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00417129 8-00844 8400096-00101

ALAN SPRIGGS, SUMMIT COUNTY RECORDER  
1994 OCT 17 17:00 PM FEE \$12.00 BY DMG  
REQUEST: PINE RIDGE

SUPPLEMENTARY DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS

FOR

SUNRIDGE AT PINEBROOK DIVISION

Summit County, Utah

THIS SUPPLEMENTARY DECLARATION is made as of October 14, 1994 by PINE RIDGE, L.L.C., a Utah limited liability company (hereinafter called "Declarant"), the developer of Sunridge at 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 1 through 53 (hereinafter called the "Lots"), on the official plat of Sunridge at Pinebrook 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 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:**

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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, set backs, building zones, and areas of disturbance shall be as set forth and described in the Sunridge Subdivision Plat Map

dated October 17, 1994, as recorded with the Summit County Recorder on the 17 day of Oct, 1994, as entry no. 417128, at Book     , Pages     .

2. Height Restrictions. Article X, Section 5 of the Original Declaration is modified to provide as follows: No roof line shall be greater than 30 feet above the average grade as measured at the mid point of the roof line. 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 roof line exceed 35 feet above the undisturbed slope.

3. 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 5,400 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.

4. 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.

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

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

7. Additional Modifications. This Supplemental Declaration and all lots within the Sunridge 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 requires residential interior fire sprinkling systems and exterior fire sprinkling systems as required depending upon construction materials.

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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.

PINE RIDGE L.L.C.

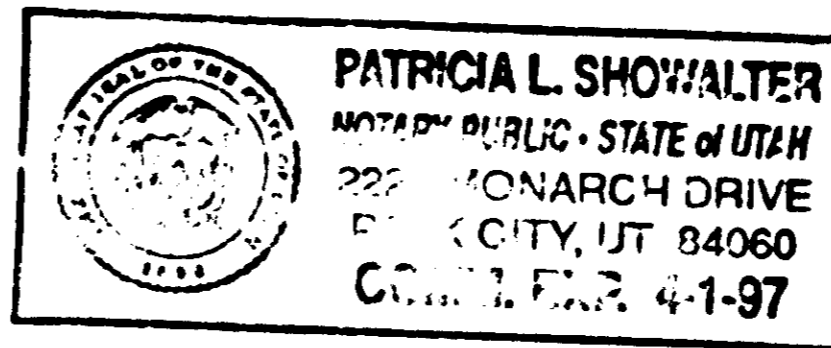
By Richard W. Dudley  
Its Managing Member

STATE OF UTAH )  
  : ss.  
COUNTY OF SUMMIT )

The foregoing instrument was acknowledged before me this 14 day of October 1994, by Richard W. Dudley, a Manager of Pine Ridge L.L.C., a Utah Limited Liability Company.

Patricia Showalter  
NOTARY PUBLIC  
Residing at: Park City UT 84060

My Commission Expires:  
4/1/97



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EXHIBIT "A"

**Boundary Description**

Beginning at a point which is South, a distance of 1001.44 feet along the Section Line and West, a distance of 5277.98 feet from the East Quarter Corner of Section 11, Township 1 South, Range 3 East, Salt Lake Base & Meridian, said point also being the Northeast corner of Lot 100 of Pinebrook Sub. No. 2 Phase 1 according to the official plat thereof and the West line of said Section 11 and running thence N.00°18'31"W., a distance of 994.41 feet along the Section Line to the West Quarter Corner of said Section 11 and properties conveyed by Warranty Deed (as intended by survey) as Entry No. 143113, Bk. M-106, Pg. 312 and Entry No. 143114, Bk. M-106, Pg. 314; thence along said properties the following (14) courses N.84°35'22"E., a distance of 177.71 feet, N.77°28'00"E., a distance of 123.81 feet, N.89°13'00"E., a distance of 168.59 feet, S.07°17'00"E., a distance of 108.02 feet, S.86°57'00"E., a distance of 65.03 feet, N.58°43'00"E., a distance of 67.60 feet, N.65°45'00"E., a distance of 93.88 feet, S.79°48'00"E., a distance of 482.06 feet, S.01°03'00"E., a distance of 65.00 feet, S.89°37'30"E., a distance of 89.63 feet, N.01°03'00"W., a distance of 79.17 feet, N.88°57'00"E., a distance of 135.07 feet, S.89°23'00"E., a distance of 163.78 feet, and N.36°01'00"E., a distance of 79.32 feet; to the Quarter Section line of said Section 11; thence along said Quarter Section line N.89°55'25"E., a distance of 1295.07 feet; to property conveyed by Warranty Deed to McGills Inv. Co. recorded as Entry No. 280102 Bk. 404, Pg. 634; thence along the Westerly line of said property S.09°50'38"E., a distance of 118.53 feet; thence S.62°09'22"W., a distance of 108.00 feet; thence S.54°09'22"W., a distance of 355.00 feet; thence S.61°25'47"W., a distance of 210.24 feet; thence S.44°05'12"W., a distance of 98.11 feet; thence N.47°40'38"W., 51.25 feet; thence S.36°25'00"W., 40.50 feet; thence S.40°23'14"W., 118.17 feet; thence S.31°23'16"W., 173.78 feet; thence S.39°52'50"W., a distance of 173.64 feet to the Northerly line of Pinebrook Sub. No. 2 Phase 1 according to the official plat thereof, thence along said Northerly line the following (9) courses, N.81°00'00"W., a distance of 590.00 feet to the beginning of a curve, concave Northerly, having a radius of 1197.00 feet and a central angle of 19°30'00", Westerly along the arc of said curve to the right, a distance of 407.39 feet, said arc subtended by a chord which bears N.71°15'00"W., a distance of 405.42 feet to the curve's end, N.61°30'00"W., a distance of 205.00 feet, to the beginning of a curve, concave Southeasterly, having a radius of 158.00 feet and a central angle of 144°30'00", Northwesterly along the arc of said curve to the left, a distance of 398.48 feet, said arc subtended by a chord which bears S.46°15'00"W., a distance of 300.98 feet to the curve's end, S.26°00'00"E., a distance of 110.00 feet; to a point of intersection with a non-tangent curve, concave Westerly, having a radius of 187.00 feet and a central angle of 26°46'23"; 104-17-129 8-09844 Pg06100 Southeasterly along the arc of said curve to the right, from which the local tangent at the beginning point bears S.26°00'01"E., a distance of 78.04 feet, said arc subtended by a chord which bears S.12°36'50"E., a distance of 77.33 feet; to a point of compound curvature with a curve, concave Northwesterly, having a radius of 25.00 feet and a central angle of 94°34'01", Southerly along the arc of said curve to the right, a distance of 41.26 feet, said arc subtended by a chord which bears S.48°03'22"W., a distance of 36.74 feet to a point of reverse curvature with a curve, concave Southeasterly, having a radius of 203.00 feet and a central angle of 73°02'15", Westerly along the arc of said curve to the left, a distance of 258.77 feet, said arc subtended by a chord which bears S.58°49'15"W., a distance of 241.80 feet to the point of intersection with a non-tangent line and thence N.72°30'05"W., a distance of 418.34 feet, to the POINT OF BEGINNING. Containing 48.78 acres of land, more or less.

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.