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*Pine Brook Development Co.
10 Pine Brook Pl
P.C. 84060*

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WHEN RECORDED RETURN TO:

Richard G. Allen
RAY, QUINNEY & NEBEKER
400 Deseret Building
79 South Main Street
P.O. Box 45385
Salt Lake City, Utah 84145-0385

ASSOCIATED TITLE CO.
90 OCT 18 PM 4:02

ALAN SPRIGGS
SUMMIT COUNTY RECORDER

REC'D BY Dg. 18⁰⁰

SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR

ECKER HILL OF PINEBROOK PLAT "B" SUBDIVISION

Summit County, Utah

THIS SUPPLEMENTARY DECLARATION is made as of October 9, 1990 by Pinebrook Development Company, a Utah Corporation, (hereinafter called "Declarant") the developer of Ecker Hill of Pinebrook Plat "B" Subdivision.

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 E66 through E118 (hereinafter called the Lots") on the official plat of the Ecker Hill of Pinebrook Plat "B" 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 the 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 which are consistent with the plan of the Original Declaration.

F. 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. 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, 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.

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 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. Because of lot configurations resulting from the natural terrain and the limitations resulting from the Chevron Oil Pipeline Easement, as set out in Section 3 below, the placement of buildings on Lots E91, E99, E101, 104, and 108 may need to

be closer to the lot lines than provided in Article X, Section 4 of the Original Declaration. Said Section 4 allows buildings to be placed nearer to the lot lines with the approval of the Architectural Committee. Approval of placement closer to the lot lines shall be granted by the Architectural Committee, as needed, since the natural terrain and the Chevron Pipeline may limit the options for locating buildings on those Lots.

2. Lots With Limited Frontage. Lots E75 and E76 are large lots that set back from the dedicated road with the only frontage on the road being drive way strips between Lots E74 and E77. Therefore, for purposes of the limitations set out in Article X of the Original Declaration, the front set back line for Lot E75 shall be measured from the back lot line of Lot E74 and the front set back line for Lot 76 shall be from the back lot lines of Lots E77 and E78 and the requirements of said Article shall otherwise be modified as necessary to reflect the configuration and location of Lots E75 and E76.

3. 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 of the 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-to-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.

4. 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.

5. Drainage Easements. The natural drainage courses on Lots E83, E87, E88, E92, E93, E94, E99, E100, E101, E102, E103, as set out on the recorded subdivision plat, shall be perpetuated. The drainage channel on those Lots, as well as any other natural drainage courses across any other Lots, may be modified to accommodate specific building plans. However, a clear and unobstructed drainage pathway of equal capacity must be

provided through the Lots and the modified drainage channel must terminate on the downstream lot line at the original channel location. Any drainage course modifications must be approved by the Architectural Committee.

6. Horse Rights for Lot E76. Article X, Section 10 of the Original Declaration is modified to allow for the keeping of up to a maximum of four horses on Lot E76 so long as allowed by applicable zoning and other ordinances. All facilities for the keeping of horses on Lot E76, including the location of corrals or barns, must be approved by the Architectural Committee.

7. Driveway Locations. The paved roads within the Property will not cover the full width of the road right of way dedicated to Summit County. To the extent allowed by the County, an Owner's driveway may cross the unpaved portion of the County right of way at a location in front of a neighboring Lot, so long as the location of a portion of the driveway in front of the neighboring Lot does not interfere with access to the neighboring Lot and does not damage any landscaping or other permitted improvement placed on the unpaved portion of the County right of way by the Owner of the Neighboring Lot and so long as such location of the driveway is approved by the Architectural Committee.

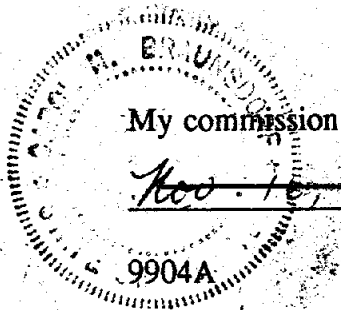
IN WITNESS WHEREOF, Declarant has executed this instrument as of the date first hereinabove set out.

PINEBROOK DEVELOPMENT COMPANY

By [Signature]
Its SECRETARY / TREASURER

STATE OF ~~WEST~~ ^{New York})
COUNTY OF ~~SUMMIT~~ ^{NASSAU} : ss.
)

The foregoing instrument was acknowledged before me this 17th day of October, 1990, by WILLIAM R. GASSER, the SECRETARY / TREASURER of Pinebrook Development Company.



