

When Recorded, Return to

Sterling Drive Owners Association  
P.O. Box 2263  
Park City, Utah 84060

00451430 Bk00955 Pg00298-00308

AGREEMENT

ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1996 APR 03 11:54 AM FEE \$48.00 BY DMG  
REQUEST: TOM CLYDE

THIS AGREEMENT IS MADE EFFECTIVE JANUARY 1, 1995 by and between TWIN PINES CONDOMINIUM OWNERS ASSOCIATION, SILVERBIRD CONDOMINIUM ASSOCIATION, DEER VALLEY RIDGE AT SILVER LAKE CONDOMINIUM OWNERS ASSOCIATION, ENCLAVE CONDOMINIUM OWNERS ASSOCIATION, THE COTTAGES SUBDIVISION OWNERS ASSOCIATION, BRAD SMITH (Alpenrose Lot #2), TED URITUS (Knollheim Lot #1), CYNTHIA SHARP and WILLIAM LIGETY (Knollheim Lot #2), DON HUMPHRIES (Knollheim Lot #3), HAL SALDARINI (Knollheim Lot #4), and MICHAEL MATURA and JOHN J. WASILEWSKI (Knollheim Lots #5 and 6), collectively referred to as "Sterling Owners" to set for the terms and conditions under which the maintenance and operation of Sterling Drive, a private street, will be managed by the Sterling Owners.

#### RECITALS

The Sterling Owners all own property that fronts on and takes its access from Sterling Drive, a private road. The maintenance and operation of this road have been provided in the past by Deer Valley Resort Company. Deer Valley ceased providing this service to the Sterling Owners in 1993. Since that time, the maintenance costs have been assumed by the Sterling Owners.

The Sterling Owners incorporated the Sterling Drive Owners Association (the "Association") on August 30, 1993 as a non-profit corporation of the State of Utah. Deer Valley Resort conveyed title to Sterling Drive to the Association in a deed recorded September 13, 1993, which is recorded in the office of the Summit County Recorder in Book 751 at Page 182.

Despite the conveyance and prior years of operations, the parties have not formalized their internal arrangements concerning the operation and maintenance of Sterling Drive, nor have they approved the manner of assessment of the costs of operating and maintaining Sterling Drive.

Now, therefore, to fully implement the intention of the Sterling Owners for the operation maintenance of Sterling Drive, and in consideration of the mutual agreements and promises made by each Owner to the others, and to the Association, the parties agree as follows:

1. Title to Sterling Drive. The parties acknowledge that title to Sterling Drive is now vested in the Association, but subject to the private easements in favor of each of the owners as set forth in their deeds from Deer Valley Resort and/or Royal Street Land Co., and such easements for public and private utilities as exist of record. The Association may grant utility and other easements to third parties with approval of its Board.

2. Management Services. The services to be provided by the Association, for the benefit of its members, are: Snow removal, including sanding and salting as necessary; pavement patching and periodic pavement overlays; liability insurance; supervision of road cuts for utility repairs and the

restoration of the road surface upon completion; payment of property taxes; and such other services reasonably related to the operation and maintenance of Sterling Drive as the Owners might approve from time to time.

**3. Assessment.** Each party to this agreement, and for each party's successors and assigns, agrees to pay assessments to the Association for its share of the annual operation and maintenance expenses of Sterling Drive. Assessments will cover physical costs as well as administrative expenses and reasonable cash reserves. The rate of assessment will be determined by the Association in its annual budget. Special Assessments may be levied as provided in the by-laws. The total annual budget will be allocated among the Sterling Owners as shown on the attached Exhibit A. The Assessments will be levied as follows:

(a) In the case of a condominium, the assessment will be levied against the condominium association, rather than the owners of individual units. The assessment will then be treated as common area expense of the condominium, and allocated among the unit owners of each condominium as set forth in the declaration for each condominium.

(b) In the case of a subdivision with an active owners association, the assessment will be levied against the subdivision owners association, rather than individual lot owners, and collected from the lot owners as set forth in the applicable subdivision covenants and organizational documents for the owners association.

(c) In the case of vacant land, or subdivisions where there is no active owners association, the assessment will be levied against the owner of each parcel or lot individually. The Association will allocate the assessment levied against such subdivisions among the various owners on the basis of lot area. Vacant development parcels, and vacant lots are subject to assessment.

