

When Recorded, Return To:

Meagan Ferrin
The Promontory Conservancy
8758 N. Promontory Ranch Road
Park City, Utah 84098

ENTRY NO. 00899494

05/27/2010 02:39:46 PM B: 2033 P: 1572

Notice PAGE 1/13
ALAN SPRIGGS, SUMMIT COUNTY RECORDER
FEE 1109.00 BY SUMMIT ESCROW & TITLE INSURANCE AGENCY



AMENDED NOTICE OF COMMUNITY ENHANCEMENT FEE AND ASSESSMENTS AND NOTICE OF TRANSFER FEE AND/OR REINVESTMENT FEE

This Amended Notice of Community Enhancement Fee and Assessments and Notice of Transfer Fee and/or Reinvestment Fee ("Amended Notice") is executed as of this 26th day of May, 2010 by THE PROMONTORY CONSERVANCY (the "Conservancy"), having a mailing address of 8758 N. Promontory Ranch Road, Park City, Utah, 84098.

The Conservancy does hereby claim and assert an interest in and/or has previously claimed and asserted an interest in the real property hereinafter described (the "Property") regarding unpaid assessments pursuant to Sections 57-8a-104 et. al. of the Utah Code, in accordance with that certain Notice of Community Enhancement Fee and Assessments dated June 6, 2007 and recorded June 8, 2007 as Entry Number 815440 in Book 1870 at Page 381 (the "Notice"), and by virtue of that certain Declaration of Covenants, Conditions, and Restrictions dated January 2, 2002 and recorded January 3, 2002 as Entry Number 607465 in Book 1426 at Page 522 of the Official Records of the Summit County Recorder, as supplemented and amended (the "Declaration"), in which the Conservancy retained the right to establish and collect assessments and establish and collect a Community Enhancement Fee upon transfer of title to a Lot.

The Property is more particularly described on the Exhibit "A" attached hereto, and incorporated herein by this reference.

As is previously stated in the Notice:

Pursuant to the Declaration, the Community Enhancement Fee has been established and is charged to the seller of the each Lot, shall be payable to the Conservancy at closing of the transfer, and shall be secured by the Conservancy's lien for assessments under Section 8.8 of the Declaration. Pursuant to the Declaration, the assessments have been established and are charged to the owner of each Lot, shall be payable to the Conservancy, and shall be secured by the Conservancy's lien for assessments under Section 8.8 of the Declaration. The Notice requires that each owner shall notify the Conservancy's Secretary, or designee, as least seven (7) days prior to the scheduled closing or transfer of title and provide the name of the buyer, the date of title transfer, and other information the Conservancy may reasonably require. Pursuant to the Declaration; Sections 8.7 and 8.11, the Declarant (Pivotal Promontory Development, L.L.C. w/ka Promontory Development, L.L.C) is not required to pay the Community Enhancement Fee and assessments. All capitalized terms herein shall have the definitions set forth herein or in the Declaration.

The Community Enhancement Fee constitutes 1% of the Lot's gross selling price (which price is the total cost to purchaser of the Lot excluding transfer taxes, impact or other fees and title fees imposed by Summit County and/or the State of Utah). The current, total amount of the lien for unpaid assessments and fees, including principal, interest, costs, any future cost incurred by the Conservancy related to the Lot, and any future fines imposed by the Conservancy, as well as the amount of the Community Enhancement Fee due upon transfer of title to the Lot can be obtained by contacting the Conservancy's Secretary, The Promontory Conservancy, 8758 N. Promontory Ranch Road, Park City, Utah 84098 (Telephone: 435-333-4000). The amount set forth above must be paid upon any sale or other transfer of title to the Property.

Subsequent to the recordation of the Notice and the Declaration as described herein, Section 57-1-46 et.

seq. of the Utah Code has been enacted, which requires additional language to be explicitly stated in the Notice due to the Conservancy's Community Enhancement Fee covenant's classification as either a reinvestment fee covenant and/or a transfer fee covenant, as defined under such legislation. The Community Enhancement Fee covenant established by the Declaration is intended to be a reinvestment fee covenant as defined under Utah Code Section 57-1-46 et. seq., and regardless of its classification as either a reinvestment fee covenant and/or a transfer fee covenant, the Conservancy hereby amends the Notice to include the following supplemental language and records this Amended Notice to apply to the Property going forward:

