

01128752 B: 2559 P: 0979

Page 1 of 3

Rhonda Francis Summit County Recorder

03/11/2020 11:41:51 AM Fee \$40.00

By Summit Escrow & Title

Electronically Recorded

WHEN RECORDED RETURN TO:

Robin Milne

Promontory Development, LLC

8758 N. Promontory Ranch Road

Park City, Utah 84098

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

**PROMONTORY NICKLAUS WEST PHASE 5
SUMMIT COUNTY, UTAH**

THIS SUPPLEMENTAL MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PROMONTORY is made as of this 10 day of March, 2020 by PROMONTORY DEVELOPMENT, LLC, an Arizona limited liability company, referred to below as "Declarant."

RECITALS:

A. Promontory Development, LLC is the successor 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 hereto (the Promontory Nicklaus West Phase 5 subdivision). The Promontory Nicklaus West Phase 5 subdivision (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, which are deemed to be covenants running with the land mutually burdening and benefitting each of the Lots within Promontory, including the Promontory Nicklaus West Phase 5 subdivision.

D. The following terms are hereby incorporated as part of the Declaration and to the extent these terms modify or conflict with any provisions in the Declaration, these terms shall control. All other terms of the Declaration not modified shall remain the same.

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 to 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

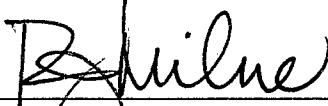
Declarant as well as its successors in interest and may be enforced by the Declarant or by any Owner of a benefited Lot to the extent provided in the Declaration.

Those lots in the Subdivision designated by the symbol (ID) are designated as Incentive Density units under the Development Agreement. Incentive Density Units in the Subdivision may be made available for overnight stay and short-term occupancy, subject to future regulation or prohibition by the Promontory Conservancy. All lots within the Subdivision shall be subject to Supplemental Design Guidelines as determined by the Promontory Conservancy Architectural Review Committee.

THIS SUPPLEMENTAL DECLARATION was executed as of the date stated above.

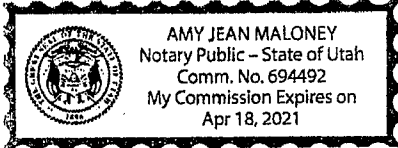
PROMONTORY DEVELOPMENT, LLC, an Arizona limited liability company

By: Promontory Development, LLC:

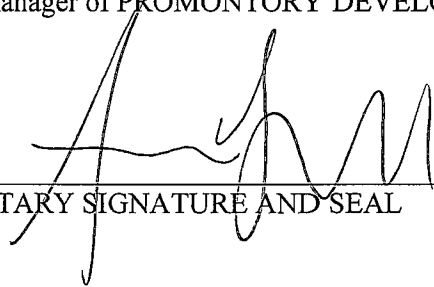


Robin Milne
General Manager

STATE OF UTAH)
): ss
COUNTY OF SUMMIT)



The foregoing SUPPLEMENTAL DECLARATION was acknowledged before me this 10th day of March, 2020, by Robin Milne, as General Manager of PROMONTORY DEVELOPMENT, LLC, an Arizona limited liability company.



NOTARY SIGNATURE AND SEAL

EXHIBIT A

PROMONTORY NICKLAUS WEST PHASE 5 SUBDIVISION LEGAL DESCRIPTION

A parcel of land located in the southeast quarter of Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah being more particularly described as follows:

Beginning at a point which bears North $00^{\circ}35'51''$ West along the east line of said Section 13 1,590.15 feet and West 1,781.76 feet from the Southeast Corner of Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, (Basis of bearing being South $00^{\circ}35'51''$ East 5,311.76 feet between the Northeast Corner of said Section 13 and Southeast Corner of said Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian), and running thence South $20^{\circ}12'14''$ West 79.83 feet to a point of curvature of a 25.00 foot radius curve to the left, the center of which bears South $69^{\circ}47'46''$ East; thence southerly 21.03 feet along the arc of said curve through a central angle of $48^{\circ}11'23''$ to a point of reverse curvature of a 50.00 foot radius curve to the right, the center of which bears South $62^{\circ}00'52''$ West; thence southwesterly 113.88 feet along the arc of said curve through a central angle of $130^{\circ}29'34''$; thence South $12^{\circ}30'26''$ West 152.20 feet; thence North $80^{\circ}13'04''$ West 209.99 feet; thence North $14^{\circ}09'16''$ West 152.20 feet; thence North $17^{\circ}40'24''$ East 489.67 feet; thence North $43^{\circ}12'17''$ East 433.07 feet; thence North $79^{\circ}23'52''$ East 322.39 feet; thence South $67^{\circ}06'34''$ East 225.30 feet to a point of curvature of a 375.00 foot radius non-tangent curve to the right; thence southerly 152.81 feet along the arc of said curve through a central angle of $23^{\circ}20'52''$ (chord bears South $17^{\circ}44'50''$ West 151.76 feet); thence South $29^{\circ}25'16''$ West 142.13 feet to a point of curvature of a 25.00 foot radius non-tangent curve to the left; thence northerly 39.27 feet along the arc of said curve through a central angle of $90^{\circ}00'00''$ (chord bears North $15^{\circ}34'44''$ West 35.36 feet); thence North $60^{\circ}34'44''$ West 6.73 feet to a point of curvature of a 150.00 foot radius curve to the left, the center of which bears South $29^{\circ}25'16''$ West; thence westerly 158.37 feet along the arc of said curve through a central angle of $60^{\circ}29'40''$ to a point of compound curvature of a 775.00 foot radius curve to the left, the center of which bears South $31^{\circ}04'24''$ East; thence southwesterly 523.77 feet along the arc of said curve through a central angle of $38^{\circ}43'22''$ to the Point of Beginning.

Containing 393,936 square feet or 9.04 acres, more or less.

Containing 8 lots.