**4. Remedies for Non-Payment.** By joining the association, each Owner covenants for itself and its successor in interest to pay the validly imposed assessments of the Association. In the event of a default in the payment of assessments, the Association is empowered to take all appropriate legal action against the defaulting Owner to collect the amounts owed. The nature of the services provided by the Association are such that they fall within the Mechanics' Lien statute, and each Owner consents to the placement of a mechanics' lien against its property (including condominium common areas) in the event of a default. Each Owner also agrees to pay the full costs of the Association in recovering past due assessments, including attorneys fees and costs of court, and interest at the rate of 12% per annum from the date of default until fully paid, both before and after judgment.

**5. Counterpart Originals.** This agreement will be signed in counterpart originals. It will be effective only as to those parties executing the agreement and recording notice of their participation in the Association. Other property owners who access their property over Sterling Drive, but who have not joined the Association, are not parties to this Agreement, and shall not be benefitted by the insurance provided by the Association. Non-parties may subsequently join the Association by executing the Agreement. At that time, the agreement will be amended to reflect the inclusion of additional parties in the assessments. A separate signature page has been prepared for each party, which will also be recorded to give future owners record notice of the existence of the Association and the obligation to pay assessments.

**6. Authority.** The parties signing this agreement represent that they each have proper authority under the by-laws or other governing documents of the condominium associations on whose behalf they are signing.

**7. Public Dedication.** Nothing in this agreement is intended to preclude or prevent public dedication of Sterling Drive to Park City if Park City agrees to accept such dedication.

See attached signature pages for each of the parties.

EXHIBIT A

ALLOCATION OF ASSESSMENTS

STERLING DRIVE OWNERS ASSOCIATION, INC.

Property	Acreage	Percentage/ Votes
The Deer Valley Ridge Condominiums	2.34	26.26%
Silver Bird Condominiums	0.80	8.97%
Enclave Condominiums	0.71	7.96%
Twin Pines Condominiums	1.33	14.94%
The Cottages Subdivision	2.83	31.78%
Knollheim Subdivision:		
Lot #1	0.30	not a party
Lot #2	0.30	3.37%
Lot #3	0.30	3.37%
Lot #4	0.30	3.37%
Lot #5	0.30	not a party
Lot #6	0.30	not a party
Alpenrose Lot #2	0.33	not a party
Total Acreage:	10.14	
Acreage Participating	8.91	
Total Votes:		100.00

Votes and assessments have been calculated on the ratio of acreage each property owner has relative to the total acreage participating.

SIGNATURE PAGE FOR  
TWIN PINES CONDOMINIUM OWNERS ASSOCIATION

By signing below, TWIN PINES CONDOMINIUM OWNERS ASSOCIATION has joined in that agreement effective January 1, 1995 by and between TWIN PINES CONDOMINIUM OWNERS ASSOCIATION, SILVERBIRD CONDOMINIUM OWNERS ASSOCIATION, DEER VALLEY RIDGE AT SILVER LAKE CONDOMINIUM OWNERS ASSOCIATION, ENCLAVE CONDOMINIUM OWNERS ASSOCIATION, THE COTTAGES SUBDIVISION OWNERS ASSOCIATION, BRAD SMITH (Alpenrose Lot #2), TED URITUS (Knollheim Lot #1), CYNTHIA SHARP and WILLIAM LIGETY (Knollheim Lot #2), DON HUMPHRIES (Knollheim Lot #3), HAL SALDARINI (Knollheim Lot #4), and MICHAEL MATURA and JOHN J. WASILEWSKI (Knollheim Lots #5 and 6), concerning the ownership, maintenance, and operation of Sterling Drive.

This party is the entity with authority over the common areas of the Twin Pines Condominium, as it appears of record in the office of the Summit County Recorder.

TWIN PINES CONDOMINIUM OWNERS ASSOCIATION,

BY: \_\_\_\_\_  
Its duly authorized management entity,

By: Paul E Wilson  
VICE - President


Attest:

\_\_\_\_\_  
Secretary

STATE OF UTAH            )  
                                  ):ss  
COUNTY OF SUMMIT    )

31 The foregoing instrument was acknowledged before me this day of January, 1996 by PAUL E WILSON and \_\_\_\_\_, who stated that they are the President and Secretary of TWIN PINES AT SILVER LAKE HOA ASSOCIATION <sup>VICE</sup>, a Utah corporation, who executed the foregoing on behalf of that corporation with proper authority.

