

DECLARATION FOR  
5100 FIFTH AVENUE

*48 units*

ARTICLE I

This Declaration is prepared in accordance with the provisions of the Unit Property Act of the Commonwealth of Pennsylvania (Act of July 3, 1963, P.L. No. 196) for the purpose of submitting to the provisions of said Act the property described in Article II below.

ARTICLE II

The description of the land and building involved is as follows:

ALL that certain lot or parcel of ground situate in the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania being more fully described as follows:

BEGINNING, at a point on the southerly side of Fifth Avenue at line of lands now formerly of Rachel P. McClelland and distance measured along said side of Fifth Avenue, 254.89 feet westwardly from the westerly side of Wilkins Avenue; Thence along said side of Fifth Avenue South 87° 9' 10'' West 374.50 feet to a line of lands conveyed by E. H. Jennings, et ux to S. Jarvis Adams by Deed dated July 24, 1895 and recorded in Deed Book Vol. 917 p. 21; Thence by said land South 3°26'50" East 249.01 feet to line of lands conveyed by Edward H. Jennings to William H. Donner by Deed dated March 28, 1913 and recorded in Deed Book Vol. 1770 p. 163; Thence by said lands North 87°9' 10" East 371.89 feet to line of lands now or formerly of Howard Heinz; Thence by said lands and lands now or formerly of Rachel P. McClelland North 2°50' 50" West 249.00 feet to Fifth Avenue at the place of BEGINNING.

HAVING ERECTED THEREON, an apartment house presently known as 5100 Fifth Avenue.

BEING DESIGNATED in the Deed Registry Office of Allegheny County as Block 52-L Lot 36.

SUBJECTED TO THE FOLLOWING:

(a) Covenants running until March 30, 1979 set forth in Deed from Arthur E. Braun to 5100 Fifth Avenue Corporation dated March 30, 1954 and recorded in Deed Book Vol. 3331 p. 50; said covenants being to regulate size, location and usage of structures on premises involved.

(b) Any rights of way granted to Utility Companys.

(c) Such matters that may be disclosed by an accurate survey of the property.

ARTICLE III

The name by which the property is known is 5100 Fifth Avenue.

ARTICLE IV

Section 1. The property consists of forty-eight (48) units and common elements as shown in a Declaration Plan, dated and prepared by \_\_\_\_\_. The Declaration Plan will be recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania, simultaneously with this Declaration, and is incorporated herein by reference.

Section 2. (a) The private elements of each respective unit shall include only the area within the boundary lines as described in ARTICLE IV, Section 2, paragraph (b) hereinbelow. Any adjacent or connecting balcony or patio is a common element; provided however, the owner of the connecting and adjacent apartment shall have an exclusive easement for the private use thereof; and provided further the maintenance thereof shall be borne as provided in the Code of Regulations, ARTICLE X.

(b) The boundary lines of each numbered apartment are the interior unfinished surface (not including paint, paper, wax, tile, enamel, or other finish) of the ceilings, floors, interior bearing walls and beams and perimeter walls, windows, and doors thereof.

(c) The interior partitions or walls within the confines or boundary lines of each numbered apartment are proximately placed in the Declaration Plan of 5100 Fifth Avenue, dated the 8<sup>th</sup> day of June, 1971, as recorded. These interior partitions or walls may, from time to time, be removed or replaced at the discretion of each respective Unit Owner; in the event a Unit Owner does remove or place any or all interior partitions or walls, no amendment of the Declaration Plan will be necessary or required.

ARTICLE V

Section 1. The common elements consist of:

1. The land on which the building is located and portions of the building and ground floor patio land which are not included in a unit.

2. The foundations, structural parts, supports, main walls, roofs, basements, walls, corridors, lobbies, stairways and entrances and exits of the building.

3. The yards, parking areas and driveways.

4. Portions of the land and building used exclusively for the management, operation or maintenance of the common elements.

5. Installations of all central service and utilities, including but not limited to all water pipes, electric wires, general conduits and the like; but exclusive of the outlets thereof into each unit.

