

WHEN RECORDED, MAIL TO:



"W2712001"

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Ballard Spahr LLP
201 So. Main Street, Suite 800
Salt Lake City, UT 84111-2221

EH 2712001 PG 1 OF 11
ERNEST D ROWLEY, WEBER COUNTY RECORDER
25-NOV-14 2:33 PM FEE \$177.00 DEP SGC
REC FOR: SUMMIT MOUNTAIN

**SECOND AMENDMENT TO
MASTER DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR
POWDER MOUNTAIN**

THIS SECOND AMENDMENT TO MASTER DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR POWDER MOUNTAIN ("Second Amendment"), dated as of November 24, 2014, is made and executed by Summit Mountain Holding Group, L.L.C., a Utah limited liability company ("Master Developer") for itself, its successors and assigns.

RECITALS

A. Master Developer executed that certain Master Declaration of Covenants, Conditions, Easements and Restrictions for Summit Eden, recorded in the Official Records of Weber County on January 27, 2014 as Entry No. 2672941, as amended by that certain First Amendment to Master Declaration of Covenants, Conditions, Easements and Restrictions for Powder Mountain (Formerly known as Summit Eden), recorded in the Official Records of Weber County on October 1, 2014 as Entry No. 2704954, as may be further amended from time to time (collectively, the "Master Declaration"), against that certain property described in Exhibit A attached hereto and incorporated herein by reference.

B. Pursuant to Section 17.3 of the Master Declaration, Master Developer has the unilateral right to amend the Master Declaration, so long as the Class B Membership exists, for any purpose so long as such amendment does not materially adversely affect title to any property within the Community without the consent of the affected Owner.

C. As of the date of this Second Amendment, Master Developer holds the Class B Membership in the Community Association. Further, this Second Amendment does not materially adversely affect title to any property within the Community.

NOW, THEREFORE, MASTER DEVELOPER hereby declares, covenants and agrees as follows:

1. Defined Terms and Status of Recitals. Capitalized terms used and not otherwise defined in this Second Amendment shall have the meaning or meanings given to them in the

Master Declaration. The Recitals set forth above shall constitute a portion of the terms of this Second Amendment and are hereby incorporated by this reference.

2. Amendment to Section 19.1. Section 19.1 of the Master Declaration is hereby amended and restated in its entirety as follows:

19.1 Resort Conditions: Assumption of Risk, Waiver of Claims and Indemnification. Each Owner, by its purchase of a Lot, Dwelling Unit or Parcel, hereby acknowledges that the Community is a mountain resort community with resort-type activities, which may include, without limitation: skiing, snowboarding, ski lifts, ski runs and trails, hiking trails, mountain biking trails, open spaces, wildlife, hunting, rugged terrain, Private Amenities, snow making, tennis courts, horses and horseback riding, outdoor concerts, indoor and outdoor theater, art activities, festivals, conferences and events, children's events, games and activities, running, snow shoeing, alpine and cross country skiing and mountain bike courses and/or races and/or other competitions of various kinds, and other resort-type facilities, events, activities and programs (collectively, "Resort Activities"), and each Owner expressly agrees to and assumes the risk of noise, nuisances, hazards, personal injury, and/or property damage related to any and all Resort Activities, including, without limitation: (a) noise from maintenance equipment (it being specifically understood that such maintenance may take place at any time(s) of the day or night), (b) noise caused by Resort Activities and participants, (c) noise from snowmaking systems and trail grooming machinery, (d) construction and development activities, (e) view restrictions caused by installation, relocation and maturation of trees and shrubbery, (f) reduction in privacy, including that related to maintenance activities, (g) errant equipment, including skis, snowboards, snowmobiles and mountain bikes, and (h) the Ski Resort's facilities, as presently existing and constructed in the future. Each Owner agrees that neither Master Developer, the Manager, the Ski Resort, the Community, the Neighborhood Association (or any committee of the Neighborhood Association), the Community Association (or any committee of the Community Association), any Resort Activities participant (unless acting recklessly or in a willfully wrongful manner), nor the affiliates, agents, successors and assigns of any of the foregoing, shall be liable to an Owner or any other person claiming any loss or damage, including, without limitation, indirect, special, or consequential loss or damage arising from personal injury, destruction of property, trespass, loss of enjoyment, or any other alleged wrong or entitlement to remedy based upon, due to, arising from, or otherwise related to: (a) the proximity of an Owner's Lot, Dwelling Unit or Parcel, or the improvements thereon, to any ski run or trail, Private Amenity or other Resort Activity venue; (b) any claim arising in whole or in part from the negligence of the Master Developer, the Manager, the Ski Resort, the Community, the Neighborhood Association (or any committee of the Neighborhood Association), the Community Association (or any committee of the Community Association), or the affiliates, agents, successors or assigns of any of the foregoing; or (c) any Resort Activity or Private Amenity (collectively referred to herein as the "Waived Claims"). Each Owner further covenants that the Master Developer, the

Manager, the Ski Resort, the Community, the Neighborhood Association (and any committee of the Neighborhood Association), the Community Association (and any committee of the Community Association), the owners and operators of all Resort Activities, the Ski Resort and/or Private Amenities, and the affiliates, agents, successors and assigns of all of the foregoing, shall have the right, in the nature of an easement, to subject all or any portion of the Community to nuisances incidental to the maintenance, operation or use of such Resort Activities, the Ski Resort and/or Private Amenities, and to the carrying out of such Resort Activities.

