

WHEN RECORDED, RETURN TO:

Patrick H. Holmes  
 HOLMES HOMES, INC.  
 45 West 10000 South, Suite 206  
 Sandy, Utah 84070

PARCEL I.D. # 20-34-454-071

**AMENDMENT NO. NINE  
 FOR EXPANSION OF  
 IVY SPRINGS CONDOMINIUMS**  
 (An Expandable Condominium Project)

9357091  
 04/25/2005 11:31 AM \$142.00  
 Book - 9121 Pg - 6510-6515  
 GARY W. OTT  
 RECORDER, SALT LAKE COUNTY, UTAH  
 HOLMES HOMES INC  
 45 W 10000 S STE 206  
 SANDY UT 84070  
 BY: ZJM, DEPUTY - WI 6 P.

THIS AMENDMENT NO. NINE ("Amendment") to the Declaration of Condominium of Ivy Springs Condominiums, an expandable condominium project (the "Declaration"), is made effective as of the date of the recording hereof in the Salt Lake County Recorder's Office by JVC, LLC, a Utah limited liability company ("Declarant"), pursuant to Section 57-8-13.6 of the Utah Condominium Ownership Act and Article 16 of the Declaration.

RECITALS:

A. On October 30, 2002, Declarant filed the Declaration, as Entry No. 8403950, in Book 8675, beginning at page 2580 in the official records of the Salt Lake County Recorder, State of Utah, with the Record of Survey Map (the "Plat").

B. The Plat created an expandable residential condominium project (the "Condominium Project"), consisting of twelve (12) units ("Phase One"), and additional land that may be used to expand the Condominium Project with up to 132 additional units ("Additional Land").

C. On March 23, 2003, Declarant filed Amendment No. One to the Declaration, as Entry No. 8577816, in Book 2003, beginning at page 70 of the official records of the Salt Lake County Recorder, State of Utah, with an Amendment to the Plat.

D. On June 26, 2003, Declarant filed Amendment No. Two to the Declaration, as Entry No. 8706094, in Book 8826, beginning at page 5867 of the official records of the Salt Lake County Recorder, State of Utah, with an Amendment to the Plat.

E. On January 29, 2004, Declarant filed the Amendment No. Three to the Declaration, as Entry No. 8964619, in Book 8939, beginning at page 3224 of the official records of the Salt Lake County Recorder, State of Utah, with an Amendment to the Plat.

F. Amendment No. Three and the amended Plat expanded the Condominium Project to add Phase Four consisting of twelve (12) units, thereby bringing the total number of units in the Condominium Project to forty eight (48).

G. On January 20, 2004, Declarant filed the Amendment No. Four to the Declaration, as Entry No. 8965155, in Book 8939, beginning at page 6141 of the official records of the Salt Lake County Recorder, State of Utah, with an Amendment to the Plat.

H. Amendment No. four and the amended plat expanded the Condominium Project to add Phase Five consisting of fifteen (15) units, thereby bringing the total number of units in the Condominium Project to sixty three (63).

I. ON 04/25/05, Declarant filed the Amendment No. Five to the Declaration, as Entry No. 9357083, in Book \_\_\_\_\_, beginning at page \_\_\_\_\_ of the official records of the Salt Lake County Recorder, State of Utah, with an Amendment to the Plat.

J. Amendment No. five and the amended plat expanded the Condominium Project to add Phase Six consisting of twelve (12) units, thereby bringing the total number of units in the Condominium Project to seventy five (75).

K. ON 04/25/05, Declarant filed the Amendment No. Six to the Declaration, as Entry No. 9357085, in Book \_\_\_\_\_, beginning at page \_\_\_\_\_ of the official records of the Salt Lake County Recorder, State of Utah, with an Amendment to the Plat.

L. Amendment No. Six and the amended plat expanded the Condominium Project to add Phase Seven consisting of twelve (12) units, thereby bringing the total number of units in the Condominium Project to seventy five (87).

M. ON 04/25/05, Declarant filed the Amendment No. Seven to the Declaration, as Entry No. 9357087, in Book \_\_\_\_\_, beginning at page \_\_\_\_\_ of the official records of the Salt Lake County Recorder, State of Utah, with an Amendment to the Plat.

