

AMENDMENT NO. 1 TO DECLARATION OF UNIT
OWNERSHIP OF PINEHURST, INC.

MADE and entered into by Pinehurst, Inc., a Pennsylvania corporation, having a place of business in Mt. Lebanon Township, Allegheny County, Pennsylvania (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS the Declarant has heretofore filed a document entitled "DECLARATION OF UNIT OWNERSHIP OF PINEHURST, INC." (hereinafter referred to as "Declaration") in the office of the Recorder of Deeds of Allegheny County, Pennsylvania in Deed Book Volume , page ; and

WHEREAS the Declarant desires to amend the said Declaration and to record the same as Amendment No. 1 to the said Declaration.

NOW, THEREFORE, the Declarant, on behalf of itself, its successors and assigns, as the Owner of the parcels described in Exhibits "A" and "B" to the said Declaration, and for the purposes hereinafter set forth, declares as follows:

1. Article VIII, Paragraph 17 of the aforesaid Declaration is herewith and hereby amended by deleting the said Paragraph 17 and substituting therefor the following:

17. Water. Water shall be supplied to the Property by a utility company and each Unit Owner shall be required to pay the bills for such water consumed or used on a pro-rata share determined by the Council dividing the total square footage of all townhouses theretofore conveyed by the Declarant into the square footage of said Owner's Unit.

2. The within described amendment to Article VIII, Paragraph 17 is herewith declared effective immediately.

IN WITNESS WHEREOF, the Declarant has caused this Amendment No. 1 to the Declaration to be executed by its duly authorized officers and its corporate seal to be hereunto affixed this 1st day of October, 1974.

ATTEST:

PINEHURST, INC.



By 
_____ President

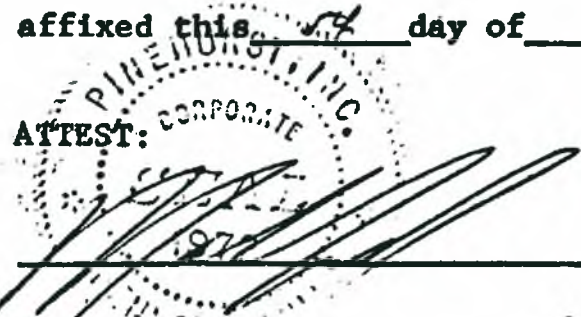
SUPPLEMENT TO ARTICLE IV, PARAGRAPH 3
OF
DECLARATION OF UNIT OWNERSHIP
OF
PINEHURST, INC.

ARTICLE IV, Paragraph 3 of the said Declaration is hereby supplemented for the purpose of specifying, as of September 3, 1974 and until changed at a later date by appropriate amendment to the Declaration, the precise percentage interest in the Common Elements within the Property of each Owner of the 30 units constructed on the Property as of that date. These percentages are as follows:

<u>UNIT DESCRIPTION</u> <u>(By number or letter designation)</u>	<u>UNIT PERCENTAGE</u>	<u>TOTAL UNIT PERCENTAGES</u>
Nos. 1 and "A" in Buildings 1 through 6	2.91	34.92
Nos. 2, 3, "B" and "C" in Buildings 1, 3 and 4	3.51	42.12
Nos. 2 and "B" in Buildings 2, 5 and 6	3.83	<u>22.98</u>

Total - 100 percent

IN WITNESS WHEREOF the Declarant has caused the within Supplement to ARTICLE IV, Paragraph 3 to be executed by its duly authorized officers and its corporate seal to be hereunto affixed this 5th day of December, 1974.

ATTEST: 

PINEHURST, INC.
By Jeffrey Cramer
President

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF ALLEGHENY :

On this the 5th day of December, 1974, before me, the undersigned officer, personally appeared JEFFREY A. CREAMER, who, acknowledged himself to be the President of PINEHURST, INC., a corporation, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

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

Rose E. Bachner
ROSE E. BACHNER, NOTARY PUBLIC
MT. LEBANON TWP., ALLEGHENY COUNTY
MY COMMISSION EXPIRES JULY 12, 1976
Member, Pennsylvania Association of Notaries

FIRST AMENDMENT TO THE
SUPPLEMENT TO ARTICLE IV, PARAGRAPH 3
OF
DECLARATION OF UNIT OWNERSHIP
OF
PINEHURST, INC.

