

NEVILLE HOUSE PROPERTIES
DECLARATION

As Amended On

April 6, 1973¹

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.

[This amendment to the Declaration is adopted pursuant to the Unit Property Act of the Commonwealth of Pennsylvania, Act of July 3, 1963, P.L. 196, 68 P.S. #700.]²

ARTICLE II

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

ALL THAT CERTAIN LOT or piece of ground situate in the Fourth Ward of the City of Pittsburgh, County of Allegheny and Commonwealth of Pennsylvania, being bounded and described as follows:

BEGINNING at a point on the southwesterly side of Neville Street at the corner of land now or formerly of the City of Pittsburgh, said point being distant north 18° 35' 35" west, 519.21 feet from the intersection of the southwesterly line of Neville Street with the northerly line of Fifth Avenue; thence continuing along said southwesterly line of Neville Street, north 18° 35' 35" west, 100 feet to a point at the corner of land now or formerly of H. Breen; thence by said land nor or formerly of H. Breen and by land now or formerly of D.V. Murdoch, et al., south 68° 33' 10" west, a distance of 232.86 feet to a point at line of land now or formerly of R. Canevin, Trustee; south 21° 44' 50" east, a distance of 99.88 feet to a point on the land now or formerly of the City of Pittsburgh; and thence by said land now or formerly of the City of Pittsburgh, north 68° 33' 10" east, a distance of 227.36 feet to a point in the southwesterly side of Neville Street, at the place of beginning.

HAVING erected thereon a building presently known as Neville House.

BEING designated in the Deed Registry Office of Allegheny County as Block 52E, Lot No. 33.

SUBJECT TO THE FOLLOWING:

(a) The encroachment of the building and wall across rear line as shown by survey of Moncrief & Graves, Engineers, dated August, 1959;

¹ All words deleted are overstruck with a dash (-) and all words added are within brackets []. The Declaration is recorded in Deed Book Volume 5062, starting of PAGE 641.

² Amended on April 6, 1973 and Recorded in VOL. 5199 PAGE 18.

(b) Right-of-way for tunnel in Neville Street as granted in deed from Charles L. McCutcheon and Linda C. McCutcheon, his wife, to the Pittsburgh Junction Railroad Company, dated April 28, 1886, and recorded on April 21, 1894 in deed book volume 874, page 310, and as reserved in deed from Arthur O. Fording, Executor under the Will of Lida C. McCutcheon, deceased, to the Catholic Institute of Pittsburgh, Pennsylvania, dated July 25, 1927 and of record in deed book volume 2328, page 248.

and

ALL THAT CERTAIN LOT of parcel of land situated in the Fourth Ward of the City of Pittsburgh, Allegheny County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a point on the westerly side of North Neville Street, distant 619.21 feet northwardly from the northwesterly corner of Fifth Avenue and North Neville Street and at the northerly line of property now or formerly of Catholic Institute of Pittsburgh; thence along said property line, south 68° 34' 10" west, 122.52 feet to a point on line of lands now or formerly of Murdoch; thence by said line, north 21° 25' 50" west, 22.97 feet to line of property now or formerly of J. H. Noble; thence by said line, north 68° 34' 10" east, 123.66 feet to North Neville Street; thence along North Neville Street, south 18° 35' 35" east, 23 feet to a point, the place of beginning.

BEING designated as Block 52E, Lot No. 34 in the Allegheny County Deed Registry records.

SUBJECT TO THE FOLLOWING:

(a) Right-of-way for private sewer granted by Joseph H. Gray to Henry Lloyd, by Agreement dated July 12, 1887, and recorded in deed book volume 572, page 17;

(b) Tunnel easement of Pittsburgh Junction Railroad Company, within North Neville Street, as set forth in the proceedings in the Court of Common Pleas at No. 468 September term, 1883;

(c) Ordinance No. 156 of the City of Pittsburgh, approved May 20, 1954, of record in the City Clerk's Office in Ordinance Book Volume 59, page 289, locating North Neville Street at a variable width.

[The property to which this amended Declaration shall apply is described in the Declaration recorded in the Recorder's office of Allegheny County, Pennsylvania, in Deed Book Vol. 5062, page 641, and in the Declaration Plan recorded in said office in Plan Book Vol. 88, pages 80-103.

This amended Declaration is to the Declaration recorded in Deed Book Vol. 5062, page 641.]³

³ Amended on April 6, 1973 and Recorded in VOL. 5199 PAGE 18.

ARTICLE III

The name by which the property is known is Neville House Properties.