- a. **The Conservancy, having the address set forth above, is the beneficiary of the Community Enhancement Fee (the "Fee") covenant established by the Declaration, which Fee covenant is intended to be a reinvestment fee covenant as defined under Utah Code Section 57-1-46 et. seq.;**
- b. **The burden of the Fee covenant established by the Declaration, which Fee covenant is intended to be a reinvestment fee covenant under Utah Code Section 57-1-46 et. seq., is intended to run with the land and with the Property and to bind all successors in interest and assigns to the same;**
- c. **The existence of the Fee covenant established by the Declaration, which Fee covenant is intended to be a reinvestment fee covenant under Utah Code Section 57-1-46 et. seq., precludes the imposition of an additional reinvestment fee covenant on the Property;**
- d. **The purpose of the Fee covenant established by the Declaration, which Fee covenant is intended to be a reinvestment fee covenant under Utah Code Section 57-1-46 et. seq., pursuant to the Declaration, shall be to provide funding for Conservancy activities and such other purposes as the Board deems beneficial to the general good and welfare of Promontory and included in the Conservancy's Common Expense budget, including for reserves. Community Enhancement Fees might also be used to assist one or more tax exempt entities in funding: (i) preservation and maintenance of natural areas, wildlife preserves, or similar conservation areas, and sponsorship of educational programs and activities which contribute to the overall understanding, appreciation, and preservation of the natural environment within and surrounding Promontory, or as may be necessary to comply with the Development Agreement; (ii) programs, services, and activities which serve to promote a sense of community within Promontory, such as educational programs, festivals and holiday celebrations and activities, a Community computer network, and recycling programs; and (iii) social services, educational programs, community outreach programs, and other charitable causes; and**
- e. **The Fee covenant established by the Declaration, which Fee covenant is intended to be a reinvestment fee covenant under Utah Code Section 57-1-46 et. seq., is required and intended to benefit the Property permanently, as it shall continue into perpetuity and shall apply to each Property transfer of title described in the Declaration permitted by Utah Code Section 57-1-46 et. seq.**

Dated this 26th day of May, 2010.

THE PROMONTORY CONSERVANCY

Its: President

Its: Authorized representative

By: Meagan Ferrin

Meagan Ferrin, President

State of Utah)
 : ss.
Count of Summit)

On this the 26th day of May, 2010, personally appeared before me, Meagan Ferrin, whose identity is personally known to me or has been proven on the basis of satisfactory evidence, and being first duly sworn, acknowledged that she was authorized by THE PROMONTORY CONSERVANCY to execute the foregoing NOTICE OF LIEN, and that she did so of her own voluntary act.



NOTARY PUBLIC FOR UTAH

Residing in: Provo, UT

My Commission Expires: 6/1/2013



RECORDERS NOTE
DUE TO THE COLOR OF THE INK
OF THE NOTARY SEAL AFFIXED
TO THIS DOCUMENT, THE
SEAL MAY BE UNSATISFACTORY
FOR COPYING.

EXHIBIT A

WV-1 THROUGH WV-53

Lots 1 through 53, West View Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

DC-1 THROUGH DC-103

Lots 1 through 103, Deer Crossing Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

WCAN-1-1-AM THROUGH WCAN-1-40-AM

Lots 1 through 40, Wapati Canyon Phase 1 Subdivision, according to the official plat thereof as amended, on file and of record in the Summit County Recorder's Office.

W HLS-1 THROUGH W HLS-74

Lots 1 through 74, West Hills Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

RCCS-1 THROUGH RCCS-27

Lots 1 through 27, Ranch Club Cabins Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

PSSR-1 THROUGH PSSR-37

Lots 1 through 37, Sunset Ridge Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

LOR-1 THROUGH LOR-25

Lots 1 through 25, Lookout Ridge Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

SGNH-1 THROUGH SGNH-28

Lots 1 through 28, Signal Hill Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

HSD-1 THROUGH HSD-45

Lots 1 through 45, The Homesteads Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

RH-1 THROUGH RH-2

Lots 1 through 2, Range Hill Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

PSKY-1 THROUGH PSKY-43

Lots 1 through 43, Painted Sky Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

GCC-1 THROUGH GCC-25

Lots 1 through 45, Golf Club Cabins Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

PALSDS-1 THROUGH PALSDS-71

Lots 1 through 71, The Palisades Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

TCS-1 THROUGH TCS-64

Lots 1 through 64, Trappers Cabins Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

BB-1 THROUGH BB-69

Lots 1 through 45, Bison Bluffs Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

PROMR-1-1 THROUGH PROMR-1-8, PROMR-1-27, PROMR-1-40 THROUGH PROMR-1-46

Lots 1 through 8, Lot 27, and Lots 40 through 46, Promontory Ridge Phase 1 Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

PROMR-2-9 THROUGH PROMR-2-26, PROMR-2-28 THROUGH PROMR-2-39

Lots 9 through 26 and Lots 28 through 39, Promontory Ridge Phase 2 Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

BJUMP-1 THROUGH BJUMP-40

Lots 1 through 40, Buffalo Jump Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

DYECC-1 THROUGH DYECC-27

Lots 1 through 27, Dye Course Cabins Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

AC-1 THROUGH AC-87

Lots 1 through 87, Aspen Camp Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

NGC-1 THROUGH NGC-79

Lots 1 through 79, Northgate Canyon Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

SUM-1 THROUGH SUM-61

Lots 1 through 61, Summit Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

PRRCH-1 THROUGH PRRCH-10

Lots 1 through 10, Promontory Ranches Subdivision, according to the official plat thereof and on file and of record in the Summit County Recorder's Office.

