

RESOLUTION OF BOARD OF DIRECTORS

OF THE WINCHESTER CONDOMINIUM ASSOCIATION

WHEREAS, the Winchester Association, was duly established as a Condominium Association; and

WHEREAS, Amendment No. 6 of the Declaration refers to resident age requirements that appear to conflict with the requirements of the Fair Housing Amendments Act of 1988.

WHEREAS, the Board of Directors has received an opinion from independent legal counsel that enforcement of Amendment No.6 would conflict with the requirements of the Fair Housing Amendments Act of 1988.

NOW, THEREFORE, be it resolved and it is resolved by the Board of Directors as follows:

SECTION 1: Amendment No. 6 to the Declaration of the Winchester Association will not be enforced to the extent that such Amendment prohibits anyone less than eighteen (18) years of age residing at the Winchester Association. Therefore, Amendment No. 6 of the Winchester Condominium Association Declaration will not be enforced in the future. This Resolution applies only to Amendment No. 6 of the Declaration. All of the remaining provisions of the Declaration are unaffected by this Resolution.

By the Board:

CERTIFICATE

We, Robert Dickman, the duly elected President of the Winchester Condominium Board,
and _____, the duly elected Secretary of the Winchester Condominium Board
hereby warrant that the Resolution herein has been enacted to by the Executive Board of the
Winchester Condominium Association, in conformity with the Declaration of the Winchester
Condominium Association.

President

Secretary

ACKNOWLEDGEMENT

Commonwealth of Pennsylvania
County of Allegheny

On this _____ day of _____, 2003, before me, the undersigned officer,
personally appeared _____ and _____, both known to me (or
satisfactorily proven) who acknowledged that they executed this instrument for the purposes
stated herein.

Notary Public

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE WINCHESTER ASSOCIATION

WHEREAS, the Board of Directors of The Winchester Association (“Board of Directors”) is empowered under Article IX, Sections 1, 4, and 5, of the Declaration for The Winchester Association (“Declaration”) with all powers and duties necessary for the administration of the affairs of The Winchester Association; and

WHEREAS, the Board is empowered by Article II, Section 2 and Article V, Section 15, of the Code of Regulations to promulgate and enforce rules and regulations respecting the use, occupancy, and maintenance of the condominium property; and

WHEREAS, Article V, Section 15, of the Code of Regulations grant an easement for access to the units to the Board of Directors or its officers, agents, employees, manager, and emergency personnel, upon notice to the owner, and further provides that, in case of an emergency, such right to entry is immediate, whether or not the unit owner is present; and

WHEREAS, the managing agent and authorized representatives of the Board of Directors are given access to the units under Article V, Section 14, of the Code of Regulations, for maintenance, repair, and replacement of common elements and any equipment, facilities, or fixtures affecting or serving other units or common elements, and correcting any condition originating in any unit and threatening another unit or a common element; and

WHEREAS, the Board of Directors has determined that access to units is necessary for the proper performance of its duties and discharge of its responsibilities, and for the safety and welfare of all unit owners;

NOW THEREFORE, it is resolved by the Board of Directors that the following Rule be adopted and promulgated:

1. Every unit owner shall submit keys to the Board of Directors, or its managing agent, to provide access to his/her unit for proper purposes of The Winchester Association, or alternatively, shall execute a Release and Indemnification Agreement, attached hereto, within thirty (30) days from the date of adoption and publication of this Rule.
2. Any unit owner who fails to respond and select one of the two alternatives shall be subject to a fine of up to fifty (\$50.00) dollars, or ten (\$10.00) dollars per day, whichever is greater, for violation of this Rule.

ADOPTED, this 12 day of April, 1982.

