

Allegheny County
Jerry Tyskiewicz
Department of Real Estate
Pittsburgh, PA 15219

Instrument Number: 2015-36814

BK-DE VL-16208 PG-477

Recorded On: November 25, 2015 As-Deed Agreement

Parties: ELMHURST NEIGHBORHOOD ASN INC

To ELMHURST NEIGHBORHOOD ASN INC

of Pages: 6

Comment: SECOND AMEND DECLARATION

***** THIS IS NOT A BILL *****

| | |
|----------------|--------|
| Deed Agreement | 162.00 |
| | 0 |
| | 0 |
| Total: | 162.00 |

Realty Transfer Stamp

Department of Real Estate Stamp

| | |
|------------------------|--------|
| Affidavit Attached-No | |
| NOT A DEED OF TRANSFER | EXEMPT |
| Value | |

| |
|------------------------------------|
| Certified On/By-> 11-25-2015 / S B |
| CONDO DECLARATION |

I hereby certify that the within and foregoing was recorded in the Department of Real Estate in Allegheny County, PA

****DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT****

File Information:

Record and Return To:

Document Number: 2015-36814
 Receipt Number: 3002713
 Recorded Date/Time: November 25, 2015 10:06:11A
 Book-Vol/Pg: BK-DE VL-16208 PG-477
 User / Station: M Ward - Cash Station 25

ANTHONY FARANDA DIEDRICH
 CHARTER HOMES & NEIGHBORHOODS
 1190 DILLERVILLE RD
 LANCASTER PA 17601



Jerry Tyskiewicz
 Jerry Tyskiewicz, Director
 Rich Fitzgerald, County Executive

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Record and mail to:
Anthony Faranda-Diedrich
Charter Homes and Neighborhoods
1190 Dillerville Rd.
Lancaster, PA 17601

Parcel Identification: 421-K-105

Pursuant to the provisions of 68 Pa.C.S. Sections 5214 and 5219(c)
this Amendment to Declaration shall be recorded
in the Department of Real Estate
of Allegheny County, Pennsylvania
and is to be located in the same records
as are maintained for the recording of deeds
and shall be indexed in the names of
Elmhurst, a Planned Community (Name of Planned Community)
and **Charter Homes at Elmhurst, Inc.**
in the **grantor** index, and
and shall be indexed in the names of
Elmhurst, a Planned Community (Name of Planned Community)
and **Charter Homes at Elmhurst, Inc.**
in the **grantee** index.

All of the real property made subject to this Declaration
is located in **Sewickley Borough**
Allegheny County
Pennsylvania

**SECOND AMENDMENT TO
DECLARATION
OF COVENANTS, RESTRICTIONS, EASEMENTS
AND ESTABLISHMENT OF HOMEOWNERS ASSOCIATION
FOR ELMHURST, A PLANNED COMMUNITY
IN SEWICKLEY BOROUGH, ALLEGHENY COUNTY, PENNSYLVANIA**

**SECOND AMENDMENT TO
DECLARATION
OF COVENANTS, RESTRICTIONS, EASEMENTS
AND ESTABLISHMENT OF HOMEOWNERS ASSOCIATION
FOR ELMHURST, A PLANNED COMMUNITY
IN SEWICKLEY BOROUGH, ALLEGHENY COUNTY, PENNSYLVANIA**

This Second Amendment to Declaration ("Second Amendment") is made this 20th day of November, 2015 by the Elmhurst Neighborhood Association, Inc., the Unit Owners' association of Elmhurst, a Planned Community.

PREAMBLE

WHEREAS, the Subject Property (as such term is defined in Section 1.48 of this Declaration, as amended) has been made subject to the terms and conditions of this Declaration by the following documents:

that certain *Declaration of Covenants, Restrictions, Easements and Establishment of Homeowners Association for Elmhurst, a Planned Community in Sewickley Borough, Allegheny County, Pennsylvania* ("Declaration") of record in the Department of Real Estate of Allegheny County, Pennsylvania in Deed Book Volume 15926, Page 1; and

that certain *First Amendment to Declaration of Covenants, Restrictions, Easements and Establishment of Homeowners Association for Elmhurst, a Planned Community in Sewickley Borough, Allegheny County, Pennsylvania* of record in the Department of Real Estate of Allegheny County, Pennsylvania in Deed Book Volume 16097, Page 222; and

WHEREAS, pursuant to §5219(f) of the Act, the Executive Board may, at its discretion, and upon receipt of an opinion from independent legal counsel to the effect that the proposed amendment is permitted by the terms of §5219(f) of the Act, effect an appropriate corrective amendment to this Declaration if such amendment is necessary in the judgment of the Executive Board to correct or supplement any provision of the Declaration, including the Plats and Plans, that is defective, missing or inconsistent with any other provision of the Declaration; and

