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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
HOLMES HOMES INC  
9345 S 1300 E  
SANDY UT 84094  
BY: ZJM, DEPUTY - WI 7 P.

WHEN RECORDED, RETURN TO:

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

PARCEL I.D. #26-36-200-019

**AMENDMENT NO. NINE  
FOR EXPANSION OF  
ASPEN SPRINGS CONDOMINIUMS**

**(An Expandable Condominium Project)**

THIS AMENDMENT NO. NINE ("Amendment") to the Declaration of Condominium of Aspen 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 HOLMES HOMES, INC., a Utah corporation ("Declarant") pursuant to Section 57-8-13.6 of the Utah Condominium Ownership Act and Article 16 of the Declaration.

**RECITALS:**

A. On May 1, 2001, Declarant filed the Declaration, as Entry No. 7884385, in Book 8452, beginning at page 3667 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 thirteen (13) units, Unit Nos. 1 through 13, inclusive ("Phase One"), and additional land that may be used to expand the Condominium Project with up to 147 additional units ("Additional Land").

C. On July 25, 2001, Declarant filed Amendment No. One to the Declaration as Entry No. 7956320, in Book 8482, beginning at page 381 of the official records of the Salt Lake County Recorder, State of 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 thirteen (13) units, thereby bringing the total number of units in the Condominium Project to twenty-six (26).

E. On September 18, 2001, Declarant filed Amendment No. Two to the Declaration as Entry No. 8006090, in Book 8501, beginning at page 3711 of the official records of the Salt Lake County Recorder, State of 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 ten (10) units, thereby bringing the total number of units in the Condominium Project to thirty-six (36).

G. On December 4, 2001, Declarant filed Amendment No. Three to the Declaration as Entry No. 8079989, in Book 8536, beginning at page 561 of the official records of the Salt Lake County Recorder, State of 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 eleven (11) units, thereby bringing the total number of units in the Condominium Project to forty-seven (47).

I. On January 29, 2002, Declarant filed Amendment No. Four to the Declaration as Entry No. 8133388, in Book 8559, beginning at page 4489 of the official records of Salt Lake County, State of Utah, together with an amendment to the Plat.

J. Amendment No. Four and the Amended Plat expanded the Condominium Project to add Phase Five consisting of ten (10) units, thereby bringing the total number of units in the Condominium Project to fifty-seven (57).

K. On February 26, 2002, Declarant filed Amendment No. Five to the Declaration as Entry No. 8160936, in Book 8570, beginning at page 1722 of the official records of Salt Lake County, State of Utah, together with an amendment to the Plat.

L. Amendment No. Five and the Amended Plat expanded the Condominium Project to add Phase Six consisting of eleven (11) units, thereby bringing the total number of units in the Condominium Project to sixty-Nine (68).

M. On May 10, 2002, Declarant filed Amendment No. Six to the Declaration as Entry No. 8228934, in Book 8596, beginning at page 5832 of the official records of Salt Lake County, State of Utah, together with an amendment to the Plat.

N. Amendment No. Six and the Amended Plat expanded the Condominium Project to add Phase Seven consisting of ten (10) units, thereby bringing the total number of units in the Condominium Project to seventy-Nine (78).

O. On September 23, 2002, Declarant filed Amendment No. Seven to the Declaration as Entry No. 8361539, in Book 8652, beginning at page 1701 of the official records of Salt Lake County, State of Utah, together with an amendment to the Plat.

P. Amendment No. Seven and the Amended Plat expanded the Condominium Project to add Phase Eight consisting of fourteen (14) units, thereby bringing the total number of units in the Condominium Project to ninety-two (92).

Q. On March 20, 2003, Declarant filed Amendment No. Eight to the Declaration as Entry No. 8574436, in Book 8759, beginning at page 2609 of the official records of Salt Lake County, State of Utah, together with an amendment to the Plat.

R. Amendment No. Eight and the Amended Plat expanded the Condominium Project to add Phase Nine consisting of fourteen (14) units, thereby bringing the total number of units in the Condominium Project to one hundred six (106).

S. Declarant is the owner of fee simple title to all of the remaining Additional Land and now desires to add fourteen (14) more units, Unit Nos. 107 through 120, inclusive ("Phase Ten"), to the existing Condominium Project pursuant to the terms of the Declaration.

