

No: 2005-001521

Merger County, PA  
Recorded 01/27/2006 01:21:43pm  
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Shonda McClelland, Recorder

**FIRST AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM  
for  
THE LEGENDS AT GROVE CITY CONDOMINIUM**

This Amendment made as of January 25, 2005 by THE LEGENDS AT GROVE CITY, L.L.C. (hereinafter referred to as "Declarant"), a limited liability corporation.

WHEREAS, Declarant desires to amend the Declaration of Condominium to provide that streets within the Condominium will be a part of the Common Elements of the Condominium and that the Condominium Association shall be responsible for the maintenance, repair and replacement of said streets; and

WHEREAS, Declarant acknowledges that it has entered into a Street Maintenance Agreement with Liberty Township and Pine Township contemporaneously with the execution of this First Amendment to the Declaration of Condominium, which specifically sets forth the obligations of the parties with regard to the streets within the Condominium in greater detail.

NOW THEREFORE, Declarant hereby amends the Declaration of Condominium as follows:

1. Section 1.3.2(h) entitled "Limited Common Elements" and defining the Limited Common Elements is hereby amended and expanded to include the streets within the Condominium as part of the Common Elements.
2. Section 2.4 entitled "Maintenance Responsibilities" is hereby amended and expanded to clearly provide that all responsibility for the maintenance, repair and replacement of the streets within the Condominium shall be the obligation of the Condominium Association.

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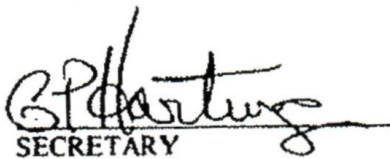
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3. Declarant specifically acknowledges that it has executed the Street Maintenance Agreement with Pine Township and Liberty Township which provides that any Purchaser of a Condominium Unit from Declarant shall be bound by the terms of the Street Maintenance Agreement, and that said Agreement may not be amended or modified without the consent of all parties to the Agreement.
4. Attached hereto and made a part hereof are the Plats and Plans referred to in the original Declaration of Condominium as Exhibit "D" as modified to indicate the specific unit numbers of the individual condominiums together with elevations and floor plan of the units proposed to be built.
5. Except as modified, amended, revised and expanded herein, Declarant hereby restates, republishes and reaffirms the original Declaration of Condominium (as Amended).

IN WITNESS WHEREOF, Declarant has caused this Amendment to be duly executed the day and year first above written.

ATTEST:

  
SECRETARY

THE LEGENDS AT GROVE  
CITY, L.L.C.

By:   
Thomas M. Hosack, President  
S.R. Apartments, Inc., Member

(CORPORATE SEAL)

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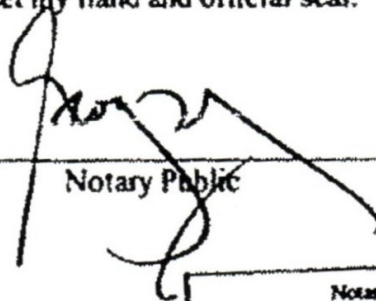
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**ACKNOWLEDGMENT**

COMMONWEALTH OF PENNSYLVANIA )  
 )SS:  
COUNTY OF ALLEGHENY )

ON THIS 15 day of January, 2005, before me a Notary Public, the undersigned officer, personally appeared Thomas M. Hosack, President of S.R. Apartments, Inc., known to me (or satisfactorily proven) and who acknowledges that S.R. Apartments, Inc. is a member of Legends at Grove City, LLC, a Pennsylvania Limited Liability Company and it, being so authorized, executed the foregoing instrument for the purposes by signing the name of the limited liability company by Thomas M. Hosack, President of S.R. Apartments, Inc., member.

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

  
\_\_\_\_\_  
Notary Public (SEAL)

My commission expires:

Notarial Seal  
George F. Young III, Notary Public  
Ross Twp., Allegheny County  
My Commission Expires Jan. 14, 2007  
Member, Pennsylvania Association of Notaries

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Mercer County, PA  
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Shonda McClelland, Recorder

**STREET MAINTENANCE AGREEMENT**

This Street Maintenance Agreement is made this 13<sup>th</sup> day of September ~~October~~ 2004 by and among **LEGENDS AT GROVE CITY, LLC**, a Pennsylvania Limited Liability Company with principal offices at 10521 Perry Highway, Wexford, Pennsylvania 15090, hereinafter referred to as "Legends".

AND

**LIBERTY TOWNSHIP**, a second class township organized under the laws of the Commonwealth of Pennsylvania, with office at 2873 Mercer-Butler Pike, Grove City, Pennsylvania 16127, hereinafter referred to as "Liberty",

AND

**PINE TOWNSHIP**, a second class township organized under the laws of the Commonwealth of Pennsylvania, with office at 545 Barkeyville Road, Grove City, Pennsylvania 16127, hereinafter referred to as "Pine".