WHEREAS, provisions of this Declaration are defective, missing, or inconsistent because certain dimensions on the Initial Development Plan(s) (as such term is defined in Section 1.25.1 of this Declaration) of record in the Department of Real Estate of Allegheny County, Pennsylvania in Plan Book Volume 285, Page 10, being a portion of the Plats and Plans (as such term is defined in Section 1.41 of this Declaration) are incorrect; and

WHEREAS, pursuant to the provisions of §5219(f) of the Act, in the judgment of the Executive Board it is necessary to amend this Declaration to correct the provisions of this Declaration that are defective, missing and inconsistent; and

WHEREAS, the Executive Board has received an opinion from independent legal counsel to the effect that the proposed amendment is permitted by the terms of §5219(f) of the Act; and

WHEREAS, this Second Amendment, recorded pursuant to the provisions of § 5219(c) of the Act, is an Amendment to this Declaration correcting provisions of this Declaration that are defective, missing or inconsistent with any other provision of this Declaration;

WHEREAS, as of the date of this Second Amendment, there are no Secured Lender(s) (as such term is defined in Section 8.2.5 of this Declaration); and

NOW, THEREFORE, in accordance with the provisions of Section 5214 of the Act, by this Second Amendment, this Declaration is modified as follows:

1. Section 1.41 of this Declaration is **deleted** and is replaced with the following:

1.41. "Plats and Plans." shall mean and refer to the drawings attached to the Second Amendment to this Declaration pursuant to § 5210 of the Act, depicting and identifying the location and dimensions of the Subject Property, Unit Designations, the location and dimensions of Unit boundaries, the location and dimensions of Limited Common Elements, the location and dimensions of easements serving or burdening the Subject Property, and other matters customarily shown on land surveys.

2. Section 2.4 of this Declaration is **deleted** and is replaced with the following:

2.4. Plats and Plans

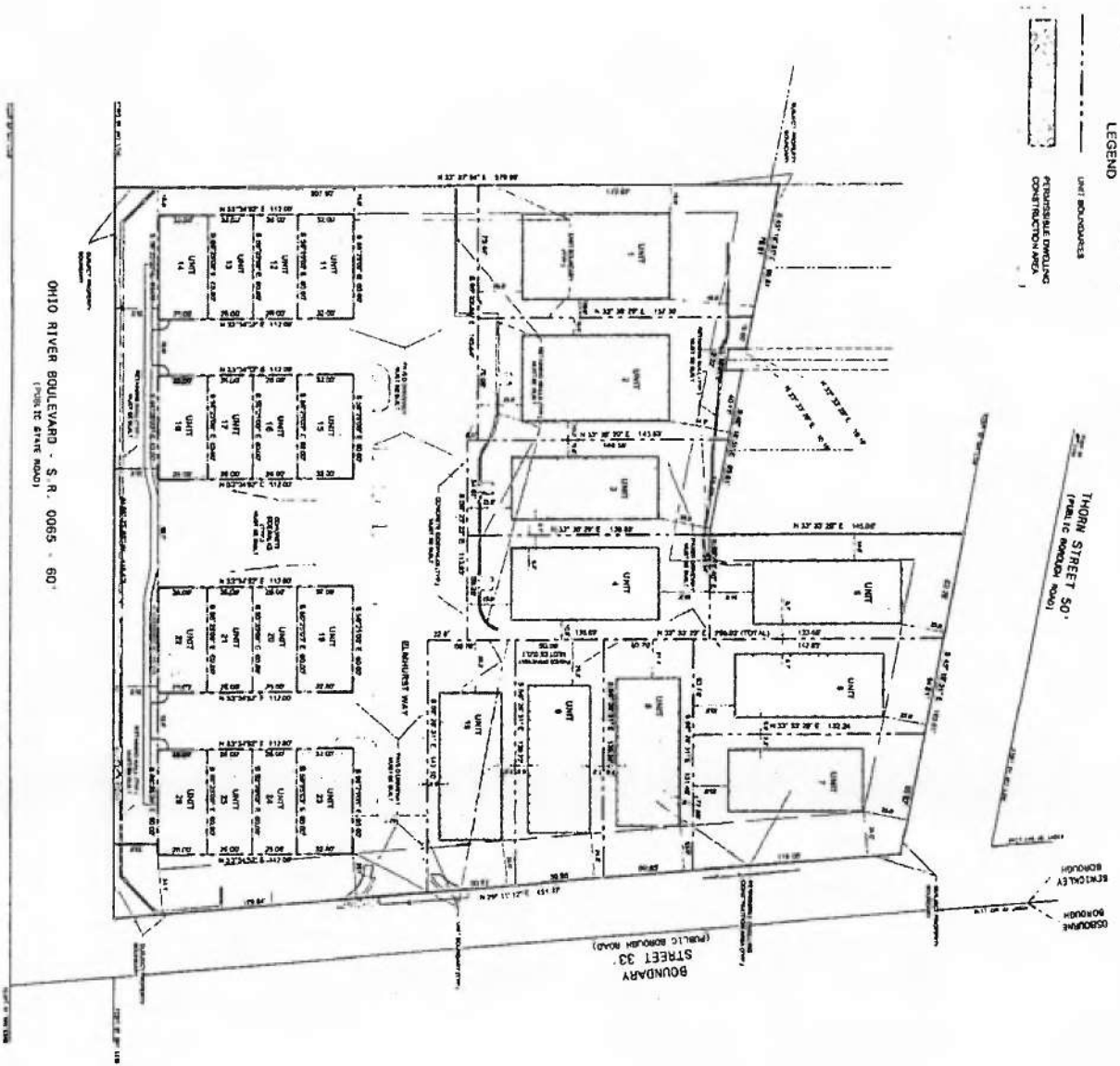
The Plats and Plans are attached to the Second Amendment to this Declaration.

