

When Recorded, Mail to:

TCAP  
1351 Moray Court  
Park City, Utah 84068

FIRST SUPPLEMENTAL DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR

PINEBROOK COTTAGES 00435879 Bk00903 Pg00039-00044

SUMMIT COUNTY, UTAH ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1995 AUG 22 10:49 AM FEE \$91.00 BY DMG  
REQUEST: T C A P A

Whereas on MAY 2, 1995, the Declarant, TCAP, LLC, a Utah limited liability company, recorded the Record of Survey Map and Declaration of Condominium to establish the Pinebrook Cottages, a Utah expandable condominium. The Record of Survey Map is recorded as Entry Number 00429090, and the Declaration is in Book<sup>00881</sup> beginning at Page<sup>12</sup> of the official records of the Summit County Recorder; and

Whereas in conjunction with that initial filing the Declarant reserved the right to expand the condominium as provided by law, and to add additional land, common areas, and units to the condominium, described in Declaration;

Whereas Declarant desires to bring a portion of the Expandable Land under the Original Declaration as part of the Pinebrook Cottages Condominium;

NOW THEREFORE, Declarant, TCAP, LLC, a Utah limited liability company, and owner of the land described below, makes the following supplemental Declaration of Condominium:

1. Property. The property affected by this Supplemental Declaration is a portion of that land described as the "Expandable Lane" in Exhibit C of the Original Declaration of the Pinebrook Cottages Condominium, and is described as follows:

See attached Exhibit A

The Additional Property described on Exhibit A is referred to below as the "Phase II Units."

2. Original Declaration. The Phase II Units shall be, and are from the date of recording this Supplemental

9/02

Declaration forward, subject to and benefitted by the covenants, conditions, and restrictions contained in the Declaration of Condominium for the Pinebrook Cottages, dated \_\_\_\_\_, and recorded in Book \_\_\_\_\_, beginning at Page \_\_\_\_\_ of the records of the Summit County Recorder (the "Original Declaration").

3. Reciprocity Between Phases. As between the phases of the Pinebrook Cottages, the Declarant intends to create a uniform set of covenants, conditions, and restrictions as set forth in the Original Declaration, and the owners of Units in either phase shall be equally, mutually, and reciprocally subject to, and benefitted by the covenants, without regard to which phase the particular Unit in question is located. Units in each phase are subject to assessment as provided in the Original Declaration.

4. Supplemental Record of Survey Map. As provided by law, Declarant has filed for record the First Supplemental Record of Survey Map for the project, creating new Units, Common Areas, and Limited Common Areas, all as designated on the Map.

5. Common Area Interest. The undivided Common Area Interest appurtenant to each Unit is revised by the addition of the Phase II Units and creation of new Common Areas. The resulting modification of undivided Common Area Interest is shown on Exhibit B, which also states the revised voting rights appurtenant to each Unit.

6. Original Declaration Not Altered. Except as expressly provided in this Supplemental Declaration, no amendment, alternation, or waiver of any provision of the Original Declaration is made or intended. The Original Declaration shall remain in full force and effect.

7. Further Expansion. Declarant expressly reserves the rights to expand the project as described in the Original Declaration without the consent of the Owners.

Executed on the \_\_\_\_ day of \_\_\_\_\_, 1995.

TCAP, LLC, a Utah limited liability company

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By:   
James A. Doilney, its  
managing member

By: Michael Watts  
Michael Watts, its  
managing member

By: Kenneth B. Shoulders  
Kenneth B. Shoulders, its  
managing member

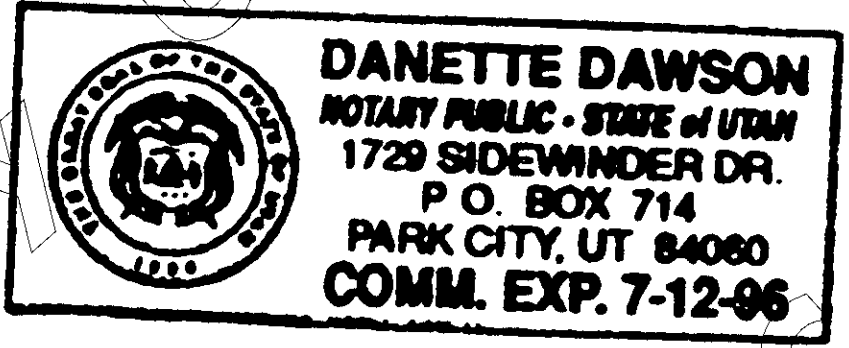
State of Utah )  
                  ) :ss  
County of Summit )

