

AMENDMENTS
TO THE
DECLARATION FOR
THE WINCHESTER ASSOCIATION

The Winchester

Condominium Association

540 . Neville Street
Pittsburgh, PA 15213

November 24, 2003

Dear Winchester Condominium Unit Owner:

Attached is a Winchester Declaration Resolution. The Resolution "makes unenforceable" a prior 1977 amendment regarding age discrimination. The Winchester Board was able to amend this specific portion of the Declaration through a Resolution vs a full membership vote since it was the opinion of legal counsel that the existing amendment was in violation of Federal Law. A review of the attached documents should help explain this. However, if you have any questions after your review, please call me.

Please place your copy of the Resolution with your Winchester governing documents (Declaration).

Thank You,

Sincerely,

The Winchester Condominium Association
Arnheim and Neely, Inc./Agents

William D. Patton, ARM®
Vice-President
(412)391-1900

AMENDMENT NO 1 TO THE
DECLARATION AND DECLARATION PLAN FOR
THE WINCHESTER ASSOCIATION

This Amendment No. 1 to the Declaration and Declaration Plan for The Winchester Association 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) and Article VI of the Declaration for The Winchester Association. (hereinafter called the "Declaration") recorded in the office of the Recorder of Deeds of Allegheny County in Deed Book Volume 5135, page 704.

1. Section 2 of Article V of the Declaration is hereby amended by changing the proportionate undivided interest in the common elements belonging and appurtenant to Apartment Nos. 101, 103 and 104 to the following percentages:

<u>APT. NO.</u>	<u>PERCENTAGE</u>
101	1.087%
103	1.957%
104	1.017%

The proportionate undivided interest in the common elements belonging and appurtenant to all of the other apartment units except those enumerated above, remain unchanged and as set forth in the Declaration.

2. An amended Declaration Plan for the first floor of The Winchester Association building, identified as Amendment No. 1 to the Declaration Plan, is attached hereto, marked Exhibit A and made part hereof. The Declaration Plan of The Winchester Association, as recorded in the Recorder of Deeds Office of Allegheny County in Plan Book Volume 89, page 77 to 93, inclusive, is hereby amended by Exhibit A, attached hereto.

3. All other provisions of the Declaration and the Declaration Plan not expressly amended hereby, remain unchanged and unaffected by this Amendment No. 1 to the Declaration for the Winchester Association.

This Amendment No. 1 to the Declaration for The Winchester Association is hereby made by the undersigned, being the owners of all of the apartment units affected hereby, to wit, Apartment Nos. 101, 103 and 104.

IN WITNESS WHEREOF, the undersigned owners set their hands and seals this 24th day of April, 1973.

Witness:

RECORDED AS
ORIGINALLY SIGNED

Eugene Litman

Sally Litman

Louis Deglau

Margaret Deglau

AFFIDAVIT

And now to-wit, this 24th day of April, 1973, before me, the undersigned authority, personally appeared EUGENE LITMAN and SALLY LITMAN, his wife, and LOU DEGLAU and MARGARET DEGLAU, his wife, known to me or satisfactory proven to be the persons whose names are subscribed to the foregoing Amendment No. 1 to The Declaration and Declaration Plan for The Winchester Association, who being duly sworn according to the law, acknowledged that they executed the foregoing instrument as their respective voluntary act and deed for the purposes therein contained.

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

Notary Public

AMENDMENT TO THE DECLARATION OF CONDOMINIUM
FOR THE WINCHESTER CONDOMINIUM ASSOC.

WHEREAS, the Declaration of the Winche4ster Association ("Declaration") was executed on September 13, 1972 and recorded in Deed Book 5135, Page 704, in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania,

WHEREAS, said recorded Declaration makes certain provisions for amendments,

NOW THEREFORE, the unit owners of record of the Winchester Condominium Association, representing more than 66-2/3% ownership interest, voted to amend the Declaration of Condominium as follows, to-wit:

ARTICLE IV, Section 2(a) is hereby deleted in its entirety and the following Section 2(a) is substituted in its place:

"Section 2(a). The private elements of each respective unit shall include Not only the confines of each apartment unit but also the limits of any attaching or abutting patio or balcony the boundaries thereof being hereinafter described. The shower pan installed in each bathroom is declared to a private element of each respective unit and it shall be maintained, repaired and replaced by the unit owner."

