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David W. Johnson
P.O. Box 3598
Park City, UT 84060

00428847 Bk00880 Pg00284-00289

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1995 APR 28 13:22 PM FEE \$21.00 BY DMG
REQUEST: COALITION TITLE

**SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
ECKER HILL PLATS C & D**

Summit County, Utah

THIS SUPPLEMENTARY DECLARATION is made as of April 27, 1995 by AC DEVELOPMENT, INC., a Utah Corporation (hereinafter called "Declarant"), the developer of Ecker Hill Plats C & D, a development of single family lots in Pinebrook.

RECITALS:

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 C-1 through C-12 inclusive; and Lots D-1 through D-8 inclusive (hereinafter called the "Lots") on the official plats of the Ecker Hill Plats C & D Subdivisions recorded in the Office of the Summit County Recorder.

C. Gorgoza Pines Ranch Inc. recorded a Declaration of Covenants, Conditions and Restrictions for Pinebrook Subdivisions, which Declaration applies 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. Pinebrook Development Company 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 Pinebrook Development Company'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 party and their successors and assigns and shall be binding on and inure to the benefit of the Declarant and its successors and assigns.

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 Ecker Hill Plats C & D Subdivision Plat Maps respectively dated March 7, 1995, and recorded with the Summit County Recorder on the 24th day of April, 1995, as Entry No. 428619 and dated March 7, 1995, and recorded with the Summit County Recorder on the 24th day of April, 1995, as Entry No. 428625.
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 chain link 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.
6. Consent Agreement. This Supplemental Declaration and all Lots within the Ecker Hill Plats C & D 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.
7. Fire Sprinkling System. Each residence built in the Ecker Hill Plats C & D Subdivision must have a fire sprinkling system installed to County Code Requirements.
8. Sewer Ejector Pumps. Lots D-1, D-2, D-4, D-5, D-6 of Ecker Hill Plat D may require sewage ejector pumps. Lot C-5 of Ecker Hill Plat C may require a sewage ejector pump.
9. Roofing Materials. All roofs placed on residences in the Ecker Hill Plats C & D Subdivision must consist of non-reflective and non-combustible materials approved by the Park City Fire District.
10. Building Size. Article X, Section 2 of the Original Declaration is modified to provide as follows: The minimum floor area for dwellings in the Subdivision is 2,000 square feet, and the maximum floor area is 10,000 square feet. No dwelling shall be constructed or altered in a manner that would violate these limits. Up to 600 square feet of attached garage space is allowed in excess of these limits. Garage area in excess of 600 square feet shall be counted as floor area. No single story dwelling shall be less than 2,000 square feet in floor space. No two story dwelling shall be less than 1,400 square feet in floor space on the ground level and not less than 600 square feet on the second level.
11. Chevron Oil Pipeline Easement. Certain lots and common areas within the Subdivision are crossed by a 33-foot wide pipeline easement owned by the Chevron Pipe Line Company ("Chevron") and containing two crude oil pipelines. The specific location of the pipeline easement is shown on the recorded plat for the Ecker Hill Plat "C" Subdivision. In order to ensure the safety of residents of the Subdivision and the continued safe and uninterrupted operation of the pipelines, Owners of Lots subject to that easement shall comply with the following requirements: (a) no building, building overhang, foundation or other structure may be located or constructed at any time within the pipeline easement; (b) no buried utility lines shall be installed across the pipeline easement and no asphalt, concrete or other hard surface driveway or road, or any other major modification of the surface of the pipeline easement shall be constructed without prior notice to and consultation with Chevron; (c) landscaping on the pipeline easement shall be limited to grass, sod and shrubbery having root lengths extending less than 12 inches beneath the surface at the time of planting; (d) no excavation, grading or use of heavy machinery may take place on the pipeline easement prior to notification of Chevron in accordance with the Utah Blue Stakes Law; (e) Owners shall not restrict Chevron's access to the pipeline easement and any fences crossing the pipeline easement shall contain gates to allow Chevron vehicles and equipment to move along the right-of-way; and (f) Owners shall not remove or disturb signs or markers installed by Chevron to mark the location of the pipeline easement without the express written consent of Chevron.
12. Well Protection Zone Easement. Some of the lots are affected by well protection zone easements as shown on the recorded subdivision plat. All improvements to and use of the land within said easements shall meet all applicable Well Protection Zone requirements, including Section 6.2.3 (Well Protection Zones) of the State of Utah, Public Drinking Water Regulations.

