

WHEN RECORDED, RETURN TO:

Patrick H. Holmes
HOLMES HOMES, INC.
45 West 10000 South, Suite 307
Sandy, Utah 84070

Tax Parcel No. 13-042-0-0895

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

(An Expandable Condominium Project)

THIS AMENDMENT NO. FIVE ("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. On November 4th, 2002, Declarant filed Amendment No. Four to the Declaration as Entry No. 190281, in Book 794, beginning at page 834 of the official records of Tooele County, Utah, together with an amendment to the Plat (the "Phase Four Amendment").

J. Amendment No. Four and the amended Plat expanded the Condominium Project to add Phase Five consisting of seven (7) units, thereby bringing to total number of units in the Condominium Project to thirty-eight (38).

K. Declarant is the owner of fee title to all of the remaining Additional Land and pursuant to Article 16 of the Declaration, Declarant reserved the right to expand the Condominium Project without the consent of any Unit Owners. Declarant now desires to add certain portions of the remaining Additional Land as Phase Six of the Condominium Project to complete the roadway system for the Condominium Project.

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

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

1. Phase Six Expansion. Declarant hereby exercises its option to expand the Condominium Project pursuant to Article 16 of the Declaration by adding certain portions of the Additional Land to the Condominium Project as described on Exhibit "A" to this Amendment. Further, 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 Six Property"). As of the date of this Amendment, Declarant is the sole owner of the Phase Six Property. The Phase Six Property hereby submitted to the Act shall be known as Comiskey Park Condominiums, Phase Six, and shall be subject to the terms and conditions of the Declaration and any amendments or supplements thereto.

2. Improvements. The improvements to be built on the Phase Six Property shall consist of private roadways, sidewalks and other common areas to complete the roadway system for the Condominium Project.

3. Undivided and Allocated Interests. The expansion of the Condominium Project to include Phase Six shall not effect any Unit Owner's undivided interest in the Common Area. Each Unit Owner shall continue to have a 1/38th (or 2.6316%) undivided interest in the Common Area, a 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. Phase Six of the Condominium Project shall be the last addition from the Additional Land to the Condominium Project. Declarant hereby abandons any further right to expand the Condominium Project from the Additional Land as provided in Article 16 of the Declaration.


5. Schedule of Units, Square Footage, Votes and Undivided Interest in Common Areas. The annexation of Phase Six into the Condominium Project shall not effect the Schedule of Units, Square Footage, Votes and Undivided Interest in Common Areas attached to the Phase Four Amendment.

6. Effect. Except as modified by this Amendment, the Declaration shall remain in full force and effect, enforceable in accordance with all of its existing terms and provisions and shall not be cancelled, suspended or otherwise abrogated by the recording of this Amendment and the Supplemental Plat.

IN WITNESS WHEREOF, the undersigned, being the Declarant, has caused this instrument to be executed on this 28 day of June, 2004.

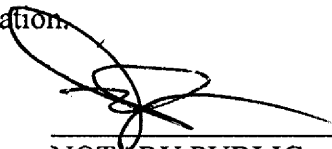
DECLARANT:

HOLMES HOMES, INC., a Utah corporation

By: 
Title: Secretary/Treasurer

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

The foregoing instrument was acknowledged before me this 28 day of June, 2004, by Heidi Topham, who is the Secretary/Treasurer of HOLMES HOMES, INC., a Utah corporation.



NOTARY PUBLIC
Residing at Salt Lake County, Utah

My Commission Expires:

4/5/05



EXHIBIT "A"

LEGAL DESCRIPTION
PHASE SIX
COMISKEY PARK CONDOMINIUMS

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

Phase 6

Phase 6 Parcel A

Beginning at a point which lies North 89°42'14" East 587.75 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 1136.56 feet from the North Quarter Corner of said Section 16; and traversing thence North 89°46'22" East 52.50 feet; thence South 00°13'38" East 30.00 feet; thence South 89°46'22" West 52.50 feet; thence North 00°13'38" West 30.00 feet to the point of beginning.

Containing 1,575 sf or 0.04 acres, more or less.

Phase 6 Parcel B

Beginning at a point which lies North 89°42'14" East 1194.20 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 1137.29 feet from the North Quarter Corner of said Section 16; and traversing thence North 89°46'22" East 25.00 feet to a point on a curve to the right, having a radius of 165.00 feet and a central angle of 21°48'19"; thence along the arc of said curve a distance of 62.79 feet, said arc subtended by a chord bearing South 79°19'29" East, a distance of 62.42 feet; thence South 21°34'41" West 30.00 feet to a point on a non-tangent curve to the left, having a radius of 135.00 feet and a central angle of 21°48'19"; thence along the arc of said curve a distance of 51.38 feet, said arc subtended by a chord bearing North 79°19'29" West, a distance of 51.07 feet; thence South 89°46'22" West 25.00 feet; thence North 00°13'38" West 30.00 feet to the point of beginning.

Containing 2,462 sf or 0.06 acres, more or less.

Phase 6 Parcel C

Beginning at a point which lies North 89°42'14" East 674.09 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 1588.93 feet from the North Quarter Corner of said Section 16; and traversing thence North $77^{\circ}32'51''$ 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 $100^{\circ}54'22''$; thence along the arc of said curve a distance of 35.22 feet, said arc subtended by a chord bearing South $62^{\circ}22'26''$ East, a distance of 30.84 feet, to a point of compound curvature to the left, having a radius of 292.00 feet and a central angle of $11^{\circ}05'01''$; thence along the arc of said curve a distance of 56.49 feet, said arc subtended by a chord bearing North $61^{\circ}37'53''$ East, a distance of 56.40 feet, to a point of compound curvature to the left, having a radius of 1165.00 feet and a central angle of $04^{\circ}38'58''$; thence along the arc of said curve a distance of 94.54 feet, said arc subtended by a chord bearing North $53^{\circ}45'53''$ East, a distance of 94.51 feet; thence South $38^{\circ}51'18''$ East 30.00 feet to a point on a non-tangent curve to the right, having a radius of 1195.00 feet and a central angle of $04^{\circ}39'25''$; thence along the arc of said curve a distance of 97.13 feet, said arc subtended by a chord bearing South $53^{\circ}45'40''$ West, a distance of 97.10 feet, to a point of compound curvature to the right, having a radius of 322.00 feet and a central angle of $12^{\circ}40'34''$; thence along the arc of said curve a distance of 71.24 feet, said arc subtended by a chord bearing South $62^{\circ}25'39''$ West, a distance of 71.09 feet, to a point of reverse curvature to the left, having a radius of 20.00 feet and a central angle of $87^{\circ}00'08''$; thence along the arc of said curve a distance of 30.37 feet, said arc subtended by a chord bearing South $25^{\circ}15'53''$ West, a distance of 27.53 feet, to a point of compound curvature to the left, having a radius of 660.00 feet and a central angle of $05^{\circ}33'13''$; thence along the arc of said curve a distance of 63.97 feet, said arc subtended by a chord bearing South $21^{\circ}00'48''$ East, a distance of 63.95 feet; thence South $66^{\circ}12'35''$ 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 $11^{\circ}50'47''$; thence along the arc of said curve a distance of 142.66 feet, said arc subtended by a chord bearing North $17^{\circ}52'01''$ West, a distance of 142.41 feet to the point of beginning.

Containing 9,818 sf or 0.23 acres, more or less.