

**WHEN RECORDED, RETURN TO:**

**Heidi Topham  
HOLMES HOMES, INC.  
45 West 10000 South, Ste. 206  
Sandy, UT 84070**

PARCEL I.D. # \_\_\_\_\_

**AMENDMENT NO. ONE  
FOR EXPANSION OF  
OF**

**COMISKEY PARK GARDEN HOME CONDOMINIUMS**

**(An Expandable Condominium Project)**

THIS AMENDMENT NO. ONE ("Amendment") to the Declaration of Condominium of Comiskey Park Garden Home Condominiums, an expandable condominium project (the "Declaration"), is made effective as of the date of the recording hereof in the Tooele County Recorder's Office by HOLMES HOMES, INC. ("Declarant") pursuant to Section 57-8-13.6 of the Utah Condominium Ownership Act and Article 16 of the Declaration.

**RECITALS:**

A. On August 12, 4004, Declarant filed the Declaration, as Entry No. 227595, in Book 963, beginning at page 788 in the official records of the Tooele 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 nine (9) units, Unit Nos. 1, 2, 3, 4, 5, 6, 7, 8, and 9 ("Phase One"), and additional land that may be used to expand the Condominium Project with up to 38 additional units ("Additional Land").

C. Declarant is the owner of fee simple title to all of the Additional Land and now desires to add eleven (11) units, Unit Nos. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 ("Phase Two"), to the existing Condominium Project pursuant to the terms of the Declaration.

D. The supplemental Plat for Phase Two will be recorded concurrently with this Amendment by Declarant in the official records of the Tooele County Recorder, State of Utah.

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

1. Phase Two 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 Tooele, Tooele County, Utah, as more particularly described on Exhibit "A," attached to and incorporated in this Amendment by reference (the "Phase Two Property"). As of the date of this Amendment, Declarant is the sole owner of the Phase Two Property. The Phase Two Property hereby submitted to the Act shall be known as Comiskey Park Garden Home Condominiums, Phase Two, and shall be subject to the terms and conditions of the Declaration.

2. Improvements. The improvements to be built on the Phase Two Property shall consist of several single family buildings with a maximum and minimum of eleven (11) units, Unit Nos. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20. All improvements constructed on the Phase Two 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. Further, the Units created in Phase Two shall be substantially identical to the Units in Phase One. Each Unit will be provided with a parking space or 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 Two, each Unit Owner in the Condominium Project shall have a maximum 1/20th (or 5.0000%) undivided interest in the Common Area, 1/20th (or 5.0000%) allocated interest in the common expenses of the Condominium Project, and a 1/20th (or 5.0000%) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of Phase Two into the Condominium Project, the new Additional Land shall consist of the original Additional Land less the Phase Two 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 17<sup>th</sup> day of May, 2005.

DECLARANT:

HOLMES HOMES, INC., a Utah corporation

By [Signature]  
Title: president

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

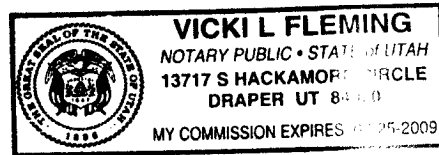
The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of May, 2005, by Patrick H. Holmes, who is the President of HOLMES HOMES, INC., a Utah corporation.

*V Fleming*

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NOTARY PUBLIC  
Residing at Salt Lake County, Utah

My Commission Expires:

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**EXHIBIT "A"**

**LEGAL DESCRIPTION**  
**PHASE TWO**  
**COMISKEY PARK GARDEN HOME CONDOMINIUMS**

The following described real property, located in Tooele County, Utah, is the parcel representing Phase Two of the Condominium Project:

**Comiskey Park Garden Home Condominiums Phase 2**

Beginning at a point which lies North 89°42'14" East 568.76 feet along the North line of the Northeast Quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base & Meridian, and South 00°17'46" East 1136.53 feet from the North Quarter Corner of said Section 16; and traversing thence North 89°46'22" East 19.00 feet; thence South 00°13'38" East 30.00 feet; thence North 89°46'22" East 52.50 feet to a point on a curve to the right, having a radius of 20.00 feet and a central angle of 90°00'00"; thence along the arc of said curve a distance of 31.42 feet, said arc subtended by a chord bearing South 45°13'38" East, a distance of 28.28 feet; thence South 00°13'38" East 262.15 feet to a point on a curve to the left, having a radius of 690.00 feet and a central angle of 11°34'26"; thence along the arc of said curve a distance of 139.38 feet, said arc subtended by a chord bearing South 06°00'50" East, a distance of 139.14 feet; thence South 78°11'57" West 87.72 feet to a point on a non-tangent curve to the right, having a radius of 920.00 feet and a central angle of 11°50'44"; thence along the arc of said curve a distance of 190.21 feet, said arc subtended by a chord bearing North 06°09'00" West, a distance of 189.87 feet; thence North 00°13'38" West 279.33 feet to the point of beginning.

Containing 39,485 sf or 0.91 acres, more or less.

**EXHIBIT "B"**

**LEGAL DESCRIPTION**  
**ADDITIONAL LAND AFTER ADDITION OF PHASE TWO**  
**COMISKEY PARK GARDEN HOME CONDOMINIUMS**

The following described real property, located in Tooele County, Utah, is the new Additional Land after the addition of Phase Two:

Beginning at a point which lies North 89°42'14" East 583.37 feet along the North line of the Northeast Quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base & Meridian, and South 00°17'46" East 1045.08 feet from the North Quarter Corner of said Section 16; and traversing thence North 89°46'22" East 248.41 feet to a point on a curve to the left, having a radius of 130.00 feet and a central angle of 44°46'22"; thence along the arc of said curve a distance of 101.59 feet, said arc subtended by a chord bearing North 67°23'11" East, a distance of 99.02 feet; thence North 45°00'00" East 8.13 feet to a point on a curve to the right, having a radius of 14.50 feet and a central angle of 90°00'00"; thence along the arc of said curve a distance of 22.78 feet, said arc subtended by a chord bearing South 90°00'00" East, a distance of 20.51 feet; thence South 45°00'00" East 14.34 feet to a point on a curve to the left, having a radius of 129.95 feet and a central angle of 45°13'38"; thence along the arc of said curve a distance of 102.58 feet, said arc subtended by a chord bearing South 67°36'49" East, a distance of 99.94 feet; thence North 89°46'22" East 248.91 feet to a point on a curve to the right, having a radius of 30.00 feet and a central angle of 20°00'12"; thence along the arc of said curve a distance of 10.47 feet, said arc subtended by a chord bearing South 80°13'32" East, a distance of 10.42 feet; thence South 70°13'26" East 12.39 feet to a point on a curve to the right, having a radius of 14.50 feet and a central angle of 91°37'49"; thence along the arc of said curve a distance of 23.19 feet, said arc subtended by a chord bearing South 24°24'32" East, a distance of 20.80 feet, to a point of compound curvature to the right, having a radius of 1287.00 feet and a central angle of 13°35'55"; thence along the arc of said curve a distance of 305.46 feet, said arc subtended by a chord bearing South 28°12'20" West, a distance of 304.74 feet, to a point of compound curvature to the right, having a radius of 15.00 feet and a central angle of 91°21'05"; thence along the arc of said curve a distance of 23.92 feet, said arc subtended by a chord bearing South 80°40'50" West, a distance of 21.46 feet; thence North 53°38'37" West 62.02 feet to a point on a curve to the right, having a radius of 15.00 feet and a central angle of 88°34'46"; thence along the arc of said curve a distance of 23.1900 feet, said arc subtended by a chord bearing North 09°21'14" West, a distance of 20.95 feet, to a point of reverse curvature to the left, having a radius of 1195.00 feet and a central angle of 04°29'49"; thence along the arc of said curve a distance of 93.79 feet, said arc subtended by a chord bearing North 32°41'14" East, a distance of 93.77 feet, to a point of compound curvature to the left, having a radius of 115.00 feet and a central angle of 15°41'24"; thence along the arc of said curve a distance of 31.49 feet, said arc subtended by a chord bearing North 22°31'48" East, a distance of 31.39 feet, to a point of reverse curvature to the right, having a radius of 20.00 feet and a central angle of 75°05'17"; thence along the arc of said curve a distance of 26.21 feet, said arc subtended by a chord bearing North 52°13'44" East, a distance of 24.37 feet; thence North 89°46'22" East 25.00 feet to a point