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13. Pump Station. Gorgoza Mutual Water Company reserves the right to construct a water pump station on the open space adjacent to Lots D-8, D-1 and D-2 on the Ecker Hill Plat D Subdivision.

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

AC DEVELOPMENT, INC. a Utah Corporation

By [Signature]
Its President

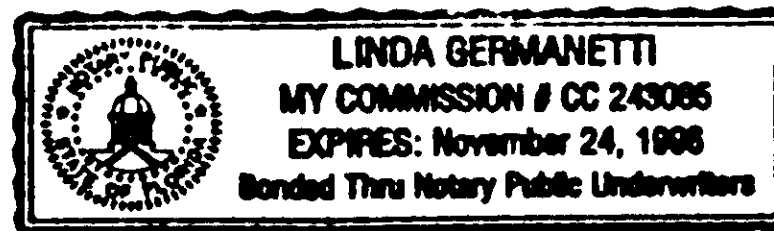
STATE OF Florida,
COUNTY OF Palm Beach SS.

The foregoing instrument was acknowledged before me this 7th day of April, 1995, by Deris P. Coleman Jr., who acknowledged to me that he is the President of AC Development, Inc, a Utah Corporation, and that he executed the foregoing instrument by authority of it bylaws.

Linda Germanetti
NOTARY PUBLIC
Residing at: West Palm Beach, FL

My Commission Expires:

Nov. 24, 1996



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CC&RSUP.ECK 8-11-94

EXHIBIT "A"

Order Number: 00004560

BUCKBOARD PARCEL:

A PARCEL OF LAND LYING WITHIN SECTION 14, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 89 DEGREES 45 MINUTES 36 SECONDS WEST, A DISTANCE OF 4157.33 FEET ALONG THE SECTION LINE; THENCE SOUTH, A DISTANCE OF 2181.83 FEET, TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EASTERLY LINE OF PINEBROOK SUBDIVISION NO. 6A; THENCE ALONG SAID LINE THE FOLLOWING (4) COURSES; NORTH 62 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 216.21 FEET; TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 166.00 FEET AND A CENTRAL ANGLE OF 36 DEGREES 05 MINUTES 10 SECONDS, NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, FROM WHICH THE LOCAL TANGENT AT THE BEGINNING POINT BEARS NORTH 36 DEGREES 39 MINUTES 32 SECONDS WEST, A DISTANCE OF 104.56 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 18 DEGREES 36 MINUTES 57 SECONDS WEST, A DISTANCE OF 102.83 FEET; TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 40 DEGREES 10 MINUTES 38 SECONDS, NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 70.12 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 20 DEGREES 39 MINUTES 41 SECONDS WEST, A DISTANCE OF 68.69 FEET TO THE CURVE'S END; AND NORTH 40 DEGREES 45 MINUTES 00 SECONDS WEST, A DISTANCE OF 60.68 FEET; THENCE NORTH 39 DEGREES 15 MINUTES 00 SECONDS EAST, A DISTANCE OF 67.02 FEET TO THE SOUTHERLY AND EASTERLY LINE OF SAID PINEBROOK SUBDIVISION NO. 6A; THENCE ALONG SAID LINE THE FOLLOWING (8) COURSES; SOUTH 40 DEGREES 45 MINUTES 00 SECONDS EAST, A DISTANCE OF 72.31 FEET; TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 166.00 FEET AND A CENTRAL ANGLE OF 40 DEGREES 10 MINUTES 38 SECONDS, SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 116.40 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 20 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 114.03 FEET; TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 29 DEGREES 05 MINUTES 33 SECONDS, SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 50.78 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 15 DEGREES 07 MINUTES 08 SECONDS EAST, A DISTANCE OF 50.23 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT LINE; NORTH 60 DEGREES 33 MINUTES 30 SECONDS EAST, A DISTANCE OF 141.00 FEET; NORTH 07 DEGREES 33 MINUTES 30 SECONDS EAST, A DISTANCE OF 140.00 FEET; NORTH 37 DEGREES 33 MINUTES 30 SECONDS EAST, A DISTANCE OF 145.00 FEET; NORTH 64 DEGREES 33 MINUTES 30 SECONDS EAST, A DISTANCE OF 219.00 FEET; AND NORTH 54 DEGREES 14 MINUTES 30

Coalition Title Agency, Inc.

