

When recorded, return to:

Edwin C. Barnes, Esq.  
201 South Main, Suite 1000  
Salt Lake City, Utah 84111

00417127 8:00 844 8:00 90-95

ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1994 OCT 17 10:00 AM REC. 800.0000 000  
REQUEST: DANIEL R. SCHOFIELD

**SUPPLEMENTARY DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
BOOTHILL AT PINEBROOK DIVISION**

**Summit County, Utah**

THIS SUPPLEMENTARY DECLARATION is made as of October 17, 1994 by SCHOFIELD DEVELOPMENT, L.C., a Utah limited liability company (hereinafter called "Declarant"), the developer of Boothill, a development of single family lots in Pinebrook.

**R E C I T A L S:**

A. Declarant is the owner of that certain property located in Summit county, Utah (hereinafter called the "Property"), particularly described in Exhibit "A" attached hereto.

B. The Property is subdivided into Lots 1 through 19 (hereinafter called the "Lots") on the official plat of the Boothill Subdivision recorded in the Office of the Summit County Recorder.

C. Declarant's predecessor-in-interest, Gorgoza Pines Ranch Inc., recorded a Declaration of Covenants, Conditions and Restrictions for Pinebrook Subdivisions, which Declaration pertained to Lots 1 through 100, Pinebrook Subdivisions 1 and 2, which Declaration was recorded on October 6, 1977, at Book M102, Pages 118-134 of the records of the Summit County Recorder (hereinafter called the "Original Declaration").

D. Article II of the Original Declaration provides for the annexation of additional property by Gorgoza Pines Ranch Inc. and its successors and assigns by the filing of a supplementary declaration. A number of supplementary declarations (hereinafter called the "Supplementary Declarations") have been recorded to annex the additional developments as set out in Exhibit "B" attached hereto.

E. Section 3 of Article II of the Original Declaration provides that a Supplementary Declaration may contain additions and modifications as may be necessary to reflect the different character of the added property, so long as they are not inconsistent with the plan of the Original Declaration. The Property and the Lots are of sufficiently different character to justify the additions and modifications hereinafter set out and said additions and modifications are consistent with the plan of the Original Declaration.

F. Declarant's predecessor-in-interest also recorded a Master Declaration of Covenants, Conditions and Restrictions of Pinebrook a Master Planned Development, which Declaration pertained to all remaining Pinebrook property owned by Declarant's predecessor-in-interest including the Property, which Declaration was recorded on March 26, 1991, at Book 600, Pages 373-424 of the records of the Summit County Recorder (hereinafter called the "Master Declaration"). The Property is subject to the Master Declaration and to the jurisdiction of the Pinebrook Master Association established pursuant to the Master Declaration without annexation or other action on the part of Declarant.

G. Declarant desires to annex the Property to the Original Declaration and to subject the Property to the Original Declaration, with the additions and modifications hereinafter set out, and to subject the Property and the Lots to the jurisdiction of the Pinebrook Homeowner's Association described therein.

NOW, THEREFORE, Declarant hereby covenants, agrees and declares that the Property shall be and is hereby annexed according to Article II of the Original Declaration, and all of the Property shall be held, sold, conveyed, encumbered, leased, used, occupied and improved subject to the limitations, restrictions, covenants, conditions and easements set out in the Original Declaration, as well as the additional and modified limitations, restrictions, covenants, conditions and easements hereinafter set out, which additions and modifications shall only apply to the Property; and the Property shall hereafter be subject to the jurisdiction of the Pinebrook Homeowner's Association and the Pinebrook Master Association. The limitations, restrictions, covenants, conditions and easements set out in the Original Declaration and the Master Declaration, as well as the additional and modified limitations, restrictions, covenants, conditions and easements hereinafter set out, shall run with the Property and shall be binding on all parties having or acquiring any right, title or interest in the Property, or any part thereof, and shall inure to the benefit of each such party and their successors and assigns and shall be binding on and inure to the benefit of the Declarant and its successors and assigns.