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

2. Improvements. The improvements to be built on the Phase Ten Property shall consist of several multi-unit buildings with a maximum and minimum of fourteen (14) units, Unit Nos. 107 through 120, inclusive. All improvements constructed on the Phase Ten 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 Phases One, Two, Three, Four, Five, Six, Seven, Eight and Nine. Further, the Units created in Phase Ten shall be substantially identical to the Units in Phases One, Two, Three, Four, Five, Six, Seven, Eight and Nine. 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 Ten, each Unit Owner in the Condominium Project shall have a maximum 1/120th (or 0.8333%) undivided interest in the Common Area, 1/120th (or 0.8333%) allocated interest in the common expenses of the Condominium Project, and a 1/120th (or 0.8333%) vote for all matters of the Condominium Project's homeowners association.

4. Additional Land. With the annexation of Phase Ten 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, the Phase Five Property, the Phase Six Property, the Phase Seven Property, the Phase Eight Property, the Phase Nine Property, and the Phase Ten 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 28<sup>th</sup> day of July, 2003.

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 28<sup>th</sup> day of July, 2003, 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:

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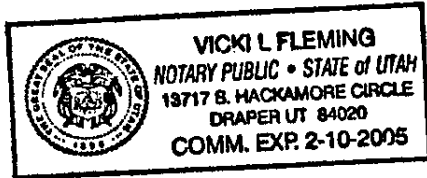


EXHIBIT "A"

LEGAL DESCRIPTION  
PHASE TEN  
ASPEN SPRINGS CONDOMINIUMS

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

**Phase 10 - Boundary Description**

Beginning at a point which lies South 00°16'17" West 1287.90 feet along the East line of Section 36, Township 3 South, Range 2 West, Salt Lake Base & Meridian and North 89°43'43" West 876.31 feet from the Northeast corner of said Section 36; and traversing thence from a point on a curve to the right, having a radius of 470.00 feet and a central angle of 28°51'12"; thence Northwesterly along the arc of said curve a distance of 236.69 feet, said arc subtended by a chord bearing North 16°29'59" West, a distance of 234.19 feet, to a point on a non-tangent curve to the right, having a radius of 21.00 feet and a central angle of 50°09'02"; thence Northeasterly along the arc of said curve a distance of 18.38 feet, said arc subtended by a chord bearing North 66°30'53" East, a distance of 17.80 feet; thence South 88°24'32" East 62.68 feet to a point on a non-tangent curve to the right, having a radius of 25.00 feet and a central angle of 51°46'27"; thence Southeasterly along the arc of said curve a distance of 22.59 feet, said arc subtended by a chord bearing South 29°40'04" East, a distance of 21.83 feet; thence North 77°31'04" East 35.45 feet to a point on a non-tangent curve to the right, having a radius of 21.00 feet and a central angle of 86°46'16"; thence Northeasterly along the arc of said curve a distance of 31.80 feet, said arc subtended by a chord bearing North 40°30'39" East, a distance of 28.85 feet; thence North 83°53'52" East 16.34 feet to a point on a curve to the right, having a radius of 1.00 feet and a central angle of 90°28'11"; thence Southeasterly along the arc of said curve a distance of 1.58 feet, said arc subtended by a chord bearing South 51°18'51" East, a distance of 1.42 feet; thence South 06°06'08" East 19.00 feet; thence North 83°53'52" East 42.33 feet to a point on a non-tangent curve to the left, having a radius of 260.00 feet and a central angle of 28°29'33"; thence Southeasterly along the arc of said curve a distance of 129.30 feet, said arc subtended by a chord bearing South 16°10'21" East, a distance of 127.97 feet; thence South 59°04'22" West 202.53 feet to the point of beginning.

Containing 37,620 sf or 0.86 acres, more or less.

EXHIBIT "B"

