle other than a conventional automobile, shall store or park these vehicles within an enclosed garage, so they are completely hidden from view. Any outside parking of guests' motor homes, buses, or any other large recreational vehicles is prohibited at all times within Promontory, even when loading and unloading.

No on-street parking shall be permitted within Promontory Nicklaus West, nor shall it be permitted within any shared portion of driveways within Promontory Nicklaus West.

3.4 Walls and Fencing

No side walls or fencing, other than those walls or fences installed by the Developer in connection with the original construction of the Promontory Nicklaus West Village, may be installed within Promontory Nicklaus West.

3.5 Outdoor Storage

Outdoor storage materials of any kind shall not be permitted within Promontory Nicklaus West. All trash containers, firewood, overflow home storage, and maintenance/service equipment (i.e. snowblowers, etc.) shall be stored within an enclosed garage, except in the case of trash cans on the day of trash pick-up. This requirement shall not include mechanical equipment installed by the Developer in connection with the construction of each Villa.

3.6 Mechanical Equipment, Electrical Meters, Gas Meters, and Irrigation Meters

Exterior mechanical equipment and meters installed by the Developer in connection with the original construction of each Villa shall not be moved from its original location; however, if deemed necessary (by the Committee, in its sole discretion), an Owner may replace such equipment with equipment of a like size and function, so long as, in the Committee's sole discretion, (1) such equipment is appropriately painted to match the color of the original equipment and (2) such equipment is properly screened with landscaping or walls similar to the landscaping or walls originally installed by the Developer.

3.7 Storage Tanks

The installation of fuel tanks, water tanks, or similar storage facilities shall not be permitted within Promontory Nicklaus West.

3.8 Antennae and Satellite Dishes

Satellite dishes or television/radio aerials or antennae may be installed if they are fully screened from all roadways, adjacent Lot(s), adjacent Residence(s), Homesite(s), golf course(s), Open Space(s), public areas, or Common Areas. The Committee, in its sole discretion, may grant approval for the construction of limited walls for this purpose. Any and all walls used for screening exterior equipment, such as satellite dishes, must be an integral component of both the Lot and Villa designs, and such walls shall be pre-approved by the Committee. All satellite/antenna installations must be painted the color of the structural element to which they are mounted.

No circular satellite dish may be installed that is larger than 18 inches in diameter, and no oval-shaped satellite dish may be installed that is larger than 20 inches in diameter; unless the Committee, in its sole discretion, specifically pre-approves otherwise. Antennae may only be mounted in locations on Villas which are specifically pre-approved by the Committee, in its sole discretion, and all antennae must be painted to match the exterior surface of the Villa. Unless otherwise approved by the Committee (i.e. in locations where ground mounting is unfeasible or where ground mounting would be more attractive than building mounting), satellite dishes must be pre-approved by the Committee in size and placement and must be mounted to the ground. All satellites must either be (1) fully screened from adjacent Lot(s), adjacent Residence(s), Common Area(s), Open Space(s), and/or roadway views or (2) mounted on the residence in a location which minimizes visibility from adjacent Lot(s), adjacent Residence(s), Homesite(s) Common Area(s), Open Space(s), and/or roadways. In all cases, the mounting must be completed to the satisfaction of the Committee and the dish must be painted to match the structural element to which it is mounted.

Removal of trees to improve reception is prohibited. In some cases, a satellite dish may not be approved because of factors such as its proposed location on the Lot and/or the visual consequences caused by such location (e.g. disruption of the overall street scene or creation of an eyesore to adjacent Lot(s), adjacent Residence(s), Homesite(s), golf course(s), Common Area(s), Open Space(s), roadways, etc.).

3.9 Signage and Address Identification

All Promontory addresses will be identified according to a standard scheme (i.e. numeral and color type). Such standard address identification sign for each Villa within the Promontory Nicklaus West Village shall be supplied by the Developer, and such sign shall not be altered by any Owner within Promontory Nicklaus West.

No additional signage of any kind will be permitted, except for the directional signs provided by the Developer. Real estate sale or lease signs are prohibited. Installation of any kind of driveway markers is prohibited as well.

