

WHEN RECORDED RETURN TO:

Wade R. Budge
SNELL & WILMER L.L.P.
15 West South Temple, Suite 1200
Salt Lake City, UT 84101

01085837 B: 2448 P: 0532

Page 1 of 5

Mary Ann Trussell, Summit County Utah Recorder

01/31/2018 11:42:07 AM Fee \$20.00

By Coalition Title Agency, Inc.

Electronically Recorded

Affecting Part of Tax Serial No. S-98, and
Tax Serial Nos. PCA-S-98-BB and PCA-S-98-SD-6

**SUPPLEMENTAL DECLARATION TO
AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF EMPIRE PASS**

[Marsac Horseshoe]

THIS SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF EMPIRE PASS (this "Supplemental Declaration"), dated as of the 31 day of January, 2018, by **REDUS PARK CITY LLC**, a Delaware limited liability company ("Declarant"), amends that certain Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass dated December 10, 2004, and recorded on December 14, 2004 in the Office of the Recorder of Summit County, Utah, as Entry No. 719855 in Book 1666 at Pages 1054 through 1155, as amended by that certain Supplemental Declaration to the Certificate of Amendment and Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass dated January 31, 2005 and recorded on February 4, 2005 in the Office of the Recorder of Summit County, Utah, as Entry No. 725523 in Book 1677 at Pages 360 through 365 (as amended, the "Declaration"). All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declaration.

RECITALS:

A. United Park City Mines Company, a Delaware corporation ("UPCM"), is the original "Declarant" under the Declaration.

B. UPCM assigned all of its rights, title and interest as "Declarant" under the Declaration to Wells Fargo Bank National Association ("Wells Fargo"), pursuant to that certain Assignment of Declarant's Rights dated October 26, 2015 made by UPCM in favor of Wells Fargo.

C. Wells Fargo assigned all of its rights, title and interest as "Declarant" under the Declaration to Declarant pursuant to that certain Assignment of Declarant Rights dated November 17, 2015 and recorded on October 3, 2016 as Entry No. 01054950 in Book 2375 at Page 172.

D. The Declaration provides that Declarant shall have the right and option, from time to time and at any time, to amend the provisions of the Declaration and to subject additional property to the Declaration by the recordation of a Supplemental Declaration, which shall be effective when it is recorded, unless otherwise provided therein.

E. Pursuant to the provisions of Article XVI of the Declaration, Declarant desires to subject the real property located in Summit County, Utah (the "Property"), more particularly described on Schedule 1 attached hereto and made a part hereof, to the provisions of the Declaration.

27458

F. Declarant has conveyed the Property to STORIED DEER VALLEY, LLC, a Delaware limited liability company, and is executing and delivering this Supplemental Declaration for the purpose of subjecting the Property to the provisions of the Declaration.

DECLARATION:

NOW, THEREFORE, in consideration of the foregoing premises, Declarant hereby declares and states as follows:

1. **Recitals.** The Declarant hereby affirms the accuracy of the Recitals.
2. **Property Made Subject to Declaration.** The Property is hereby made subject to the Declaration, and shall be held, conveyed, transferred, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or developed, in whole or in part, subject to the Declaration, as amended or modified from time to time, which provisions are hereby ratified, approved, confirmed and incorporated herein, with the same force and effect as if fully set forth herein and made again as of the date hereof.
3. **Land Use Classification.** Pursuant to Section 4.1 of the Declaration, and subject to the Declaration of Development Covenants [Marsac Horseshoe] recorded concurrently herewith, the Property is hereby designated with the Land Use Classification of Cluster Residential Use.
4. **Covenant Running with Land.** The provisions of the Declaration shall run with the Property and shall be binding upon all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.
5. **Effective Date.** This Supplemental Declaration shall be effective as of the date it is recorded in the Office of the Recorder of Summit County, Utah.


[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, Declarant has executed and delivered this Supplemental Declaration as of the date and year first above written.

REDUS PARK CITY LLC,
a Delaware limited liability company

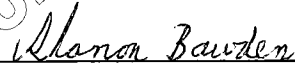
By: REDUS Properties, Inc.,
a Delaware corporation

Its: Manager

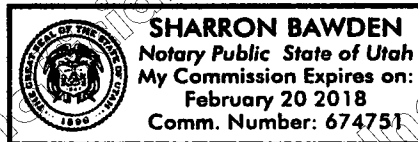
By: 
David Ash, Senior Vice President

STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 17th day of January, 2018 by David Ash as the Senior Vice President of REDUS PROPERTIES, INC., a Delaware corporation, as manager of REDUS PARK CITY LLC, a Delaware limited liability company.


Notary Public

Residing at: Salt Lake County, UT
My Commissions Expires: 2/20/2018



**SCHEDULE 1
TO
SUPPLEMENTAL DECLARATION FOR MARSAC HORSESHOE**

The real property referred to in this Supplemental Declaration as the Property is located in Summit County, Utah and is more particularly described as follows:

Lot 1, Village at Empire Pass North Subdivision, according to the official plat recorded January 23, 2018, as Entry No. 1085414 in the Summit County Recorder's Office.

(Part of Tax Serial No. S-98, and Tax Serial Nos. PCA-S-98-BB and PCA-S-98-SD-6).