Linda K. Stice  
Notary Public

Residing at:  
 NOTARY PUBLIC  
LINDA K. STICE  
778 E. Westwood  
Park City, Utah 84096  
Commission Expires  
December 4, 1999  
STATE OF UTAH

Commission Expires:  
\_\_\_\_\_



SIGNATURE PAGE FOR

DEER VALLEY RIDGE AT SILVER LAKE  
CONDOMINIUM OWNERS ASSOCIATION

By signing below, THE RIDGE AT DEER VALLEY CONDOMINIUM OWNERS ASSOCIATION has joined in that agreement effective January 1, 1995 by and between TWIN PINES CONDOMINIUM OWNERS ASSOCIATION, SILVERBIRD CONDOMINIUM OWNERS ASSOCIATION, DEER VALLEY RIDGE AT SILVER LAKE CONDOMINIUM OWNERS ASSOCIATION, ENCLAVE CONDOMINIUM OWNERS ASSOCIATION, THE COTTAGES SUBDIVISION OWNERS ASSOCIATION, BRAD SMITH (Alpenrose Lot #2), TED URITUS (Knollheim Lot #1), CYNTHIA SHARP and WILLIAM LIGETY (Knollheim Lot #2), DON HUMPHRIES (Knollheim Lot #3), HAL SALDARINI (Knollheim Lot #4), and MICHAEL MATURA and JOHN J. WASILEWSKI (Knollheim Lots #5 and 6), concerning the ownership, maintenance, and operation of Sterling Drive.

This party is the entity with authority over the common areas of the Deer Valley Ridge Condominium, as it appears of record in the office of the Summit County Recorder.

THE RIDGE AT DEER VALLEY  
CONDOMINIUM OWNERS  
ASSOCIATION

BY: \_\_\_\_\_  
Its duly authorized  
management entity,

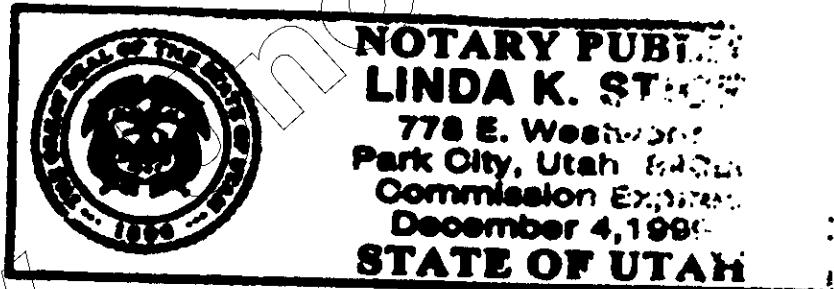
By: R. Winslow White  
President

Attest:

\_\_\_\_\_  
Secretary

STATE OF UTAH            )  
                                  ):ss  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of January, 1995 by P. Winslow White and \_\_\_\_\_, who stated that they are the President and ~~Secretary~~ Secretary of Ridge at Deer Valley Condominium Owners Association, a Utah corporation, who executed the foregoing on behalf of that corporation with proper authority.



Linda K. Stiles  
Notary Public

Residing at:  
778 E. Westwood  
Park City, UT 84060

Commission Expires:  
Dec. 4, 1999

SIGNATURE PAGE FOR

ENCLAVE CONDOMINIUM OWNERS ASSOCIATION

By signing below, ENCLAVE CONDOMINIUM OWNERS ASSOCIATION has joined in that agreement effective January 1, 1995 by and between TWIN PINES CONDOMINIUM OWNERS ASSOCIATION, SILVERBIRD CONDOMINIUM OWNERS ASSOCIATION, DEER VALLEY RIDGE AT SILVER LAKE CONDOMINIUM OWNERS ASSOCIATION, ENCLAVE CONDOMINIUM OWNERS ASSOCIATION, THE COTTAGES SUBDIVISION OWNERS ASSOCIATION, BRAD SMITH (Alpenrose Lot #2), TED URITUS (Knollheim Lot #1), CYNTHIA SHARP and WILLIAM LIGETY (Knollheim Lot #2), DON HUMPHRIES (Knollheim Lot #3), HAL SALDARINI (Knollheim Lot #4), and MICHAEL MATURA and JOHN J. WASILEWSKI (Knollheim Lots #5 and 6), concerning the ownership, maintenance, and operation of Sterling Drive.