The Northwest 1/4 of the Northwest 1/4 of Section 36, Township 1 North, Range 4 East, Salt Lake Base and Meridian. **Tax Id. No. NS-91-A-2.**

Lot 2, Rockport Ranches Section B, according to the official plat thereof on file and of record in the Summit County Recorder's Office. **Tax Id. No. RR-B-2.**

Lots, 23, 24, 25, 27, and 28, Rockport Ranches Section A, according to the official plat thereof on file and of record in the Summit County Recorder's Office. **Tax Id. Nos. RR-A-23, RR-A-24, RR-A-25, RR-A-27 and RR-A-28.**

Lot 1, more particularly described as follows:

Beginning at a point that is the Northwest corner of Section 18, Township 1 South, Range 5 East, Salt Lake Base and Meridian, Summit County, Utah (said Northwest corner bearing North 01°06'56" West from Southwest corner and being the basis of bearing for this description). Thence South 01°06'56" East along the West section line of said Section 18, 1324.588 feet; thence South 67° East 1883.550 feet; thence North 18°26'06" 77.465 feet; thence North 39°14'15" East 387.331 feet; thence North 55°03'16" East 167.174 feet; thence North 39° West 2051.635 feet to a point on the North section line of said section 18 (not surveyed); thence South 89°46'46" West along said North line 875.00 feet to the point of beginning, together with and subject of a 50 foot right of way designed as right of way "J". **Tax Id. No. SS-69-B-12.**

Lot 2, more particularly described as follows:

Beginning at a point on the West Section line of Section 18, Township 1 South, Range 5 East, Salt Lake Base Meridian, Summit County, Utah, said point of beginning begins South 01°06'56" East along said West line 1324.588 feet from the Northwest Corner of said Section 18, (said Northwest Corner bearing North 01°06'56" West from the Southwest Corner and being the basis of bearing for this description); thence South 01°06'56" East along said West Line 1345.502 feet; thence South 85° East 1594.405 feet; thence North 03°55'49" East 492.895 feet; thence North 18°26'06" East 270.386 feet; thence North 67° West 1883.550 feet, to the point of beginning, together with and subject to a 50 foot Right-Of-Way designed as Right-Of-Way "J". **Tax Id. No. SS-69-B-9.**

Lot 3 more particularly described as follows:

Beginning at a point that is on the West section line of Section 18, Township 1 South, Range 5 East of the Salt Lake Base and Meridian, said point of beginning South 01°06'56" East along said West line 2670.090 feet from the Northwest corner of said Section 18, (said Northwest corner bearing North 01°06'56" West from the Southwest corner and being the basis of bearing for this description), thence South 01°06'56" East along said West line 1137.137 feet; thence South 84° East 1448.175 feet; thence North 06°38'14" East 992.725 feet; thence North 03°55'49" East 163.649 feet; thence North 85° West 1594.405 feet to the point of Beginning, together with and subject to a 50 foot right of way designated as right of way "J". **Tax Id. No. SS-69-B-1.**

Real property located in Section 19, Township 1 South, Range 5 East, Salt Lake Base and Meridian, more particularly described as follows:

Lot 6, more particularly described as follows:

Beginning at a point on the West Section line of Section 19, Township 1 South, Range 5 East, of the Salt Lake Base and Meridian, said point of beginning being South 0°33'57" West along said West line

1316.095 feet from the Northwest corner of said Section 19 (said Northwest corner bearing North 0°33'57" East from the Southwest corner and being the basis of bearing for this description). Thence South 0°33'57" West along said West line 1357.301 feet; thence East 1267.560 feet; thence North 2°52'55" East 1335.861 feet; thence North 89° West 1321.526 feet to the point of beginning. Together with and subject to a 50 foot right-of-way designated as Right-of-Way "J". **Tax Id. No. SS-70-2.**

Lot 7, more particularly described as follows:

Beginning at a point that is on the West Section line of Section 19, Township 1 South, Range 5 East, of the Salt Lake Base and Meridian, said point of beginning being North 0°33'57" East along said West line 1115.328 feet from the Southwest corner of said Section 19 (said Southwest corner bearing South 0°33'57" West from the Northwest corner and being the basis of bearing for this description). Thence North 0°33'57" East along said West line 1624.672 feet; thence East 1267.560 feet; thence South 2°52'55" West 369.708 feet; thence South 13°19'28" West 195.256 feet; thence South 20°31'03" West 870.201 feet; thence South 8°25'37" East 136.473 feet; thence South 82°58'01" West 942.101 feet to the point of beginning. Together with and subject to a 50 foot right-of-way designated as Right-of-Way "J". **Tax Id. No. SS-70-3.**

Lot 8, more particularly described as follows:

Beginning at a point that is the Southwest corner of Section 19, Township 1 South, Range 5 East, Salt Lake Base and Meridian (said Southwest corner bearing South 0°33'57" West from the Northwest corner and being the basis of bearing for this description). Thence North 0°33'57" East along the West Section line of said Section 19, 1115.328 feet; thence North 82°58'01" East 942.101 feet; thence South 32°11'45" East 159.530 feet; thence South 67°14'57" East 168.077 feet; thence North 70°05'47" East 315.356 feet; thence South 6° East 1127.081 feet to the South Section line of said Section 19; thence South 89°23'18" West along said South line 1600.447 feet to the point of beginning. Together with and subject to a 50 foot right-of-way designated as Right-of-Way "J". **Tax Id. No. SS-70-4.**

Spine 3
Boundary Legal Description
June 8, 2006

Parcel A:

A parcel of land located in Section 13 and Section 24, 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 89°33'14" East along the Section Line 2536.19 feet and South 1281.41 feet from the Southwest Corner of Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 89°33'14" East 5306.90 feet between the Southwest Corner of said Section 13 and the Southeast Corner of said Section 13, both corners being found monuments); said a point of curvature of a 225.00 foot radius curve to the left, the center of which bears South 55°58'04" West, said point being on the Northerly right of way of Nicklaus Valley Road (a.k.a. Access Easement No. 4), thence along the Northerly right of way of Nicklaus Valley Road (a.k.a. Access Easement No. 4) the following 15 calls: the following 3 calls: 1) thence along the arc of said curve 164.93 feet through a central angle of 41°59'57"; 2) thence North 76°01'53" West 16.23 feet; 3) to a point of reverse curvature of a 15.00 foot radius curve to the right, the center of which bears North 13°58'07" East, thence along the arc of said curve 22.59 feet through a central angle of 86°16'15" to a point of reverse curvature of a 600.00 foot radius curve to the left, the center of which bears North 79°45'38" West, thence leaving the Easterly right of way of Nicklaus Valley Road (a.k.a. Access Easement No. 4), and said point being on the Easterly right of way of Spine 3 (a.k.a. Access Easement No. 3),

thence along the Easterly right of way of Spine 3 (a.k.a. Access Easement No. 3) the following 27 calls: 1) thence along the arc of said curve 63.15 feet through a central angle of 6°01'50"; 2) thence North 04°12'32" East 398.91 feet; 3) to a point of curvature of a 775.00 foot radius curve to the left, the center of which bears North 85°47'28" West, thence along the arc of said curve 207.07 feet through a central angle of 15°18'32"; 4) thence North 11°06'00" West 99.21 feet; 5) to a point of curvature of a 1250.00 foot radius curve to the right, the center of which bears North 78°54'00" East, thence along the arc of said curve 58.80 feet through a central angle of 2°41'43"; 6) thence North 08°24'17" West 188.50 feet; 7) to a point of curvature of a 525.00 foot radius curve to the left, the center of which bears South 81°35'43" West, thence along the arc of said curve 417.68 feet through a central angle of 45°35'00"; 8) thence North 53°59'17" West 100.94 feet; 9) to a point of curvature of a 360.00 foot radius curve to the right, the center of which bears North 36°00'43" East, thence along the arc of said curve 247.31 feet through a central angle of 39°21'37"; 10) to a point of compound curvature of a 250.00 foot radius curve to the right, the center of which bears North 75°22'20" East, thence along the arc of said curve 198.20 feet through a central angle of 45°25'29"; 11) thence North 30°47'49" East 209.19 feet; 12) to a point of curvature of a 425.00 foot radius curve to the left, the center of which bears North 59°12'11" West, thence along the arc of said curve 211.66 feet through a central angle of 28°32'03"; 13) to a point of reverse curvature of a 240.00 foot radius curve to the right, the center of which bears South 87°44'14" East, thence along the arc of said curve 157.30 feet through a central angle of 37°33'11"; 14) to a point of compound curvature of a 725.00 foot radius curve to the right, the center of which bears South 50°11'03" East, thence along the arc of said curve 163.60 feet through a central angle of 12°55'45"; 15) thence North 52°44'42" East 309.34 feet; 16) to a point of curvature of a 275.00 foot radius curve to the left, the center of which bears North 37°15'18" West, thence along the arc of said curve 240.81 feet through a central angle of 50°10'19"; 17) thence North 02°34'23" East 49.71 feet; 18) to a point of curvature of a 222.00 foot radius curve to the right, the center of which bears South 87°25'37" East, thence along the arc of said curve 116.67 feet through a central angle of 30°06'41"; 19) thence North 32°41'04" East 197.72 feet; 20) to a point of curvature of a 350.00 foot radius curve to the left, the center of which bears North 57°18'56" West, thence along the arc of said curve 164.85 feet through a central angle of 26°59'11"; 21) thence North 05°41'53" East 47.47 feet; 22) to a point of curvature of a 375.00 foot radius curve to the right, the center of which bears South 84°18'07" East, thence along the arc of said curve 161.09 feet through a central angle of 24°36'44"; 23) thence North 30°18'37" East 157.39 feet; 24) to a point of curvature of a 425.00 foot radius curve to the left, the center of which bears North 59°41'23" West, thence along the arc of said curve 253.35 feet through a central angle of 34°09'20"; 25) thence North 03°50'43" West 259.19 feet; 26) to a point of curvature of a 242.00 foot radius curve to the left, the center of which bears South 86°09'17" West, thence along the arc of said curve 170.99 feet through a central angle of 40°29'00"; 27) thence North 44°19'43" West 41.08 feet; thence leaving the Easterly right of way of Spine 3 Road (a.k.a. Access Easement No. 3), thence North 45°40'17" East 291.82 feet; thence South 52°05'57" East 273.10 feet; thence South 00°51'08" West 539.91 feet; thence South 15°23'41" West 221.35 feet; thence South 40°58'48" West 385.01 feet; thence South 16°01'34" West 639.19 feet; thence South 04°47'17" East 279.27 feet; thence South 41°54'38" West 244.16 feet; thence South 19°29'22" West 316.64 feet; thence South 13°00'46" West 353.94 feet; thence South 04°54'13" East 343.45 feet; thence South 09°22'51" East 397.98 feet; thence South 12°26'45" East 507.37 feet; thence South 05°01'20" East 338.74 feet; thence South 13°19'13" West 217.20 feet; thence North 71°47'59" West 170.93 feet to the POINT OF BEGINNING. Tax Id. Nos. SS-25 and SS-52.