My commission expires: 12/28/91
Nov. 16, 1991

[Signature]
Patricia Nagleri
Notary Public
Residing at: 143 Cleveland Ave
Elmont, NY
Carol M. Braunsdorf
NOTARY PUBLIC
Residing at Farmingdale, New York

CAROL M. BRAUNSDORF
Notary Public, State of New York
No. 01BR4916870
Qualified in Nassau County
Commission Expires 12/28/91

PATRICIA NAGLERI
Notary Public, State of New York
No. 01NA4912710
Qualified in Nassau County

EXHIBIT A

Beginning at the Southeast corner of lot F-33 of Ecker Hill of Pinebrook Plat "A", a recorded subdivision in the county of Summit, said point also being S 69° 45' 36" W. 1467.69 feet along the Section Line and South 1437.90 feet from the northeast corner of Section 14, Township 1 South, Range 3 East, Salt Lake Base & Meridian and running thence N 63° 00' 00" E. 61.68 feet to the Westerly right-of-way line of an Access Road Easement for Ecker Hill 200,000 gallon tank as recorded in Book 518, Page 569, Ex. F, of official records; thence along said right-of-way line the following (4) courses, S. 17° 10' 52" E. 191.64 feet, S. 55° 21' 42" E. 254.27 feet, S. 32° 57' 56" E. 226.12 feet, and S. 21° 36' 03" E. 138.94 feet to the Northerly line of a 200,000 gallon Water Tank Site as recorded in Book 358, Page 413-418, Ex. A, of official records; thence along said Tank Site the following (2) courses, S. 48° 45' 07" W. 64.32 feet, S. 41° 15' 00" E. 200.00 feet, and N. 48° 45' 00" E. 200.00 feet; thence N. 75° 00' 00" E. 737.78 feet; thence S. 00° 15' 29" E. 1320.00 feet; thence N. 75° 57' 08" W. 867.69 feet; thence S. 14° 02' 51" W. 100.00 feet; thence N. 82° 15' 43" W. 169.76 feet; thence S. 54° 30' 53" W. 406.70 feet; thence S. 05° 55' 54" W. 50.00 feet; thence N. 56° 00' 00" W. 1440.91 feet; thence N. 34° 00' 00" E. 509.97 feet, thence N. 06° 47' 16" W. 75.41 feet; thence N. 30° 29' 54" E. 120.00 feet; thence S. 59° 21' 17" E. 67.33 feet; thence N 72° 10' 50" E. 113.69 feet; thence N. 20° 16' 56" W. 130.00 feet to the Southerly Property line of lot E-53 of said Ecker Hill of Pinebrook Plat "A"; thence along the Southerly line of said Plat "A" the following (5) courses, N. 51° 25' 27" E. 190.00 feet, N. 61° 46' 04" E. 229.22 feet, N. 63° 00' 00" E. 210.00 feet, N. 27° 00' 00" W. 38.00 feet, and N. 63° 00' 00" E. 196.13 feet to the point of beginning.

Property Contains 69.71 Acres

RECORDED MEMO
LEGIBILITY OF WRITING, TYPING OR
PRINTING UNSATISFACTORY IN THIS
DOCUMENT WHEN RECEIVED.

EXHIBIT "B"

1. Amendment to Declaration of Covenants, Conditions and Restrictions for Pinebrook Subdivisions. Recorded December 3, 1985, at Book 363, Page 303 to 305, of records of 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 for Pinebrook Subdivisions. Recorded October 2, 1982, Book 237, Page 190 to 191, of records of 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 for Pinebrook Subdivisions. Recorded September 11, 1979, Book M141, Page 118 to 119, of records of 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 for Pinebrook Subdivisions. Recorded November 1, 1983, Book 877, Page 501 to 502, of records of Summit County Recorder.

5. Lots 363 through 367, Pinebrook Subdivision 3A as shown by the official plat. Annexed by Supplementary Declaration of Covenants, Conditions and Restrictions for Pinebrook Subdivisions. Recorded December 6, 1983, Book 280, Page 622 to 624, of record of Summit County Recorder.

6. Lots 369 through 371, Pinebrook Subdivision 3B as shown by the official plat. Annexed by Supplementary Declaration of Covenants, Conditions and Restriction for Pinebrook Subdivisions. Recorded December 6, 1983, Book 280, Page 625 to 627, of record of Summit County Recorder.

8. Lots E1 through E65, Ecker Hill Subdivision, Plat A. Annexed by Supplementary Declaration Covenants, conditions and Restrictions for Pinebrook Subdivisions. Recorded October 18, 1985, Book 358, Page 411 to 412, of record of Summit County Recorder.