

8965155

WHEN RECORDED, RETURN TO:

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

PARCEL I.D. # 20-3A-454-CA2

**AMENDMENT NO. FOUR  
FOR EXPANSION OF  
IVY SPRINGS CONDOMINIUMS**

**(An Expandable Condominium Project)**

8965155  
01/30/2004 09:56 AM 82.00  
Book - 8939 Pg - 6141-6145  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
HOLMES HOMES  
45 W 1000 S STE 206  
SANDY UT 84070  
BY: ZJM, DEPUTY - WI 5 P.

THIS AMENDMENT NO. FOUR ("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. Declarant is the owner of fee simple title to all of the remaining Additional Land and now desires to add fifteen (15) units, Unit Nos. 11131, 11132, 11133, 11141, 11142, 11143, 11151, 11152, 11153, 11431, 11432, 11433 and 11441, 11442, 11433 ("Phase Five"), to the existing Condominium Project pursuant to the terms of the Declaration.

H. The supplemental Plat for Phase Five 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 Five 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 Five Property"). As of the date of this Amendment, Declarant is the sole owner of the Phase Five Property. The Phase Five Property hereby submitted to the Act shall be known as Ivy Springs Condominiums, Phase Five, and shall be subject to the terms and conditions of the Declaration.

2. Improvements. The improvements to be built on the Phase Five Property shall consist of several multi-unit buildings with a maximum and minimum of fifteen (15) units, Unit Nos. 11131, 11132, 11133, 11141, 11142, 11143, 11151, 11152, 11153, 11431, 11432, 11433 and 11441, 11442, 11433 ("Phase Five"). All improvements constructed on the Phase Five 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 and Phase Four. Further, the Units created in Phase Five shall be substantially identical to the Units in Phase One, Phase Two, Phase Three and Phase Four. Each Unit will be provided with one or more parking spaces, which shall be designated as Limited Common Area appurtenant to such Unit.

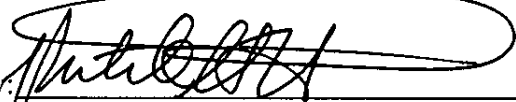
3. Undivided and Allocated Interests. As specified in Article 16 of the Declaration, with the expansion of the Condominium Project to include Phase Five, each Unit Owner in the Condominium Project shall have a maximum 1/63<sup>rd</sup> (or 1.5873%) undivided interest in the Common Area, 1/63<sup>rd</sup> (or 1.5873%) allocated interest in the common expenses of the Condominium Project, and a 1/63<sup>rd</sup> (or 1.5873%) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of Phase Five into the Condominium Project, the new Additional Land shall consist of the original Additional Land less the Phase One, Phase Two, Phase Three and the Phase Four 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 29 day of January, 2004.

DECLARANT:

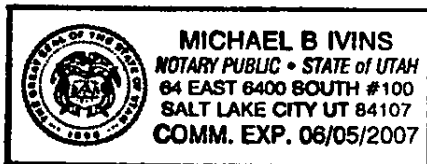
JVC, LLC, a Utah limited liability company

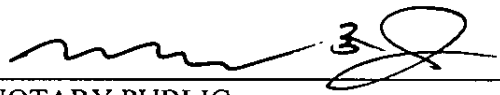
By: 

PATRICK H. HOLMES, Managing Member

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

The foregoing instrument was acknowledged before me this 29 day of January, 2004, by PATRICK H. HOLMES, who is the Managing Member of JVC, LLC, a Utah limited liability company.



  
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NOTARY PUBLIC  
Residing at Salt Lake County, Utah

My Commission Expires:

6-5-07

EXHIBIT "A"

LEGAL DESCRIPTION  
PHASE FIVE  
IVY SPRINGS CONDOMINIUMS

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

**Boundary Description - Ivy Springs Condominiums Phase 5**

Beginning at a point on the North Right of Way line of Hilltop Oak Drive, which point 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 1879.20 feet and North 00°35'55" West 510.03 feet and North 89°24'05" East 300.33 feet from the Southeast corner of said Section 34; and traversing thence North 04°25'43" West 142.53 feet to a point on a non-tangent curve to the right, having a radius of 232.50 feet and a central angle of 09°03'21"; thence along the arc of said curve a distance of 36.75 feet, said arc subtended by a chord bearing North 89°54'03" West, a distance of 36.71 feet; thence North 85°22'22" West 41.47 feet to a point on a curve to the right, having a radius of 57.50 feet and a central angle of 03°49'18"; thence along the arc of said curve a distance of 3.84 feet, said arc subtended by a chord bearing North 83°27'43" West, a distance of 3.83 feet; thence North 00°35'55" West 76.60 feet; thence North 89°24'05" East 134.99 feet; thence South 75°59'53" East 212.10 feet; thence South 14°00'07" West 175.73 feet to a point on said North Right of Way line; thence South 89°24'05" West 204.61 feet along said North Right of Way line to the point of beginning.

Containing 54,380 sf or 1.25 acres, more or less.

EXHIBIT "B"

LEGAL DESCRIPTION  
ADDITIONAL LAND AFTER ADDITION OF PHASE FIVE  
IVY SPRINGS CONDOMINIUMS

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

**Boundary Description – Additional Land Area**

Beginning at a point on the East Right of Way line of 6700 West, which point 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 1879.20 feet and North 00°35'55" West 510.03 feet and North 89°24'05" East 504.93 feet and North 14°00'07" East 175.73 feet from the Southeast corner of said Section 34; and traversing thence

North 75°59'53" West	212.10 feet; thence
South 89°24'05" West	134.99 feet; thence
North 00°35'55" West	90.68 feet; thence
North 05°26'37" West	74.99 feet; thence
North 00°35'55" West	95.90 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,
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having a radius of 11.00 feet and a central angle of 90°00'00"; thence along the arc of said curve a distance of 17.28 feet, said arc subtended by a chord bearing North 44°24'05" 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,
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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	470.78 feet; thence
South 07°20'19" East	194.17 feet; thence
South 03°27'43" West	277.92 feet; thence
South 14°00'07" West	196.87 feet to the point of beginning.

Containing 272,258 sf or 6.25 acres, more or less.