The Supplement to Article IV, Paragraph 3 of the said Declaration is hereby amended for the purpose of changing and establishing, until changed again at a later date by another amendment to the aforesaid Supplement, the precise percentage interest in the Common Elements within the Property of each Owner of the 48 units upon the completion of Units now under construction. The percentages are as follows:

<u>UNIT DESCRIPTION</u> (By number or letter designation)	<u>UNIT PERCENTAGE</u>	<u>TOTAL UNIT PERCENTAGES</u>
Nos. 1 and "A" in Buildings 1 through 6	1.78	21.36
Nos. 2, 3, "B" and "C" in Buildings 1, 3 and 4	2.16	25.92
Nos. 2 and "B" in Buildings 2, 5 and 6	2.36	14.16
Nos. 1 and "A" in Buildings 7, 8 and 9	1.96	11.76
Nos. 2 and "B" in Buildings 7, 8 and 9	2.13	12.78
Nos. 3 and "C" in Buildings 7, 8 and 9	2.33	<u>13.98</u>
		100%

IN WITNESS WHEREOF the Council of Pinehurst has caused this Amendment to the aforesaid Supplement to Article IV, Paragraph 3 to be executed by its duly authorized officers this eighteenth day of November, 1975.

PINEHURST COUNCIL

By


Secretary

PINEHURST COUNCIL

By


President

DECLARATION OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, Pinehurst, Inc., a Pennsylvania corporation, having a place of business in Mt. Lebanon Township, Allegheny County, Pennsylvania, has heretofore filed in the Office of the Recorder of Deeds of the said Allegheny County, a Declaration, pursuant to the Unit Property Act of July 3, 1963, P.L. 196, Act No. 117 of the Commonwealth of Pennsylvania, which said Declaration has been recorded in said Office in Deed Book Volume 5354 at page 101; and

WHEREAS, the said Pinehurst, Inc. is referred to in said Declaration as the Declarant; and

WHEREAS, Declarant has constructed certain buildings and other improvements on certain land described in said Declaration in Exhibits "A" and "B" thereto; and

WHEREAS, Article V, Paragraph 1(b) of said Declaration declares and grants easements for utility purposes, including those more specifically described in said paragraph, in, over, under, along and on those parts of the Common Elements or Units or buildings as may be determined by Declarant; and

WHEREAS, said paragraph further provides that said easements are also granted for the benefit of the parcels of real estate described in Exhibit "B" to said Declaration; and

WHEREAS, Declarant has determined that such an easement should be declared for the benefit of a part of the said lands described

in said Exhibit "B", which part is more fully described in Exhibit I hereto, in certain of the Common Elements described in the said Declaration.

NOW, THEREFORE, the said Declarant herewith determines that an easement, heretofore declared and granted by the aforesaid Declaration as aforesaid, for utility purposes, including those specified in Article V, Paragraph 1(b) of the said Declaration and for the landscaping of the same as the owner of the land described in said Exhibit I hereto deems appropriate, exists, for the benefit of the said land described in said Exhibit I, in that part of the Common Elements, situate in the land described in Exhibit "B" to the said Declaration, which is more fully described as follows:

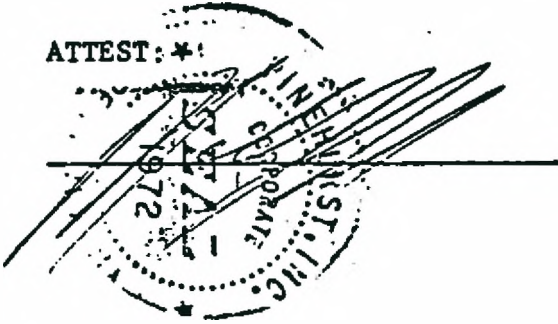
ALL of that certain parcel of real property situated in Upper St. Clair Township, Allegheny County, Pennsylvania, bounded and described as follows: .

