

5100 FIFTH AVENUE

AMENDMENTS TO CODE OF REGULATIONS

ARTICLE I

Applicable Statute

This Amendment to the Code of Regulations is adopted pursuant to the Unit Property Act of the Commonwealth of Pennsylvania, Act of July 3, 1963, P. L. 196, 68 P.S. §700.

ARTICLE II

Identity of Property

The property to which this Code shall apply is described in the Declaration recorded in the Recorder's Office of Allegheny County, Pennsylvania, at Deed Book Volume 4966, page 301, and in the Declaration Plan recorded in said office in Plan Book Volume 87, pages 69-82.

The Code of Regulations governing said property and which is amended hereby is recorded in said office at Deed Book Volume 4966, page 307.

ARTICLE III

Name and Address

Section 1. The Condominium is known by the name 5100 Fifth Avenue.

Section 2. The Registered office of 5100 Fifth Avenue shall be located at 5100 Fifth Avenue, Pittsburgh, Pennsylvania 16232.

ARTICLE IV

ARTICLE VIII of the aforesaid Code of the Regulations is amended and modified so as to read, in its entirety, as follows:

Sale or Lease by Unit Owner

Any Unit Owner who wishes to sell, lease or rent his unit shall, before accepting any offer to sell or rent, give to Council written notice, by certified mail, return receipt requested, of the terms and conditions of said offer, attaching to said notice a certified copy of the offer received by Unit Owner, and offer to sell or rent said apartment to Council on the same terms and conditions. If, within then (10) days of receipt of said notice by Council, Council gives

written notice as aforesaid to the Unit Owner of its acceptance of the offer made thereto, then, in such event, the said Unit Owner must sell or rent his apartment to the Council under the aforesaid terms; if Council fails to communicate its acceptance or rejection of the said Unit Owner's offer within ten (10) days of receipt of same, time being of the essence, then said Unit Owner may sell or rent his apartment to his original offeror under the same terms and conditions so offered. In any event, Council shall have sole discretion in this matter and no vote or approval of the Unit Owners is required.

ARTICLE V

ARTICLE X of the aforesaid Code of Regulations is amended and modified so as to read, in its entirety, as follows:

Maintenance of Patios and Balconies

Section 1. While all adjacent and connecting balconies and ground patios are common elements, each Unit Owner has an exclusive easement for the use and enjoyment of the patio or balcony adjacent and connecting with his individual apartment.

Section 2. The burden and costs of maintenance of the above ground balconies shall rest with and be borne by the Council and paid for out of the Common Element Maintenance Fund.

Section 3. The Burden and costs of maintenance of the ground level patios shall rest with and be borne by the individual Unit Owner whose apartment is adjacent and connected to the individual patio. The burden and costs of structural maintenance of any retaining wall bordering any ground level patio shall rest with and be borne by the Council and paid for out of the Common Element Maintenance Fund.

Section 4. No Unit Owner may excavate, dig or change any patio or the lay of the underlying or adjacent ground in any way or manner.

IN WITNESS WHEREOF, the undersigned adopt the above Amendments to the Code of Regulations this 17th day of June, 1971.

WITNESS:

5100 FIFTH AVENUE COUNCIL

Elizabeth J. Sharp

By Samuel Schreiber
Samuel Schreiber

By David L. Schreiber
David L. Schreiber

By Marvin Schreiber
Marvin Schreiber

By Bernard Goodman
Bernard Goodman

By Julian Hast
Julian Hast

COMMONWEALTH OF PENNSYLVANIA,)
) SS:
 COUNTY OF ALLEGHENY)

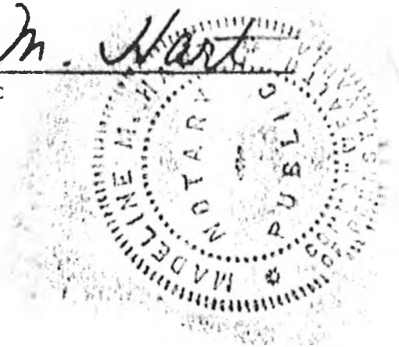
On this 17th day of June, 1971, before me, a Notary Public, personally appeared SAMUEL SCHREIBER, DAVID L. SCHREIBER, MARVIN SCHREIBER, BERNARD GOODMAN and JULIAN HAST, who acknowledged themselves to be all the members of Council of 5100 Fifth Avenue Condominium Council and acknowledged that they adopted and executed the foregoing Amendments to Code of Regulations for the purposes therein contained.