on a curve to the right, having a radius of 135.00 feet and a central angle of  $21^{\circ}48'19''$ ; thence along the arc of said curve a distance of 51.38 feet, said arc subtended by a chord bearing South  $79^{\circ}19'29''$  East, a distance of 51.07 feet; thence North  $21^{\circ}34'41''$  East 30.00 feet to a point on a non-tangent curve to the left, having a radius of 165.00 feet and a central angle of  $21^{\circ}48'19''$ ; thence along the arc of said curve a distance of 62.79 feet, said arc subtended by a chord bearing North  $79^{\circ}19'29''$  West, a distance of 62.42 feet; thence South  $89^{\circ}46'22''$  West 650.44 feet; thence North  $00^{\circ}13'38''$  West 76.97 feet to a point on a curve to the right, having a radius of 14.50 feet and a central angle of  $90^{\circ}00'00''$ ; thence along the arc of said curve a distance of 22.78 feet, said arc subtended by a chord bearing North  $44^{\circ}46'22''$  East, a distance of 20.51 feet, to the point of beginning.

Additionally, beginning at a point which lies North  $89^{\circ}42'14''$  East 1097.04 feet along the North line of the Northeast Quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base & Meridian, and South  $00^{\circ}17'46''$  East 1334.38 feet from the North Quarter Corner of said Section 16; and traversing thence South  $53^{\circ}38'37''$  East 62.02 feet to a point on a curve to the right, having a radius of 15.00 feet and a central angle of  $91^{\circ}21'05''$ ; thence along the arc of said curve a distance of 23.92 feet, said arc subtended by a chord bearing South  $07^{\circ}58'04''$  East, a distance of 21.46 feet, to a point of compound curvature to the right, having a radius of 1287.00 feet and a central angle of  $09^{\circ}22'59''$ ; thence along the arc of said curve a distance of 210.76 feet, said arc subtended by a chord bearing South  $42^{\circ}23'42''$  West, a distance of 210.53 feet, to a point of compound curvature to the right, having a radius of 15.00 feet and a central angle of  $91^{\circ}48'07''$ ; thence along the arc of said curve a distance of 24.03 feet, said arc subtended by a chord bearing North  $87^{\circ}00'30''$  West, a distance of 21.54 feet; thence North  $41^{\circ}06'26''$  West 62.04 feet to a point on a curve to the right, having a radius of 15.00 feet and a central angle of  $88^{\circ}06'20''$ ; thence along the arc of said curve a distance of 23.07 feet, said arc subtended by a chord bearing North  $02^{\circ}56'44''$  East, a distance of 20.86 feet, to a point of reverse curvature to the left, having a radius of 1195.00 feet and a central angle of  $09^{\circ}13'16''$ ; thence along the arc of said curve a distance of 192.32 feet, said arc subtended by a chord bearing North  $42^{\circ}23'16''$  East, a distance of 192.12 feet, to a point of reverse curvature to the right, having a radius of 15.00 feet and a central angle of  $88^{\circ}34'45''$ ; thence along the arc of said curve a distance of 23.19 feet, said arc subtended by a chord bearing North  $82^{\circ}04'00''$  East, a distance of 20.95 feet to the point of beginning.