N. Amendment No. Seven and the amended plat expanded the Condominium Project to add Phase Seven consisting of twelve (12) units, thereby bringing the total number of units in the Condominium Project to seventy five (99).

O. ON 04/25/05, Declarant filed the Amendment No. Eight to the Declaration, as Entry No. 9357089, in Book \_\_\_\_\_, beginning at page \_\_\_\_\_ of the official records of the Salt Lake County Recorder, State of Utah, with an Amendment to the Plat.

P. Amendment No. Eight and the amended plat expanded the Condominium Project to add Phase Seven consisting of twelve (12) units, thereby bringing the total number of units in the Condominium Project to one hundred eleven (111).

Q. Declarant is the owner of fee simple title to all of the remaining Additional Land and now desires to add twelve (12) units, Unit Nos. 1122-1, 1122-2, 1122-3, 1123-1, 1123-2, 1123-3, 1131-1, 1131-2, 1131-3 and 1132-1, 1132-2, 1132-3 ("Phase Ten"), to the existing Condominium Project pursuant to the terms of the Declaration.

R. The supplemental Plat for Phase Ten will be recorded concurrently with this Amendment by Declarant in the official records of the Salt Lake County Recorder, State of Utah.

NOW THEREFORE, in pursuance of the foregoing, Declarant declares and certifies as follows:

1. Phase Ten Expansion. Declarant hereby submits to the provisions of the Utah Condominium Ownership Act, Utah Code Ann. § 57-8-1 et seq. (the "Act"), the real property situated in Salt Lake County, Utah, as more particularly described on Exhibit "A," attached to and incorporated in this Amendment by reference (the "Phase Ten Property"). As of the date of this Amendment, Declarant is the sole owner of the Phase Ten Property. The Phase Ten Property hereby submitted to the Act shall be known as Ivy Springs Condominiums, Phase Ten, and shall be subject to the terms and conditions of the Declaration.

2. Improvements. The improvements to be built on the Phase Ten Property shall consist of several multi-unit buildings with a maximum and minimum of twelve (12) units, Unit Nos. 1122-1, 1122-2, 1122-3, 1123-1, 1123-2, 1123-3, 1131-1, 1131-2, 1131-3 and 1132-1, 1132-2, 1132-3 ("Phase Ten"). All improvements constructed on the Phase Ten Property shall be consistent in terms of quality of construction and shall be compatible in terms of principal materials used and architectural style with the structures in Phase One, Phase Two, Phase Three, Phase Four, Phase Five, Phase Six, Phase Seven, Phase Eight and Phase Nine. Further, the Units created in Phase Ten shall be substantially identical to the Units in Phase One, Phase Two, Phase Three, Phase Four, Phase Five, Phase Six, Phase Seven, Phase Eight and Phase Nine. Each Unit will be provided with one or more parking spaces, which shall be designated as Limited Common Area appurtenant to such Unit.

3. Undivided and Allocated Interests. As specified in Article 16 of the Declaration, with the expansion of the Condominium Project to include Phase Ten, each Unit Owner in the Condominium Project shall have a maximum 1/123rd (or .08130%) undivided interest in the Common Area, 1/123rd (or .08130%) allocated interest in the common expenses of the Condominium Project, and a 1/123rd (or .08130%) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of Phase Ten into the Condominium Project, the new Additional Land shall consist of the original Additional Land less the Phase One, Phase Two, Phase Three, Phase Four, Phase Five, Phase Six, Phase Seven, Phase Eight, Phase Nine and the Phase Ten Property, as more particularly described on Exhibit "B," attached to and incorporated in this Amendment by reference.

IN WITNESS WHEREOF, the undersigned, being the Declarant, has caused this instrument to be executed on this 10th day of April, 2005.

DECLARANT:


JVC, LLC, a Utah limited liability company



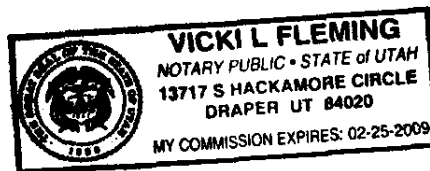
PATRICK H. HOLMES, Managing Member

STATE OF UTAH )  
: ss.  
COUNTY OF SALT LAKE )

April The foregoing instrument was acknowledged before me this 10th day of April, 2005, by PATRICK H. HOLMES, who is the Managing Member of JVC, LLC, a Utah limited liability company.

