

WHEN RECORDED, RETURN TO:

Patrick H. Holmes  
HOLMES HOMES, INC.  
9345 South 1300 East  
Sandy, Utah 84094

E 173123 B 722 P 487  
Date 4-DEC-2001 11:33am  
Fee: 34.00 Cash  
CALLEEN PESHELL, Recorder  
Filed By JPT  
For HOLMES HOMES INC  
TOOELE COUNTY CORPORATION

Tax Parcel No. 13-042-0-0895

**AMENDMENT NO. ONE  
FOR EXPANSION OF  
COMISKEY PARK CONDOMINIUMS**

**(An Expandable Condominium Project)**

THIS AMENDMENT NO. ONE ("Amendment") to the Declaration of Condominium of Comiskey Park 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 2, 2001, Declarant filed the Declaration, as Entry No. 167008, in Book 695, beginning at page 542 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 eight (8) units, Unit Nos. 101, 102, 103, 104, 105, 106, 107 and 108 ("Phase One"), and additional land that may be used to expand the Condominium Project with up to 104 additional units ("Additional Land").

C. Declarant is the owner of fee simple title to all of the Additional Land and now desires to add seven (7) units, Unit Nos. 109, 110, 111, 112, 113, 114 and 115 ("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 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 multi-unit buildings with a maximum and minimum of seven (7) units, Unit Nos. 109, 110, 111, 112, 113, 114 and 115. 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 1/15th (or 6.6667%) undivided interest in the Common Area, 1/15th (or 6.6667%) allocated interest in the common expenses of the Condominium Project, and a 1/15th (or 6.6667%) 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.

5. Schedule of Units, Square Footage, Votes and Undivided Interest in Common Areas. With the annexation of Phase Two into the Condominium Project, the Schedule of Units, Square Footage, Votes and Undivided Interest in Common Areas attached to the Declaration as Exhibit "D" shall be replaced with the revised Schedule of Units, Square Footage, Votes and Undivided Interest in Common Areas attached to and incorporated by reference in this Amendment as Exhibit "C."

IN WITNESS WHEREOF, the undersigned, being the Declarant, has caused this instrument to be executed on this 19 day of September, 2001.

DECLARANT:

HOLMES HOMES, INC., a Utah corporation

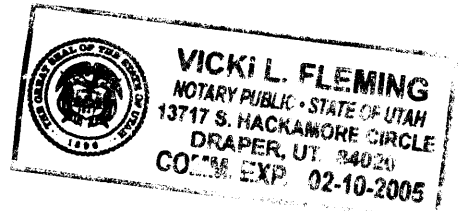
By: [Signature]  
Title: member

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

The foregoing instrument was acknowledged before me this 14th day of  
September, 2001, by Patrick H. Holmes, who is the  
President of HOLMES HOMES, INC., a Utah corporation.

V Fleming  
NOTARY PUBLIC  
Residing at Salt Lake County, Utah

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



## EXHIBIT "A"

LEGAL DESCRIPTION  
PHASE TWO  
COMISKEY PARK CONDOMINIUMS

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

BEGINNING AT A POINT ON THE NORTHWESTERLY BOUNDARY OF ANSON DRIVE, A PRIVATE ROAD, SAID POINT ON THE NORTHERLY BOUNDARY OF TOOELE CITY, COMISKEY PARK CONDOMINIUMS, PHASE II, SAID POINT BEING N89°42'14"E 1089.11 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE AND MERIDIAN AND SOUTH 1268.43 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 16, AND RUNNING THENCE THE FOLLOWING THREE (3) COURSES ALONG SAID BOUNDARY, (1) S35°21'05"W 18.31 FEET; (2) N52°25'14"W 78.84 FEET; (3) S41°04'27"W 200.84 FEET; THENCE N22°55'41"W 52.52 FEET; THENCE N00°13'38"W 150.26 FEET; THENCE NORTHWESTERLY 31.42 FEET ALONG THE ARC OF A 20.00-FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS S89°46'22"W) THROUGH A CENTRAL ANGLE OF 90°00'00"; THENCE N00°13'38"W 30.00 FEET; THENCE N89°46'22"E 357.34 FEET; THENCE S00°13'38"E 30.00 FEET; THENCE SOUTHWESTERLY 26.16 FEET ALONG THE ARC OF A 20.07-FOOT RADIUS CURVE TO THE LEFT (CENTER BEARS S00°22'18"E) THROUGH A CENTRAL ANGLE OF 74°41'09" TO A POINT OF REVERSE CURVATURE; THENCE SOUTHWESTERLY 31.69 FEET ALONG THE ARC OF A 117.31-FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS N75°03'27"W) THROUGH A CENTRAL ANGLE OF 15°30'11" TO A POINT OF COMPOUND CURVATURE; THENCE SOUTHWESTERLY 93.65 FEET ALONG THE ARC OF A 1195.00-FOOT RADIUS CURVE TO THE RIGHT (CENTER BEARS N59°33'16"W) THROUGH A CENTRAL ANGLE OF 04°29'24" TO A POINT ON SAID NORTHERLY LINE OF PHASE I; THENCE N54°03'34"W 36.01 FEET ALONG SAID LINE TO THE POINT OF BEGINNING.