Containing 37.77 acres, more or less.

Parcel B:

A parcel of land located in Section 13 and Section 24, 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 89°33'14" East along the Section Line 2070.10 feet and North 169.88 feet from the Southwest Corner of Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 00°35'51" East 5311.76 feet between the Southeast Corner of said Section 13 and the Northeast Corner of said Section 13, both corners being found monuments); said point being on the Westerly right of way of Spine 3 Road (a.k.a. Access Easement No. 3), thence along the Westerly right of way of Spine 3 Road (a.k.a. Access Easement No. 3) the following 25 calls: 1) thence South 53°59'17" East 43.46 feet; 2) to a point of curvature of a 475.00 foot radius curve to the right, the center of which bears South 36°00'43" West,

thence along the arc of said curve 377.90 feet through a central angle of 45°35'00"; 3) thence South 08°24'17" East 188.50 feet; 4) to a point of curvature of a 1300.00 foot radius curve to the left, the center of which bears North 81°35'43" East, thence along the arc of said curve 61.15 feet through a central angle of 2°41'43"; 5) thence South 11°06'00" East 99.21 feet; 6) to a point of curvature of a 725.00 foot radius curve to the right, the center of which bears South 78°54'00" West, thence along the arc of said curve 193.71 feet through a central angle of 15°18'32"; 7) thence South 04°12'32" West 398.91 feet; 8) to a point of curvature of a 550.00 foot radius curve to the right, the center of which bears North 85°47'28" West, thence along the arc of said curve 204.11 feet through a central angle of 21°15'46"; 9) thence South 25°28'18" West 64.72 feet; 10) to a point of curvature of a 375.00 foot radius curve to the left, the center of which bears South 64°31'42" East, thence along the arc of said curve 185.65 feet through a central angle of 28°21'54"; 11) to a point of reverse curvature of a 350.00 foot radius curve to the right, the center of which bears South 87°06'24" West, thence along the arc of said curve 140.62 feet through a central angle of 23°01'09"; 12) thence South 20°07'33" West 258.06 feet; 13) to a point of curvature of a 275.00 foot radius curve to the left, the center of which bears South 69°52'27" East, thence along the arc of said curve 128.54 feet through a central angle of 26°46'50"; 14) thence South 06°39'17" East 119.58 feet; 15) to a point of curvature of a 325.00 foot radius curve to the right, the center of which bears South 83°20'43" West, thence along the arc of said curve 144.35 feet through a central angle of 25°26'53"; 16) thence South 18°47'36" West 97.52 feet; 17) to a point of curvature of a 375.00 foot radius curve to the right, the center of which bears North 71°12'24" West, thence along the arc of said curve 133.00 feet through a central angle of 20°19'17"; 18) to a point of reverse curvature of a 250.00 foot radius curve to the left, the center of which bears South 50°53'07" East, thence along the arc of said curve 207.52 feet through a central angle of 47°33'34"; 19) thence South 08°26'41" East 53.13 feet; 20) to a point of curvature of a 225.00 foot radius curve to the right, the center of which bears South 81°33'19" West, thence along the arc of said curve 139.83 feet through a central angle of 35°36'23"; 21) thence South 27°09'42" West 359.92 feet; 22) to a point of curvature of a 725.00 foot radius curve to the left, the center of which bears South 62°50'18" East, thence along the arc of said curve 156.07 feet through a central angle of 12°20'03"; 23) to a point of reverse curvature of a 225.00 foot radius curve to the right, the center of which bears North 75°10'21" West, thence along the arc of said curve 97.60 feet through a central angle of 24°51'14"; 24) to a point of reverse curvature of a 525.00 foot radius curve to the left, the center of which bears South 50°19'07" East, thence along the arc of said curve 83.67 feet through a central angle of 9°07'51"; 25) to a point of compound curvature of a 325.00 foot radius curve to the left, the center of which bears South 59°26'58" East, thence along the arc of said curve 248.08 feet through a central angle of 43°44'04"; thence leaving the Westerly right of way of Spine 3 Road (a.k.a. Access Easement No. 3), thence South 76°48'58" West 193.66 feet; thence North 18°18'40" East 572.22 feet; thence North 03°56'38" East 592.85 feet; thence North 11°20'18" East 925.02 feet; thence North 20°56'01" East 399.58 feet; thence North 13°15'24" East 341.23 feet; thence North 22°55'51" East 379.93 feet; thence North 33°26'16" West 103.14 feet to a point of curvature of a 50.00 foot radius curve to the left, the center of which bears North 33°26'16" West, thence along the arc of said curve 119.25 feet through a central angle of 136°39'00"; thence North 09°54'44" East 189.35 feet; thence North 23°49'52" West 246.92 feet; thence North 13°25'02" West 167.74 feet; thence North 35°37'42" East 151.11 feet to the POINT OF BEGINNING. **Tax Id. Nos. SS-25 and SS-52.**

Containing 25.43 acres, more or less.