*WHEREAS*, Legends is the owner of a certain tract of land situate partially in Pine Township and partially in Liberty Township, Mercer County, Pennsylvania as conveyed to Legends by deed from Karen Palmer, et al. dated October 24, 2003 and recorded October 24, 2003 at Instrument No. 2003-24707 (hereinafter the "Real Estate"), reference to which deed is hereby made for a more full and complete description of the Real Estate; and

*WHEREAS*, Legends is developing the Real Estate for residential housing, including condominium units (hereinafter the "Project"); and

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McNickle + Bonner



*WHEREAS*, Legends intends to construct certain streets within the Project to serve the residents thereof, which streets are to be named and known as Jones Court, Palmer Lane, Nicklaus Court, and Woods Court (hereinafter the "Streets"); and

*WHEREAS*, the location and size of the Streets are shown on drawings SP1 through SP9.3 of Hampton Technical Associates, Inc. dated October 7, 2002 and revised May 12, 2003, which drawings are on file at the offices of Pine Township at the address set forth above and reference to which drawings is hereby made for a more full and complete description of the Streets and the location thereof; and

*WHEREAS*, the Streets will not be accepted as public streets by Pine or Liberty but will remain private streets; and

*WHEREAS*, Legends has submitted a request to Mercer County Regional Planning Commission (MCRPC) for certain modifications of the Mercer County Subdivision Ordinance regarding the Streets; and

*WHEREAS*, as a part of Legends' modification requests, MCRPC has requested that Legends execute an Agreement in favor of Pine and Liberty assuring the proper construction and future maintenance of said streets by Legends and/or future owners of lots or units within the Project as private streets in lieu of acceptance of the same by Pine and/or Liberty; and

*WHEREAS*, Legends agrees to construct all said streets and maintain the same in accordance with the requirements of this Agreement.

*NOW, THEREFORE*, intending to be legally bound, it is hereby agreed as follows:

1. Legends hereby agrees to construct the Streets in accordance with and in compliance with the drawings of Hampton Technical Associates, Inc. as referenced above and in accordance with and in compliance with all specifications and requirements of Pine and/or Liberty.

2. Legends acknowledges and agrees that neither Pine nor Liberty now or at any time in the future shall have any obligation to accept any of the Streets as public streets, and Legends, for itself, its successors and assigns, including successors in title to any lot or units within the Project, hereby releases and forever discharges Pine and/or Liberty, individually, jointly, and/or severally, from any liability or obligation, present or future, to accept the Streets or to maintain the same.

3. Legends' obligations hereunder shall be binding upon Legends and its successors and assigns, including successors in title to any lots or units within the Project, and Legends' obligations hereunder shall be covenants running with the land.

4. Legends shall file an amendment to the Declaration of Condominium for the Legends at Grove City Condominium filed on July 23, 2004 at Instrument No. 2004-013033 in the Office of the Recorder of Deeds of Mercer County, Pennsylvania, stating that the Streets will be a part of the Limited Common Elements of the condominium. The amendment shall also state that the obligation for the maintenance, repair, and replacement of said Streets shall be the responsibility of the Association and that each purchaser and owner of any condominium unit or interest, by the acceptance of the same, shall be bound by the terms of this Agreement. The amendment, in respect to the Streets, shall not be modified or further amended without the consent of all of the parties to this Agreement.

5. This Agreement shall be binding upon and inure to the benefit of the parties hereof and their respective heirs, successors and assigns.

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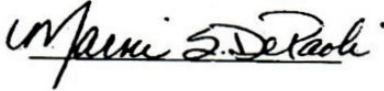
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IN WITNESS WHEREOF, and intending to be legally bound, the parties have hereunto set their hands and seals the day and year above written.

ATTEST:



ATTEST:



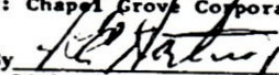
ATTEST:



LEGENDS AT GROVE CITY, LLC

By: Chapel Grove Corporation

By:

  
Richard E. Hartung, Vice President

LIBERTY TOWNSHIP

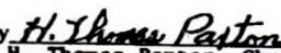
By:

  
Ronald Faull, Chairman

Liberty Township Board of Supervisors

PINE TOWNSHIP

By:

  
H. Thomas Paxton, Chairman

Pine Township Board of Supervisors

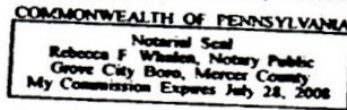
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MERCER

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On this, the 13th day of September, 2004, before me the undersigned officer, a Notary Public, personally appeared *Richard E. Hartung* who acknowledged himself to be the vice president of Chapel Grove Corporation, which is a member of Legends at Grove City, LLC, a Pennsylvania Limited Liability Company, and that he as such member, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the limited liability corporation by himself as member.

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



*Rebecca F. Whalen* (SEAL)  
Notary Public

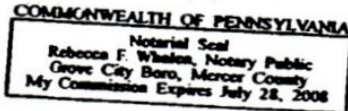
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MERCER

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On this, the 13th day of September, 2004, before me the undersigned officer, a Notary Public, personally appeared *Ronald Faulk* who acknowledged himself to be Chairman of the Board of Supervisors of Liberty Township, and that he as such Chairman, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of Liberty Township by himself as Chairman.

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



*Rebecca F. Whalen* (SEAL)  
Notary Public

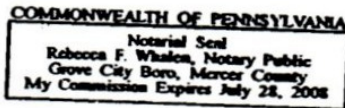
COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MERCER

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On this, the 13th day of September, 2004, before me the undersigned officer, a Notary Public, personally appeared *H. Thomas Paxton* who acknowledged himself to be Chairman of the Board of Supervisors of Pine Township, and that he as such Chairman, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of Pine Township by himself as Chairman.

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



*Rebecca F. Whalen* (SEAL)  
Notary Public