This party is the entity with authority over the common areas of the Enclave Condominium, as it appears of record in the office of the Summit County Recorder.

ENCLAVE CONDOMINIUM OWNERS ASSOCIATION

BY: Karen Bettis  
Its duly authorized management entity,

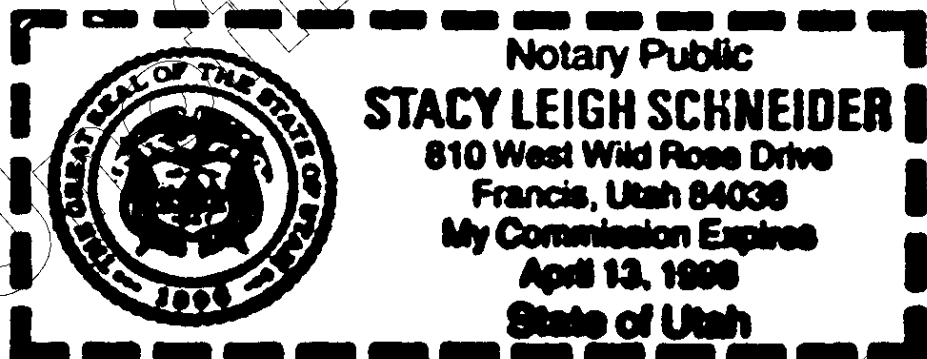
By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

STATE OF UTAH            )  
                                  ): ss  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this 29th day of December, 1995 by Karen Bettis and \_\_\_\_\_ who stated that they are the President and Secretary of Enclave Condominium Owners Assoc., a Utah corporation, who executed the foregoing on behalf of that corporation with proper authority.



Stacy Leigh Schneider  
Notary Public  
Residing at: Summit County

Commission Expires: \_\_\_\_\_

SIGNATURE PAGE FOR

THE COTTAGES SUBDIVISION HOMEOWNERS ASSOCIATION

By signing below, THE COTTAGES SUBDIVISION HOMEOWNERS ASSOCIATION has joined in that agreement effective January 1, 1995 by and between TWIN PINES CONDOMINIUM OWNERS ASSOCIATION, SILVERBIRD CONDOMINIUM OWNERS ASSOCIATION, DEER VALLEY RIDGE AT SILVER LAKE CONDOMINIUM OWNERS ASSOCIATION, ENCLAVE CONDOMINIUM OWNERS ASSOCIATION, THE COTTAGES SUBDIVISION OWNERS ASSOCIATION, BRAD SMITH (Alpenrose Lot #2), TED URITUS (Knollheim Lot #1), CYNTHIA SHARP and WILLIAM LIGETY (Knollheim Lot #2), DON HUMPHRIES (Knollheim Lot #3), HAL SALDARINI (Knollheim Lot #4), and MICHAEL MATURA and JOHN J. WASILEWSKI (Knollheim Lots #5 and 6), concerning the ownership, maintenance, and operation of Sterling Drive.

This party is the entity with authority over the common areas of the Cottages Subdivision, as it appears of record in the office of the Summit County Recorder.

THE COTTAGES SUBDIVISION HOMEOWNERS ASSOCIATION,

BY: [Signature]  
Its duly authorized management entity,

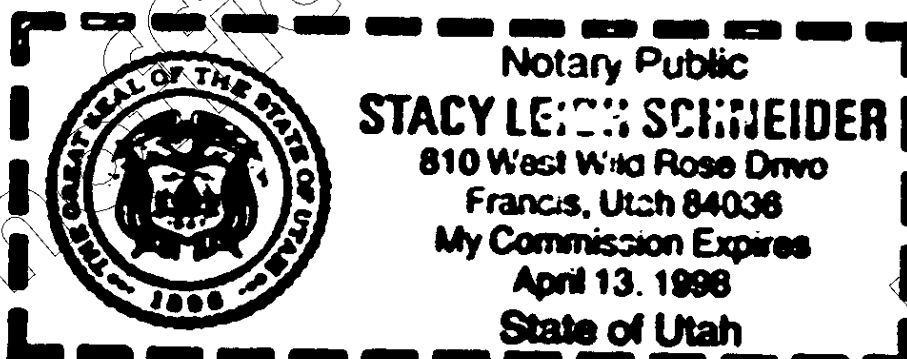
By: \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

STATE OF UTAH            )  
                                  :SS  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of December, 1995 by Clay D. Calkley and \_\_\_\_\_ who stated that they are the President and Secretary of The Cottages Subdivision Homeowners Assoc., a Utah corporation, who executed the foregoing on behalf of that corporation with proper authority.