3. Master Declaration Remains in Effect. This Second Amendment shall be considered supplemental to the Master Declaration. Except as expressly amended by the foregoing, the Master Declaration shall remain in full force and effect and shall not be canceled, suspended or otherwise abrogated by the recording of this Second Amendment.

4. Master Developer Rights. Master Developer shall retain all rights of Master Developer as set forth in the Master Declaration, and this Second Amendment shall neither amend nor abrogate such rights, except as specifically provided for herein.

[Signatures on Following Page]

IN WITNESS WHEREOF, the Master Developer has executed this Second Amendment to Master Declaration of Covenants, Conditions, Easements and Restrictions for Powder Mountain as of the day first above written.

MASTER DEVELOPER:

SUMMIT MOUNTAIN HOLDING GROUP,
L.L.C., a Utah limited liability company

By: [Signature]
Name: Paul Strange
Its: Authorized Signatory

STATE OF Utah)
) :ss.
COUNTY OF Weber)

The foregoing instrument was acknowledged before me this 24 day of November 2014, by Paul Strange, the authorized signatory of Summit Mountain Holding Group, L.L.C.



[Signature]
Notary Public
My Commission Expires: 4/25/18

EXHIBIT "A"

REAL PROPERTY DESCRIPTION

AREA 1 (PHASE 1A)

BEGINNING AT A POINT THAT IS SOUTH 01°09'02" WEST 2,468.42 FEET AND EAST 2,031.16 FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; (BASIS OF BEARINGS BEING NORTH 89°55'51" WEST ALONG THE LINE BETWEEN THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND THE SET WEBER COUNTY MONUMENT ON THE INTERSECTION OF THE WEBER/CACHE COUNTY LINE AND THE SECTION LINE) RUNNING THENCE SOUTH 22°00'21" WEST 196.22 FEET; THENCE SOUTH 34°42'50" WEST 437.67 FEET; THENCE WEST 2,083.16 FEET; THENCE SOUTH 1,436.09 FEET; THENCE SOUTH 66°02'10" WEST 565.69 FEET; THENCE SOUTH 83°57'59" WEST 1,323.75 FEET; THENCE SOUTH 86°23'26" WEST 870.31 FEET; THENCE SOUTH 68°56'15" WEST 919.23 FEET; THENCE NORTH 1°29'36" EAST 623.17 FEET; THENCE NORTH 68°02'54" WEST 644.85 FEET; THENCE NORTH 41°58'40" EAST 239.39 FEET; THENCE NORTH 34°29'44" EAST 1032.96 FEET; THENCE NORTH 71°25'04" EAST 1249.80 FEET; THENCE NORTH 75°22'38" EAST 308.19 FEET; THENCE NORTH 83°23'28" EAST 80.94 FEET; THENCE NORTH 35°08'55" EAST 260.32 FEET; THENCE NORTH 54°51'05" WEST 43.67 FEET; THENCE NORTH 15°09'45" EAST 501.68 FEET TO THE SOUTHERLY LINE OF ROAD PARCEL D, ALSO KNOWN AS HORIZON RUN; THENCE ALONG SOUTHERLY LINE OF ROAD PARCEL D THE FOLLOWING FOUR (4) COURSES: 1) SOUTHWESTERLY ALONG A 475.00 FOOT RADIUS TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 86°37'24" WEST 37.86 FEET), THROUGH A CENTRAL ANGLE OF 4°34'05", A DISTANCE OF 37.87 FEET, 2) THENCE SOUTH 84°20'22" WEST 63.25 FEET, 3) NORTHWESTERLY ALONG A 225.00 FOOT TANGENT CURVE TO THE RIGHT, (CHORD BEAR NORTH 77°02'22" WEST 143.69 FEET), THROUGH A CENTRAL ANGLE OF 37°14'33", A DISTANCE OF 146.25 FEET, 4) NORTH 58° 25'06" WEST 9.28 FEET; THENCE SOUTH 31°34'54" WEST 265.07 FEET; THENCE NORTH 67°30'09" WEST 257.38 FEET; THENCE SOUTH 22°29'51" WEST 295.08 FEET; THENCE NORTH 67°44'01" WEST 359.08 FEET; THENCE NORTH 22°15'59" EAST 389.31 FEET; THENCE NORTH 38°29'38" EAST 196.43 FEET TO THE SOUTHERLY LINE OF ROAD PARCEL D, ALSO KNOWN AS HORIZON RUN; THENCE ALONG SAID SOUTHERLY LINE OF ROAD PARCEL D THE FOLLOWING TWO (2) COURSES: 1) NORTHWESTERLY ALONG A 125.00 FOOT NON-TANGENT RADIUS CURVE TO THE RIGHT, (CHORD BEARS NORTH 1°14'03" WEST 209.99 FEET), THROUGH A CENTRAL ANGLE OF 114°16'09", A DISTANCE OF 249.30 FEET, 2) THENCE NORTHWESTERLY ALONG A 20.00 FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, (CHORD BEARS NORTH 25°09'14" EAST 20.45 FEET), THROUGH A CENTRAL ANGLE OF 61°29'35", A DISTANCE OF 21.47 FEET TO THE SOUTHERLY LINE OF SUMMIT PASS; THENCE ALONG SAID SOUTHERLY LINE OF SUMMIT PASS THE FOLLOWING FORTY-THREE (43) COURSES: 1) SOUTHEASTERLY ALONG A 213.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, (CHORD BEARS SOUTH 32°33'32" EAST A DISTANCE OF 193.17 FEET), THROUGH A CENTRAL ANGLE OF 53°55'50", A DISTANCE OF 200.49 FEET, 2) SOUTH 59°31'27" EAST 20.00 FEET; 3) EASTERLY ALONG A 215.83 FOOT RADIUS TANGENT CURVE TO THE LEFT, (CHORD BEARS SOUTH 75°11'36" EAST 116.58 FEET), THROUGH A CENTRAL ANGLE OF 31°20'18", A DISTANCE OF 118.05 FEET, 4) NORTH 89°08'14" EAST 27.32 FEET, 5) EASTERLY ALONG A 483.21 FOOT RADIUS TANGENT CURVE TO THE LEFT, (CHORD BEARS NORTH 82°46'27" EAST A DISTANCE OF 107.11 FEET), THROUGH A CENTRAL ANGLE OF 12°43'35", A DISTANCE OF 107.33 FEET, 6) NORTH 76°24'39" EAST 166.99 FEET, 7) EASTERLY ALONG A 147.00 FOOT RADIUS TANGENT CURVE

