WHEN RECORDED RETURN TO: Wade R. Budge

SNELL & WILMER L.L.P. 15 West South Temple, Suite 1200 Salt Lake City, UT 84101

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Mary Ann Trussell, Summit County Utah Recorder 01/31/2018 11:42:07 AM Fee \$20.00 By Coalition Title Agency Inc. Electronically Recorded

Affecting Part of Tax Serial No. S-98, and Tax Serial Nos. PCA-S-98-BB and PCA-S-98-SD-6

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SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF EMPIRE PASS

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[Marsac Horseshoe]

THIS SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF EMPIRE PASS (this "Supplemental Declaration"), dated as of the <u>1</u> day of January, 2018, by REDUS PARK CITY LLC, a Delaware limited liability company ("Declarant"), amends that certain Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass dated December 10, 2004, and recorded on December 14, 2004 in the Office of the Recorder of Summit County, Utah, as Entry No, 719855 in Book 1666 at Pages 1054 through 1155, as amended by that certain Supplemental Declaration to the Certificate of Amendment and Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass dated January 31, 2005 and recorded on February 4, 2005 in the Office of the Recorder of Summit County, Utah, as Entry No. 725523 in Book 1677 at Pages 360 through 365 (as amended, the "Declaration") All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declaration.

RECITALS:

A. United Park City Mines Company, a Delaware corporation ("UPCM"), is the original "Declarant" under the Declaration.

B. UPCM assigned all of its rights, title and interest as "Declarant" under the Declaration to Wells Fargo Bank National Association ("Wells Fargo"), pursuant to that certain Assignment of Declarant's Rights dated October 26, 2015 made by UPCM in favor of Wells Fargo.

C. Wells Fargo assigned all of its rights, title and interest as "Declarant" under the Declaration to Declarant pursuant to that certain Assignment of Declarant Rights dated November 17, 2015 and recorded on October 3, 2016 as Entry No. 01054950 in Book 2375 at Page 172.

D. The Declaration provides that Declarant shall have the right and option, from time to time and at any time, to amend the provisions of the Declaration and to subject additional property to the Declaration by the recordation of a Supplemental Declaration, which shall be effective when it is recorded, unless otherwise provided therein.

E. Pursuant to the provisions of Article XVI of the Declaration, Declarant desires to subject the real property located in Summit County, Utah (the "**Property**"), more particularly described on <u>Schedule 1</u> attached hereto and made a part hereof, to the provisions of the Declaration UMORALEION Africial Color F. Declarant has conveyed the Property to STORIED DEER VALLEY, LLC, a Delaware limited liability company, and is executing and delivering this Supplemental Declaration for the purpose of subjecting the Property to the provisions of the Declaration.

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DECLARATION:

31011 COPT NOW, THEREFORE, in consideration of the foregoing premises, Declarant hereby declares and states as follows:

Recitals. The Declarant hereby affirms the accuracy of the Recitals. 1.

Property Made Subject to Declaration. The Property is hereby made subject to the 2. Declaration, and shall be held, conveyed, transferred, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or developed, in whole or in part, subject to the Declaration, as amended or modified from time to time, which provisions are hereby ratified, approved, confirmed and incorporated herein, with the same force and effect as if fully set forth herein and made again as of the date hereof.)

Land Use Classification. Pursuant to Section 4.1 of the Declaration, and subject to the 3. Declaration of Development Covenants [Marsac Horseshoe] recorded concurrently herewith, the Property is hereby designated with the Land Use Classification of Cluster Residential Use.

Covenant Running with Land. The provisions of the Declaration shall run with the 4. Property and shall be binding upon all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each Owner thereof.

UMONTREAL A Effective Date. This Supplemental Declaration shall be effective as of the date it is 5. recorded in the Office of the Recorder of Summit County, Utah.

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Sterl Color Color 6067 000 IN WITNESS WHEREOF, Declarant has executed and delivered this Supplemental Declaration as of the date and year first above written. **REDUS PARK CITY LLC,** UMOMMERCIA a Delaware limited liability company 1011 CORN By: REDUS Properties, Inc., a Delaware corporation Its: Manager By: David Ash, Senior Vice President STATE OF UTAH 201941) : SS COUNTY OF SALT LAKE) The foregoing instrument was acknowledged before me this 11th day of January, 2018 by David Ash as the Senior Vice President of REDUS PROPERTIES, INC., a Delaware corporation, as manager of REDUS PARK CITY LLC, a Delaware limited liability company. Baurle hanon , CO(ST) Notary Public Residing at: Solt Lake County, U My Commissions Expires: _ 2/00/ 2018 SHARRON BAWDEN Notary Public State of Utah My Commission Expires on: February 20 2018 Comm. Number: 674751 UMONTRECIL UMONTREAL 21011 2067 3101 UMOSE MONTRECIP 60671 COLOSI Coleil SIGNATURE PAGE TO SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF EMPREPASS [MARSAC HORSESSUP] mit County

MOHINELOULCOPT icicil copy Color ACKNOWLEDGED, CONSENTED AND AGREED TO BY: STORIED DEER VALLEY, LLC, a Delaware limited liability company Color Color CORT SDBP Utah 1, LLC, a Delaware limited liability By: company, its sole Member By: SDBP Manager, LbC, a Delaware limited liability company, its Manager N Storied Development LLC, a Delaware By: JEICII COPY limited liability company, its sole Member Elell Color By: Mark Enderle, Managing Member STATE OF TENNESSE : SS COUNTY OF Williamson COR The foregoing instrument was acknowledged before me this day of January, 2018 by Mark Enderle, the Managing Member of Storied Development LLC, a Delaware limited liability company, as the sole Member of SDBP Manager, LLC, a Delaware limited liability company, as Manager of SDBP (Itah 1, LLC, a Delaware limited liability company, as the sole Member of STORIED DEER VALLEY, LLC, a Delaware limited liability company. Notary Public 31011 COPT Residing at: ()/lege Grove My Commissions Expires: NESSEE ASON C 8 C C C I CORT SIGNATURE AND ACKNOWLEDGMENT PAGE TO SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF EMPIRE PASS [MARSAC HORSESHOE] 01085837 Page 4 of 5 Summit County

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UMONTREAL SUPPLEMENTAL DECLARATION FOR MARSAC HORSESHOE

unofficial copy The real property referred to in this Supplemental Declaration as the Property is located in Summit County, Utah and is more particularly described as follows:

Lot Village at Empire Pass North Subdivision, according to the official plat recorded January 23, 2018, as Entry No. 1085414 in the Summit County Recorder's Office.

(Part of Tax Serial No. S-98, and Tax Serial Nos. PCA-S-98-BB and PCA-S-98-SD-6).

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Attended Colory Schedule I to Supplemental Declaration to Amended and Restated Master Declaration of Covenants, Conditions and Restrictions of Empire Pass [Marsac Horseshoe]

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