

WHEN RECORDED RETURN TO:

Mr. Richard Sonntag  
Pivotal Promontory Development, L.L.C.  
8758 North Promontory Ranch Road  
Park City, UT 84098

00766180 Bk01766 Pg00658-00661  
ALAN SPRIGGS, SUMMIT CO RECORDER  
2006 JAN 20 14:19 PM FEE \$46.00 BY GGB  
REQUEST: PIVOTAL PROMONTORY DEVELOPMENT

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

**PROMONTORY RIDGE PHASE 2 SUBDIVISION  
SUMMIT COUNTY, UTAH**

THIS SUPPLEMENTAL MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PROMONTORY is made as of this \_\_\_ day of \_\_\_\_\_, 2005, by PIVOTAL PROMONTORY DEVELOPMENT, L.L.C., an Arizona limited liability company, referred to below as "Declarant."

**RECITALS:**

A. Pivotal Promontory Development, L.L.C. is the 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 (the Promontory Ridge Phase 2 subdivision). The Promontory Ridge Phase 2 subdivision (hereinafter 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, and which are deemed to be covenants running with the land mutually burdening and benefiting each of the Lots within Promontory, including those within the Subdivision.

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**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 of 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.

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

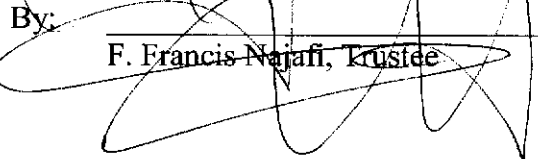
PIVOTAL PROMONTORY DEVELOPMENT, L.L.C., an  
Arizona limited liability company

By: Pivotal Group X, LLC, an Arizona limited liability  
company

Its: Administrative Member

By: F. Francis Najafi as Trustee of the F. Francis Najafi  
Family Trust

Its: Administrative Member

By:   
F. Francis Najafi, Trustee

State of Arizona )  
:ss  
County of Maricopa )

The foregoing was acknowledged before me this 8th day of December, 2005 by F. Francis Najafi, Trustee of the F. Francis Najafi Family Trust, Administrative Member of Pivotal Group X, LLC, Administrative Member of Pivotal Promontory Development, LLC.



Michaelene Cornish  
Notary Public  
Residing at: Scottsdale, Az

## EXHIBIT A

### Legal Description Pod 92, Promontory Ridge Phase 2

#### Promontory Ridge: Phase 2 North

A parcel of land located in Section 2, Township 1 South, Range 4 East, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point which bears South 88°51'46" East 3724.75 feet and 733.79 feet North from the Southwest Corner of Section 2, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 88°51'46" East 5584.08 feet between the Southwest Corner and the Southeast Corner of said Section 2, the Southwest corner being a found monument), and running thence North 36°34'39" East 164.09 feet; thence North 46°34'28" West 402.34 feet to a point of curvature of a 225.00 foot radius curve to the right, the center of which bears South 62°24'13" East, thence along the arc of said curve 70.94 feet through a central angle of 18°03'57"; thence North 44°20'16" West 50.00 feet to a point of curvature of a 275.00 foot radius curve to the right, the center of which bears South 44°20'16" East, thence along the arc of said curve 122.88 feet through a central angle of 25°36'03"; thence North 71°15'47" East 39.12 feet; thence North 18°44'13" West 387.44 feet to a point of curvature of a 75.00 foot radius curve to the left, the center of which bears South 71°15'47" West, thence along the arc of said curve 21.44 feet through a central angle of 16°22'41"; thence North 54°53'06" East 138.34 feet; thence South 63°49'39" East 302.15 feet; thence South 74°07'06" East 264.18 feet; thence South 49°26'53" East 203.16 feet; thence South 67°43'01" East 324.41 feet; thence South 23°15'27" West 147.85 feet to a point of curvature of a 150.00 foot radius curve to the right, the center of which bears South 09°19'32" West, thence along the arc of said curve 223.19 feet through a central angle of 85°15'15" to a point of reverse curvature of a 75.00 foot radius curve to the left, the center of which bears South 85°25'13" East, thence along the arc of said curve 62.35 feet through a central angle of 47°37'54"; thence South 46°56'53" West 229.76 feet; thence South 53°39'14" West 578.89 feet; thence North 53°25'21" West 454.72 feet to the POINT OF BEGINNING.

Containing 20.92 acres more or less.

#### Promontory Ridge: Phase 2 South

A parcel of land located in Section 2 and Section 11, Township 1 South, Range 4 East, Salt Lake Base and Meridian; and being more particularly described as follows:

Beginning at a point which bears North 88°51'46" West 1498.68 feet and 110.09 feet South from the Southeast Corner of Section 2, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 88°51'46" East 5584.08 feet between the Southwest Corner and the Southeast Corner of said Section 2, the Southwest corner being a found monument), and running thence North 40°39'13" East 781.94 feet; thence North 06°40'00" West 166.02 feet; thence North 84°47'01" East 246.45 feet; thence North 25°29'32" East 97.91 feet; thence North 84°47'01" East 231.75 feet; thence South 26°21'52" East 51.20 feet; thence South 34°01'44" East 143.06 feet; thence South 04°12'02" East 395.03 feet; thence South 10°01'10" West 139.65 feet; thence South 04°56'37" West 139.84 feet; thence South 10°37'27" East 152.64 feet; thence South 11°21'56" East 152.26 feet; thence South 10°57'22" East 206.02 feet; thence South 14°43'46" West 221.80 feet; thence North 75°16'14" West 332.61 feet; thence North 89°10'02" West 831.42 feet; thence North 00°49'58" East 564.73 feet to the POINT OF BEGINNING.

Containing 30.71 acres more or less.

BK1766 PG0661