## EXHIBIT "B"

LEGAL DESCRIPTION  
ADDITIONAL LAND AFTER ADDITION OF PHASE TWO  
COMISKEY PARK 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 ON THE NORTHEASTERLY CORNER OF 1790 NORTH STREET, SAID POINT BEING N89°42'14"E 1200.16 FEET AND SOUTH 1137.30 FEET FROM THE NORTH QUARTER CORNER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 4 WEST, SALT LAKE BASE & MERIDIAN, AND RUNNING THENCE ALONG THE FOLLOWING FIVE (5) COURSES OF THE PHASE II BOUNDARY: (1) S89°46'22"W 357.34 FEET; (2) S00°13'38"E 30.00 FEET; (3) SOUTHWESTERLY TO A POINT ALONG THE ARC OF A 20.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°00'00" (CENTER BEARS S00°13'38"E) A LENGTH OF 31.42 FEET TO A POINT OF TANGENCY; (4) S00°13'38"E 150.26 FEET; (5) S22°55'41"E 52.52 FEET; THENCE RUNNING ALONG THE FOLLOWING SEVEN (7) COURSES OF THE PHASE I BOUNDARY: (1) S43°42'44"E 60.50 FEET; (2) S48°53'48"W 101.48 FEET; (3) N38°51'18"W 54.50 FEET; (4) N51°06'36"E 13.92 FEET; (5) THENCE EASTERLY TO A POINT OF TANGENCY ALONG THE ARC OF A 15.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 88°07'58" (CENTER BEARS S38°53'24"E) A LENGTH OF 23.07 FEET TO A POINT OF TANGENCY; (6) S40°45'26"E 62.02; (7) SOUTHERLY TO A POINT OF TANGENCY ALONG THE ARC OF A 15.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 91°27'08" (CENTER BEARS S49°14'34"W) A LENGTH OF 23.94 FEET TO A POINT ALONG THE NORTHWEST RIGHT-OF-WAY OF AARON DRIVE, AND RUNNING THENCE SOUTH WESTERLY ALONG THE ARC OF A 1287.00-FOOT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 15°04'23" (CENTER BEARS N39°18'18"W) A LENGTH OF 338.58; THENCE TO A POINT OF CONTINUOUS COMPOUND CURVATURE ALONG THE ARC OF A 14.50-FOOT RADIUS TO THE RIGHT THROUGH A CENTRAL ANGLE OF 92°00'14" (CENTER BEARS N24°13'55"W) A LENGTH OF 23.28 FEET; THENCE N22°13'41"W 8.86 FEET; THENCE ALONG THE ARC OF A 920.00-FOOT RADIUS TO THE RIGHT THROUGH A CENTRAL ANGLE OF 22°00'03" (CENTER BEARS N67°46'19"E ) A LENGTH OF 353.27 FEET; THENCE N00°13'38"W 356.32 FEET; THENCE TO A POINT OF TANGENCY ALONG THE ARC OF A 14.50-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°00'00" (CENTER BEARS N89°46'22"E) A LENGTH OF 22.78 FEET TO A POINT ALONG THE SOUTH