BEGINNING at a point on the line of land now or formerly of E. C. Fife, said point being the westerly corner of Pinehurst Plan Number 1, as recorded in Plan Book Volume 93, Page 153 and 154; thence along said land now or formerly of E. C. Fife, N 64° 54' E a distance of 17.00 feet to a point; thence through said Pinehurst Plan Number 1, S 21° 42' 58" E a distance of 288.00 feet to a point; thence along the easterly line of the Amendment to Pinehurst Plan Number 1, N 25° 06' W a distance of 287.50 feet to a point, said point being the point of beginning.

As provided in Article V, Paragraph 1(e) of said Declaration, the aforesaid easement and rights described herein is an easement appurtenant, running with the land, perpetually in full force and effect and at all times shall inure to the benefit of and be binding on the Declarant, its successors and assigns, and any owner, purchaser, lessee, mortgagee and other person having an interest in the said land described in the said Exhibit I hereto.

IN WITNESS WHEREOF, the Declarant has hereunto caused its name and common corporate seal to be affixed by its duly authorized officers this 13th day of October, 1977.

ATTEST: *



PINEHURST, INC.

By

A handwritten signature in cursive script, appearing to read "J. H. A. C.", written over a solid horizontal line.

EXHIBIT B

ALL THAT CERTAIN PARCEL OF LAND situate in Upper St. Clair Township, County of Allegheny and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in Lesnett Road at the South line of property now or formerly of E. C. Fife; thence along the South line of property now or formerly of E. C. Fife, North $74^{\circ} 49'$ East 47.70 feet; thence along the same and property now or formerly of W. H. Sossong, North $64^{\circ} 54'$ East 692.01 feet to line of land now or formerly of Castle Shannon Coal Co.; thence along said line, South $25^{\circ} 06'$ East 206.58 feet to a point; thence along the same, South by said line, the following courses and distances:

- (a) South $75^{\circ} 53' 25''$ West 155.69 feet;
- (b) in a Southeasterly direction by the arc of a circle curving to the left with a radius of 813 feet, an arc distance of 119.11 feet;
- (c) South $84^{\circ} 15' 53''$ West 116 feet;
- (d) South $2^{\circ} 54' 21''$ West 307.99 feet;
- (e) North $84^{\circ} 23' 38''$ West 100 feet;
- (f) Southeastwardly by the arc of a circle curving to the left with a radius of 592.38 feet, an arc distance of 173.11 feet.
- (g) South $23^{\circ} 21'$ East 59.47 feet; and
- (h) South $34^{\circ} 29'$ West 108.97 feet to a point in Lesnett Road;

thence through Lesnett Road, North $53^{\circ} 31'$ West feet to an angle in said Road; thence in and along the same, North $41^{\circ} 02'$ West 207.10 feet; thence continuing through the same, North $39^{\circ} 48'$ West 220.20 feet; thence through the same, North $35^{\circ} 57'$ West 485.90 feet; thence through the same, North $62^{\circ} 42'$ West 115.70 feet to the place of beginning.

EXHIBIT "1"

NON-SUBMISSION OF PROPERTY

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, Pinehurst, Inc., a Pennsylvania corporation, having a place of business in Mt. Lebanon Township, Allegheny County, Pennsylvania, has heretofore filed in the Office of the Recorder of Deeds of the said Allegheny County, a Declaration, pursuant to the Unit Property Act of July 3, 1963, P.L. 196, Act No. 117 of the Commonwealth of Pennsylvania, which said Declaration has been recorded in said Office in Deed Book Volume 5354 at page 101 ; and

WHEREAS, the said Pinehurst, Inc. is referred to in said Declaration as the Declarant; and

WHEREAS, the Declarant, by Article XIV, Paragraph 1 of said Declaration has heretofore reserved to itself, its successors and assigns, the right not to submit to the aforesaid Unit Property Act any or all of those parcels of land described on Exhibit "B" to the said Declaration; and

WHEREAS, the said Declaration provides in said Article and said paragraph that this right of Declarant may be exercised by a filing in the Recorder of Deeds Office of Allegheny County, Pennsylvania of, inter alia, an instrument executed by Declarant, its successors or assigns, reciting a description of the property which is not being submitted to the said Act; and

WHEREAS, said Article and said paragraph further provides

that the recording of any such instrument will be notice to, and binding upon, all Unit Owners and their mortgagees of the exercise by the Declarant, its successors or assigns, of the said right; and

WHEREAS, the Declarant has determined to exercise the said right in the aforesaid manner.