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11/24/2014

22- 001- 0033

22- 001- 0035 thru 0037

23- 012- 0105 thru 0107

23- 012- 0119

23- 012- 0122

23- 012- 0134

23- 012- 0140

23- 012- 0140 ϕ

23- 012- 0142

23- 122- 0001 thru 0032

23- 122- 0034

23- 123- 0001 thru 0031

15.

TO THE RIGHT,(CHORD BEARS SOUTH 80°40'01" EAST A DISTANCE OF 114.51 FEET), THROUGH A CENTRAL ANGLE OF 45°50'39", A DISTANCE OF 117.62 FEET, 8) SOUTH 57°44'42" EAST 14.03 FEET, 9) EASTERLY ALONG A 383.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 78°01'21" EAST A DISTANCE OF 265.47 FEET), THROUGH A CENTRAL ANGLE OF 40°33'19", A DISTANCE OF 271.10 FEET, 10) NORTH 81°42'00" EAST 53.97 FEET, 11) EASTERLY ALONG A 418.71 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°04'31" EAST A DISTANCE OF 92.99 FEET), THROUGH A CENTRAL ANGLE OF 12°45'03", A DISTANCE OF 93.18 FEET, 12) SOUTH 85°32'57" EAST 56.26 FEET, 13) EASTERLY ALONG A 733.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 81°41'37" EAST A DISTANCE OF 323.72 FEET), THROUGH A CENTRAL ANGLE OF 25°30'52", A DISTANCE OF 326.41 FEET, 14) NORTH 68°56'11" EAST 94.64 FEET, 15) EASTERLY ALONG A 167.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 85°01'33" EAST A DISTANCE OF 92.56 FEET), THROUGH A CENTRAL ANGLE OF 32°10'44", A DISTANCE OF 93.79 FEET, 16) SOUTH 78°53'05" EAST 41.36 FEET, 17) EASTERLY ALONG A 283.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 86°13'07" EAST A DISTANCE OF 145.50 FEET), THROUGH A CENTRAL ANGLE OF 29°47'36", A DISTANCE OF 147.16 FEET, 18) NORTH 71°19'19" EAST 174.07 FEET, 19) EASTERLY ALONG A 967.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 76°42'19" EAST A DISTANCE OF 181.44 FEET), THROUGH A CENTRAL ANGLE OF 10°45'58", A DISTANCE OF 181.70 FEET, 20) NORTH 82°05'18" EAST 101.93 FEET, 21) EASTERLY ALONG A 393.15 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°48'39" EAST A DISTANCE OF 92.04 FEET), THROUGH A CENTRAL ANGLE OF 13°26'42", A DISTANCE OF 92.26 FEET, 22) SOUTH 84°28'01" EAST 114.11 FEET, 23) EASTERLY ALONG A 3,056.76 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 85°24'51" EAST A DISTANCE OF 101.09 FEET), THROUGH A CENTRAL ANGLE OF 01°53'41", A DISTANCE OF 101.09 FEET, 24) SOUTH 86°21'42" EAST 297.63 FEET, 25) EASTERLY ALONG A 300.82 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 82°56'30" EAST A DISTANCE OF 111.67 FEET), THROUGH A CENTRAL ANGLE OF 21°23'37", A DISTANCE OF 112.32 FEET, 26) NORTH 72°14'41" EAST 103.92 FEET, 27) EASTERLY ALONG A 267.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°38'49" EAST A DISTANCE OF 150.79 FEET), THROUGH A CENTRAL ANGLE OF 32°48'14", A DISTANCE OF 152.87 FEET, 28) SOUTH 74°57'04" EAST 46.14 FEET, 29) EASTERLY ALONG A 483.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 88°17'33" EAST A DISTANCE OF 222.90 FEET), THROUGH A CENTRAL ANGLE OF 26°40'57", A DISTANCE OF 224.93 FEET, 30) NORTH 78°21'59" EAST 163.17 FEET, 31) EASTERLY ALONG A 467.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 87°57'27" EAST A DISTANCE OF 155.62 FEET), THROUGH A CENTRAL ANGLE OF 19°10'57", A DISTANCE OF 156.35 FEET, 32) SOUTH 82°27'04" EAST 241.01 FEET, 33) EASTERLY ALONG A 467.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 76°12'08" EAST A DISTANCE OF 101.66 FEET), THROUGH A CENTRAL ANGLE OF 12°29'53", A DISTANCE OF 101.87 FEET, 34) SOUTH 69°57'12" EAST 128.40 FEET, 35) EASTERLY ALONG A 333.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 81°03'41" EAST A DISTANCE OF 128.31 FEET), THROUGH A CENTRAL ANGLE OF 22°12'58", A DISTANCE OF 129.12 FEET, 36) NORTH 87°49'50" EAST 231.14 FEET, 37) EASTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 70°02'50" EAST A DISTANCE OF 276.41 FEET), THROUGH A CENTRAL ANGLE OF 44°14'39", A DISTANCE OF 283.40 FEET, 38) SOUTH 47°55'31" EAST 81.02 FEET; 39) SOUTHEASTERLY ALONG A 567.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 36°08'41" EAST A DISTANCE OF 231.52 FEET), THROUGH A CENTRAL ANGLE OF 23°33'40", A DISTANCE OF 233.16 FEET, 40) SOUTH

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23-130-0001 thru 0072
23-131-0001 thru 0026
23-128-0001 thru 0031
23-129-0001 thru 0011
23-129-0013
d.s. *d.s.* *d.s.*

24°21'51" EAST 113.52 FEET, 41) SOUTHERLY ALONG A 567.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 15°29'46" EAST A DISTANCE OF 174.82 FEET), THROUGH A CENTRAL ANGLE OF 17°44'11", A DISTANCE OF 175.52 FEET, 42) SOUTH 06°37'40" EAST 118.34 FEET, 43) SOUTHERLY ALONG A 603.42 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 06°55'18" EAST A DISTANCE OF 6.19 FEET), THROUGH A CENTRAL ANGLE OF 00°35'15", A DISTANCE OF 6.19 FEET; THENCE SOUTH 83°22'20" WEST 385.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,597,496 SQUARE FEET OR 289.20 ACRES

TOGETHER WITH AREA 2 (PHASE 1B)

