

SUPPLEMENTAL DESIGN GUIDELINES: NORTHGATE CANYON

The following design criteria apply to the Lots within the Northgate Canyon Subdivision described more fully in the Promontory SPA Plan, the Promontory Development Agreement, and the Northgate Canyon Subdivision Recorded Plat, which is on file with the Summit County Recorder's Office. 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.

Plans and specifications for any initial construction of a residence, or for any visible exterior improvements or changes in Homesite condition, including, but not limited to additions, alterations, site improvements, changes of exterior materials or finishes, driveways, site features, patios, awnings, window screens, lighting, landscaping, artwork, and repainting, by someone other than the Developer shall be submitted with a properly completed Application Form to the Committee for approval in accordance with these Supplemental Design Guidelines and the Design Guidelines.

These *Supplemental Design Guidelines* for Northgate Canyon 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 the Promontory; Northgate Canyon Subdivision (hereinafter, the "*Supplemental Declaration*"). These *Supplemental Design 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 Northgate Canyon, or who make any change in the natural or existing surface, drainage, or plant life thereof.

The *Design Guidelines* and the *Supplemental Design 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* and the *Supplemental Design Guidelines* pursuant to the *Promontory SPA Plan*. The *Design Guidelines* and these *Supplemental Design Guidelines* may be amended from time to time by the Committee, and it is the continuing responsibility of each Owner or other Person to obtain and review copies of the most recently revised *Design Guidelines* and *Supplemental Design Guidelines*.

These *Supplemental Design Guidelines* for Northgate Canyon hereby set forth the following: To the extent the terms within the *Design Guidelines* refer to special restrictions, requirements, mandates, modifications, or considerations which apply to Homesites located within a Retention Area or a Ridgeline Area, such special Retention Area and Ridgeline Area restrictions, requirements, mandates, modifications, or considerations shall always control. Any and all other terms within the *Design Guidelines* which are not so modified by Retention Area and Ridgeline Area restrictions, requirements, mandates, modifications, or considerations shall remain the same and shall apply to any and all Homesites within Northgate Canyon.