RIGHT-OF-WAY LINE OF 1810 NORTH STREET; THENCE N89°46'22"E 248.38 FEET; THENCE ALONG THE ARC OF A 130.00-FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 44°46'22" (CENTER BEARS N00°13'38"W) A LENGTH OF 101.59 FEET; THENCE N45°00'00"E 8.13 FEET; THENCE ALONG THE ARC OF A 14.50-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°00'00" (CENTER BEARS S45°00'00"E) A LENGTH OF 22.78 FEET; THENCE S45°00'00"E 14.34 FEET; THENCE ALONG THE ARC OF A 129.95-FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 45°14'38" (CENTER BEARS N45°00'30"E) A LENGTH OF 102.62 FEET TO A POINT ALONG THE SOUTH RIGHT-OF-WAY LINE OF APARICIO DRIVE; THENCE N89°46'22"E 248.91 FEET; THENCE TO A POINT OF TANGENCY ALONG THE ARC OF A 30.00 FOOT RADIUS TO THE RIGHT THROUGH A CENTRAL ANGLE OF 20°00'12" (CENTER BEARS S00°13'38"E) A LENGTH OF 10.47 FEET; THENCE S70°13'26"E 12.39 FEET; THENCE ALONG THE ARC OF A 14.50-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 91°37'49" (CENTER BEARS S19°46'34"W) A LENGTH OF 23.19 FEET TO A POINT ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF AARON DRIVE; TO A POINT OF COMPOUND CURVATURE ALONG THE ARC OF A 1287.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 13°35'55" (CENTER BEARS N68°35'37"W) A LENGTH OF 305.46 FEET; THENCE S54°06'56"W 9.82 FEET; THENCE N53°38'37"W 86.02 FEET; THENCE N17°12'40"E 9.13 FEET; THENCE TO A POINT ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF ANSON DRIVE AND RUNNING THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY ALONG THE ARC OF A 1195.00-FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE 04°29'24" (CENTER BEARS N55°03'52"W) A LENGTH OF 93.65 FEET; THENCE TO A POINT CONTINUOUS CURVATURE NORTHEASTERLY ALONG THE ARC OF A 117.13-FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 15°30'11" (CENTER BEARS N59°33'16"W) A LENGTH OF 31.69 FEET; THENCE TO A POINT OF REVERSE CURVATURE RUNNING NORTHEASTERLY ALONG THE ARC OF A 20.07-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 74°41'09" (CENTER BEARS S75°03'27"E) A LENGTH OF 26.16 FEET; THENCE N00°13'38"W 30.00 FEET TO THE POINT OF BEGINNING.

ADDITIONALLY

BEGINNING AT A POINT ON THE WEST RIGHT-OF-WAY OF AARON DRIVE, SAID POINT BEING S84°03'22"W 45.10 FEET FROM THE MONUMENT AT THE INTERSECTION OF ALEXANDER DRIVE AND AARON DRIVE, THENCE ALONG THE ARC OF A 1287.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 09°22'59" (LONG CHORD BEARS S42°23'57"W 210.53 FEET) A LENGTH OF 210.77 FEET; THENCE S60°26'39"W 8.42 FEET; THENCE N42°02'16"W 75.35

FEET; THENCE N42°14'30"E 218.39 FEET; THENCE S53°38'37"E 62.02 FEET; THENCE TO A POINT OF TANGENCY ALONG THE ARC OF A 15.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 91°21'04" (LONG CHORD BEARS S07°58'05"E 21.46 FEET) A LENGTH OF 23.92 FEET TO A POINT OF TANGENCY AT THE POINT OF BEGINNING.

## EXHIBIT "C"

COMISKEY PARK CONDOMINIUMS

Schedule of Units, Square Footage,  
Votes and Undivided Interests in Common Areas

<b>Unit Identifying Number</b>	<b>Unit Type</b>	<b>Approx. Sq. Footage of Unit</b>	<b>Undivided Interest Per Unit</b>	<b>No. of Votes Per Unit</b>
101	3 bdrm 2 bath	1500	6.667%	1
102	3 bdrm 2 bath	1500	6.667%	1
103	3 bdrm 2 bath	1500	6.667%	1
104	3 bdrm 2 bath	1500	6.667%	1
105	3 bdrm 2 bath	1500	6.667%	1
106	3 bdrm 2 bath	1500	6.667%	1
107	3 bdrm 2 bath	1500	6.667%	1
108	3 bdrm 2 bath	1500	6.667%	1
109	3 bdrm 2 bath	1500	6.667%	1
110	3 bdrm 2 bath	1500	6.667%	1
111	3 bdrm 2 bath	1500	6.667%	1
112	3 bdrm 2 bath	1500	6.667%	1
113	3 bdrm 2 bath	1500	6.667%	1
114	3 bdrm 2 bath	1500	6.667%	1
115	3 bdrm 2 bath	1500	6.667%	1