WITNESS my hand and seal the day and year aforesaid.

Madeline M. Hart
 Notary Public

MADELINE M. HART, Notary Public
 Pittsburgh, Allegheny County, Pa.
 My Commission Expires
 February 2, 1973

My Commission Expires:



SECOND AMENDMENT
TO
CODE OF REGULATIONS
OF
5100 FIFTH AVENUE CONDOMINIUM

WITNESS:

WHEREAS, on the 8th day of June, 1971, the 5100 Fifth Avenue Condominium Council simultaneously adopted the Code of Regulations of 5100 Fifth Avenue Condominium and recorded same in the Office of the Recorder of Deeds of Allegheny county at Deed Book volume 4966, page 307; and

WHEREAS, on the 17th day of June, 1971, the 5100 Fifth Avenue Condominium Council, with the consent of Unit Owners entitled to cast more than 60% of the votes, adopted an Amendment to the Code of Regulations, which amendment was recorded in the Office of the Recorder of Deeds of Allegheny County on the 29th day of June, 1971, at Deed Book Volume 4976, page 740; and

WHEREAS, the 5100 Fifth Avenue Condominium Council and the Unit Owners thereof, have unanimously voted, at the annual meeting of the Unit Owners held the 12th day of December, 1971, to amend the Code of Regulations altering, as follows, the number of votes entitled to be cast by the owners of Units No. 309, 319 and 405.

THEREFORE, the Code of Regulations of 5100 Fifth Avenue Condominium, as amended, specifically Schedule "A" attached thereto and made a part thereof, shall be amended as follows:

(1) The common element percentage attaching to Unit No. 309 and the number of votes entitled to be cast by the owner of Unit no. 309 shall be increased from 1.99% to 2.08%.

(2) The common element percentage attaching to Unit No. 319 and the number of votes entitled to be cast by the owner of Unit No. 319 shall be increased from 2.57% to 2.80%

(3) The common element percentage attaching to Unit No. 405 and the number of votes entitled to be cast by the owner of Unit No. 405 shall be decreased from 2.57% to 2.08%.

IN WITNESS WHEREOF, the Condominium Council of 5100 Fifth Avenue causes the due execution hereof this 13th day of December, 1971.

WITNESS:

_____	_____ (SEAL) David Schreiber
_____	_____ (SEAL) Samuel Schreiber
_____	_____ (SEAL) Marvin Schreiber, Esquire
_____	_____ (SEAL) Julian Hast
_____	_____ (SEAL) Bernard Goodman, Esquire

THIRD AMENDMENT
TO
CODE OF REGULATIONS
OF
5100 FIFTH AVENUE CONDOMINIUM

WITNESS:

WHEREAS, on the 8th day of June, 1971, the 5100 Fifth Avenue condominium Council simultaneously adopted the code of Regulations of 5100 Fifth Avenue Condominium and recorded same in the Office of the Recorder of Deeds of Allegheny County at Deed Book Volume 4966, page 307; and

WHEREAS, on the 17th day of June, 1971, the 5100 Fifth Avenue Condominium Council, with the consent of Unit Owners entitled to cast more than 60% of the votes, adopted an Amendment to the Code of Regulations, which amendment was recorded in the Office of the Recorder of Deeds of Allegheny County on the 29th day of June, 1971, at Deed Book Volume 4976, page 740; and

WHEREAS, the 5100 Fifth Avenue Condominium Council and the Unit Owners thereof, unanimously voted, at the Semi-Annual Meeting of the Unit Owners held the 4th day of May, 1983, to amend the Code of Regulations, Article V, to disqualify Council members who do not attend Council meetings.

THEREFORE, the Code of Regulations of 5100 Fifth Avenue Condominium, as amended, shall be amended to include a new provision as Section 18, which provides as follows:

Section 18. Any Council member who is absent from three (3) consecutive regular meetings of the Council shall immediately forfeit and be disqualified from serving the remainder of his/her term of office and a successor shall be elected as provided in Section 4 of this Article V.

IN WITNESS WHEREOF, the Condominium Council of 5100 Fifth Avenue
causes the due execution hereof this 23 day of Aug., 1983.

