

SECOND AMENDMENT TO THE DECLARATION OF PLANNED COMMUNITY
FOR SHERWOOD POND, a Planned Community

WHEREAS, the Sherwood Pond Homeowners' Association is located in Peters Township, Washington County, Pennsylvania and was declared pursuant to the provisions of the Uniform Planned Community Act of Pennsylvania, 68 Pa. C.S.A. § 5101, *et. seq.* by the recording of a Declaration of Planned Community for Sherwood Pond, a Planned Community, at the Washington County Recorder of Deeds Office on January 23, 2018, at Instrument Number 201801726 (hereinafter "the Declaration"); and

WHEREAS, Article V of the Declaration provides that retaining walls shall be designated as Limited Controlled Facilities; and

WHEREAS, an "Amendment to the Declaration of Planned Community for Sherwood Pond, a Planned Community" was recorded at the Washington County Recorder of Deeds Office on September 27, 2019, at Instrument Number 201922459 (hereinafter "the First Amendment");

WHEREAS, the First Amendment was recording for the purpose of converting certain retaining walls from Limited Controlled Facilities to Controlled Facilities;

WHEREAS, Declarant herein records this Second Amendment to clarify certain points in the Declaration and First Amendment;

WHEREAS, the Association is currently within the period of Declarant-control as defined by the Uniform Planned Community Act of Pennsylvania and Declarant now wishes to amend the Declaration to provide that certain designated retaining walls, but not all retaining walls shall be designated as Controlled Facilities; and

WHEREAS, Article XII, Section 12.1 provides that prior to the transfer of Declarant control to the Association, Declarant may amend the Declaration so long as the Amendment, in

the reasonable discretion of the Declarant, has no material adverse effect upon the development of the Planned Community; and

WHEREAS, this Second Amendment, in the reasonable discretion of the Declarant, has no material adverse effect upon the development of the Planned Community and the Declarant hereby adopts this Amendment in accordance with its authority as set forth in the Declaration and the Uniform Planned Community Act of Pennsylvania.

NOW, THEREFORE, the Declaration is hereby amended as follows:

SECTION 1: The above recitals are incorporated herein by reference as if set forth in their entirety.

SECTION 2: Article II, Section 2.6, is hereby deleted in its entirety and replaced with the following Article II, Section 2.6:

“2.6 “Controlled Facilities” shall mean any real estate within a planned community, whether or not part of a unit, that is not a common facility but it maintained, improved, repaired, replaced, regulated, managed, insured or controlled by the association. “Controlled Facility Retaining Walls” are excluded from this section and defined separately herein.

SECTION 3: Article II, Section 2.18, is hereby added as follows:

“2.18 “Controlled Facility Retaining Walls” shall mean those retaining walls depicted on Exhibit A of the First Amendment.”

SECTION 4: Article V, Sections 5.2(g), is hereby added as follows:

“5.2(g) As it relates to Controlled Facility Retaining Walls, all Owners of Lots within the Planned Community shall share equally in the cost of any required repair to any portion or all of the Controlled Facility Retaining Walls.”

SECTION 5: This Amendment is adopted for the sole purpose clarifying certain aspects of the conversion of retaining walls from Limited Controlled Facilities to Controlled Facilities. In all other respects, the Declaration shall remain in full force and effect. To the extent of any inconsistency between any of the provisions of the Declaration and this Second Amendment, or any inconsistency between the First Amendment and this Second Amendment, this Second Amendment shall prevail.

Adopted this 3rd day of OCTOBER, 2019.

Attest:

Sherwood Pond Homeowners Association,
a Pennsylvania unincorporated Association,
by Declarant, Crossings Development, LLC,
a Limited Liability Company:

Amanda L. Wallace

Steven Koehler
Steven Koehler, Manager