On the 18th day of August, 1995, James A. Doilney, Michael Watts, and Kenneth B. Shoulders, appeared before me and each acknowledged they are the managing members of TCAP, LLC, a Utah limited liability company which is the Declarant in the above instrument, and that each executed the same on behalf of the company with proper authority.

Danette Dawson  
Notary Public

Residing at: Heber City, UT

Commission Expires: 7-12-96



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EXHIBIT A  
LEGAL DESCRIPTION OF  
PINEBROOK COTTAGES, PHASE 2

PINEBROOK COTTAGES  
PHASE 2 PARCEL A DESCRIPTION

Beginning at a point South 1236.45 feet along the Section line and East 389.28 feet from the East Quarter Corner of Section 11, Township 1 South, Range 3 East, Salt Lake Base and Meridian, and running thence North  $68^{\circ} 15' 14''$  East 300.59 feet; thence South  $35^{\circ} 44' 46''$  East 501.66 feet; thence South  $58^{\circ} 25' 07''$  West 53.21 feet; thence South  $70^{\circ} 21' 14''$  West 54.15 feet to a point on a 130.00 foot radius curve to the left, whose radius point bears South  $70^{\circ} 21' 14''$  West; thence along the arc of said curve 36.53 feet thru a central angle of  $16^{\circ} 06' 00''$ ; thence North  $35^{\circ} 44' 46''$  West 81.87 feet to a point on a 180.00 foot radius curve to the left, whose radius point bears South  $54^{\circ} 15' 14''$  West; thence along the arc of said curve 241.90 feet thru a central angle of  $77^{\circ} 00' 00''$  to a point on a 376.99 foot radius curve to the right, whose radius point bears North  $22^{\circ} 44' 46''$  West; thence along the arc of said curve 232.07 feet thru a central angle of  $35^{\circ} 16' 12''$ ; thence North  $08^{\circ} 58' 35''$  East 205.19 feet to the point of beginning. Description contains 2.79 acres.

PINEBROOK COTTAGES  
PHASE 2 PARCEL B DESCRIPTION

Beginning at a point South 1489.62 feet along the Section line and East 307.85 feet from the East Quarter Corner of Section 11, Township 1 South, Range 3 East, Salt Lake Base and Meridian, and running thence South  $77^{\circ} 28' 34''$  East 37.29 feet to a point on a 436.99 foot radius curve to the left, whose radius point bears North  $12^{\circ} 31' 26''$  East; thence along the arc of said curve 269.00 feet thru a central angle of  $35^{\circ} 16' 12''$  to a point on a 120.00 foot radius curve to the right, whose radius point bears South  $22^{\circ} 44' 46''$  East; thence along the arc of said curve 161.27 feet thru a central angle of  $77^{\circ} 00' 00''$ ; thence South  $35^{\circ} 44' 46''$  East 60.38 feet; thence South  $54^{\circ} 15' 14''$  West 118.45 feet; thence North  $27^{\circ} 26' 49''$  West 55.99 feet; thence South  $85^{\circ} 27' 22''$  West 233.83 feet; thence North  $86^{\circ} 22' 10''$  West 116.69 feet; thence South  $79^{\circ} 59' 23''$  West 32.71 feet; thence North  $12^{\circ} 31' 26''$  East 113.09 feet to the point of beginning. Description contains 1.14 acres.

