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Mary Ann Trussell, Summit County Utah Recorder

10/04/2016 12:30:19 PM Fee \$17.00

By Coalition Title Agency, Inc.

Electronically Recorded

WHEN RECORDED, RETURN TO:  
Empire Pass Master Owners Association, Inc.  
4188 SR 248  
PO Box 99  
Kamas, UT 84036

Affecting Tax Serial Nos.: PCA-S-98-DD and PCA-S-98-EE

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

THIS SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF EMPIRE PASS (this "Supplemental Declaration"), dated as of the 29<sup>th</sup> day of September, 2016, 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 Confirmation of 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, as assignee, pursuant to that certain Assignment of Declarant's Rights dated November 17, 2015 and recorded on October 3, 2016 as Entry No. 01054950 with the Summit County Recorder.

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 to the provisions of the Declaration the real property located in Summit County, Utah (the "Subject Property") more particularly described on Exhibit A attached hereto and made a part hereof.

F. Declarant owns all of the Subject Property.

G. Declarant is executing and delivering this Supplemental Declaration for the purpose of subjecting the Subject Property to the provisions of the Declaration.

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

1. Subject Property Made Subject to Declaration. The Subject 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. Pursuant to Section 4.1 of the Declaration, and subject to the Declaration of Payment and Development Covenants recorded concurrently herewith (the "Development Declaration"), the Subject Property is hereby designated with the Land Use Classification of Residential Condominium Development Use. Declarant hereby approves the allocation of entitlements to the Subject Property as described in the Development Declaration. Declarant further approves the form of subdivision plat with respect to the Subject Property pending before Park City Municipal Corporation and will acknowledge its consent in writing in advance of recording.

2. Run with Land. The provisions of the Declaration shall run with the Subject Property and shall be binding upon all parties having any right, title, or interest in the Subject Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

3. 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 Left 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: \_\_\_\_\_

Name: DAVID L. ASH


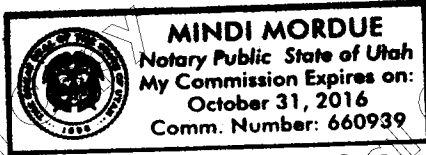
Title: Sr VP

STATE OF UTAH )

: ss

COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of September, 2016 by DAVID L. ASH as the MANAGER of REDUS PROPERTIES, INC., a Delaware corporation, as manager of REDUS PARK CITY LLC, a Delaware limited liability company.

  
Notary Public

Residing at: 15 W. SOUTH TEMPLE, SLC, UT 84101  
My Commissions Expires: 10/31/16

**EXHIBIT A  
TO  
SUPPLEMENTAL DECLARATION**

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

A parcel of land located in the northeast quarter of Section 28 and the southeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian.

Beginning at a point that is North 88°09'24" East 201.22 feet along section line and South 159.30 feet from the north quarter corner of Section 28, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being the northeasterly corner of Shooting Star Lodge, recorded November 24, 2004, as Entry No. 718084 in the Office of the Summit County Recorder and on the westerly boundary of Village Way right-of-way, The Village At Empire Pass, Phase 1, recorded November 24, 2004, as Entry No. 718034; and running thence along the northerly boundary of said Shooting Star Lodge, South 89°36'26" West 151.81 feet; thence North 15°22'27" West 54.00 feet; thence North 03°43'15" East 134.23 feet; thence South 85°48'47" East 7.34 feet; thence North 42°44'41" East 19.25 feet; thence North 03°55'31" East 28.19 feet; thence South 68°57'55" East 114.91 feet to a non tangent curve to the left having a radius of 52.50 feet, of which the radius point bears South 69°03'43" East, said point being on the westerly boundary of Village Way; thence along the westerly boundary of Village Way the following two (2) courses: 1) southerly along the arc of said curve 29.23 feet through a central angle of 31°53'59"; thence 2) South 10°57'43" East 159.62 feet to the point of beginning.