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EXHIBIT "A" - continued
Order Number: 00004560

SECONDS EAST, A DISTANCE OF 194.40 FEET TO A POINT ON THE SOUTHERLY LINE OF ECKER HILL OF PINEBROOK PLAT A: THENCE ALONG SAID LINE THE FOLLOWING (6) COURSES; SOUTH 66 DEGREES 45 MINUTES 21 SECONDS EAST, A DISTANCE OF 214.32 FEET; NORTH 84 DEGREES 54 MINUTES 43 SECONDS EAST, A DISTANCE OF 253.79 FEET; SOUTH 69 DEGREES 30 MINUTES 00 SECONDS EAST, A DISTANCE OF 359.27 FEET; SOUTH 09 DEGREES 09 MINUTES 55 SECONDS WEST, A DISTANCE OF 30.00 FEET; SOUTH 59 DEGREES 30 MINUTES 06 SECONDS EAST, A DISTANCE OF 390.00 FEET; AND NORTH 51 DEGREES 25 MINUTES 27 SECONDS EAST, A DISTANCE OF 70.00 FEET TO THE WESTERLY LINE OF ECKER HILL OF PINEBROOK PLAT B; THENCE ALONG SAID LINE THE FOLLOWING (6) COURSES; SOUTH 20 DEGREES 16 MINUTES 56 SECONDS EAST, A DISTANCE OF 130.00 FEET; SOUTH 72 DEGREES 10 MINUTES 50 SECONDS WEST, A DISTANCE OF 113.69 FEET; NORTH 59 DEGREES 21 MINUTES 17 SECONDS WEST, A DISTANCE OF 87.33 FEET; SOUTH 30 DEGREES 29 MINUTES 54 SECONDS WEST, A DISTANCE OF 120.00 FEET; SOUTH 06 DEGREES 47 MINUTES 16 SECONDS EAST, A DISTANCE OF 75.41 FEET; AND SOUTH 34 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 255.52 FEET; THENCE NORTH 53 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 297.00 FEET; THENCE NORTH 65 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 461.00 FEET; THENCE SOUTH 77 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 326.00 FEET; THENCE SOUTH 37 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 305.00 FEET; THENCE WEST, A DISTANCE OF 346.33 FEET; THENCE NORTH 49 DEGREES 30 MINUTES 00 SECONDS WEST, A DISTANCE OF 208.84 FEET, TO THE POINT OF BEGINNING.

ECKER HILL "D" PARCEL:

A PARCEL OF LAND LYING WITHIN SECTION 14, TOWNSHIP 1 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 00 DEGREES 16 MINUTES 43 SECONDS EAST, A DISTANCE OF 3148.48 FEET ALONG THE SECTION LINE; THENCE WEST, A DISTANCE OF 931.18 FEET, TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT E-78 OF ECKER HILL OF PINEBROOK PLAT "B", ACCORDING TO THE OFFICIAL PLAT THEREOF AND RUNNING THENCE SOUTH 51 DEGREES 39 MINUTES 05 SECONDS EAST, A DISTANCE OF 853.34 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES 30 SECONDS WEST, A DISTANCE OF 355.73 FEET; THENCE SOUTH 83 DEGREES 30 MINUTES 33 SECONDS WEST, A DISTANCE OF 534.03 FEET; THENCE NORTH 37 DEGREES 07 MINUTES 57 SECONDS WEST, A DISTANCE OF 792.95 FEET TO THE SOUTHERLY LINE OF SAID ECKER HILL OF PINEBROOK PLAT "B"; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING (3) COURSES; NORTH 09 DEGREES 55 MINUTES 54 SECONDS EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 54 DEGREES 30 MINUTES 53 SECONDS EAST, A DISTANCE OF 406.70 FEET; THENCE SOUTH 82 DEGREES 15 MINUTES 43 SECONDS EAST, A DISTANCE OF 189.76 FEET, TO THE POINT OF BEGINNING.

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