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Michele Mustello

Butler County Recorder PA

4/27/2020 9:36 AM

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**FIRST AMENDMENT TO DECLARATION OF PLANNED COMMUNITY  
for  
FOXWOOD TRAIL**

This First Amendment to Declaration of Planned Community is made this 21st day of April, 2020, by Newman Holdings LLC, a Pennsylvania limited liability company, hereinafter referred to as “Declarant”.

**WITNESSETH:**

WHEREAS, pursuant to a certain Declaration of Planned Community Newman Holdings LLC recorded in the Recorder of Deeds Office in and for Butler County, Pennsylvania, at Instrument No. 201910110020478 (the “Declaration”), Newman Holdings LLC, a Pennsylvania limited liability company (“Declarant”), submitted to the provisions of the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S § 5101 et seq. (the “Act”), certain real property located in the Township of Jackson, Butler County, Pennsylvania as described in the Declaration and created a Planned Community known as Foxwood Trail (the “Planned Community”); and

WHEREAS, pursuant to Article XI of the Declaration, Declarant reserved the right to amend the Declaration; and

WHEREAS, Declarant desires to make certain amendments to the Declaration.

NOW THEREFORE, intending to be legally bound hereby, Declarant hereby amends the Declaration as set forth below:

1. All capitalized terms used herein which are not defined herein shall have the meanings specified in Article II of the Declaration.

2. Section 2.2 of the Declaration, titled “Approved Builder”, is hereby amended to state as follows:

2.2 “Approved Builder” shall mean any person or entity improving the Planned Community, only as set forth in Article VIII of this Declaration, and specifically includes NVR, Inc. t/a Ryan Homes.

3. Section 2.19 of the Declaration, titled “Phase 1 Plan”, is hereby amended to state as follows:

2.19 “Phase 1 Plan” shall mean and refer to the Foxwood Trail Residential Development – Phase 1 Plan, which is recorded at Instrument No. 201910110020475 and at Plan Book Volume 381 pages 40-41, in the Office of

the Recorder of Deeds of Butler County, Pennsylvania, as the same may be amended from time to time.

4. Section 2.20 of the Declaration, titled "Phase 2 Plan", is hereby amended to state as follows:

2.20 "Phase 2 Plan" shall mean and refer to the Foxwood Trail Residential Development – Phase 2 Plan, which is recorded at Instrument No. 201910110020476 and at Plan Book Volume 381, pages 42-43, in the Office of the Recorder of Deeds of Butler County, Pennsylvania, as the same may be amended from time to time.

5. Section 6.2 of the Declaration, titled "Annual Assessments", is hereby amended to state as follows:

6.2 Annual Assessments. All Common Expense assessments made in order to meet the requirements of the Association's annual budget shall be deemed to be adopted and assessed on an annual basis and shall be due and payable in such installments as the Executive Board shall establish. Each Lot deemed to have been created within the Planned Community shall be responsible for its pro-rata share of the Common Expenses, in addition to any Limited Common Expenses Special Assessments and reserves as hereinafter defined as same may relate to such Lot, determined by dividing the number 100 by the number of Lots deemed to have been created having individual separate ownership existing within the Planned Community from time to time (which share shall be adjusted with the location or creation of any Lots within the Convertible Real Estate or Additional Real Estate). The obligation to pay Common Expenses that benefit fewer than all of the Lots shall be assessed exclusively against those Lots benefited and deemed to be created on an equal basis. Declarant shall be responsible for all costs of the Association until such time as the Executive Board of the Association establishes an assessment against Lots that are deemed to have been created. For assessment purposes, a Lot is deemed to be created, and thus subject to the payment of assessments, only upon issuance of an occupancy permit for that Lot. Declarant and Approved Builders shall not be assessed on Lots that have not yet been created, but shall only be responsible for any actual costs incurred by the Association with respect to such Lots to which Declarant or Approved Builders holds title on an equal basis with Lots that are sold and occupied. For purposes of this calculation, the charge to Declarant shall not include a share of the Common Expenses attributable to property damage insurance costs, any recreational area costs, or any item or amenity from which such unoccupied Lot has not yet obtained a benefit.

6. Section 8.2 of the Declaration, titled "Approved Building Plans and Builders", is hereby amended to state as follows:

8.2 Approval of Building Plan and Builders:

- (a) All building plans for improvements shall be approved in writing by the Declarant and the Township prior to commencement of any construction on a Lot.
- (b) Only builders who have been approved in writing by Declarant ("Approved Builders") are permitted to construct dwellings on Lots or make any other improvements on Lots within the Planned Community. NVR, Inc. t/a Ryan Homes is an Approved Builder and is approved to construct dwellings on Lots or make any other improvements on Lots or within the Planned Community.

7. Section 8.4 of the Declaration is hereby amended to state as follows:

8.4 No noxious or offensive activity shall be conducted or carried on upon any Lot, nor shall anything be done which may become an annoyance or a nuisance to the Planned Community. No act authorized under this Declaration shall be deemed a noxious or offensive activity or an annoyance or nuisance.

8. Except as specifically amended hereby, the Declaration, as amended, remains in full force and effect in accordance with its terms.

**THIS FIRST AMENDMENT TO DECLARATION** is being executed by Michael S. Newman, as managing partner of Newman Holdings LLC, Declarant.

**IN WITNESS WHEREOF** the Declarant has executed this First Amendment the day and year first above written.

**NEWMAN HOLDINGS LLC,  
a Pennsylvania limited liability  
company**

BY: 

\_\_\_\_\_  
Michael E. Newman, Managing Partner

COMMONWEALTH OF PENNSYLVANIA )  
 )  
COUNTY OF BUTLER ) SS:

AND NOW, to-wit, this 21st day of April, 2020, before me, the undersigned officer, a notary public, personally appeared Michael E. Newman, who, being duly sworn according to law, deposes and says that he is the Managing Partner of Newman Holdings LLC, a Pennsylvania limited liability company, and that he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability company by himself as Managing Partner.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Brenda K. Jewell, Notary Public  
Harmony Boro, Butler County  
My Commission Expires March 25, 2021  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

*Brenda K. Jewell*  
\_\_\_\_\_  
Notary Public

My Commission Expires: March 25, 2021

CERTIFICATE OF RESIDENCE

I, Michael E. Newman, the Undersigned, do hereby certify that the precise mailing address of Declarant is 308 West Solomon Court, Zelienople, Pennsylvania 16063

Witness my hand this 21 day of April, 2020, \_\_\_\_\_

Mail to:  
Newman Holdings LLC  
308 West Solomon Court  
Zelienople PA 16063



I hereby CERTIFY  
that this document is  
recorded in the  
Recorder's Office  
of Butler County,  
Pennsylvania

*Michele M. Mustello*  
Michele M. Mustello - Recorder of Deeds