WITNESS:

[Signature]
[Signature]
[Signature]
[Signature]

Richard Wile [SEAL]
Richard Wile

Burton L. Ascheim [SEAL]
Burton L. Ascheim

Milton Weiss [SEAL]
Milton Weiss

Sara Schrieber [SEAL]
Sara Schrieber

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

On the 23rd day of August, 1983, before me, a Notary Public, personally appeared Richard Wile, Burton L. Ascheim, Milton Weiss and Sara Schreiber, who acknowledged themselves to be members of the Condominium Council of 5100 Fifth Avenue Condominium and acknowledged that, being duly authorized, they adopted and executed the foregoing Third Amendment to the Code of Regulations of 5100 Fifth Avenue for the purpose therein contained.

WITNESS my hand and seal the day and year first above written

Linda Lisowski
Notary Public



My Commission Expires:

LINDA LISOWSKI, Notary Public
Pittsburgh, Allegheny County, PA
My Commission Expires December 3, 1983

FOURTH AMENDMENT
TO
CODE OF REGULATIONS
OF
5100 FIFTH AVENUE CONDOMINIUM

WITNESS:

WHEREAS, on the 8th day of June, 1971, the 5100 Fifth Avenue Condominium Council simultaneously adopted the Code of Regulations of 5100 Fifth Avenue Condominium and recorded same in the Office of the Recorder of Deeds of Allegheny County at Deed Book Volume 4966, page 307; and

WHEREAS, on the 17 day of June, 1971, the 5100 Fifth Avenue Condominium Council, with the consent of Unit Owners entitled to cast more than 60% of the votes, adopted an amendment to the Code of Regulations, which amendment was recorded in the Office of the Recorder of Deeds of Allegheny County on the 29th day of June 1971, at Deed Book Volume 4976, page 740; and

WHEREAS, the 5100 Fifth Avenue Condominium Council and the Unit Owners thereof having a majority of the voting right entitled to vote at the Semi-Annual Meeting of the Unit Owners held the 4th day of May, 1983, voted to amend the Code of Regulations, Article V, Section 3, regarding re-election to Council.

THEREFORE, Article V, Section 3 of the Code of Regulations of 5100 Fifth Avenue Condominium shall be amended to provide, in its entirety, as follows:

Section 3. At the annual meeting of the Unit Owners in the year 1971, the term of office of two (2) Council members elected shall be for three (3) years, the term of office of two (2) Council members shall be for two (2) years; and the term of office of one (1) Council member elected shall be for

one (1) year. The Council members receiving the largest number of votes shall serve the longest terms. At the expiration of the term of office of each respective Council member, his successor shall be elected to serve a term of three (3) years. The Council member shall hold office until their successors have been elected and qualified.

"Each respective Council member, upon completion of two consecutive three year terms, shall be ineligible for re-election to Council for a period of one year."

In all elections of Council members, each Unit Owner shall have the right, in person or by proxy, to multiply the number of votes to which he may be elected by the number of directors to be elected and he may cast the whole number of said votes for one candidate or he may distribute them among any two or more candidates.

IN WITNESS WHEREOF, the Condominium Council of 5100 Fifth Avenue causes the due execution hereof this 23 day of Aug., 1983.

WITNESS:

[Signature]
[Signature]
[Signature]
[Signature]

Richard Wile [SEAL]
Richard Wile

Burton L. Ascheim [SEAL]
Burton L. Ascheim

Milton Weiss [SEAL]
Milton Weiss

Sara Schreiber [SEAL]
Sara Schreiber

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

On the 23rd day of August, 1983, before me, a Notary Public, personally appeared Richard Wile, Burton L. Ascheim, Milton Weiss and Sara Schreiber, who acknowledged themselves to be members of the Condominium Council of 5100 Fifth Avenue Condominium and acknowledged that, being duly authorized, they adopted and executed the foregoing Third Amendment to the Code of Regulations of 5100 Fifth Avenue for the purpose therein contained.

WITNESS my hand and seal the day and year first above written.