BEGINNING AT A POINT THAT IS SOUTH 01°09'01" WEST 995.75 FEET ALONG THE SECTION LINE AND EAST 515.18 FEET, FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, (BASIS OF BEARING IS NORTH 89°55'51" WEST ALONG THE LINE BETWEEN THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND THE SET WEBER COUNTY MONUMENT ON THE INTERSECTION OF THE WEBER/CACHE COUNTY LINE AND THE SECTION LINE.); RUNNING THENCE NORTH 87°12'29" EAST 272.77 FEET; THENCE SOUTH 02°47'31" EAST 224.41 FEET; THENCE SOUTH 44°55'24" EAST 113.68 FEET; THENCE SOUTH 04°47'44" EAST 154.04 FEET; THENCE SOUTH 83°04'32" EAST 367.66 FEET; THENCE NORTH 89°26'39" EAST 381.79 FEET; THENCE NORTH 83°08'05" EAST 309.86 FEET; THENCE SOUTH 82°18'33" EAST 415.15 FEET; THENCE SOUTH 49°18'31" EAST 210.20 FEET; THENCE SOUTH 30°26'35" EAST 270.66 FEET; THENCE SOUTH 62°09'42" EAST 391.77 FEET; THENCE SOUTH 62°09'42" EAST 1,191.29 FEET; THENCE SOUTH 240.39 FEET; THENCE EAST 455.19 FEET; THENCE SOUTH 35°01'14" WEST 550.33 FEET; THENCE NORTHWESTERLY ALONG A 455.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 64°45'19" WEST A DISTANCE OF 244.33 FEET), THROUGH A CENTRAL ANGLE OF 31°08'57", A DISTANCE OF 247.36 FEET; THENCE SOUTH 09°40'13" WEST 25.00 FEET; THENCE WESTERLY ALONG A 430.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 87°04'17" WEST A DISTANCE OF 100.96 FEET), THROUGH A CENTRAL ANGLE OF 13°28'59", A DISTANCE OF 101.19 FEET; THENCE SOUTH 86°11'14" WEST 193.22 FEET; THENCE WESTERLY ALONG A 570.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°46'32" WEST A DISTANCE OF 100.10 FEET), THROUGH A CENTRAL ANGLE OF 10°04'29", A DISTANCE OF 100.23 FEET; THENCE SOUTH 06°15'42" WEST 147.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SUMMIT PASS; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THIRTY TWO (32) COURSES: 1) NORTH 83°44'18" WEST 166.47 FEET, 2) NORTHWESTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 66°06'41" WEST A DISTANCE OF 222.27 FEET), THROUGH A CENTRAL ANGLE OF 35°15'14", A DISTANCE OF 225.81 FEET, 3) NORTH 48°29'04" WEST 89.38 FEET, 4) NORTHWESTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 57°28'49" WEST A DISTANCE OF 135.41 FEET), THROUGH A CENTRAL ANGLE OF 17°59'29", A DISTANCE OF 135.97 FEET, 5) NORTH 66°28'34" WEST 225.95 FEET, 6) NORTHWESTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 54°25'37" WEST A DISTANCE OF 153.22 FEET), THROUGH A CENTRAL ANGLE OF 24°05'53", A DISTANCE OF 154.36 FEET, 7) NORTH 42°22'41" WEST 79.01 FEET, 8) NORTHWESTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 29°31'31" WEST A DISTANCE OF 163.28 FEET), THROUGH A CENTRAL ANGLE OF 25°42'21", A DISTANCE OF 164.65 FEET, 9) NORTH 16°40'20" WEST 261.55 FEET, 10) NORTHERLY ALONG A 537.42 FOOT

RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 11°39'00" WEST A DISTANCE OF 94.09 FEET), THROUGH A CENTRAL ANGLE OF 10°02'40", A DISTANCE OF 94.21 FEET, 11) NORTH 06°37'40" WEST 118.34 FEET, 12) NORTHERLY ALONG A 633.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 15°29'46" WEST A DISTANCE OF 195.17 FEET), THROUGH A CENTRAL ANGLE OF 17°44'11", A DISTANCE OF 195.95 FEET, 13) NORTH 24°21'51" WEST 113.52 FEET, 14) NORTHWESTERLY ALONG A 633.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 36°08'41" WEST A DISTANCE OF 258.47 FEET), THROUGH A CENTRAL ANGLE OF 23°33'40", A DISTANCE OF 260.30 FEET, 15) NORTH 47°55'31" WEST 81.02 FEET, 16) WESTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 70°02'50" WEST A DISTANCE OF 326.12 FEET), THROUGH A CENTRAL ANGLE OF 44°14'39", A DISTANCE OF 334.37 FEET, 17) SOUTH 87°49'50" WEST 231.14 FEET, 18) WESTERLY ALONG A 267.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 81°03'41" WEST A DISTANCE OF 102.88 FEET), THROUGH A CENTRAL ANGLE OF 22°12'58", A DISTANCE OF 103.53 FEET, 19) NORTH 69°57'12" WEST 128.40 FEET, 20) WESTERLY ALONG A 533.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 76°12'08" WEST A DISTANCE OF 116.03 FEET), THROUGH A CENTRAL ANGLE OF 12°29'53", A DISTANCE OF 116.26 FEET, 21) NORTH 82°27'04" WEST 241.01 FEET, 22) WESTERLY ALONG A 533.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 87°57'27" WEST A DISTANCE OF 177.61 FEET), THROUGH A CENTRAL ANGLE OF 19°10'57", A DISTANCE OF 178.45 FEET, 23) SOUTH 78°21'59" WEST 163.17 FEET, 24) WESTERLY ALONG A 417.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 88°17'33" WEST A DISTANCE OF 192.44 FEET), THROUGH A CENTRAL ANGLE OF 26°40'57", A DISTANCE OF 194.19 FEET, 25) NORTH 74°57'04" WEST 46.14 FEET, 26) WESTERLY ALONG A 333.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 84°06'02" WEST A DISTANCE OF 105.90 FEET), THROUGH A CENTRAL ANGLE OF 18°17'56", A DISTANCE OF 106.35 FEET, 27) WESTERLY ALONG A 333.00 FOOT RADIUS COMPOUND CURVE TO THE LEFT,(CHORD BEARS SOUTH 79°29'51" WEST A DISTANCE OF 84.08 FEET), THROUGH A CENTRAL ANGLE OF 14°30'18", A DISTANCE OF 84.30 FEET, 28) SOUTH 72°14'41" WEST 103.92 FEET, 29) WESTERLY ALONG A 234.82 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 82°56'30" WEST A DISTANCE OF 87.17 FEET), THROUGH A CENTRAL ANGLE OF 21°23'37", A DISTANCE OF 87.68 FEET, 30) NORTH 86°21'42" WEST 297.63, 31) WESTERLY ALONG A 2990.76 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 85°24'51" WEST A DISTANCE OF 98.90 FEET), THROUGH A CENTRAL ANGLE OF 01°53'41", A DISTANCE OF 98.91 FEET AND 32) NORTH 84°28'01" WEST 105.46 FEET TO A POINT ON THE EAST LINE OF THE WEBER STATE UNIVERSITY PARCEL; THENCE ALONG SAID PARCEL FOLLOWING TWO (2) COURSES: 1)NORTH 22°03'15" EAST 94.54 FEET, 2) NORTH 67°56'24" WEST 23.37 FEET; THENCE NORTH 57°01'18" EAST 296.12 FEET; THENCE NORTH 72°11'24" EAST 165.13 FEET; THENCE NORTH 51°37'45" EAST 238.96 FEET; THENCE SOUTH 63°37'15" EAST 119.37 FEET; THENCE NORTH 75°14'39" EAST 162.06 FEET; THENCE NORTH 37°00'00" EAST 133.88 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,502,914 SQUARE FEET OR 57.459 ACRES.