004 17 127 Bv. 844 pg 91

ALL OF THE FOREGOING IS SUBJECT TO: All liens for current and future taxes, assessments and charges imposed or levied by governmental or quasi-governmental authorities; all patent reservations and exclusions; all mineral reservations of record and rights incident thereto; all instruments of record which affect the above-described tract or any portion thereof, including without limitation, any mortgage or deed of trust, all visible easements and rights-of way, and all easements and rights-of-way of record.

**MODIFICATIONS AND ADDITIONS:**

The following modifications to the limitations, restrictions, covenants, conditions and easements set out in the Original Declaration and/or additional limitations, restrictions, covenants, conditions and easements shall only apply to the Property or the particular Lots therein referred to:

1. Building Location. Article X, Section 4 of the Original Declaration is modified to provide as follows: All lot lines, setbacks, building zones, and areas of disturbance shall be as set forth and described in the Boothill Subdivision Plat Map dated 10-17-94, 1994, as recorded with the Summit County Recorder on the 17 day of October, 1994, as Entry No. 417126, at Book \_\_\_\_\_, Pages \_\_\_\_\_.

2. Height Restrictions. Article X, Section 5 of the Original Declaration is modified to provide as follows: No roofline shall be greater than 30 feet above the average grade as measured at the midpoint of the roofline. Average grade shall be determined by taking the average grade of the building zone from back to front through the midpoint of the building zone. In no event shall any point of the roofline exceed 35 feet above the undisturbed slope.

3. Fencing. Article X, Section 21(f) of the Original Declaration is modified to provide as follows: No fence may be installed that is chainlink or wire mesh anywhere except for a dog run as approved by the Architectural Committee.

4. Siding. Article X, Section 21(b) of the Original Declaration is modified to provide as follows: No aluminum siding shall be permitted.

5. Mail Box and Yard Lamp. Article X, Section 23 of the Original Declaration is deleted and shall have no further force or effect.

00417127 BK 844 pg 92

6. Additional Modifications. This Supplemental Declaration and all Lots within the Boothill Subdivision shall be subject to all terms and conditions contained in that certain Consent Agreement dated November 29, 1993, by and between Pinebrook Development Corporation and Summit county, a body politic, including, but not limited to, the following:

(a) Paragraph VI(A) and (B) of the Consent Agreement relating to fire protection which may require residential interior fire sprinkling systems and exterior fire sprinkling systems, depending upon County requirements and choice of construction materials.

(b) Paragraph VI(C) of the Consent Agreement relating to a requirement that all new structures be constructed with non-reflective and non-combustible roofing materials as may be approved by the Fire District.

IN WITNESS WHEREOF, Declarant has executed this instrument as of the date first hereinabove set out.

SCHOFIELD DEVELOPMENT, L.C.

By *Daniel R. Schofield*  
Its *MANAGER SCHOFIELD DEVELOPMENT, L.C.*

STATE OF UTAH            )  
                                  : ss.  
COUNTY OF SUMMIT    )

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of October, 1994, by DANIEL R. SCHOFIELD, a Manager of SCHOFIELD DEVELOPMENT, L.C., a Utah limited liability company.