Linda Lisowski
Notary Public *



My Commission Expires:

LINDA LISOWSKI, Notary Public
Pittsburgh, Allegheny County, PA
My Commission Expires December 3, 1983

FIFTH AMENDMENT
TO
CODE OF REGULATIONS
OF
OF 5100 FIFTH AVENUE CONDOMINIUM

WITNESS:

WHEREAS, on the 8th day of June, 1971, the 5100 fifth Avenue Condominium Council simultaneously adopted the Code of Regulations of 5100 Fifth Avenue Condominium and recorded same in the Office of the Recorder of Deeds of Allegheny County at Deed Book Volume 4966, page 307; and

WHEREAS, on the 17 day of June, 1971, the 5100 Fifth Avenue Condominium Council, with the consent of Unit Owners entitled to cast more than 60% of the votes, adopted an amendment to the Code of Regulations, which amendment was recorded in the Office of the Recorder of Deeds of Allegheny County on the 29th day of June 1971, at Deed Book Volume 4976, page 740; and

WHEREAS, the 5100 Fifth Avenue Condominium Council and the Unit Owners thereof having a majority of the voting right entitled to vote at the Annual Meeting of the Unit Owners held the 14th day of November 1984, voted to amend the Code of Regulations, Article IV, Section 2 regarding the date of the Annual meetings.

THEREFORE, Article IV, Section 2 of the Code of Regulations of 5100 Fifth Avenue Condominium shall be amended to provide, in its entirety, as follows, to wit:

✓ Section 2 - The annual meeting of the Unit Owners shall be held in the month of November in each year, at a specific, place, time and date as set by the Condominium Council. At such meetings, the Unit Owners shall elect any new Council members for Council seats that may be available, and such other business as may come before the meeting.

IN WITNESS WHEREOF, the Condominium Council of 5100 Fifth Avenue causes the due execution hereof, this 28th day of Jan 1985.

WITNESS:

[Signature]
[Signature]

[Signature] (Seal)
Sandy Aderson, Pres.
[Signature] (Seal)
John L. Haber, Sec.
John Haber

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF ALLEGHENY } SS:

On the 28th day of January 1985 before me, a Notary Public, personally appeared Sandy Aderson, & Milton Weiss who acknowledge themselves to be the President and Secretary respectfully of the 5100 Fifth Avenue condominium, and acknowledge that, being duly authorized, they adopted and executed the foregoing Fifth Amendment to the Code of Regulations of 5100 Fifth Avenue Condominium for the purpose therein contained.

WITNESS my hand and seal the date and year first above written.

Linda Lisowski
LINDA LISOWSKI, Notary Public
Pittsburgh, Allegheny County
My Commission Expires December 31, 1987

SIXTH AMENDMENT

TO

CODE OF REGULATIONS

OF

5100 FIFTH AVENUE CONDOMINIUMS

Witness:

WHEREAS, on the 14th day of Nov. 1988, the 5100 Fifth Avenue Condominium Council, with the consent of the Unit Owners entitled to cast more than 60% of the votes, adopted an amendment to the Code of Regulations as was recorded in the Office of the Recorder of Deeds of Allegheny County on June 29, 1971, at Deed Book Volume 4976, page 740; and

WHEREAS, the 5100 Fifth Avenue Condominium Council and the Unit Owners thereof having a majority of the voting right entitled to vote at the Annual Meeting of the Unit Owners held on November 14, 1988, voted to modify & amend the Code of Regulations, Article V, Section 3 relative to the terms of council members to read as follows:

Each respective Council Member, upon completion of two consecutive three year terms, shall be ineligible for re-election to Council for a period of one year UNLESS AUTHORIZED BY A MAJORITY ✓
OF THE UNIT OWNERS.

This amendment is specifically intended to permit any council member to serve more than two consecutive three year terms if so authorized by a majority of the unit owners

IN WITNESS WHEREOF, the Condominium Council of 5100 FIFTH AVENUE

causes the due execution hereof this 10th day of October 1989.

Witness:
[Signature]
[Signature]

[Signature] (Seal)
Pres. of Council
[Signature] (Seal)
Sec. of Council

COMMONWEALTH OF PENNSUYLVANIA)

) SS:

COUNTY OF ALLEGHENY)

On the 10th day of October 1989 before me, a Notary Public, personally appeared Richard Wile and Joan L. Haber who acknowledge themselves to be the President and Secretary respectively of the 5100 Fifth Avenue condominium Assoc., and acknowledge that, being duly authorized, they adopted and executed the foregoing Sixth Amendment to the Code of Regulations of 5100 Fifth Avenue Condominium for the purpose therein contained.

WITNESS my hand and seal the date and year first above written.
[Signature]
Notary Public
LONDA LISOWSKI, Notary Public
Pittsburgh, Allegheny County, Pa.
My Commission Expires December 3, 1991

Oct 11 89 11 334

Psk.