\* See ATTACHED Amendment of Feb 2, 1981 regarding in Unit. RENOVATION

6. All apparatus, equipment and installations existing for common use, including but not limited to elevators, boiler and heaters and other heating apparatus, air conditioners, water heaters and the like and the individual blowers within the confines of each apartment.

7. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use.

8. All conduits, wires and utility lines up to the outlets thereof inside the walls of each unit, regardless of location, and all bearing walls, columns, and beams together with all elevator equipment and shafts, water heating equipment, foundations, pipes, ducts, flues, chutes, other appurtenant insulation to the outlets regardless of location, parking stalls, manager's apartment and apartment No. 202, and storage lockers.

Section 2. The proportionate undivided interest in the common elements are as follows:

UNIT NO.	PERCENTAGE
301	1.63%
302	1.63%
303	2.08%
304	2.57%
305	2.11%
306	1.63%
307	2.11%
308	2.57%
309 ✓	<del>1.99%</del>
310	1.63%
311	2.08%
312	2.62%
314	1.60%
315	2.11%
317	2.11%
319 ✓	<del>2.57%</del>
401	2.08%
402	1.60%
403	2.08%
404	2.57%
405 ✓	<del>2.57%</del>
406	1.60%
407	2.08%
408	2.57%
409	2.08%
410	1.60%
411	2.08%
412	2.57%
414	1.60%
415	2.08%
417	2.08%
419	2.57%
501	2.08%
502	1.60%
503	2.08%
504	2.57%
505	2.08%
506	1.60%

*Amended 12/17/71  
See ATTACHED*

*2.08%*

*2.80%*

*2.08%*

<u>UNIT NO.</u>	<u>PERCENTAGE</u>
507	2.08%
508	2.57%
509	2.08%
510	1.60%
511	2.08%
512	2.57%
514	1.60%
515	2.08%
517	2.08%
519	2.57%

#### ARTICLE VI

The proportionate undivided interests in the common elements may be altered by the recording of an amendment duly executed by all unit owners affected thereby.

#### ARTICLE VII

(a) There shall be no use or occupancy of any garage, patio, balcony or the common area, except by occupants of the unit or their guests. There shall be no obstruction of any part of the common area. Nothing shall be stored, kept, or parked in the common area without the prior consent of the Council.

(b) Nothing will be done or kept in any unit or in the common area which will increase the rate of insurance on the building without the prior written consent of Council. No owner shall permit anything to be done or kept in his unit or in the common area which will result in the cancellation of insurance on the building, or which would be in violation of any government statues, ordinances, rules or regulations. No waste shall be permitted in the common area.

(c) No unit owner may permit or suffer anything to be done or kept upon the premises or in or about his apartment, garage, or storage space which will obstruct or interfere with the rights of the other unit owners or annoy other unit owners by unreasonable noise or otherwise, nor which will be noxious or offensive to the other unit owners. Each unit owner shall comply with all of the requirements for all governmental agencies, federal, state, local and all laws, ordinances, rules and regulations applicable to the apartment.

#### ARTICLE VIII

The names of the first members of the Council are:

Samuel Schreiber  
 Marvin Schreiber, Esquire  
 David L. Schreiber  
 Bernard Goodman, Esquire  
 Julian Hast



JUN 8 12 01 PM '71

**TO BE MAILED**

Marvin Schweiber, Est  
1018 Frick Bldg.  
Pittsburgh, Pa. 15219

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5100 Fayette

Dielenstein

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STATE OF PENNSYLVANIA } S.S.  
 COUNTY OF ALLECHENY }  
 RECORDED IN THE OFFICE FOR THE RECORDING OF  
 DEEDS, ETC. IN AND FOR THE SAID COUNTY, ON THIS 8th DAY  
 OF June A. D. 19 71 IN Deed  
 BOOK VOL. 4966 PAGE 301 WITNESS MY HAND AND SEAL  
 OF SAID OFFICE, THE DAY AND YEAR AFORESAID  
 [Signature] RECORDER