IN WITNESS WHEREOF, the undersigned officers of the Winchester Association hereby certify that this amendment was duly adopted in accordance with Section 700.302 of the Unit Property Act and with Article IX of the recorded Declaration of Condominium by affirmative vote of at least sixty-six and two-thirds percent (66-2/3%) of the ownership interest at a meeting of all unit owners duly called for such purpose and that such unit owner authorization and approval was given to adopt the Amendment described herein.

THIS AMENDMENT IS HEREBY ADOPTED THIS 22ND DAY OF JANUARY, 1992, and the same shall be recorded in the Recorder of Deeds Office of Allegheny County, Pennsylvania.

THE WINCHESTER ASSOCIATION

By: _____
Robert Wolf, President

By: _____
Herbert Schutzman, Asst. Secretary

RECORDED AS
ORIGINALLY SIGNED

AMENDMENT NO 2 TO THE
DECLARATION FOR THE WINCHESTER ASSOCIATION

This Amendment No. 2 to the Declaration for the Winchester Association (hereinafter called the "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) and Article X, Section 1 of the Code of Regulations Governing The Winchester Association, a Non-profit Corporation Organized Under the Laws of Pennsylvania (hereinafter called the "Code of Regulations"), said Code of Regulations being Exhibit A to the Declaration, recorded in the Office of the Recorder of Deeds of Allegheny County in Deed Book 5135, Page 704, et seq.

1. Article II, Section 4 of the Code of Regulations is hereby amended by striking that Section in its entirety and substituting therefor the following:

"Election and Term of Office. Each director shall be elected by a vote of a majority of unit owners, as hereinafter defined in Section 9 of Article III. There shall be seven members of the Board of Directors. The initial term of two of the directors shall be fixed at one year; the initial term of two other directors shall be fixed at two years; and the initial term of the three remaining directors shall be fixed at three years. At the expiration of these initial terms of office as provided herein, a successor shall be elected as to each position to serve a term of three years. No director shall serve more than two consecutive three year terms. All directors shall hold office until the expiration of their terms or until their respective successors shall have been duly elected by the unit owners."

IN WITNESS WHEREOF, the undersigned officers of The Winchester Association hereby certify that this Amendment was duly adopted in accordance with Section 700.302 of the Unit Property Act and with Article X, Section 1 of the Code of Regulations by the vote of at least sixty-six and two thirds (66-2/3%) percent in number of all unit owners at a meeting of unit owners duly called for such purpose or at an annual meeting, and that such unit owners approving the Amendment represented a majority of the votes entitled to be cast at that meeting.

This 15th day of May, 1979.

THE WINCHESTER ASSOCIATION

President

Secretary

RECORDED AS ORIGINALLY SIGNED

AFFIDAVIT

AND NOW TO-WIT, this 15th day of May, 1979, before me, the undersigned authority, personally appeared Hymen Weiss and Morris Schwartz, known to me or satisfactorily proven to be the persons whose names are subscribed to the foregoing Amendment No. 2 to the Declaration for The Winchester Association, and who, being duly sworn according to law, acknowledged themselves to be the President and Secretary, respectively, of The Winchester Association and that they, as President and Secretary, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by themselves as such President and Secretary.

IN WITNESS WHEREOF, I have hereunder set my hand and seal.

Notary Public

AMENDMENT NO. 3 TO THE DECLARATION
FOR THE WINCHESTER ASSOCIATION

This Amendment No. 3 to the Declaration for the Winchester Association (hereinafter called the "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) and Article X, Section 1 of the Code of Regulations Governing The Winchester Association, a Non-profit Corporation Organized Under the Laws of Pennsylvania (hereinafter called the "Code of Regulations"), said Code of Regulations being Exhibit A to the Declaration, recorded in the Office of the Recorder of Deeds of Allegheny County in Deed Book 5135, Page 704, et seq.