LEGAL DESCRIPTION  
ADDITIONAL LAND AFTER ADDITION OF PHASE TEN  
ASPEN SPRINGS CONDOMINIUMS

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

**Additional Land Area - Boundary Description**

Beginning at a point which lies South 00°16'17" West 1505.03 feet along the East line of Section 36, Township 3 South, Range 2 West, Salt Lake Base & Meridian and North 89°43'43" West 567.82 feet from the Northeast corner of said Section 36; and traversing thence from a point on a curve to the left, having a radius of 21.00 feet and a central angle of 50°09'02", thence Northeasterly along the arc of said curve a distance of 18.38 feet, said arc subtended by a chord bearing North 33°09'50" East, a distance of 17.80 feet; thence North 08°05'14" East 1.41 feet to a point on a reverse curve to the right, having a radius of 122.50 feet and a central angle of 28°50'56", thence Northeasterly along the arc of said curve a distance of 61.68 feet, said arc subtended by a chord bearing North 22°30'40" East, a distance of 61.03 feet, to a point on a non-tangent curve to the left, having a radius of 15.00 feet and a central angle of 71°08'09", thence Northwesterly along the arc of said curve a distance of 18.62 feet, said arc subtended by a chord bearing North 43°48'03" West, a distance of 17.45 feet; thence North 48°58'38" East 46.16 feet to a point on a non-tangent curve to the left, having a radius of 21.00 feet and a central angle of 66°36'12", thence Northeasterly along the arc of said curve a distance of 24.41 feet, said arc subtended by a chord bearing North 62°31'03" East, a distance of 23.06 feet, to a point on a compound curve to the left, having a radius of 230.50 feet and a central angle of 10°16'02", thence Northeasterly along the arc of said curve a distance of 41.31 feet, said arc subtended by a chord bearing North 24°03'47" East, a distance of 41.25 feet, to a point on a compound curve to the left, having a radius of 1.00 feet and a central angle of 92°06'32", thence Northwesterly along the arc of said curve a distance of 1.61 feet, said arc subtended by a chord bearing North 26°59'37" West, a distance of 1.44 feet; thence North 72°49'05" West 18.98 feet to a point on a non-tangent curve to the left, having a radius of 210.50 feet and a central angle of 12°41'47", thence Northeasterly along the arc of said curve a distance of 46.65 feet, said arc subtended by a chord bearing North 12°28'02" East, a distance of 46.55 feet; thence South 82°14'52" East 18.98 feet to a point on a curve to the left, having a radius of 1.00 feet and a central angle of 92°06'32", thence Northeasterly along the arc of said curve a distance of 1.61 feet, said arc subtended by a chord bearing North 51°57'50" East, a distance of 1.44 feet, to a point on a compound curve to the left, having a radius of 230.50 feet and a central angle of 14°24'28", thence

Northwesterly along the arc of said curve a distance of 57.96 feet, said arc subtended by a chord bearing North  $01^{\circ}11'59''$  West, a distance of 57.81 feet, to a point on a compound curve to the left, having a radius of 1.00 feet and a central angle of  $92^{\circ}06'32''$ , thence Northwesterly along the arc of said curve a distance of 1.61 feet, said arc subtended by a chord bearing North  $54^{\circ}16'40''$  West, a distance of 1.44 feet; South  $79^{\circ}50'54''$  West 18.98 feet to a point on a non-tangent curve to the left, having a radius of 210.50 feet and a central angle of  $12^{\circ}41'47''$ , thence Northwesterly along the arc of said curve a distance of 46.65 feet, said arc subtended by a chord bearing North  $14^{\circ}52'00''$  West, a distance of 46.55 feet; thence North  $70^{\circ}25'06''$  East 18.98 feet to a point on a curve to the left, having a radius of 1.00 feet and a central angle of  $92^{\circ}06'32''$ , thence Northeasterly along the arc of said curve a distance of 1.61 feet, said arc subtended by a chord bearing North  $24^{\circ}33'41''$  East, a distance of 1.44 feet, to a point on a compound curve to the left, having a radius of 230.50 feet and a central angle of  $74^{\circ}12'34''$ . Thence Northwesterly along the arc of said curve a distance of 298.54 feet, said arc subtended by a chord bearing North  $58^{\circ}26'06''$  West, a distance of 278.11 feet, to a point on a compound curve to the left, having a radius of 1.00 feet and a central angle of  $90^{\circ}28'11''$ , thence along the arc of said curve a distance of 1.58 feet, said arc subtended by a chord bearing South  $39^{\circ}00'45''$  West, a distance of 1.42 feet; thence South  $06^{\circ}06'08''$  East 18.99 feet; thence South  $83^{\circ}53'52''$  West 23.67 feet to a point on a non-tangent curve to the left, having a radius of 260.00 feet and a central angle of  $28^{\circ}29'33''$ , thence Southeasterly along the arc of said curve a distance of 129.30 feet, said arc subtended by a chord bearing South  $16^{\circ}10'21''$  East, a distance of 127.97 feet; thence South  $59^{\circ}04'22''$  West 202.53 feet to a point on a non-tangent curve to the left, having a radius of 470.00 feet and a central angle of  $47^{\circ}19'17''$ , thence Southeasterly along the arc of said curve a distance of 388.18 feet, said arc subtended by a chord bearing South  $54^{\circ}35'16''$  East, a distance of 377.24 feet to the point of beginning.

Containing 114,735 sf or 2.63 acres, more or less.