Existing improvements to the Subject Property are shown on the Plats and Plans. All Community Improvements (as such term is defined in Section 1.16 of this Declaration) shown on the Plats and Plans and not yet existing **MUST BE BUILT** and the intended location and dimensions of all such Community Improvements (the location and dimensions of which are capable of being shown on a plan) are shown on the Plats and Plans.

The location and dimensions of all easements serving or burdening any portion of the Subject Property (the location and dimensions of which are capable of being shown on a plan) are shown on the Plats and Plans.

3. Exhibit "C" to this Declaration is hereby **deleted**.

4. Exhibit "D" to this Declaration is hereby **deleted**.



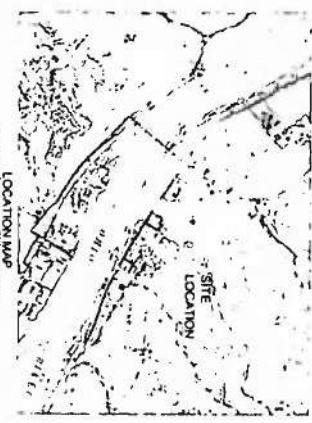
OHIO RIVER BOULEVARD - S. R. 0065 - 60'
 (Public State Road)

LEGEND

- UNIT BOUNDARIES
- POSSIBLE DWELLING CONSTRUCTION AREA

THORN STREET 50
 (Public Borough Road)

BOUNDARY STREET 33
 (Public Borough Road)



1. THE SEVERAL COPIES OF THIS PLAN AND THE INFORMATION CONTAINED THEREIN ARE HEREBY CERTIFIED TO BE TRUE AND CORRECT BY THE ENGINEER AND SURVEYOR SIGNING THEREON. THE ENGINEER AND SURVEYOR ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND FOR THE COMPLETION OF THE PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALLEGHENY LOCAL ORDINANCE # 1000C (7-2000) AND ALL APPLICABLE LAWS, REGULATIONS AND ORDINANCES. THE ENGINEER AND SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN OR THE COMPLETION OF THE PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALLEGHENY LOCAL ORDINANCE # 1000C (7-2000) AND ALL APPLICABLE LAWS, REGULATIONS AND ORDINANCES. THE ENGINEER AND SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED HEREIN OR THE COMPLETION OF THE PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALLEGHENY LOCAL ORDINANCE # 1000C (7-2000) AND ALL APPLICABLE LAWS, REGULATIONS AND ORDINANCES.

11/21/25

Handwritten signature



ELMHURST, A PLANNED COMMUNITY
 OHIO RIVER BOULEVARD, BOUNDARY STREET & THORN STREET
 BOROUGH OF SEWICKLEY, ALLEGHENY COUNTY, PA.
 PREPARED FOR:
CHARTER HOMES AT ELMHURST, INC.
 1100 DILLERVILLE ROAD
 LANCASTER, PA. 17601

REVISION RECORD

GATEWAY
 The Gateway Engineers, Inc.
 Full-Service Civil Engineering & Surveying
 Pittsburgh, PA
 412-631-6204

C102