1. Article III, Section 1 of the Code of Regulations is hereby amended by striking that Section in its entirety and substituting therefore the following:

"Section 1. Annual Meetings. The regular annual meeting of the unit owners shall be held during the month of May on such a date and at such a time and place as shall be set by the Board of Directors. At such meetings the Board of Directors shall be elected by ballot of the unit owners in accordance with the requirement of Section 4 of Article II of these Regulations. The unit owners may transact other such business at such meetings as may properly come before them."

IN WITNESS WHEREOF, the undersigned officers of The Winchester Association hereby certify that this Amendment was duly adopted in accordance with Section 700.302 of the Unit Property and with Article X, Section 1 of the Code of Regulations by the vote of at least sixty-six and two thirds (66-2/3%) percent in number of all unit owners at the annual meeting held on June 5, 1979, and that such unit owners approving the Amendment represented a majority of the votes entitled to be cast at that meeting.

This 5th day of June, 1979.

THE WINCHESTER ASSOCIATION

President

Secretary

RECORDED AS ORIGINALLY SIGNED

AFFIDAVIT

AND NOW TO-WIT, this 5th day of June, 1979, before me, the undersigned authority, personally appeared Hymen Weiss and Morris Schwartz, known to me or satisfactorily proven to be the persons whose names are subscribed to the foregoing Amendment No. 3 to the Declaration for The Winchester Association, and who, being duly sworn according to law, acknowledged themselves to be the President and Secretary, respectively, of The Winchester Association and that they, as President and Secretary, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by themselves as such President and Secretary.

IN WITNESS WHEREOF, I have hereunder set my hand and seal.

Notary Public

AMENDMENT NO. 4 TO THE DECLARATION
FOR THE WINCHESTER ASSOCIATION

This Amendment No. 4 to the Declaration for the Winchester Association (hereinafter called the "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) and Article X, Section 1 of the Code of Regulations Governing The Winchester Association, a Non-profit Corporation Organized Under the Laws of Pennsylvania (hereinafter called the "Code of Regulations"), said Code of Regulations being Exhibit A to the Declaration, recorded in the Office of the Recorder of Deeds of Allegheny County in Deed Book 5135, Page 704, et seq.

1. Article III, Section 7 of the Code of Regulations is hereby amended by striking the last sentence in its entirety and by adding the following:

"Leasing shall not be allowed as a regular practice for business, speculative investment, or other singular purposes. The Board of Directors shall be empowered to allow reasonable leasing of units upon written application to avoid undue hardship on an owner. Leasing shall be permitted only for a minimum term of one year and a maximum term of two years and only once during each owner's term of ownership unless the Board reasonably determines that such limitations would result in undue hardship. Any owner who believes that he or she must lease his or her unit to avoid hardship shall submit a written application to the Board setting forth the circumstances necessitating the leasing, the name of the proposed lessee, a copy of the proposed lease, and such other information as the Board may reasonably require.

Leasing shall be permitted only upon the Board's written approval of the owner's application. No sub-leasing shall be permitted.

The Board shall be authorized to promulgate reasonable guidelines for the determination of those circumstances which would constitute an "undue hardship." By way of illustration and not by limitation, examples of circumstances which could constitute "undue hardship" are those in which (a) an owner must relocate his or her residence and has difficulty selling the unit; (b) an estate owns the unit; (c) the owner intends to return to reside in the unit after a leave of absence or temporary relocation; or (d) denial of the right to lease would be economically burdensome on the owner, as the Board may reasonably determine.

Such leasing as is in existence upon the effective date of this document and which is in compliance with the Code of Regulations may continue until the expiration of the lease. Any renewal of a lease shall constitute a new lease and shall not be permitted except as is provided above for any new lease. All owners leasing their units on the effective date of this document shall submit copies of their leases to the Board within such time period as the Board may reasonably set.