SIXTH AMENDMENT

to

CODE OF REGULATIONS

for

5100 FIFTH AVENUE CONDOMINIUM

W. J. Neely
Clark

Oct 11 2 08 PM '89
209

Mail to:


Arnheim & Neely, Inc., Agents
200 Law & Finance Bldg.
Pittsburgh, PA. 15214

(412/ 391-1900)

STATE OF PENNSYLVANIA)
COUNTY OF ALLEGHENY) SS

RECORDED IN THE OFFICE FOR THE RECORDING OF
DEEDS, ETC. IN AND FOR THE SAID COUNTY, ON THE 11th
DAY OF October AD. 19 89 IN Deed
BOOK VOL. 8117 PAGE 132 WITNESS MY HAND AND
SEAL OF SAID OFFICE, THE DAY AND YEAR AFORESAID.

Michael A. Della Vecchia
RECORDER



VOL. 8117 PAGE 134

RECORDER OF DEEDS
ALLEGHENY COUNTY, PA

Nov 17 9 55 AM '93

FORM 1-RECORDER

TO BE MAILED

RECEIPT FOR PAPERS
RECORDER'S OFFICE OF ALLEGHENY COUNTY
PITTSBURGH, PA.

RECEIVED
FOR RECORD

Amend to Code of Regs.

FROM

5100 Fifth Ave Condo

TO

FEE \$ 11 ⁵⁰/_{cents} PAID

MICHAEL A. DELLA VECCHIA
RECORDER

PER JX WEEKS

Cash

AMENDMENT TO THE CODE OF REGULATIONS

5100 FIFTH AVENUE CONDOMINIUM ASSOCIATION

(Amendment #7)

5100 Fifth Avenue
Pittsburgh, PA 15232

7th Ward - City of Pittsburgh

RETURN TO;

ARNHEIM & NEELY, INC.
200 LAW & FINANCE BLDG.
PITTSBURGH, PA 15219

AMENDMENT
TO
CODE OF REGULATIONS
5100 FIFTH AVENUE CONDOMINIUM
(Amendment #7)

WITNESS:

WHEREAS, the governing Code of Regulations for 5100 Fifth Avenue Condominium Association were adopted and recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania on June 8, 1971 at Deed Book Volume 4966, page 307; and

WHEREAS, the unit owners of said 5100 Fifth Avenue Condominium Association representing more than 60% ownership interest have, from time to time, voted to amend the Code of Regulations as originally recorded; and

WHEREAS, THE UNIT OWNERS OF 5100 fifth Avenue Condominium meeting on November 1, 1993 and representing 80.42% of the total ownership interest in the 5100 Fifth Avenue Condominium Association, voted unanimously to amend Article VIII of the initial recorded Code of Regulations and any previous amendments or modifications, additions or deletions thereto as follows:

NO UNIT OWNER MAY RENT OR LEASE HIS/HER/THEIR APARTMENT
OR PORTIONS THEREOF, AT 5100 FIFTH AVENUE CONDOMINIUM
EXCEPT THAT ANY OWNER OF RECORD BEFORE THIS DATE SHALL BE
EXEMPTED/GRANDFATHERED FORM THIS PROVISION SINCE SUCH A
RETROACTIVE RESTRICTION MAY AFFECT THE LEGAL RIGHTS
PREVIOUSLY TRANSFERRED AND GRANTED BY DEED.

THEREFORE, The Code of Regulations of 5100 Fifth Avenue Condominium shall be revised to prohibit any leasing or renting of a unit by any subsequent unit owners who may purchase an apartment after this effective date, November 1, 1993. Existing unit owners prior to November 1, 1993 are specifically exempt/grandfathered from this amendment.

IN WITNESS WHEREOF, the officers of 5100 Fifth Avenue Condominium causes the due execution hereof this _____ day of _____, 1993

ATTEST:

5100 FIFTH AVENUE CONDOMINIUM ASSOC.

Secretary

President

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHANY)

On the _____ day of _____, 1993, before me,
a Notary Public, personally appeared _____
_____, who acknowledged themselves
to be the President and Secretary respectively of the 5100 Fifth
Avenue Condominium Association, and acknowledge that, being duly
authorized, they adopted and executed the foregoing Amendment to
the governing Code of Regulations of 5100 Fifth Avenue Condominium
for the purpose(s) therein contained.