Parcel C

A parcel of land located in Section 13, 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 89°33'14" East along the Section Line 2020.69 feet and North 864.25 feet from the Southwest Corner of Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 00°35'51" East 5311.76 feet between the Southeast Corner of said Section 13 and the Northeast Corner of said Section 13, both corners being found monuments); said a point of curvature of a 25.00 foot radius curve to the left, the center of which bears North 63°21'01" West, said point being on the Westerly right of way of Spine 3 Road (a.k.a. Access Easement No. 3), thence along the arc of said curve 38.87 feet through a central angle of 89°05'14" to a point of reverse curvature of a 125.00 foot radius curve to the right, the center of which bears North 27°33'45" East, thence along the arc of said curve 122.19 feet through a central angle of 56°00'34"; thence North 06°25'41" West 158.45 feet to a point of curvature of a 525.00 foot

radius curve to the right, the center of which bears North 83°34'19" East, thence along the arc of said curve 289.78 feet through a central angle of 31°37'30"; thence North 25°11'49" East 480.17 feet to a point of curvature of a 525.00 foot radius curve to the right, the center of which bears South 64°48'11" East, thence along the arc of said curve 94.87 feet through a central angle of 10°21'12"; thence North 35°33'01" East 64.47 feet to a point of curvature of a 25.00 foot radius curve to the left, the center of which bears North 54°26'59" West, thence along the arc of said curve 21.03 feet through a central angle of 48°11'23" to a point of reverse curvature of a 50.00 foot radius curve to the right, the center of which bears North 77°21'38" East, thence along the arc of said curve 108.61 feet through a central angle of 124°27'17"; thence North 27°56'12" East 464.67 feet; thence South 69°14'34" East 99.18 feet; thence North 04°16'50" East 422.91 feet; thence North 38°50'55" East 322.87 feet; said point being on the Westerly right of way of Spine 3 Road (a.k.a. Access Easement No. 3), thence along the Westerly right of way of Spine 3 Road (a.k.a. Access Easement No. 3) the following 16 calls: 1) thence South 44°19'43" East 38.25 feet; 2) to a point of curvature of a 192.00 foot radius curve to the right, the center of which bears South 45°40'17" West, thence along the arc of said curve 135.66 feet through a central angle of 40°29'00"; 3) thence South 03°50'43" East 259.19 feet; 4) to a point of curvature of a 375.00 foot radius curve to the right, the center of which bears South 86°09'17" West, thence along the arc of said curve 223.55 feet through a central angle of 34°09'20"; 5) thence South 30°18'37" West 157.39 feet; 6) to a point of curvature of a 425.00 foot radius curve to the left, the center of which bears South 59°41'23" East, thence along the arc of said curve 182.56 feet through a central angle of 24°36'44"; 7) thence South 05°41'53" West 47.47 feet; 8) to a point of curvature of a 300.00 foot radius curve to the right, the center of which bears North 84°18'07" West, thence along the arc of said curve 141.30 feet through a central angle of 26°59'11"; 9) thence South 32°41'04" West 197.72 feet; 10) to a point of curvature of a 272.00 foot radius curve to the left, the center of which bears South 57°18'56" East, thence along the arc of said curve 142.95 feet through a central angle of 30°06'41"; 11) thence South 02°34'23" West 49.71 feet; 12) to a point of curvature of a 225.00 foot radius curve to the right, the center of which bears North 87°25'37" West, thence along the arc of said curve 197.02 feet through a central angle of 50°10'19"; 13) thence South 52°44'42" West 309.34 feet; 14) to a point of curvature of a 775.00 foot radius curve to the left, the center of which bears South 37°15'18" East, thence along the arc of said curve 174.88 feet through a central angle of 12°55'45"; 15) to a point of compound curvature of a 290.00 foot radius curve to the left, the center of which bears South 50°11'03" East, thence along the arc of said curve 190.07 feet through a central angle of 37°33'11"; 16) to a point of curvature of a 375.00 foot radius curve to the right, the center of which bears North 87°44'14" West, thence along the arc of said curve 159.61 feet through a central angle of 24°23'13" to the POINT OF BEGINNING. **Tax Id. Nos. SS-25.**

Containing 17.06 acres, more or less.

Nicklaus West
Boundary Legal Description
April 28, 2006

Parcel A:

A parcel of land located in Section 13, 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 00°35'51" East along the Section Line 919.53 feet and West 395.59 feet from the Northeast Corner of Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 00°35'51" East 5311.76 feet between the Southeast Corner of said Section 13 and the Northeast Corner of said Section 13, both corners being found monuments); said point being on the Westerly right of way of Golden Bear Loop (a.k.a. Access Easement No. 5) the following 3 calls: 1) and running thence South 25°09'58" West 179.86 feet; 2) to a point of curvature of a 275.00 foot radius curve to the right, the center of which bears North 64°50'02" West, thence along the arc of said curve 203.68 feet through a central angle of 42°26'12"; 3) to a point of reverse curvature of a 195.00 foot radius curve to the left, the center of which bears South 22°23'50" East, thence along the arc of said curve 87.61 feet through a central angle of 25°44'32"; thence leaving the Westerly right of way of Golden Bear Loop (a.k.a. Access Easement No.5) and thence North 48°08'22" West 49.95 feet; thence North 02°08'24" West 156.12 feet; thence North 38°28'11" East 192.70 feet; thence North 87°19'16" East 214.91 feet to the POINT OF BEGINNING. **Tax Id. Nos. SS-25.**

Containing 1.55 acres, more or less.

