

CLARIFICATION AMENDMENT TO DECLARATION OF CONDOMINIUM

AND BY-LAWS OF SADDLEWOOD CONDOMINIUM

WHEREAS, Saddlewood Condominium Association, Inc., is located in the Municipality of Bridgeville, Allegheny County, Pennsylvania, and was created pursuant to the terms of the Uniform Condominium Act of Pennsylvania, 68 Pa. C.S.A. §3101, *et. seq.*, by the recording of a Declaration of Condominium of Saddlewood Condominium, dated February 7, 1997, and recorded in the Recorder's Office of Allegheny County at Deed Book Volume 9939, Page 586; and

WHEREAS, By-Laws of the Saddlewood Condominium Association were recorded at the Recorder's Office of Allegheny County at Deed Book Volume 9939, Page 564; and

WHEREAS, the By-Laws of Saddlewood Condominium Association provide, at Article 7, Section 7.1, that the By-Laws may be modified or amended only by a vote of Unit Owners entitled to cast a majority of the votes in the Association, except as otherwise expressly set forth in the By-Laws or in the Act; and

WHEREAS, Article 7, Section 7.1, of the By-Laws of Saddlewood Condominium Association further provides that if any Amendment is necessary in the judgment of the Executive Board to cure any ambiguity or to correct or supplement any provision of the By-Laws that is defective, missing or inconsistent with any other provisions thereof, or with the Act or the Declaration, such an Amendment may be effected by an appropriate Corrective Amendment without the approval of the Unit Owners or the holders of any liens on all or any part of the property, upon receipt by the Executive Board of an opinion from independent counsel to the effect that the proposed Amendment is permitted pursuant to the terms of Article VII, Section 7.1 of the By-Laws; and

WHEREAS, the Declaration of Condominium of Saddlewood Condominium defines “Limited Common Elements” to include Common Elements described as such in the Act. The Uniform Condominium Act of Pennsylvania, at Section 3202, provides, in relevant part, as follows:

“Except as provided by the declaration...

(2) If any chute, flue, duct, wire, conduit, bearing wall, bearing column or any other fixture lies partially within and partially outside the designated boundaries of a Unit, any portion thereof serving only that Unit is a Limited Common Element allocated solely to that Unit, and any portion thereof serving more than one (1) Unit or any portion of the Common Elements is a part of the Common Elements.” (68 Pa. C.S.A. §3202(2); and

WHEREAS, on or about June 22, 2007, the Association adopted a Fourth Amendment to the By-Laws which provides, in relevant part, that upon an inspection of the sanitary sewer lateral lines by the Municipal Authority of the Township of South Fayette, if said inspection reveals defects in the laterals that need correcting or replacing, the Association will be responsible for the cost thereof, unless the defects are the fault of the Unit Owner or Owners, the installer of the sewer laterals and system, or by some other source from whom the Association will seek reimbursement; and

WHEREAS, the Executive Board is in receipt of an opinion from independent legal counsel that the subject provision of the Fourth Amendment to By-Laws, as referenced herein, is in conflict with the terms and provisions of the Declaration of Condominium of Saddlewood Condominium and Section 3202 of the Uniform Condominium Act of Pennsylvania which defines the sewer laterals that service only one (1) Unit as a Limited Common Element which is the financial responsibility of the Unit serviced by said lateral sewer line; and

WHEREAS, all lateral sewer lines at Saddlewood Condominium Association which run from the Unit to the main line service only one (1) Unit and, therefore, are Limited Common Elements; and

WHEREAS, the within clarification Amendment is adopted pursuant to the authority set forth at Article VII, Section 7.1 of the By-Laws of Saddlewood Condominium Association.

NOW, THEREFORE, the Declaration and By-Laws of Saddlewood Condominium Association are hereby amended and/or clarified as follows:

Section 1: All lateral sewer lines which service only one (1) Unit and run from the Unit to the main sewer line are Limited Common Elements, as more fully defined at Section 3202 of the Uniform Condominium Act of Pennsylvania, and the Declaration of Condominium of Saddlewood Condominium Association, and the financial responsibility for maintenance and repairs of the sewer lines which service the Unit lies with the Unit Owner of the Dwelling Unit serviced by said sewer line.

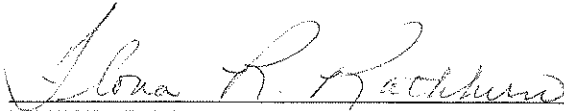
Section 2: To the extent that the Fourth Amendment to the By-Laws provides that the Association shall be responsible for corrections, replacements and/or repairs to a lateral sanitary sewer line, said provision of the Fourth Amendment to the By-Laws is hereby rescinded on the basis that it conflicts with the terms of the Declaration of Condominium of Saddlewood Condominium Association and the Uniform Condominium Act of Pennsylvania.

Section 3: Except as expressly set forth herein, all of the remaining terms and provisions of the Declaration of Condominium of Saddlewood Condominium, By-Laws of Saddlewood Condominium Association and any and all duly adopted Amendments thereto, including all remaining provisions of the Fourth Amendment to the By-Laws, shall remain in full force and effect. To the extent of any inconsistency by and between the terms of said documents and this

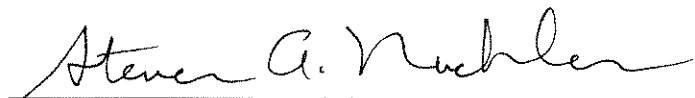
Clarification Amendment to the Declaration and By-Laws, the terms of this Amendment shall prevail. A true and correct copy of the Fourth Amendment to the By-Laws is attached hereto as Exhibit "A" and incorporated herein by reference.

Adopted this _____ day of _____, 2012.

SADDLEWOOD CONDOMINIUM ASSOCIATION, INC.



PRESIDENT



SECRETARY

BRANDT, MILNES & REA

A PROFESSIONAL CORPORATION

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February 29, 2012

Mr. Russell Davis
West Point Community Management, Inc.
37 McMurray Road, Suite 2102
Upper St. Clair, PA 15241

Dear Mr. Davis:

Pursuant to the Board's directive I have prepared a draft Clarification Amendment to the Declaration and By-Laws of Saddlewood Condominium Association, Inc. This Clarification Amendment has been drafted for the purpose of rescinding a provision in the Fourth Amendment to the By-Laws which charges the Association with responsibility for repairs to lateral sewer lines at the Association. As all lateral sewer lines which run from the Unit to the main line service only one (1) Unit, this provision in the Fourth Amendment to the By-Laws is contrary to the terms of the Declaration and the Uniform Condominium Act of Pennsylvania. Pursuant to the terms of the By-Laws, the Executive Board has authority to adopt the within Clarification Amendment upon an opinion from independent counsel that such an Amendment is necessary to cure a conflict and/or ambiguity. I have already issued an opinion in this regard and the Executive Board is now in a position to adopt the within Clarification Amendment. I am also providing a copy of this correspondence to Mr. Rathburn and Ms. Murray, as we have communicated in this regard in the past.

Should you or the Board have any questions regarding the enclosed, please feel free to contact me. As always, any suggested revisions and/or questions are encouraged.

Very truly yours,


Lisa M. Burkhart

LMB/vam
Enclosure

cc: Ms. Flora Rathburn
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Ms. Bridgette Murray
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