Those owners who have complied with this section, have demonstrated that the denial of the right to lease would result in undue hardship, and have obtained the written approval of the Board may lease their units for such duration as the Board reasonably determines is necessary to prevent the hardship. All owners shall utilize the attached lease form or one ins substantial compliance therewith.

Any lessee of a unit shall in all respects be subject to the Declaration, Code of Regulations, and all rules and regulations as are from time to time promulgated by the Association or Board of Directors as though such lessee were an owner. Each owner agrees to cause his or her lessee or persons living with such lessee to comply with the Declaration, Code of Regulations, and the rules and regulations promulgated thereunder and is responsible and liable for all violations and losses caused by such lessee or persons living with the lessee, notwithstanding the fact that such occupants of the unit are fully liable for any violations of the condominium instruments of regulations."

IN WITNESS WHEREOF, the undersigned officers of The Winchester Association hereby certify that this Amendment was duly adopted in accordance with Section 700.302 of the Unit Property and with Article X, Section 1 of the Code of Regulations by the vote of at least sixty-six and two thirds (66-2/3%) percent in number of all unit owners at the annual meeting held on June 5, 1979, and that such unit owners approving the Amendment represented a majority of the votes entitled to be cast at that meeting.

This 5th day of June, 1979.

THE WINCHESTER ASSOCIATION

President

Secretary

RECORDED AS ORIGINALLY SIGNED

AFFIDAVIT

AND NOW TO-WIT, this 5th day of June, 1979, before me, the undersigned authority, personally appeared Hymen Weiss and Morris Schwartz, known to me or satisfactorily proven to be the persons whose names are subscribed to the foregoing Amendment No. 4 to the Declaration for The Winchester Association, and who, being duly sworn according to law, acknowledged themselves to be the President and Secretary, respectively, of The Winchester Association and that they, as President and Secretary, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by themselves as such President and Secretary.

IN WITNESS WHEREOF, I have hereunder set my hand and seal.

Notary Public

AMENDMENT NO. 5 TO THE DECLARATION
FOR THE WINCHESTER ASSOCIATION

This Amendment No. 5 to the Declaration for the Winchester Association (hereinafter called the "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) and Article X, Section 1 of the Code of Regulations Governing The Winchester Association, a Non-profit Corporation Organized Under the Laws of Pennsylvania (hereinafter called the "Code of Regulations"), said Code of Regulations being Exhibit A to the Declaration, recorded in the Office of the Recorder of Deeds of Allegheny County in Deed Book 5135, Page 704, et seq.

1. Article II, Section 6 of the Code of Regulations is hereby amended by striking that Section in its entirety and substituting therefore the following:

Section 6. Vacancies. Vacancies in the Board of Directors caused by any reason, other than the removal of a director by vote of the Association, shall be filled by a vote of the majority of the remaining directors, even though less than a quorum, at a meeting of the Board of Directors. Each person so elected shall serve until a successor shall be elected at the next annual meeting of the Association, the successor so elected to serve the balance of the unexpired portion of the term.

IN WITNESS WHEREOF, the undersigned officers of The Winchester Association hereby certify that this Amendment was duly adopted in accordance with Section 700.302 of the Unit Property and with Article X, Section 1 of the Code of Regulations by the vote of at least sixty-six and two thirds (66-2/3%) percent in number of all unit owners at a meeting of unit owners duly called for such purpose or at an annual meeting,, and that such unit owners approving the Amendment represented a majority of the votes entitled to be cast at that meeting.

This _____ day of _____, 19____.

THE WINCHESTER ASSOCIATION

President

Secretary

RECORDED AS ORGINALLY SIGNED

AFFIDAVIT

AND NOW TO-WIT, this _____ day of _____, 19____. before me, the undersigned authority, personally appeared _____ and _____, known to me or satisfactorily proven to be the persons whose names are subscribed to the foregoing Amendment No. 5 to the Declaration for The Winchester Association, and who, being duly sworn according to law, acknowledged themselves to be the President and Secretary, respectively, of The Winchester Association and that they, as President and Secretary, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by themselves as such President and Secretary.

IN WITNESS WHEREOF, I have hereunder set my hand and seal.

Notary Public