3.10 Lighting

The Developer may employ a low level, uniform street lighting scheme for safety (except where a higher level of lighting is required for public safety in the judgment of the County Engineer). No additional exterior lighting shall be installed by any Owner within Promontory Nicklaus West (with the exception of soft halo lighting on street address identification where such lighting is specifically pre-approved by the Committee).

3.11 Spas and/or Hot Tubs

If an Owner installs spas or hot tubs, they shall be completely shielded from view by being recessed into an attached porch/patio and they shall only be installed within the private area of a Villa's porch/patio. All spas must be constructed according to County regulations. All spa related equipment (i.e. pumps, motors, and heaters) must be fully screened from street views, and from adjacent Lot, Residence, Homesite, golf course, roadway, Open Space, and/or Common Area views. Any installation of a spa and/or related equipment is subject to prior approval by the Committee and may only be undertaken in strict compliance with all conditions established by the Committee.

3.12 Tennis, Sport Courts, and Basketball Goals

Due to the extensive area required for tennis or other hard-surfaced sport courts, such courts will not be permitted. Wall-mounted and/or free-standing basketball goals shall not be allowed in the driveway, in the patio area, or on the exterior of any Villa. Extensive recreational facilities are located near Promontory Nicklaus West, at the Ranch Club Compound, Nicklaus Painted Valley Clubhouse and Fitness Studio, and Mountain Garden Park.

3.13 Play Structures

Play structures, trampolines, swing sets, slides, or other such devices are not allowed within Promontory Nicklaus West, unless such structures are installed by the Developer. Extensive children's recreational activities are available for Promontory Club Members at the nearby Ranch Club Compound.

3.14 Approved Plant List

The Committee has approved a list of plants and trees deemed to be inherently compatible with Promontory's natural landscape, including both indigenous and non-indigenous species. This Approved Plant List is included in Section 3.17 of the Design Guidelines. The landscaping of any and all Promontory areas is expressly limited to these enumerated species, and any landscaping beyond that which is initially installed by the Developer shall be specifically approved by the Committee prior to installation.

3.15 Prohibited Plants

Unless a plant is approved by the Committee and specifically listed in the Approved Plant List (as described above in Section 3.14), such plant is prohibited. Requests by Owners to add plants they feel are worthy of consideration to the Approved Plant List may be made to the Committee. But again, it will be the ultimate decision of the Committee to choose to honor such request.

4. ARCHITECTURAL DESIGN STANDARDS

The architectural character of Promontory Nicklaus West has been established according to both climatic and aesthetic characteristics of Promontory. Any exterior additions or alterations to any Villa or to any Lot within Promontory Nicklaus West by any person(s) other than the Developer are generally prohibited. In the very rare case that the Committee, in its sole discretion, considers a proposed addition, improvement, or alteration to one or more of the Villas or to any Lot within Promontory Nicklaus West, such addition, improvement, or alteration shall always conform to the Developer's original design intent for this Village; shall be completely integrated into the existing architectural theme and design; and shall be in conformance with any and all Governing Documents, the Design Guidelines, and these Supplemental Guidelines. As each Villa within Promontory Nicklaus West lies within close proximity to its neighboring Villas, exterior additions or alterations shall always utilize materials, colors, textures, detailing, and a style which exactly match the original Promontory Nicklaus West product (unless otherwise is deemed appropriate by the Committee, in its sole discretion), so as to ensure that architectural integration and consistency is effectively maintained within the Village.

4.1 Roofs

Within Promontory Nicklaus West, all additions to, repairs to, and/or re-roofing of roofs shall be of the same material, color, texture, and detailing as the original roof construction, unless otherwise pre-approved in writing by the Committee, in its sole discretion. Any repairs or other work completed on roof(s) within Promontory Nicklaus West shall result in a finished appearance which matches that of the original construction. The overall appearance of each individual Villa in relation to its specific surroundings and neighboring Villas and Lots shall always be an important consideration as the Committee, in its sole discretion, reviews any proposed addition, modification, repair, or improvement.

4.2 Exterior Materials and Surfaces

Exterior surfaces shall always be comprised of the same material as that used in the original

construction of the Villas. All exterior repairs shall match the applicable existing surface material in color and texture. Any use of stone shall exactly match the stone used by the Developer in the original construction of the Villas, including but not limited to the stone color(s), stone texture(s), mortar color(s), joint size(s), and coursing pattern(s).

