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Date 4-NOV-2002 12:01pm
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CALLEEN PESHELL, Recorder
Filed By JPT
For HOLMES HOMES INC
TOOELE COUNTY CORPORATION

WHEN RECORDED, RETURN TO:

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

Tax Parcel No. 13-042-0-0895

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

(An Expandable Condominium Project)

THIS AMENDMENT NO. FOUR (“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. On December 4, 2001, Declarant filed Amendment No. One to the Declaration as Entry No. 173123, in Book 722, beginning at page 487 of the official records of Tooele County, Utah, together with an Amendment to the Plat.

D. Amendment No. One and the amended Plat expanded the Condominium Project to add Phase Two consisting of seven (7) units, thereby bringing the total number of units in the Condominium Project to fifteen (15).

E. On March 27, 2002, Declarant filed Amendment No. Two to the Declaration as Entry No. 179026, in Book 746, beginning at page 325 of the official records of Tooele County, Utah, together with an Amendment to the Plat.

F. Amendment No. Two and the amended Plat expanded the Condominium Project to add Phase Three consisting of seven (7) units, thereby bringing the total number of units in the Condominium Project to twenty-two (22).

G. On June 6, 2002, Declarant filed Amendment No. Three to the Declaration as Entry No. 182604, in Book 759, beginning at page 105 of the official records of Tooele County, Utah, together with an amendment to the Plat.

H. Amendment No. Three and the amended Plat expanded the Condominium Project to add Phase Four consisting of nine (9) units, thereby bringing the total number of units in the Condominium Project to thirty-one (31).

I. Declarant is the owner of fee simple title to all of the remaining Additional Land and now desires to add seven (7) units, Unit Nos. 132, 133, 134, 135, 136, 137 and 138 ("Phase Five"), to the existing Condominium Project pursuant to the terms of the Declaration.

J. The supplemental Plat for Phase Five 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 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 Tooele, Tooele 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 Comiskey Park 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 seven (7) units, Unit Nos. 132, 133, 134, 135, 136, 137 and 138. 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 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 Five, each Unit Owner in the Condominium Project shall have a maximum 1/38th (or 2.6316%) undivided interest in the Common Area, 1/38th (or 2.6316%) allocated interest in the common expenses of the Condominium Project, and a 1/38th (or 2.6316%) 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 Two Property, the Phase Three Property, the Phase Four Property and the Phase Five 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 Five 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 15th day of Oct, 2002.

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 15th day of Oct, 2002, by Patrick H. Holmes who is the President of HOLMES HOMES, INC., a Utah corporation.

[Signature]
NOTARY PUBLIC
Residing at Salt Lake County, Utah

My Commission Expires:

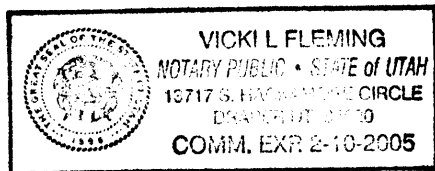


EXHIBIT "A"

LEGAL DESCRIPTION
PHASE FIVE
COMISKEY PARK CONDOMINIUMS

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

Beginning at a point which point lies North 89°42'14" East along the North line of the Northeast Quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base & Meridian 659.95 feet and South 00°17'46" East 1390.97 feet from the North quarter corner of said Section 16; thence North 89°46'22" East 114.11 feet; thence North 86°39'03" East 103.00 feet; thence South 43°42'44" East 60.50 feet; thence South 48°53'48" West 101.48 feet; thence South 38°51'18" East 24.50 feet to a point on a non-tangent curve to the right, having a radius of 1165.00 feet and a central angle of 04°38'58"; thence along the arc of said curve a distance of 94.54 feet, said arc subtended by a chord bearing South 53°45'53" West, a distance of 94.51 feet, to a point on a compound curve to the right, having a radius of 292.00 feet and a central angle of 11°05'01"; thence along the arc of said curve a distance of 56.49 feet, said arc subtended by a chord bearing South 61°37'52" West, a distance of 56.40 feet, to a point on a compound curve to the right, having a radius of 20.00 feet and a central angle of 100°54'22"; thence along the arc of said curve a distance of 35.22 feet, said arc subtended by a chord bearing North 62°22'26" West, a distance of 30.84 feet; thence South 77°32'51" West 30.00 feet to a point on a non-tangent curve to the right, having a radius of 690.00 feet and a central angle of 11°43'01"; thence along the arc of said curve a distance of 141.10 feet, said arc subtended by a chord bearing North 06°05'08" West, a distance of 140.86 feet; thence North 00°13'38" West 57.82 feet to the point of beginning.