[Signature]  
Notary Public  
Residing at:  
Summit County

Commission Expires:  
\_\_\_\_\_



SIGNATURE PAGE FOR

KNOLLHEIM LOT #2

By signing below, THE OWNERS OF KNOLLHEIM LOT #2 have joined in that agreement effective January 1, 1995 by and between TWIN PINES CONDOMINIUM OWNERS ASSOCIATION, SILVERBIRD CONDOMINIUM OWNERS ASSOCIATION, DEER VALLEY RIDGE AT SILVER LAKE CONDOMINIUM OWNERS ASSOCIATION, ENCLAVE CONDOMINIUM OWNERS ASSOCIATION, THE COTTAGES SUBDIVISION OWNERS ASSOCIATION, BRAD SMITH (Alpenrose Lot #2), TED URITUS (Knollheim Lot #1), CYNTHIA SHARP and WILLIAM LIGETY (Knollheim Lot #2), DON HUMPHRIES (Knollheim Lot #3), HAL SILDARINI (Knollheim Lot #4), and MICHAEL MATURA and JOHN J. WASILEWSKI (Knollheim Lots #5 and 6), concerning the ownership, maintenance, and operation of Sterling Drive.

These parties are the owners of Lot #2 of the Knollheim Subdivision, as it appears of record in the office of the Summit County Recorder.

*[Handwritten signature]*  
\_\_\_\_\_  
*Cynthia Sharp*

OWNERS OF KNOLLHEIM LOT #2  
*[Handwritten signature]* Trustee  
*wet / mpp / ps*

*[Handwritten signature]* Trustee  
*of CMS / mpp / ps*

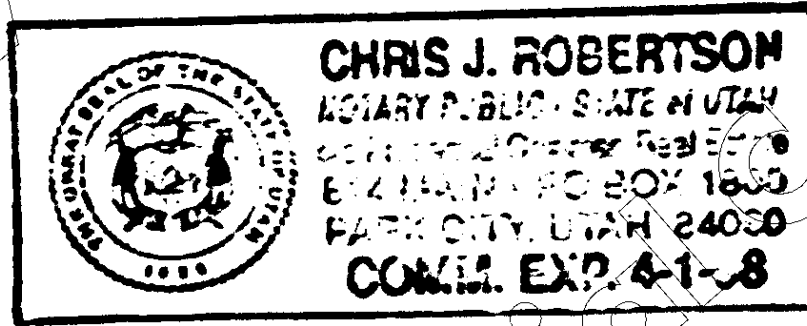
STATE OF UTAH )  
                  ) : ss  
COUNTY OF SUMMIT )

The foregoing instrument was acknowledged before me this 31 day of JANUARY, 1995 by WILLIAM C. LIGETY and CYNTHIA SHARP.

*[Handwritten signature]*  
Notary Public  
Residing at: PARK CITY, UT

Commission Expires:

4-1-98



SIGNATURE PAGE FOR

KNOLLHEIM LOT #3

By signing below, THE OWNERS OF KNOLLHEIM LOT #3 have joined in that agreement effective January 1, 1995 by and between TWIN PINES CONDOMINIUM OWNERS ASSOCIATION, SILVERBIRD CONDOMINIUM OWNERS ASSOCIATION, DEER VALLEY RIDGE AT SILVER LAKE CONDOMINIUM OWNERS ASSOCIATION, ENCLAVE CONDOMINIUM OWNERS ASSOCIATION, THE COTTAGES SUBDIVISION OWNERS ASSOCIATION, BRAD SMITH (Alpenrose Lot #2), TED URITUS (Knollheim Lot #1), CYNTHIA SHARP and WILLIAM LIGETY (Knollheim Lot #2), DON HUMPHRIES (Knollheim Lot #3), HAL SALDARINI (Knollheim Lot #4), and MICHAEL MATURA and JOHN J. WASILEWSKI (Knollheim Lots #5 and 6), concerning the ownership, maintenance, and operation of Sterling Drive.