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EXHIBIT "B" page 1

Unit #	Building Type	Square Feet	Common Area Ownership %	Votes
85	Cottonwood	1,380	1.23%	0.9
86	Cottonwood	1,380	1.23%	0.9
87	Whitepine	1,980	1.77%	1.2
88	Whitepine	1,980	1.77%	1.2
89	Millcreek	1,650	1.47%	1.0
90	Millcreek	1,650	1.47%	1.0
13	Whitepine	1,980	1.77%	1.2
14	Whitepine	1,980	1.77%	1.2
15	Cottonwood	1,380	1.23%	0.9
16	Cottonwood	1,380	1.23%	0.9
17	Whitepine	1,980	1.77%	1.2
18	Whitepine	1,980	1.77%	1.2
19	Cottonwood	1,380	1.23%	0.9
20	Cottonwood	1,380	1.23%	0.9
21	Millcreek	1,650	1.47%	1.0
22	Millcreek	1,650	1.47%	1.0
23	Cottonwood	1,380	1.23%	0.9
24	Cottonwood	1,380	1.23%	0.9
25	Millcreek	1,650	1.47%	1.0
26	Millcreek	1,650	1.47%	1.0
27	Cottonwood	1,380	1.23%	0.9
28	Cottonwood	1,380	1.23%	0.9
29	Whitepine	1,980	1.77%	1.2
30	Whitepine	1,980	1.77%	1.2
31	Cottonwood	1,380	1.23%	0.9
32	Cottonwood	1,380	1.23%	0.9
33	Millcreek	1,650	1.47%	1.0
34	Millcreek	1,650	1.47%	1.0
35	Cottonwood	1,380	1.23%	0.9
36	Cottonwood	1,380	1.23%	0.9
37	Cottonwood	1,380	1.23%	0.9
38	Cottonwood	1,380	1.23%	0.9
39	Whitepine	1,980	1.77%	1.2
40	Whitepine	1,980	1.77%	1.2
41	Millcreek	1,650	1.47%	1.0
42	Millcreek	1,650	1.47%	1.0
43	Cottonwood	1,380	1.23%	0.9
44	Cottonwood	1,380	1.23%	0.9
45	Millcreek	1,650	1.47%	1.0
46	Millcreek	1,650	1.47%	1.0
47	Cottonwood	1,380	1.23%	0.9
48	Cottonwood	1,380	00485879 Bk 00903 Pg00043	0.9
49	Cottonwood	1,380	1.23%	0.9
50	Cottonwood	1,380	1.23%	0.9
51	Whitepine	1,980	1.77%	1.2
52	Whitepine	1,980	1.77%	1.2
53	Millcreek	1,650	1.47%	1.0
54	Millcreek	1,650	1.47%	1.0

EXHIBIT "B" page 2

Unit #	Building Type	Square Feet	Common Area Ownership %	Votes
55	Cottonwood	1,380	1.23%	0.9
56	Cottonwood	1,380	1.23%	0.9
57	Cottonwood	1,380	1.23%	0.9
58	Cottonwood	1,380	1.23%	0.9
59	Millcreek	1,650	1.47%	1.0
60	Millcreek	1,650	1.47%	1.0
61	Whitepine	1,980	1.77%	1.2
62	Whitepine	1,980	1.77%	1.2
63	Cottonwood	1,380	1.23%	0.9
64	Cottonwood	1,380	1.23%	0.9
65	Millcreek	1,650	1.47%	1.0
66	Millcreek	1,650	1.47%	1.0
67	Cottonwood	1,380	1.23%	0.9
68	Cottonwood	1,380	1.23%	0.9
69	Millcreek	1,650	1.47%	1.0
70	Millcreek	1,650	1.47%	1.0
71	Whitepine	1,980	1.77%	1.2
72	Whitepine	1,980	1.77%	1.2
73	Millcreek	1,650	1.47%	1.0
74	Millcreek	1,650	1.47%	1.0
75	Cottonwood	1,380	1.23%	0.9
76	Cottonwood	1,380	1.23%	0.9
			100.00%	70.0

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