Containing 38,098 sf or 0.87 acres, more or less.

EXHIBIT "B"

LEGAL DESCRIPTION
ADDITIONAL LAND AFTER ADDITION OF PHASE FIVE
COMISKEY PARK CONDOMINIUMS

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

Beginning at a point on the South Right-of-Way line of 1810 North, which point lies North 89°42'14" East along the North line of the Northeast Quarter of Section 16, Township 3 South, Range 4 West, Salt Lake Base & Meridian 583.37 feet and South 00°17'46" East 1045.08 feet from the North quarter corner of said Section 16; thence

North 89°46'22" East 248.38 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 said Right-of-Way the following 4 (four) courses:
 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;

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";
 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 to a point on the South Right-of-Way line of Aparicio Drive; thence along said Right-of-Way the following 6 (six) courses:

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";
 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;

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";
 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;

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";
 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 on a compound curve to the right, said point also being on the North Right-of-Way line of Aaron Drive,

having a radius of 1287.00 feet and a central angle of 13°35'55"; thence along the arc of said curve, along said Right-of-Way, a distance of 305.46 feet, said arc subtended by a chord bearing South 28°12'17" West, a distance of 304.74 feet; thence leaving said Right-of-Way

South 54°06'56" West 9.82 feet; thence
 North 53°38'37" West 86.02 feet; thence
 North 17°12'40" East 9.13 feet; thence

North 54°03'34" West 36.01 feet; thence
 South 35°21'05" West 18.31 feet; thence
 North 52°25'14" West 78.84 feet; thence
 South 41°04'27" West 200.84 feet; thence
 South 86°39'03" West 103.00 feet; thence
 South 89°46'22" West 114.11 feet; thence
 South 00°13'44" East 57.82 feet to a point on a non-tangent curve to the left,
 having a radius of 690.00 feet and a central angle of 11°43'01"; thence
 along the arc of said curve a distance of 141.10 feet, said arc
 subtended by a chord bearing South 06°05'08" East, a distance of 140.86 feet; thence
 North 77°32'51" East 30.00 feet to a point on a non-tangent curve to the left,
 having a radius of 20.00 feet and a central angle of 100°54'22"; thence
 along the arc of said curve a distance of 35.22 feet, said arc
 subtended by a chord bearing South 62°22'26" East, a distance of 30.84 feet,
 to a point on a compound curve to the left,
 having a radius of 292.00 feet and a central angle of 11°05'01"; thence
 along the arc of said curve a distance of 56.49 feet, said arc
 subtended by a chord bearing North 61°37'52" East, a distance of 56.40 feet,
 to a point on a compound curve to the left,
 having a radius of 1165.00 feet and a central angle of 04°38'58"; thence
 along the arc of said curve a distance of 94.54 feet, said arc
 subtended by a chord bearing North 53°45'53" East, a distance of 94.51 feet; thence
 South 38°51'18" East 30.00 feet; thence
 North 51°06'36" East 13.92 feet to a point on a curve to the right,
 having a radius of 15.00 feet and a central angle of 88°07'58"; thence
 along the arc of said curve a distance of 23.07 feet, said arc
 subtended by a chord bearing South 84°49'25" East, a distance of 20.86 feet; thence
 South 40°45'26" 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°28'08"; thence
 along the arc of said curve a distance of 23.95 feet to a point on the North Right-of-Way
 line of Aaron Drive, said arc
 subtended by a chord bearing South 04°57'38" West, a distance of 21.48 feet,
 to a point on a compound curve to the right,
 having a radius of 1287.00 feet and a central angle of 15°04'23"; thence
 along the arc of said curve, along said Right-of-way, a distance of 338.58 feet, said arc subtended
 by a chord bearing South 58°13'54" West, a distance of 337.60 feet,
 to a point on a compound curve to the right,
 having a radius of 14.50 feet and a central angle of 92°00'14"; thence
 along the arc of said curve, to a point on the East Right-of-Way line of Boggs Street,
 a distance of 23.28 feet, said arc
 subtended by a chord bearing North 68°13'48" West, a distance of 20.86 feet; thence
 along said Right of Way the remaining courses:
 North 22°13'41" West 8.86 feet to a point on a curve to the right,
 having a radius of 920.00 feet and a central angle of 22°00'03";
 along the arc of said curve a distance of 353.27 feet, said arc
 subtended by a chord bearing North 11°13'39" West, a distance of 351.10 feet;