These parties are the owners of Lot #3 of the Knollheim Subdivision, as it appears of record in the office of the Summit County Recorder.

OWNERS OF KNOLLHEIM LOT #3

Donald H. Humphries

Diana Humphries

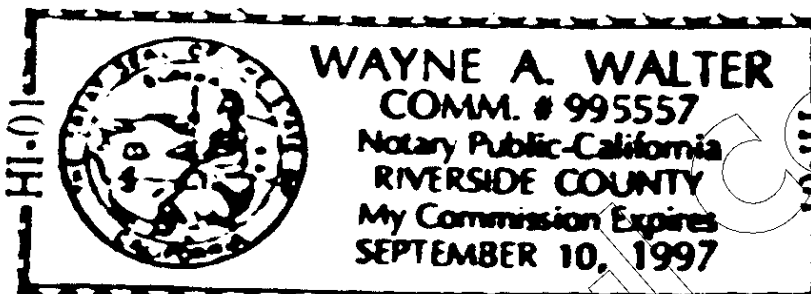
STATE OF <sup>California</sup> ~~UTAH~~ )  
<sup>WAW</sup> )  
COUNTY OF <sup>Riverside</sup> ~~SUMMIT~~ )  
<sup>WAW</sup> :SS

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 1997 by Donald H. Humphries and and Diana Humphries <sup>1996</sup>.

Wayne A. Walter  
Notary Public  
Residing at: Palm Desert, CA

Commission Expires:

9/10/97



SIGNATURE PAGE FOR

KNOLLHEIM LOT #4

By signing below, THE OWNERS OF KNOLLHEIM LOT #4 have joined in that agreement effective January 1, 1995 by and between TWIN PINES CONDOMINIUM OWNERS ASSOCIATION, SILVERBIRD CONDOMINIUM OWNERS ASSOCIATION, DEER VALLEY RIDGE AT SILVER LAKE CONDOMINIUM OWNERS ASSOCIATION, ENCLAVE CONDOMINIUM OWNERS ASSOCIATION, THE COTTAGES SUBDIVISION OWNERS ASSOCIATION, BRAD SMITH (Alpenrose Lot #2), TED URITUS (Knollheim Lot #1), CYNTHIA SHARP and WILLIAM LIGETY (Knollheim Lot #2), DON HUMPHRIES (Knollheim Lot #3), HAL SALDARINI (Knollheim Lot #4), and MICHAEL MATURA and JOHN J. WASILEWSKI (Knollheim Lots #5 and 6), concerning the ownership, maintenance, and operation of Sterling Drive.

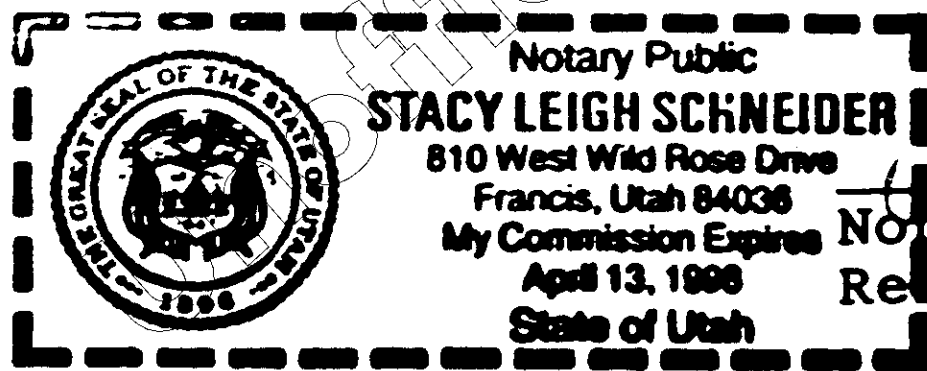
These parties are the owners of Lot #4 of the Knollheim Subdivision, as it appears of record in the office of the Summit County Recorder.

OWNERS OF KNOLLHEIM LOT #4

Jerry Saldarini  
Hal Saldarini

STATE OF UTAH )  
                  ) :ss  
COUNTY OF SUMMIT )

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of December, 1995 by Jerry Saldarini and Hal Saldarini.



Stacy Leigh Schneider  
Notary Public  
Residing at: Summit County

Commission Expires:  
\_\_\_\_\_