Parcel B:

A parcel of land located in Section 13, 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 00°35'51" East along the Section Line 1190.58 feet and West 489.46 feet from the Northeast Corner of Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 00°35'51" East 5311.76 feet between the Southeast Corner of said Section 13 and the Northeast Corner of said Section 13, both corners being found monuments), and running thence South 46°08'21" East 190.45 feet; thence South 20°23'59" West 84.11 feet; thence South 09°36'55" East 109.70 feet; thence South 57°49'22" West 171.42 feet to a point of curvature of a 150.00 foot radius curve to the left, the center of which bears South 57°49'22" West, said point being on the Easterly right of way of Golden Bear Loop (a.k.a. Access Easement No. 5) the following 3 calls: 1) thence along the arc of said curve 104.62 feet through a central angle of 39°57'45"; 2) to a point of reverse curvature of a 145.00 foot radius curve to the right, the center of which bears North 17°51'37" East, thence along the arc of said curve 353.65 feet through a central angle of 139°44'33"; 3) to a point of reverse curvature of a 325.00 foot radius curve to the left, the center of which bears North 22°23'50" West, thence along the arc of said curve 134.67 feet through a central angle of 23°44'31" to the POINT OF BEGINNING. **Tax Id. Nos. SS-25.**

Containing 2.08 acres, more or less.

Parcel C:

A parcel of land located in Section 13 and Section 24, 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 00°35'51" East along the Section Line 1474.16 feet and West 727.99 feet from the Northeast Corner of Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 00°35'51" East 5311.76 feet between the Southeast Corner of said Section 13 and the Northeast Corner of said Section 13, both corners being found monuments), said a point on a curve of a 195.00 foot radius curve to the left, the center of which bears North 67°37'49" East, said point being on the Westerly right of way of Golden Bear Loop and said as (a.k.a. Access Easement No. 5) the following 17 calls: 1) thence along the arc of said curve 169.39 feet through a central angle of 49°46'12"; 2) to a point of reverse curvature of a 100.00 foot radius curve to the right, the center of which bears South 17°51'37" West, thence along the arc of said curve 206.37 feet through a central angle of 118°14'21"; 3) to a point of reverse curvature of a 4025.00 foot radius curve to the left, the center of which bears South 43°54'02" East, thence along the arc of said curve 691.04 feet through a central angle of 9°50'13"; 4) to a point of compound curvature of a 155.00 foot radius curve to the left, the center of which bears South 53°44'15" East, thence along the arc of said curve 215.83 feet through a central angle of 79°46'55"; 5) to a point of reverse curvature of a 175.00 foot radius curve to the right, the center of which bears South 46°28'50" West, thence along the arc of said curve 273.87 feet through a central angle of 89°40'00"; 6) to a point of reverse curvature of a 425.00 foot radius curve to the left, the center of which bears South 43°51'10" East, thence along the arc of said curve 357.55 feet through a central angle of 48°12'08"; 7) to a point of reverse curvature of a 375.00 foot radius curve to the right, the center of which bears South 87°56'42" West, thence along the arc of said curve 206.01 feet through a central angle of 31°28'34"; 8) thence South 29°25'16" West 234.58 feet; 9) to a point of curvature of a 825.00 foot radius curve to the left, the center of which bears South 60°34'44" East, thence along the arc of said curve 251.43 feet through a central angle of 17°27'42"; 10) to a point of reverse curvature of a 775.00 foot radius curve to the right, the center of which bears North 78°02'26" West, thence along the arc of said curve 204.99 feet through a central angle of 15°09'18"; 11) to a point of reverse curvature of a 1225.00 foot radius curve to the left, the center of which bears South 62°53'08" East, thence along the arc of said curve 418.95 feet through a central angle of 19°35'43"; 12) thence South 07°31'09" West 343.45 feet; 13) to a point of curvature of a 1175.00 foot radius curve to the right, the center of which bears North 82°28'51" West, thence along the arc of said curve 621.63 feet through a central angle of 30°18'43"; 14) to a point of reverse curvature of a 525.00 foot radius