*Allen Sawyer*  
NOTARY PUBLIC  
Residing at: 1-1-95 Coalville Utah

My Commission Expires:  
1-1-95

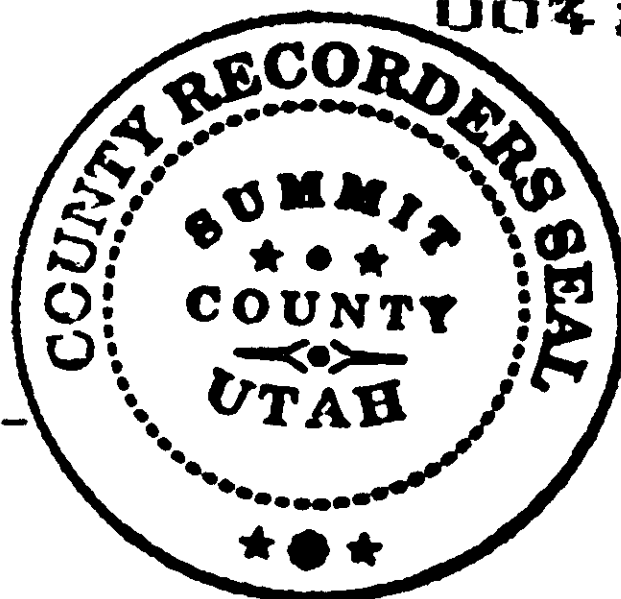


EXHIBIT A

## Boundary Description

Beginning at the Northeast corner of Lot 859 of Pinebrook Subdivision No. 14 (Eagle Ridge at Pinebrook), according to the official plat thereof, said point being South 442.24 feet along the Section line and West 2286.55 feet from the East Quarter Corner of Section 11, Township 1 South, Range 3 East, Salt Lake Base and Meridian and running thence along said subdivision the following (2) courses S.63°30'00"W. 528.95 feet and S.45°17'52"W. 295.13 feet; thence S.01°00'00"W. 105.00 feet to the Northeasterly line of Pinebrook Subdivision No. 10 according to the official plat thereof; thence along said subdivision the following (4) courses N.52°00'00"W. 55.42 feet, N.59°30'00"W. 91.14 feet, S.50°03'13"W. 79.29 feet, and S.35°30'00"W. 30.96 feet to the North line of Pinebrook Subdivision No. 2, Phase 1, according to the official plat thereof, said point being on a 408.00 foot radius curve to the left (radius point bears S.35°32'41"W.); thence along the arc of said curve 189.02 feet; thence N.39°52'50"E. 173.64 feet; thence N.31°23'16"E. 173.76 feet; thence N.40°23'14"E. 118.17 feet; thence N.36°25'00"E. 40.50 feet; thence S.47°40'38"E. 51.25 feet; thence N.44°05'12"E. 98.11 feet; thence N.61°25'47"E. 210.24 feet; thence N.54°09'22"E. 355.00 feet; thence N.62°09'22"E. 108.00 feet; thence S.09°50'38"E. 145.00 feet to a point on the Westerly boundary line of Pinebrook Subdivision No. 13 (Eagle Ridge at Pinebrook); thence along said subdivision the following (2) courses, S.16°14'32"E. 119.99 feet and S.21°20'06"E. 71.04 feet to the point of beginning.

Property contains 7.28 acres.

00417127 BK. 844 pg 94

EXHIBIT "B"

1. Amendment to Declaration of Covenants, Conditions and Restrictions for Pinebrook Subdivisions. Recorded December 3, 1985 at Book 363, Page 303 of the records of the Summit County Recorder.
2. Lots 249 through 296, Pinebrook Subdivision 6A as shown by the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded October 2, 1982 at Book 237, Page 190 of the records of the Summit County Recorder.
3. Lots 101 through 229, Pinebrook Subdivisions 3 and 4 as shown by the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded September 11, 1979 at Book M141, Page 118 of the records of the Summit County Recorder.
4. Lots 339 through 358, Pinebrook Subdivision 8 as shown as the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded November 1, 1983 at Book 877, Page 501 of the records of the Summit County Recorder.
5. Lots 363 through 367, Pinebrook Subdivision 3A as shown by as shown as the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded December 6, 1983 at Book 280, Page 622 of the records of the Summit County Recorder.
6. Lots 369 through 371, Pinebrook Subdivision 3B as shown by as shown as the official plat annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded December 6, 1983 at Book 280 of the records of the Summit County Recorder.
7. Lots E1 through E65, Ecker Hill Subdivision, Plat A annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded October 18, 1985 at Book 358, Page 411 of the records of the Summit County Recorder.
8. Lots E66 through E118, Ecker Hill Subdivision, Plat B annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded October 18, 1990 at Book 583, Page 539 of the records of the Summit County Recorder.
9. Lots 230, 231, 233, 234 and 235 of Pinebrook Subdivision 10 annexed by Supplementary Declaration of Covenants, Conditions and Restrictions recorded July 8, 1991 at Book 615, Page 649-654 of the records of the Summit County Recorder.

00417127 Bk. 844 pg. 95