[The name by which the property is known is NEVILLE HOUSE PROPERTIES, A CONDOMINIUM.]⁴

ARTICLE IV

Section 1. The property consists of fifty (50) apartment units, four (4) commercial units, and common elements, as shown in a Declaration Plan dated and prepared by A. M. DeFerio, Professional Engineer. 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. Plan Book Vol. 88, Pages 80-103 Incl.

[Section 1. The property consists of 50 apartment units, 4 commercial units, and common elements, as shown in a Declaration Plan prepared by Tasso Katselas, Registered Architect, and A.M. DeFerio, Engineer. The Declaration being amended was recorded in Deed Book Vol. 5062, page 641, and the Declaration Plan in Plan Book Vol. 88, pages 80-103, and the revised plan of the 8th floor, apartments 81 and 82, is being recorded simultaneously herewith in Plan Book Vol., page.]⁵

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 Neville House Properties, dated the 11th day of November, 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 replace any or all interior partitions or walls, no amendment of the Declaration Plan will be necessary or required.

[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 as is the limited corridor area shown on the amended Declaration Plan at the entrance to apartments 81 and 82, provided however, the owners of the connecting and adjacent apartments shall have an exclusive easement

⁴ Amended on April 6, 1973 and Recorded in VOL. 5199 PAGE 18.

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for the private use thereof; and further the maintenance thereof shall be borne as provided in the Code of Regulations, Article X, recorded in Deed Book Vol. 5062, Page 654.

ARTICLE V

Section 1. The common elements consist of:

- (a) The land on which the building is located and surrounding land; balconies and patios.
- (b) The foundations, structural parts, garage, supports, main walls, roofs, basements, walls, corridors, lobbies, stairways and entrances and exits of the building;
- (c) The yards, parking areas and driveways;
- (d) Portions of the land and building used exclusively for the management, operation or maintenance of the common elements.
- (e) 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;
- (f) All apparatus, equipment and installations existing for common use, including but not limited to elevators, boilers and heaters and other heating apparatus, air conditioners, water heaters and the like, and the individual blowers within the confines of each apartment;
- (g) All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use;
- (h) 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, maintenance manager's apartment and storage lockers, if any.

⁶ Amended on April 6, 1973 and Recorded in VOL. 5199 PAGE 18.

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

<u>UNIT NO</u>	<u>PERCENTAGE</u>
21	1.347
22	1.930
23	2.314
24	2.222
25	1.810
26	1.603
31	1.347
32	1.930

33	2.314
34	2.222
35	1.810
36	1.603
41	1.347
42	1.930
43	2.314
44	2.222
45	1.810
46	1.603
51	1.347
52	1.930
53	2.314
54	2.222
55	1.810
56	1.603
61	1.347
62	1.930
63	2.314
64	2.222
65	1.810
66	1.603
71	3.278
72	
73	2.314
74	2.222
75	1.810
76	1.603
81	[1.347]
82	[1.931] ⁷
83	2.314
84	2.222
85	1.810
86	1.603
91	1.347

⁷ Amended on April 6, 1973 and Recorded in VOL. 5199 PAGE 18.

92	1.930
93	2.314
94	2.222
95	1.810
96	1.603
Penthouse #1	3.056
Penthouse #2	2.511
Office A	1.137
Office B	1.010
Office C	0.960
Office D	<u>1.497</u>
	99.981

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 areas without the prior consent of the Council; the use, occupancy, operation or leasing of the garage is under the exclusive control and rules 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 statutes, ordinances, rules or regulations. No waste shall be permitted in the common area; Council shall assign suitable locker space to each unit owner;

(c) No unit owner may permit or suffer anything to be done or kept upon the premise which will obstruct or interfere with the rights of 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:

- | | |
|---------------------|---------------------|
| 1. Paul H. Kossis | 4. George A. Meyers |
| 2. Harry S. Kalson | 5. Harry Menzer |
| 3. Howard S. Harris | |

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 21st day of February 1972.

NEVILLE HOUSE PROPERTIES, a
Limited Partnership

By /s/ Paul Kossis
General Partner

by /s/ Harry S. Kalson
General Partner

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ALLEGHENY

) SS:
)

On this 21st day of February, 1972, before me, a Notary Public, personally appeared HARRY S. KALSON and PAUL H. KOSSIS, who acknowledged themselves to be General Partners of Neville House Properties, and acknowledged that they executed the foregoing Declaration for the purposes therein contained.

WITNESS my hand and seal the day and year first above written.

/s/ Mary C. Popovic

My commission expires: (Seal)
Mary C. Popovic, Notary Public
Pittsburgh, Allegheny Co., Penna
My Commission Expires
January 26, 1974