curve to the left, the center of which bears South 52°10'08" East, thence along the arc of said curve 282.87 feet through a central angle of 30°52'15"; 15) thence South 06°57'37" West 446.46 feet; 16) to a point of curvature of a 425.00 foot radius curve to the left, the center of which bears South 83°02'23" East, thence along the arc of said curve 451.31 feet through a central angle of 60°50'34"; 17) to a point of reverse curvature of a 200.00 foot radius curve to the right, the center of which bears South 36°07'03" West, thence along the arc of said curve 154.67 feet through a central angle of 44°18'39"; thence leaving the Westerly right of way of Golden Bear Loop (a.k.a. Access Easement No.5) and thence South 86°42'30" West 253.58 feet; thence South 74°52'22" West 167.58 feet; thence North 37°31'47" West 174.65 feet; thence North 06°10'16" East 718.57 feet; thence North 22°58'09" West 395.89 feet; thence North 22°01'23" East 664.56 feet; thence North 09°25'53" East 506.94 feet; thence North 14°09'16" West 268.37 feet; thence North 17°40'24" East 489.67 feet; thence North 43°12'17" East 433.07 feet; thence North 76°23'52" East 322.59 feet; thence North 05°16'49" East 174.23 feet; thence North 79°32'38" West 305.31 feet; thence North 11°57'16" East 555.88 feet; thence North 70°21'16" East 351.28 feet; thence North 37°55'59" East 261.93 feet; thence North 64°36'14" East 95.19 feet; thence North 37°03'45" East 82.22 feet; thence North 13°16'06" East 292.10 feet; thence North 67°37'49" East 111.03 feet to the POINT OF BEGINNING. Tax Id. Nos. SS-25 and SS-52.

Containing 50.33 acres, more or less.

Parcel D:

A parcel of land located in Section 13 and Section 24, 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 00°35'51" East along the Section Line 1788.83 feet and West 537.41 feet from the Northeast Corner of Section 13, Township 1 South, Range 4 East, Salt Lake Base and Meridian (Basis of Bearing being South 00°35'51" East 5311.76 feet between the Southeast Corner of said Section 13 and the Northeast Corner of said Section 13, both corners being found monuments); said point being on the Easterly right of way of Golden Bear Loop (a.k.a. Access Easement No. 5) and running thence South 57°14'03" East 128.35 feet; thence South 19°20'06" West 205.68 feet; thence South 44°23'10" West 258.99 feet; thence South 22°10'34" West 142.96 feet; thence South 12°26'19" East 280.35 feet; thence South 28°50'12" West 274.38 feet; thence South 11°27'34" West 276.56 feet; thence South 18°56'52" West 649.21 feet; thence South 20°38'16" West 424.55 feet; thence South 15°50'59" West 764.20 feet; thence South 21°04'24" West 719.55 feet; thence South 07°21'42" West 381.02 feet; thence South 06°59'54" East 221.44 feet; thence South 46°23'29" West 128.12 feet to a point on a curve having a 250.00 foot radius that curves to the left, the center of which bears South 46°23'29" West, said point being on the Easterly right of way of Golden Bear Loop (a.k.a. Access Easement No. 5), thence along the Easterly right of way of Golden Bear Loop (a.k.a. Access Easement No. 5) the following 15 calls: 1) thence along the arc of said curve 44.83 feet through a central angle of 10°16'26"; 2) to a point of reverse curvature of a 375.00 foot radius curve to the right, the center of which bears North 39°07'03" West, thence along the arc of said curve 398.22 feet through a central angle of 60°50'34"; 3) thence North 06°57'37" East 446.46 feet; 4) to a point of curvature of a 475.00 foot radius curve to the right, the center of which bears South 83°02'23" East, thence along the arc of said curve 255.93 feet through a central angle of 30°52'15"; 5) to a point of reverse curvature of a 1225.00 foot radius curve to the left, the center of which bears North 52°10'08" West, thence along the arc of said curve 648.08 feet through a central angle of 30°18'43"; 6) thence North 07°31'09" East 343.45 feet; 7) to a point of curvature of a 1175.00 foot radius curve to the right, the center of which bears South 82°28'51" East, thence along the arc of said curve 401.85 feet through a central angle of 19°35'43"; 8) to a point of reverse curvature of a 825.00 foot radius curve to the left, the center of which bears North 62°53'08" West, thence along the arc of said curve 218.22 feet through a central angle of 15°09'18"; 9) to a point of reverse curvature of a 775.00 foot radius curve to the right, the center of which bears South 78°02'26" East, thence along the arc of said curve 236.19 feet through a central angle of 17°27'42"; 10) thence North 29°25'16" East 234.58 feet; 11) to a point of curvature of a 425.00 foot radius curve to the left, the center of which bears North 60°34'44" West, thence along the arc of said curve 233.48 feet through a central angle of 31°28'34"; 12) to a point of reverse curvature of a 375.00 foot radius curve to the right, the center of which bears North 87°56'42" East, thence along the arc of said curve 315.48 feet through a central angle of 48°12'08"; 13) to a point of reverse curvature of a 225.00 foot radius curve to the left, the center of which bears North 43°51'10" West, thence along the arc of said curve 352.12 feet through a central angle of 89°40'00"; 14)

to a point of reverse curvature of a 105.00 foot radius curve to the right, the center of which bears North 46°28'50" East, thence along the arc of said curve 146.21 feet through a central angle of 79°46'55" 15) to a point of compound curvature of a 3975.00 foot radius curve to the right, the center of which bears South 53°44'15" East, thence along the arc of said curve 682.46 feet through a central angle of 9°50'13" to the POINT OF BEGINNING. Tax Id. Nos. SS-25 and SS-52.

Containing 27.04 acres, more or less.