TOGETHER WITH AREA 3 (PHASE 1C)

BEGINNING AT A POINT THAT IS SOUTH 01°09'02" WEST 2,468.42 FEET AND EAST 2,031.16 FEET, FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARING IS NORTH 89°55'51" WEST ALONG THE LINE BETWEEN THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND THE SET WEBER COUNTY

MONUMENT ON THE INTERSECTION OF THE WEBER/CACHE COUNTY LINE AND THE SECTION LINE.); RUNNING THENCE NORTH 83°22'20" EAST 385.15 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF SUMMIT PASS; THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE OF SUMMIT PASS THE FOLLOWING TEN (10) COURSES: 1) SOUTHERLY ALONG A 603.42 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 11°56'38" EAST A DISTANCE OF 99.48 FEET), THROUGH A CENTRAL ANGLE OF 09°27'25", A DISTANCE OF 99.60 FEET, 2) SOUTH 16°40'20" EAST 261.55 FEET, 3) SOUTHEASTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 29°31'31" EAST A DISTANCE OF 192.64 FEET), THROUGH A CENTRAL ANGLE OF 25°42'21", A DISTANCE OF 194.27 FEET, 4) SOUTH 42°22'41" EAST 79.01 FEET, 5) SOUTHEASTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 54°25'37" EAST A DISTANCE OF 180.78 FEET), THROUGH A CENTRAL ANGLE OF 24°05'53", A DISTANCE OF 182.11 FEET, 6) SOUTH 66°28'34" EAST 225.96 FEET, 7) SOUTHEASTERLY ALONG A 367.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 57°28'49" EAST A DISTANCE OF 114.77 FEET), THROUGH A CENTRAL ANGLE OF 17°59'29", A DISTANCE OF 115.24 FEET, 8) SOUTH 48°29'04" EAST 89.38 FEET, 9) SOUTHEASTERLY ALONG A 433.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 66°06'41" EAST A DISTANCE OF 262.24 FEET), THROUGH A CENTRAL ANGLE OF 35°15'14", A DISTANCE OF 266.42 FEET AND 10) SOUTH 83°44'18" EAST 160.34 FEET; THENCE SOUTH 01°26'03" WEST 47.96 FEET; THENCE EASTERLY ALONG A 482.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 83°43'36" EAST A DISTANCE OF 203.87 FEET), THROUGH A CENTRAL ANGLE OF 24°25'07", A DISTANCE OF 205.42 FEET; THENCE NORTH 84°03'51" EAST 138.80 FEET; THENCE EASTERLY ALONG A 143.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 89°51'47" EAST A DISTANCE OF 28.90 FEET), THROUGH A CENTRAL ANGLE OF 11°35'53", A DISTANCE OF 28.95 FEET; THENCE NORTH 05°39'44" EAST 64.51 FEET TO SAID SOUTHWESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: 1) SOUTHEASTERLY ALONG A 217.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 31°41'30" EAST A DISTANCE OF 341.83 FEET), THROUGH A CENTRAL ANGLE OF 103°55'47", A DISTANCE OF 393.62 FEET AND 2) SOUTH 20°16'24" WEST 37.40 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SPRING PARK ROAD; THENCE ALONG SAID RIGHT OF WAY LINE OF SPRING PARK ROAD THE FOLLOWING TWENTY-THREE (23) COURSES: 1) WESTERLY ALONG A 93.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 86°35'01" WEST A DISTANCE OF 37.32 FEET), THROUGH A CENTRAL ANGLE OF 23°09'03", A DISTANCE OF 37.58 FEET, 2) SOUTHWESTERLY ALONG A 93.00 FOOT RADIUS COMPOUND CURVE TO THE LEFT,(CHORD BEARS SOUTH 67°29'35" WEST A DISTANCE OF 24.33 FEET), THROUGH A CENTRAL ANGLE OF 15°01'49", A DISTANCE OF 24.40 FEET, 3) SOUTH 59°58'41" WEST 28.58 FEET, 4) SOUTH 59°58'41" WEST 23.81 FEET, 5) WESTERLY ALONG A 102.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 86°21'09" WEST A DISTANCE OF 113.10 FEET), THROUGH A CENTRAL ANGLE OF 67°20'21", A DISTANCE OF 119.88 FEET, 6) NORTH 52°40'58" WEST 59.72 FEET, 7) NORTHWESTERLY ALONG A 268.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 65°16'53" WEST A DISTANCE OF 116.91 FEET), THROUGH A CENTRAL ANGLE OF 25°11'49", A DISTANCE OF 117.86 FEET, 8) NORTH 77°52'47" WEST 144.40 FEET, 9) WESTERLY ALONG A 268.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 89°14'55" WEST A DISTANCE OF 119.40 FEET), THROUGH A CENTRAL ANGLE OF 25°44'36", A DISTANCE OF 120.41 FEET, 10) SOUTH 76°22'37" WEST 117.26 FEET, 11) WESTERLY ALONG A 232.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 88°58'58" WEST A DISTANCE OF 101.27 FEET), THROUGH A CENTRAL ANGLE OF 25°12'43", A DISTANCE OF 102.09 FEET, 12)