  
NOTARY PUBLIC  
Residing at Salt Lake County, Utah

My Commission Expires:  
\_\_\_\_\_



**EXHIBIT "A"**

**LEGAL DESCRIPTION**  
**PHASE TEN**  
**IVY SPRINGS CONDOMINIUMS**

The following described real property, located in Salt Lake County, Utah, is the parcel representing Phase Ten of the Condominium Project:

**Boundary Description - Ivy Springs Condominiums Phase 10**

Beginning at a point which lies North 89°51'27" West along the South line of the Southeast Quarter of Section 34, Township 2 South, Range 2 West, Salt Lake Base & Meridian 1275.70 feet and North 00°08'33" East 1155.62 feet from the Southeast corner of said Section 34; and traversing thence South 86°24'01" West 137.50 feet to a point on a non-tangent curve to the right, having a radius of 57.50 feet and a central angle of 07°03'42"; thence along the arc of said curve a distance of 7.09 feet, said arc subtended by a chord bearing South 00°04'08" East, a distance of 7.08 feet; thence South 03°27'43" West 30.43 feet; thence North 86°32'17" West 19.92 feet; thence South 03°27'43" West 17.01 feet; thence North 70°37'35" West 73.30 feet; thence South 89°24'05" West 59.13 feet; thence North 00°35'55" West 113.45 feet; thence North 89°24'05" East 72.43 feet; thence North 00°35'55" West 116.89 feet; thence South 89°54'36" East 193.42 feet; thence South 07°20'19" East 194.17 feet to the point of beginning.

Containing 52,244 sf or 1.20 acres, more or less.

**EXHIBIT "B"**

**LEGAL DESCRIPTION**  
**ADDITIONAL LAND AFTER ADDITION OF PHASE TEN**  
**IVY SPRINGS CONDOMINIUMS**

The following described real property, located in Salt Lake County, is the new Additional Land after the addition of Phase Ten:

**Boundary Description - Additional Land Area Phase 10**

Beginning at a point which lies North 89°51'27" West along the South line of the Southeast Quarter of Section 34, Township 2 South, Range 2 West, Salt Lake Base & Meridian 1494.40 feet and North 00°08'33" East 1347.96 feet from the Southeast corner of said Section 34; and traversing thence

South 00°35'55" East 116.87 feet; thence  
South 89°24'05" West 72.43 feet; thence  
South 00°35'55" East 113.45 feet; thence  
South 89°24'05" West 69.26 feet; thence  
South 21°59'02" East 112.31 feet to a point on a non-tangent curve to the left, having a radius of 67.50 feet and a central angle of 42°20'50"; thence along the arc of said curve a distance of 49.89 feet, said arc subtended by a chord bearing South 20°34'30" West, a distance of 48.76 feet; thence  
South 00°35'55" East 21.33 feet; thence  
South 89°24'05" West 81.33 feet; thence  
North 00°35'55" West 53.57 feet; thence  
South 89°24'05" West 53.67 feet; thence  
North 00°35'55" West 102.00 feet; thence  
South 89°24'05" West 15.00 feet to a point on a curve to the right, having a radius of 5.00 feet and a central angle of 90°00'00"; thence along the arc of said curve a distance of 7.85 feet, said arc subtended by a chord bearing North 45°35'55" West, a distance of 7.07 feet; thence  
North 00°35'55" West 82.26 feet to a point on a curve to the right, having a radius of 11.00 feet and a central angle of 89°59'41"; thence along the arc of said curve a distance of 17.28 feet, said arc subtended by a chord bearing North 44°24'14" East, a distance of 15.56 feet; thence  
North 00°35'55" West 31.00 feet to a point on a non-tangent curve to the right, having a radius of 15.00 feet and a central angle of 90°00'00"; thence along the arc of said curve a distance of 23.56 feet, said arc subtended by a chord bearing North 45°35'55" West, a distance of 21.21 feet; thence  
North 00°35'55" West 105.20 feet; thence  
South 89°54'36" East 277.37 feet to the point of beginning.

Containing 75,777 sf or 1.74 acres, more or less.