WITNESS my hand and seal the day and year first above written.

Notary Public

My Commission expires:

AMENDMENT #8

TO

CODE OF REGULATIONS

5100 FIFTH AVENUE CONDOMINIUM

WITNESS:

WHEREAS, the governing Code of Regulations for 5100 Fifth Avenue Condominium Association were adopted and recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania on June 8, 1971 at Deed Book Volume 4966, page 307; and

WHEREAS, The unit owners of said 5100 Fifth Avenue Condominium Association representing more than 60% ownership interest have, from time to time, voted to amend the Code of Regulations as originally recorded; and

WHEREAS, the unit owners of 5100 Fifth Avenue Condominium met on November 14, 1994 and, representing more than 60% of the ownership interest, voted to amend the Code of Regulations, as recorded, by adding the following language to restrict the unilateral Powers and Authority of the Council, to wit:

The governing council shall not have authority to spend, nor contract for, any non-emergency capital expenditure exceeding \$15,000, without first holding a special meeting of the unit owners and, with a quorum present, a vote of the majority is required to authorize such expenditure. The governing council shall provide unit owners with advance notice of no less than five (5) days

00093320098

notice when calling a special unit owner meeting for the purpose of voting on any proposed non-emergency capital expenditure exceeding \$15,000.

THEREFORE, The Code of Regulations of 5100 Fifth Avenue Condominium is hereby revised as noted above, and heretofore restricts and limits the Powers and Authority of the governing council by imposing a \$15,000 cap on all non-emergency capital expenditures, until a duly authorized meeting of the unit owners is held, after providing at least five (5) day notice of such meeting, and with a quorum present, a majority of the unit owners at such meeting vote to approve the capital project proposed by the council.

IN WITNESS WHEREOF, the officers of 5100 Fifth Avenue Condominium cause the due execution hereof this 5TH day of January, 19 95.

ATTEST:

[Signature]
ASST. Sec.

5100 FIFTH AVENUE CONDOMINIUM ASSOC.

[Signature]
Pres.

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ALLEGHENY)

On this 5th day of January 19 95, before me a Notary Public, personally appeared Al Steiner and Burton Asheim, who acknowledge themselves to be the President and Secretary respectively of the 5100 Fifth Avenue Condominium Assoc., and who acknowledge that, being duly authorized, they adopted and executed the foregoing Amendment to the governing Code of Regulations of 5100 Fifth Avenue for the purpose(s) therein contained.

Witness my hand and seal the day and year first written above.

Linda Zebenas

My commission expires:

Notarial Seal
Linda Zebenas, Notary Public
Pittsburgh, Allegheny County
My Commission Expires Dec. 3, 1995
Member, Pennsylvania Association of Notaries

030938273100

AMENDMENT TO THE
CODE OF REGULATIONS

5100 FIFTH AVENUE CONDOMINIUM ASSOCIATION

AMENDMENT: #8

5100 FIFTH AVENUE ✓
PITTSBURGH, PA 15232

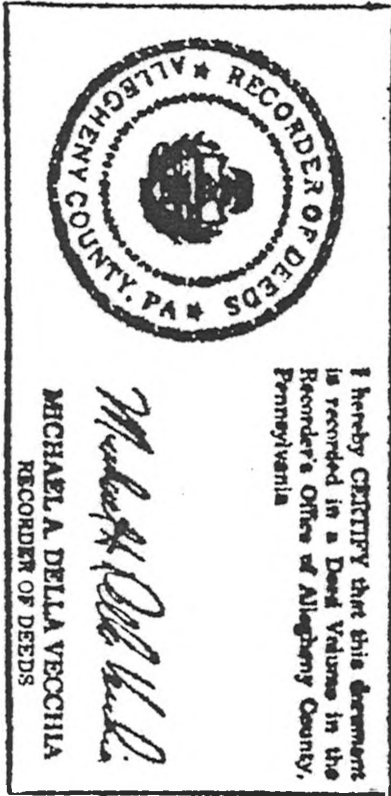
7TH WARD
CITY OF PITTSBURGH

*D
2150
cash*

RETURN TO:

ARNHEIM & NEELY, INC
200 LAW & FINANCE BUILDING
PITTSBURGH, PA 15219

ATT: E. F. ZEHFUSS



RECORDER OF DEEDS
ALLEGHENY COUNTY, PA

JUN 9 10 21 AM '95

AMENDMENT NO. 8 TO THE CODE OF REGULATIONS OF

5100 FIFTH AVENUE CONDOMINIUM

WHEREAS, 5100 Fifth Avenue Condominium Association is located in the 14th Ward of the City of Pittsburgh, Allegheny County, Pennsylvania and was created pursuant to the terms of the Unit Property Act of the Commonwealth of Pennsylvania (Act of July 3, 1963, P.L. No. 196) by the recording of a Declaration for 5100 Fifth Avenue dated June 8, 1971, and recorded in Deed Book Volume 4966, Page 301, in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania; and

WHEREAS, the Code of Regulations of 5100 Fifth Avenue Condominium was adopted and recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania, on June 8, 1971, at Deed Book Volume 4966, Page 307; and

WHEREAS, Amendment No. 7 to the Code of Regulations of 5100 Fifth Avenue Condominium was dated November 16, 1993, and was recorded with the Allegheny County Recorder of Deeds Office at Deed Book Volume 9098, Page 62; and

WHEREAS, Amendment No. 7 to the Code of Regulations of 5100 Fifth Avenue Condominium provided that no Unit Owner may rent or lease his/her/their apartment or portions thereof except that any owner of record on the effective date of Amendment No. 7 shall be exempted/grandfathered from the provision since such retroactive restriction may have had an effect on the legal rights previously transferred and granted by Deed; and

WHEREAS, while Council of 5100 Fifth Avenue Condominium believes Amendment No. 7 is clear and unambiguous, a question has been raised as to whether the

occupancy of non-unit owners without the payment of rent to the record unit owner constitutes a rental and/or lease of the Unit; and

WHEREAS, Council wishes to avoid any ambiguity and/or question with respect to the prohibition against leasing and/or rentals at 5100 Fifth Avenue, and adopts this Clarification Amendment to the Code of Regulations of 5100 Fifth Avenue Condominium to further clarify the intent of Amendment No. 7 to the Code of Regulations of 5100 Fifth Avenue Condominium; and

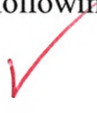
WHEREAS, Council also wishes to adopt certain restrictions on occupancy of the 5100 Fifth Avenue Condominium for the purpose of maintaining its residential character; and

WHEREAS, the Code of Regulations of 5100 Fifth Avenue Condominium provides that the Code of Regulations may be amended from time to time upon an affirmative vote of no less than Sixty (60%) Percent of the ownership interest at 5100 Fifth Avenue Condominium; and

WHEREAS, the within Amendment has been presented to the Unit Owners and no less than Sixty (60%) Percent of the owners entitled to cast a vote have voted in favor of the within Amendment.

NOW, THEREFORE, the Code of Regulations of 5100 Fifth Avenue Condominium are amended to delete Article VIII and to replace it with the following:

Leasing. No unit owner may rent or lease his/her/their apartment or any portion thereof, at 5100 Fifth Avenue Condominium, except that any owner of record as of November 1, 1993, shall be exempted/grandfathered from this provision since such a retroactive restriction may affect the legal rights previously transferred and granted by Deed. Any leasing or renting of a Unit by unit owners who purchased their Unit after the effective date of Amendment No. 7 of November 1, 1993, is prohibited. **The occupancy**



of a Unit by a non-unit owner will be deemed a lease regardless of whether rent or other consideration is exchanged between the parties. The occupancy of a Unit by a Unit Owners' immediate family shall not be deemed a lease of the Unit and shall be permitted. For purposes of this exception, immediate family shall be defined as the Unit Owners' parents, children and/or grandchildren.

Restrictions in Occupancy. All Units shall be occupied by a single family for residential purposes only. For purposes of this section, single family shall be defined as any number of individuals interrelated by blood, adopt or marriage, or no more than two unrelated individuals and the children of each. The term interrelated by blood shall be deemed to encompass only children, parents, grandparents, brothers and sisters, and no other degree of kinship.”

To the extent of any inconsistency between the terms of this Amendment and the Declaration, Code of Regulations or any Amendments thereto, the terms of this Clarification Amendment shall prevail. All remaining terms and provisions of the Declaration, Code of Regulations and/or any and all duly adopted Amendments thereto, shall remain in full force and effect.

5100 FIFTH AVENUE CONDOMINIUM

Anna F. Adler

PRESIDENT

Judith R. Brody

SECRETARY

