

SUPPLEMENTAL DESIGN GUIDELINES:

BADGER COURT

NICKLAUS WEST PHASE 3 SUBDIVISION

The following design criteria apply to the Lots within the Nicklaus West Phase 3 Subdivision also known as Badger Court (hereafter "Badger Court") as described more fully in the Recorded Plats for the Nicklaus West Phase 3 Subdivision, which are 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 Badger Court 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; Nicklaus West Phase 3 (hereinafter, the "*Supplemental Declarations*"). These *Supplemental Design Guidelines* only apply to the real and personal property subject to the *Declaration* and the *Supplemental Declarations* 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 Badger Court, or who make any change in the natural or existing surface, landscape, 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*.

Lots within Badger Court are designated as Incentive Density Lots as stated on the applicable plats for each subdivision.

Size. Residences on each Lot are subject to a maximum building size limit of 8,000 square feet of Enclosed Livable Space and a minimum building size limit of 3,500 square feet of Enclosed Livable Space, unless the size limits are stated differently on the applicable Subdivision Plat.

Garages. If the Committee, in its sole discretion, approves such, garage doors may face the street on Homesites within Badger Court if the following conditions are met: (1) the Committee pre-approves the garage design; (2) the garage is only comprised of single-bay garage doors, rather than double-width garage doors; (3) the garage doors do not visually dominate the residence or become a focal point as viewed from the streetscape, neighboring Homesites, Common Areas, and/or Open Spaces; (4) the garage is appropriately buffered and mitigated with landscaping which has been pre-approved by the Committee, in its sole discretion; and (5) the garage is architecturally detailed (i.e. overhangs, design articulation) in compliance with the *Design Guidelines*, and as pre-approved by the Committee during the Design Review process. All terms in the *Design Guidelines* regarding garage doors not modified herein (i.e. color, material, architectural motif, exterior detail, lighting, building plane offsets, height and width requirements, and recession) shall apply.