4.3 Exterior Colors

A limited exterior color palette has been selected by the Developer for use in Promontory Nicklaus West. The overall color composition of the building materials for the Villas has been selected with the natural colors of the surrounding landscape, vegetation, and mountains in mind. The existing exterior colors within Promontory Nicklaus West shall be the only colors that may be utilized in the Village, unless the Committee, in its sole discretion, pre-approves a new or additional color, upon a specific Owner's request. As well, within Promontory Nicklaus West, any colors considered for use on exterior artwork and/or sculpture shall have muted, native tones, rather than contrasting sharply with the Villas' exterior surfaces or the Villas' native surroundings.

4.4 Reflective Finishes

Within Promontory Nicklaus West, highly reflective finishes shall not be used on any exterior surfaces or surface materials, including exterior artwork and sculpture; with the exception of glass, which glass shall not be mirrored or opaque.

4.5 Building Projections

Within Promontory Nicklaus West, all projections from a Villa and all other Villa or Lot structures *including, but not limited to vents, flashing, louvers, gutters, downspouts, utility boxes, antennae, porches, railings, and exterior stairways shall either identically match the color of the surface from which they project, or they shall be painted/stained with color(s) which are pre-approved by the Committee, so that such projections unobtrusively blend in with adjacent surfaces. All building projections which are not part of a Villa's original construction product shall be pre-approved by the Committee, in its sole discretion, prior to installation. Most importantly as stated within the Design Guidelines, any and all building projections shall be contained within the building envelope, as discussed in Section 3.1 above.*

4.6 Garages and Garage Doors

Within Promontory Nicklaus West, the garage doors shall be maintained in good repair and in the same exterior surface and material finish used in the original construction of each Villa. Within Promontory Nicklaus West, garage doors may face the street if such doors were constructed by the Developer in such a manner.

4.7 Windows, Skylights, Draperies, and Shutters

Windows or skylights which are not part of a Villa's original construction shall not be added without the Committee, in its sole discretion, issuing express written pre-approval of such addition(s). Windows shall always be sized and located such that they limit heat gain to the interior

of the Residence and such that they do not cause any objectionable glare. Windows shall be carefully designed so they add depth and detail by being appropriately recessed and/or by utilizing features such as detailed overhangs and true divided light.

All shutters and/or drapery linings which may be visible from the outside of the Residence shall be neutrally colored. White is not considered a neutral color.

4.8 Porches, Patios, Decks, Terraces, Courtyards, and Awnings

The addition of porches, patios, decks, terraces, and/or courtyards shall only be designed and constructed by the Developer as an integral part of each Villa's original construction, and such structures shall not be later added, by an Owner or otherwise, to any Residence within Promontory Nicklaus West, except as may be permitted in Section 3.1 herein. Due to topography, privacy of adjacent Residences, limited landscape areas, and limited Lot size, additions, improvements, and/or expansions to original patios, porches, decks, terraces, and courtyards (where applicable) shall not be allowed within Promontory Nicklaus West, except as may be permitted in Section 3.1 herein. The porches and patios are a key design feature of the original construction at Promontory Nicklaus West; thus, enclosure or partial enclosure of these covered patio/porch areas does not follow the Developer's original design intent and shall not be allowed.

Within Promontory Nicklaus West, the addition(s) of awnings, exterior sunscreens, or other exterior shading devices is strongly discouraged and shall only be allowed if, in the opinion of the Committee, in its sole discretion, the addition is integrally designed into the existing improvements (as such improvements were constructed by the Developer) and if the addition does not have any negative impact on the overall visual harmony of the Promontory Nicklaus West Village in its entirety. Keep in mind that all fabric awnings are prohibited at Promontory.

4.9 Solar Applications and Other Structures

Active solar applications may easily result in excessive glare and reflection, and shall be prohibited within Promontory Nicklaus West.

4.10 Accessory Buildings

Accessory buildings, such as storage buildings, cabanas, and/or ramadas, shall be prohibited within Promontory Nicklaus West.

4.11 Dog Houses and Flag Poles

Any and all dog houses, dog runs, flag poles, and/or other permanently installed recreational equipment shall be prohibited within Promontory Nicklaus West.