North 00°13'38" West 356.30 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 North 44°46'22" East, a distance of 20.51 feet, to the point of beginning.

Containing 278,354 sf or 6.39 acres, more or less.

Additional Land Area B is the same as the additionally description on Phases 1 through 4:

Beginning at a point on the west right-of-way of Aaron drive, said point being South 84°03'22" West 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 South 42°23'57" West 210.53 feet) a length of 210.77 feet; thence South 60°26'39" West 8.42 feet; thence North 42°02'16" West 75.35 feet; thence North 42°14'30" East 218.39 feet; thence South 53°38'37" East 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 South 07°58'05" East 21.46 feet) a length of 23.92 feet to a point of tangency at the point of beginning.

Contains 18,164 sf or 0.42 acres, more or less.

EXHIBIT "C"

COMISKEY PARK CONDOMINIUMSSchedule of Units, Square Footage,
Votes and Undivided Interests in Common Areas

Unit Identifying Number	Unit Type	Approx. Sq. Footage of Unit	Undivided Interest Per Unit	No. of Votes Per Unit
101	3 bdrm 2 bath	1500	2.6316%	1
102	3 bdrm 2 bath	1500	2.6316%	1
103	3 bdrm 2 bath	1500	2.6316%	1
104	3 bdrm 2 bath	1500	2.6316%	1
105	3 bdrm 2 bath	1500	2.6316%	1
106	3 bdrm 2 bath	1500	2.6316%	1
107	3 bdrm 2 bath	1500	2.6316%	1
108	3 bdrm 2 bath	1500	2.6316%	1
109	3 bdrm 2 bath	1500	2.6316%	1
110	3 bdrm 2 bath	1500	2.6316%	1
111	3 bdrm 2 bath	1500	2.6316%	1
112	3 bdrm 2 bath	1500	2.6316%	1
113	3 bdrm 2 bath	1500	2.6316%	1
114	3 bdrm 2 bath	1500	2.6316%	1
115	3 bdrm 2 bath	1500	2.6316%	1
116	3 bdrm 2 bath	1500	2.6316%	1
117	3 bdrm 2 bath	1500	2.6316%	1
118	3 bdrm 2 bath	1500	2.6316%	1
119	3 bdrm 2 bath	1500	2.6316%	1
120	3 bdrm 2 bath	1500	2.6316%	1
121	3 bdrm 2 bath	1500	2.6316%	1
122	3 bdrm 2 bath	1500	2.6316%	1
123	3 bdrm 2 bath	1500	2.6316%	1
124	3 bdrm 2 bath	1500	2.6316%	1
125	3 bdrm 2 bath	1500	2.6316%	1
126	3 bdrm 2 bath	1500	2.6316%	1
127	3 bdrm 2 bath	1500	2.6316%	1
128	3 bdrm 2 bath	1500	2.6316%	1
129	3 bdrm 2 bath	1500	2.6316%	1
130	3 bdrm 2 bath	1500	2.6316%	1
131	3 bdrm 2 bath	1500	2.6316%	1
132	3 bdrm 2 bath	1500	2.6316%	1

Unit Identifying Number	Unit Type	Approx. Sq. Footage of Unit	Undivided Interest Per Unit	No. of Votes Per Unit
133	3 bdrm 2 bath	1500	2.6316%	1
134	3 bdrm 2 bath	1500	2.6316%	1
135	3 bdrm 2 bath	1500	2.6316%	1
136	3 bdrm 2 bath	1500	2.6316%	1
137	3 bdrm 2 bath	1500	2.6316%	1
138	3 bdrm 2 bath	1500	2.6316%	1