NORTH 78°24'40" WEST 7.67 FEET, 13) NORTHWESTERLY ALONG A 18.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 50°04'54" WEST A DISTANCE OF 17.08 FEET), THROUGH A CENTRAL ANGLE OF 56°39'33", A DISTANCE OF 17.80 FEET, 14) SOUTHERLY ALONG A 47.50 FOOT RADIUS REVERSE CURVE TO THE LEFT,(CHORD BEARS SOUTH 11°35'20" WEST A DISTANCE OF 52.21 FEET), THROUGH A CENTRAL ANGLE OF 293°19'06", A DISTANCE OF 243.17 FEET, 15) EASTERLY ALONG A 18.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT,(CHORD BEARS NORTH 73°15'33" EAST A DISTANCE OF 17.08 FEET), THROUGH A CENTRAL ANGLE OF 56°39'33", A DISTANCE OF 17.80 FEET, 16) SOUTH 78°24'40" EAST 7.68 FEET, 17) SOUTHEASTERLY ALONG A 268.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 88°59'01" EAST A DISTANCE OF 116.98 FEET), THROUGH A CENTRAL ANGLE OF 25°12'47", A DISTANCE OF 117.93 FEET, 18) NORTH 76°22'37" EAST 117.26 FEET, 19) EASTERLY ALONG A 232.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 89°14'55" EAST A DISTANCE OF 103.36 FEET), THROUGH A CENTRAL ANGLE OF 25°44'36", A DISTANCE OF 104.24 FEET, 20) SOUTH 77°52'47" EAST 144.40 FEET, 21) SOUTHEASTERLY ALONG A 232.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 65°16'53" EAST A DISTANCE OF 101.21 FEET), THROUGH A CENTRAL ANGLE OF 25°11'49", A DISTANCE OF 102.03 FEET, 22) SOUTH 52°40'58" EAST 59.72 FEET AND 23) SOUTHEASTERLY ALONG A 138.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 62°13'30" EAST A DISTANCE OF 45.75 FEET), THROUGH A CENTRAL ANGLE OF 19°05'03", A DISTANCE OF 45.97 FEET; THENCE SOUTH 18°13'59" WEST 71.30 FEET; THENCE WEST 41.88 FEET; THENCE SOUTH 414.03 FEET; THENCE SOUTH 29°11'14" WEST 337.79 FEET; THENCE NORTH 88°18'57" WEST 1,941.65 FEET; THENCE NORTH 14°02'38" EAST 1,143.47 FEET; THENCE NORTH 35°56'05" WEST 538.55 FEET; THENCE NORTH 34°42'50" EAST 437.67 FEET; THENCE NORTH 22°00'21" EAST 196.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,127,453 SQUARE FEET OR 71.796 ACRES.