NOW, THEREFORE, the said Declarant, for itself, its successors and assigns, herewith declares, recites and sets forth that the property hereinafter described, which is owned by the Declarant, is not being submitted to the aforesaid Unit Property Act. Said property is herewith described as follows:

ALL THAT CERTAIN PARCEL OF LAND situate in Upper St. Clair Township, County of Allegheny and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in Lesnett Road, at the dividing line between lands of Pinehurst, Inc. and lands now or formerly of E. C. Fife; thence along the dividing line, North $74^{\circ} 49'$ East, 47.70 feet; thence North $64^{\circ} 54'$ East, 380.94 feet; thence through lands of Pinehurst, Inc., South $25^{\circ} 06'$ East, 379.21 feet; South $2^{\circ} 54' 21''$ East, 307.99 feet; South $15^{\circ} 29' 29''$ West, 143.92 feet to a point in Lesnett Road; thence through Lesnett Road, the following courses and distances: North $39^{\circ} 48'$ West, 220.20 feet; North $35^{\circ} 57'$ West, 485.90 feet and North $62^{\circ} 42'$ West, 115.70 feet to the point at the place of beginning.

CONTAINING 4.537 acres. /

Being a part of the same parcel of land described in the aforesaid Exhibit "B" to the aforesaid Declaration.

IN WITNESS WHEREOF, the Declarant has hereunto caused its name and common corporate seal to be affixed by its duly authorized officers this 13th day of October, 1977.

ATTEST:



A handwritten signature in dark ink, appearing to be 'R. H. ...', written over a horizontal line.

PINEHURST, INC.

By 

The word 'By' is followed by a handwritten signature in dark ink, appearing to be 'J. H. ...', written over a horizontal line.

FIRST AMENDMENT TO DECLARATION OF
EASEMENT DECLARED BY PINEHURST, INC.

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, the undersigned, Pinehurst, Inc., a Pennsylvania corporation, having a place of business in Mt. Lebanon Township, Allegheny County, Pennsylvania has heretofore filed in the Office of the Recorder of Deeds of the said County a Declaration of Easement recorded on October 18, 1977 in Deed Book Volume 5853 at page 377; and

WHEREAS, the undersigned desires to amend the description set forth on Exhibit "1" by inserting in the same a course and distance inadvertently omitted from the said Exhibit "1" as recorded.

NOW, THEREFORE, the undersigned does herewith amend the said Exhibit "1" to the said Declaration of Easement by substituting for said Exhibit "1" the following description:

"ALL THAT CERTAIN PARCEL OF LAND situate in Upper St. Clair Township, County of Allegheny and Commonwealth of Pennsylvania, bounded and described as follows:

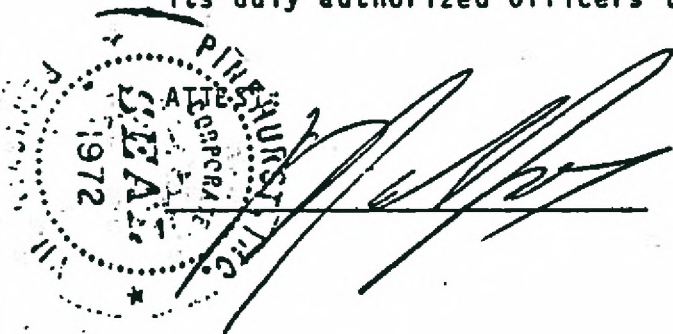
BEGINNING at a point in Lesnett Road at the South line of property now or formerly of E. C. Fife; thence along the South line of property now or formerly of E. C. Fife, North $74^{\circ} 49'$ East 47.70 feet; thence along the same and property now or formerly of W. H. Sossong, North $64^{\circ} 54'$ East 692.01 feet to line of land now or formerly of Castle Shannon Coal Co.; thence along said line, South $25^{\circ} 06'$ East 206.58 feet to a point; thence along the same, South $17^{\circ} 06'$ East 127.38 feet to a point; thence the following courses and distances:

- (a) South $75^{\circ} 53' 25''$ West 155.69 feet;
- (b) in a Southeasterly direction by the arc of a circle curving to the left with a radius of 813 feet, an arc distance of 119.11 feet;

- (c) South 84° 15' 53" West 116 feet;
- (d) South 2° 54' 21" West 307.99 feet;
- (e) North 84° 23' 38" West 100 feet;
- (f) Southeastwardly by the arc of a circle curving to the left with a radius of 592.38 feet, an arc distance of 173.11 feet;
- (g) South 23° 21' East 59.47 feet; and
- (h) South 34° 29' West 108.97 feet to a point in Lesnett Road;

thence through Lesnett Road, North 55° 31' West 127.90 feet to an angle in said Road; thence in and along the same, North 41° 02' West 207.10 feet; thence continuing through the same, North 39° 48' West 220.20 feet; thence through the same, North 35° 57' West 485.90 feet; thence through the same, North 62° 42' West 115.70 feet to the place of beginning."

IN WITNESS WHEREOF the undersigned, Pinehurst, Inc., has hereunto caused its name and corporate seal to be affixed by its duly authorized officers this 22nd day of June, 1978.



PINEHURST, INC.

By J. A. Casperson
President

SUPPLEMENT TO THE FIRST AMENDMENT
TO THE SUPPLEMENT TO ARTICLE IV,
PARAGRAPH 3 OF THE DECLARATION OF
UNIT OWNERSHIP OF PINEHURST, INC.

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Pinehurst, Inc., a Pennsylvania corporation having a place of business in Allegheny County, Pennsylvania having previously filed in the Recorder of Deeds Office of said County a Declaration of Unit Ownership which has been recorded in Oeed Book Volume 5354 at page 101 and having thereafter filed in said Office a First Amendment to the Supplement to Article IV, Paragraph 3 of said Declaration, which said First Amendment has been recorded in said Office in Oeed Book Volume 5552 at page 605.

WHEREAS, said First Amendment, as recorded, does not show an acknowledgment as part of the said recorded document; and

WHEREAS, the undersigned desires to supplement the said First Amendment by including as part thereof an acknowledgment by the President of the undersigned that the said First Amendment is, indeed, an instrument of the undersigned.

NOW, THEREFORE, the undersigned does hereby supplement the aforesaid First Amendment by supplying thereto, as though the same had been originally included as part of the said recorded First Amendment, the following:

" A C K N O W L E D G M E N T

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF ALLEGHENY :

On this 22nd day of June, 1978, before me a Notary Public the undersigned officer, personally appeared JEFFREY A. CREAMER, who acknowledged himself to be the President of Pinehurst, Inc., a corporation, and that he as such President, being authorized to do so, executed the foregoing First Amendment to the Supplement to Article IV, Paragraph 3 of the Declaration of Unit Ownership of Pinehurst, Inc. for the purposes therein contained by signing the name of the corporation by himself as President.

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


RICHARD R. SEIFER, Notary Public
Pittsburgh, Allegheny County, PA
My Commission Expires June 5, 1982



IN WITNESS WHEREOF the Declarant has caused the within Supplement to the First Amendment to the Supplement to Article IV, Paragraph 3 of the Declaration of Unit Ownership of Pinehurst, Inc. to be executed by its duly authorized officers and its corporation to be hereunto affixed this 22nd day of June, 1978.



PINEHURST, INC.

By 
President

Rights-of-Way of Record

The following rights-of-way in favor of specified utilities are recorded in the Deed Book Volumes indicated:

- a. Sewer easement over Baker-Lloyd tract recorded in DBV 5198, page 247
- b. Right-of-way in favor of Peoples Natural Gas Company recorded in DBV 5289, page 57
- c. Easement and right-of-way in favor of Western Pennsylvania Water Company recorded in DBV 5292, page 728
- d. Easement and right-of-way in favor of The Bell Telephone Company of Pennsylvania recorded in DBV 5293, page 271
- e. Right-of-way in favor of West Penn Power Company recorded in DBV 5307, page 81
- f. Easement and right-of-way in favor of Western Pennsylvania Water Company recorded in DBV 5870, page 167

7/13/79