4.12 Changes or Additional Construction

Any and all changes and/or additions to the Committee-approved plans which occur before, during, and/or after Homesite construction shall always be submitted to and approved by the Committee prior to their construction.

4.13 Low Flow Toilets

All Residences must use low flow toilets in their design. Low flow is defined as having a maximum of 1.5 gallons per flush.

4.14 Exterior Furnishings, Features, and Sound Systems

Any and all outdoor furniture and/or sound systems must conform to the same color and reflectivity standards established in the Design Guidelines and these Supplemental Guidelines for a Residence's exterior colors. Proposed exterior features such as fireplaces, fire pits, built-in barbeque grills, etc. shall only be those that may be designed and installed by the Developer as part of each Villa's original construction.

Any exterior audio speakers must be an integral part of the Residence and must be concealed (with proper recession or buffering, as approved by the Committee, in its sole discretion) from the views of surrounding Homesite(s), Lot(s), Residence(s), Open Space(s), golf course(s), roadway(s), and Common Area(s). Outdoor speaker music must never be so loud as to disturb occupants of neighboring Residences.

4.15 Uniform Landscaping and Maintenance Scheme

A uniform landscaping and maintenance scheme shall be applied to all Villas. Therefore, within Promontory Nicklaus West, changes to the exterior of a Residence shall not be allowed unless such changes occur within the private area of such Residence's yard. The private area of each yard is the area comprised of the particular Residence's original building footprint, plus the area attached to such Residence which extends to the edges of the exterior patio/porch.

Within Promontory Nicklaus West, an Owner may install decorative plantings of non-native plants in planters only within the private area of such Owner's Lot and only after receiving prior approval for such installation from the Committee, in its sole discretion.

Within Promontory Nicklaus West, it shall be each Owner's specific responsibility to irrigate and to maintain the attractive appearance of any plantings or the like, which are situated within the private area of such Owner's Lot.

5. DESIGN REVIEW PROCEDURES

Due to the nature and design of the Residences, landscaping, and other improvements within Promontory Nicklaus West, very few additions, alterations, or improvements beyond those initially designed constructed by the Developer are anticipated. In those very rare instances where additions, alterations, and/or improvements to a Residence or to a Lot within Promontory Nicklaus

West are deemed appropriate by the Committee, in its sole discretion, a comprehensive Design Review process that is administered by the Committee shall be followed. The Design Review process provides a pointed opportunity for every Owner, Architect, and/or Builder to draw upon the particular, unique expertise and knowledge of those who have been integrally involved in the planning and development of the Promontory Community and of the Villas. Under the mandates of the Governing Documents, the Committee is charged with the responsibility of maintaining the standards set forth in the Design Guidelines, these Supplemental Guidelines and any other applicable Governing Documents. In addition, the Committee has the authority and the responsibility to issue all formal approvals or disapprovals of any and all projects at Promontory, and to enforce the Design Guidelines, these Supplemental Guidelines, and any and all applicable Governing Documents. Each Residence within Promontory Nicklaus West and its additions, alterations, and/or improvements must meet the criteria of the Design Guidelines, the Supplemental Guidelines, and any and all Governing Documents which may be applicable to the particular Homesite and/or to the Promontory Nicklaus West Village.

Any Owner or other person acting on behalf of an Owner (other than the Developer of Promontory) wishing to make any alterations or changes to a Lot or Residence within Promontory Nicklaus West must submit any and all Plans and specifications required by the Committee (in the Design Guidelines, in these Supplemental Guidelines, or otherwise) for any visible exterior improvements or changes in condition on any Lot or Residence, including, but not limited to: additions, alterations, Lot improvements; and changes of exterior materials or finishes, driveways, Lot features, patios, awnings, window screens, lighting, landscaping, artwork, repainting, etc. The Owner shall be responsible for ensuring that all Design Review submittals are made by completing the proper Design Review Application Form in its entirety and submitting such Form to the Committee; by participating in all the proper conferences and/or meetings; by providing the proper supplementary requirements (i.e. material samples, plans, models, etc.); and by completing all steps of the Promontory Design Review process, which are explained in detail in the Design Guidelines.