BOARD OF DIRECTORS OF
THE WINCHESTER ASSOCIATION

By: _____ (SEAL)
President

Attest: _____ (SEAL)
Secretary

RESOLUTION
OF
THE WINCHESTER CONDOMINIUM ASSOCIATION
BOARD OF DIRECTORS

WHEREAS the Winchester Condominium Association (hereinafter sometimes referred to as Winchester or Winchester Association) is located at 540 N. Neville St., Pittsburgh, PA 15213, and

WHEREAS the Winchester Association Board of Directors has a duty to establish and enforce reasonable rules, regulations and protocols intended to maintain the peaceful co-existence, harmony and "good neighbor" behavior/conduct of unit owners, guests or invitees of each unit owner, and

WHEREAS at the time of purchasing a home in this Association, each Winchester buyer/unit owner agreed to abide by the governing documents, occupancy and use standards (House Rules) and appropriate business protocols as may be adopted or amended from time-to-time, and

WHEREAS the Winchester Board of Directors received a number of complaints from other Winchester unit owners about repeated/recurring instances of disruptive behavior by some specific unit owners, residents and/or guests/invitees of those unit owners, including but not limited to the following instances of offensive and conduct/behavior:

- Awakening nearby residents by loud music/noise/parties and other disturbances late at night (including activities/disturbances that take place after Midnight),
- After-hour use or misuse of the roof deck,
- After-hour use or misuse of the swimming pool and pool room, and
- Housing a pet in a "no pet" building, and
- Failure to (or refusal to) abide by established security protocols, and
- Not correcting the above cited issues after the offending party was sanctioned (fined) by the Board for noise complaints (and other disturbing behavior) that the offending party did not dispute.

Because of the on-going/recurring nature of these types of complaints the Board consulted with private legal counsel and our management agents, Arnheim & Neely Inc., to discuss a more effective or more aggressive way to stop distressing behavior such as the behavior described above.

RESOLVED, while we don't want to create a police state at this association nor do we want to create a new revenue source for the association, members of the Winchester Board of Directors unanimously agreed to adopt the following protocol to more effectively deal with recurring complaints, to wit:

- 1) The Board encourages each affected/offended unit owner to notify the Police any time you experience a serious disturbance of the peace complaint; the Police report serves to document the complaint.
- 2) Upon receipt of a complaint filed by a resident or unit owner against another resident, unit owner or guest/invitee of a unit owner the Board will investigate the complaint and request written statements from any eye witnesses.
- 3) If the *alleged errant unit owner* is NOT a repeat offender the Board will notify that unit owner of the complaint made against him/her/them (or against the owner's resident/guest or invitee). Delivery of the complaint from the Board may be achieved in writing, by phone or via a personal visit. The alleged offending unit owner will be asked to respond to the Board about the within allegation(s) in writing, generally within seven (7) days. If the complaint is reasonably proven to the satisfaction of the Board, the Board has the authority to impose a progressive fine up to \$500 for the *first* offense. The next violation of any "good neighbor" rules or protocols, if any, will subject that unit owner to a fine of \$1,000.
- 4) Depending on the complexity of the allegation(s) the Board may decide to call a Rules Enforcement/Due Process hearing in order to hear all sides of the story and the alleged offending party would have an opportunity to defend against/refute the allegations.
- 5) If the Board determines the alleged errant unit owner is a repeat offender, after a reasonable investigation of the allegation(s) the Board may advise the responsible unit owner of the existence of a complaint against him/her/them and, depending on the nature and severity of the issue, the Board could impose a progressive fine of \$1,000 against the errant unit owner because this would not be the first offense by that particular owner. (The next offense, if any, would carry a progressive fine of \$2,000.)

Pursuant to the authority set forth in the governing documents of this Association and the underlying Act, the decisions of the Winchester Board are final and binding. Each Winchester unit owner/resident has a right to expect the Board to take appropriate action when necessary to protect each resident's right to reasonable peace and quiet. Moreover, each and every Winchester unit owner agreed to abide by the association's rules and protocols, including the Board's enforcement authority, when they decided to purchase a home in this Association.

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This RESOLUTION was adopted this 13 day of November, 2013 as witnessed by the signatures of the following Board members of the Winchester Condominium Association for the purpose discussed herein.

<u>George E. Davidson</u>	(Apt. # <u>78</u>)
<u>Wynne Smith</u>	(Apt. # <u>787</u>)
<u>Leanne Davidson</u>	(Apt. # <u>906</u>)
<u>Paul H. King</u>	(Apt. # <u>302</u>)
<u>Cheryl Brull</u>	(Apt. # <u>804</u>)
<u>James M. Koch</u>	(Apt. # <u>304</u>)
<u>Ken Liberman</u>	(Apt. # <u>302</u>)