TOGETHER WITH AREA 4 (PHASE 1D)

BEGINNING AT A POINT THAT IS ON THE EASTERLY RIGHT OF WAY LINE OF SUMMIT PASS, SAID POINT BEING SOUTH 3,424.35 FEET AND EAST 4,053.56 FEET FROM THE WEST QUARTER CORNER OF SECTION 5, TOWNSHIP 7 NORTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARING IS NORTH 89°55'51" WEST ALONG THE LINE BETWEEN THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN AND THE SET WEBER COUNTY MONUMENT ON THE INTERSECTION OF THE WEBER/CACHE COUNTY LINE AND THE SECTION LINE.); RUNNING THENCE NORTH 43°58'09" EAST 153.63 FEET; THENCE SOUTH 46°01'51" EAST 50.00 FEET; THENCE SOUTHERLY ALONG A 23.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 01°01'52" EAST A DISTANCE OF 32.53 FEET), THROUGH A CENTRAL ANGLE OF 90°00'01", A DISTANCE OF 36.13 FEET; THENCE SOUTH 46°01'51" EAST 27.34 FEET; THENCE NORTH 43°58'09" EAST 40.00 FEET; THENCE SOUTH 83°27'23" EAST 77.29 FEET; THENCE SOUTH 53°50'59" EAST 246.81 FEET; THENCE SOUTH 05°42'44" EAST 163.75 FEET; THENCE SOUTH 59°58'58" WEST 65.49 FEET; THENCE SOUTH 13°45'23" WEST 123.76 FEET; THENCE SOUTH 59°58'58" WEST 5.57 FEET; THENCE SOUTH 30°01'02" EAST 37.31 FEET; THENCE SOUTH 59°58'58" WEST 36.00 FEET; THENCE NORTH 30°01'02" WEST 126.68 FEET; THENCE NORTHWESTERLY ALONG A 343.00 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 21°30'10" WEST A DISTANCE OF 101.57 FEET), THROUGH A CENTRAL ANGLE OF 17°01'43", A DISTANCE OF 101.94 FEET; THENCE SOUTH 85°44'00" WEST 87.02 FEET; THENCE SOUTHERLY ALONG A 218.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 10°22'29" WEST A DISTANCE OF

74.77 FEET), THROUGH A CENTRAL ANGLE OF 19°44'57", A DISTANCE OF 75.14 FEET; THENCE SOUTH 20°14'58" WEST 79.14 FEET; THENCE SOUTHWESTERLY ALONG A 58.50 FOOT RADIUS TANGENT CURVE TO THE RIGHT,(CHORD BEARS SOUTH 65°14'58" WEST A DISTANCE OF 82.73 FEET), THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 91.89 FEET; THENCE NORTH 69°45'02" WEST 36.55 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF SUMMIT PASS; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES: 1) NORTH 20°16'24" EAST 132.23 FEET, 2) NORTHERLY ALONG A 283.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 02°28'52" EAST A DISTANCE OF 172.95 FEET), THROUGH A CENTRAL ANGLE OF 35°35'04", A DISTANCE OF 175.76 FEET; THENCE NORTH 85°44'00" EAST 52.01 FEET; THENCE NORTHERLY ALONG A 118.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT,(CHORD BEARS NORTH 15°18'44" EAST A DISTANCE OF 78.73 FEET), THROUGH A CENTRAL ANGLE OF 38°58'23", A DISTANCE OF 80.26 FEET; THENCE NORTH 34°47'56" EAST 6.10 FEET; THENCE NORTHERLY ALONG A 23.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 05°36'59" WEST A DISTANCE OF 29.82 FEET), THROUGH A CENTRAL ANGLE OF 80°49'44", A DISTANCE OF 32.45 FEET; THENCE NORTH 46°01'51" WEST 5.45 FEET; THENCE NORTH 46°01'51" WEST 64.33 FEET; THENCE WESTERLY ALONG A 23.00 FOOT RADIUS TANGENT CURVE TO THE LEFT,(CHORD BEARS SOUTH 88°58'09" WEST A DISTANCE OF 32.53 FEET), THROUGH A CENTRAL ANGLE OF 90°00'00", A DISTANCE OF 36.13 FEET; THENCE SOUTH 43°58'09" WEST 71.63 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF SUMMIT PASS; THENCE NORTHWESTERLY ALONG A 283.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT,(CHORD BEARS NORTH 46°01'51" WEST A DISTANCE OF 50.00 FEET), THROUGH A CENTRAL ANGLE OF 10°08'10", ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 50.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 136,825 SQUARE FEET OR 3.141 ACRES.