

**AMENDMENT TO DECLARATION OF COVENANTS
AND RESTRICTIONS FOR FOX WAY COMMONS**

THIS AMENDMENT, made this 29th day of October, 1996 by South Side Local Development Company (the "Grantor").

WITNESSETH

WHEREAS, pursuant to a certain Declaration Of Covenants And Restrictions For Fox Way Commons entered into by Grantor on December 5, 1994 and recorded on December 14, 1994 in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania in Deed Book Volume 09366, page 440 ("Declaration"), Grantor submitted to the provisions of the Declaration certain real estate identified as Development Area I and described in Exhibit "A" to the Declaration; and

WHEREAS, pursuant to Section 2.1 of the Declaration, Grantor reserved the right to subject to the Declaration the real estate identified as Development Area II; and

WHEREAS, Grantor now desires to subject Development Area II to the provisions of the Declaration.

NOW THEREFORE, the Grantor declares that Development Area II identified in Exhibit "A" to the Declaration is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, conditions and reservations set forth in the Declaration. Grantor further declares that the Declaration is hereby amended as follows:

1. Development Area II set forth in Exhibit "A" to the Declaration is now more fully described as follows:

Development Area II

All those lots or pieces of ground, and all buildings and such improvements located thereon and permanently annexed thereto, situated in the 17th Ward of the City of Pittsburgh, County of Allegheny, and Commonwealth of Pennsylvania, consisting of Parcels D-1 through D-3, E-1 through E-3, F and G1 through G4 in Improvement

Subdivision Site Plan For Foxway Commons Phase 2 as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 200, pages 97 and 98.

Together with that certain Easement for Parking from the City of Pittsburgh as shown on said Improvement Subdivision Site Plan For Foxway Commons Phase 2 and presented in this Declaration as Exhibit "F".

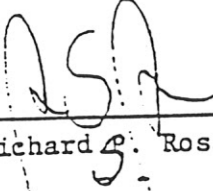
2. Exhibit "B" - Description of the Common Areas to the Declaration is hereby deleted in its entirety and Exhibit "B-1" Combined Description of the Common Areas Common Area - Development Area I and Common Area - Development Area II is substituted therefore and attached hereto and incorporated in the Declaration.
3. Exhibit "F" - Improvement Subdivision Site Plan For Foxway Commons Phase 2 dated September 16, 1996 and recorded in the Office of the Recorder of Deeds of Allegheny County, Pennsylvania on October 24, 1996 in Plan Book Volume 200, pages 97 and 98. is attached hereto and incorporated in the Declaration.
4. Except as specifically amended herein, all other covenants, restrictions, terms and conditions of the Declaration shall remain in full force and effect.
5. The terms used herein shall have the same meaning ascribed to them in the Declaration unless the context clearly indicates otherwise.
6. This Amendment shall be binding upon and inure to the benefit of the Grantor and its successors and assigns.

IN WITNESS WHEREOF, the Grantor has executed this Amendment the day and year first above written.

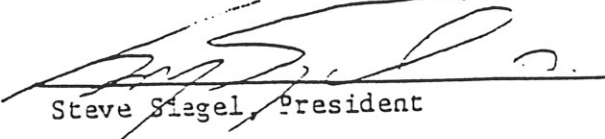
ATTEST:

GRANTOR:

SOUTH SIDE LOCAL DEVELOPMENT
COMPANY



Richard G. Ross, Secretary

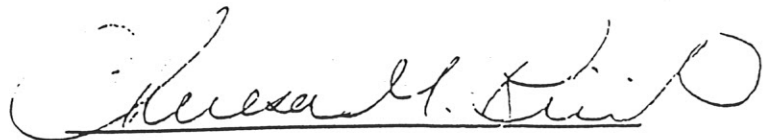


Steve Siegel, President

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

On this, the 29th day of October, 1996, before me, a Notary Public, the undersigned Officer, personally appeared Steve Siegel, who acknowledges himself/Herself to be the President of South Side Local Development Company, and that he/she as such Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as President.

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



Notary Public

My Commission Expires:

Notarial Seal
Theresa M. Kirk, Notary Public
Pittsburgh, Allegheny County
My Commission Expires Sept. 2, 2000
Member, Pennsylvania Association of Notaries

Description Of The Common Areas

Common Area - Development Area I
Common Area - Development Area II

All that certain piece or parcel of land situate in the 17th Ward, City of Pittsburgh, County of Allegheny, and State of Pennsylvania, being known as PARCEL H (COMMON AREA) in the IMPROVEMENT SUBDIVISION SITE PLAN FOR FOX WAY COMMONS PHASE 2, being more fully bounded and described as follows:

COMMENCING at a point at the southwest intersection of the right of ways of Wharton and South 18th Streets; thence along the west right of way of South 18th Street, South 4 degrees 20 minutes 57 seconds West for a distance of 56.29 feet to the POINT OF BEGINNING:

THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 21.33 feet to a point;

THENCE North 85 degrees 36 minutes 07 seconds West for a distance of 28.81 feet to a point;

THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 2.62 feet to a point;

THENCE North 85 degrees 36 minutes 07 seconds West for a distance of 3.00 feet to a point;

THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 12.00 feet to a point;

THENCE North 85 degrees 36 minutes 07 seconds West for a distance of 31.77 feet to a point;

THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 28.33 feet to a point;

THENCE North 85 degrees 36 minutes 07 seconds West for a distance of 56.90 feet to a point;

THENCE North 04 degrees 20 minutes 57 seconds East for a distance of 3.07 feet to a point;

THENCE North 85 degrees 36 minutes 07 seconds West for a distance of 5.92 feet to a point;

THENCE North 04 degrees 20 minutes 57 seconds East for a distance of 49.67 feet to a point;

THENCE North 85 degrees 36 minutes 07 seconds West for a distance of 56.69 feet to a point;

THENCE South 50 degrees 20 minutes 18 seconds West for a distance of 2.70 feet to a point;

THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 19.17 feet to a point;

THENCE South 39 degrees 20 minutes 28 seconds East for a distance of 5.77 feet to a point;

THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 11.10 feet to a point;

THENCE South 48 degrees 25 minutes 26 seconds West for a distance of 5.78 feet to a point;

THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 9.19 feet to a point;

THENCE North 85 degrees 39 minutes 55 seconds West for a distance of 3.92 feet to a point;
 THENCE North 04 degrees 20 minutes 57 seconds East for a distance of 9.07 feet to a point;
 THENCE North 37 degrees 54 minutes 09 seconds West for a distance of 5.77 feet to a point;
 THENCE North 04 degrees 20 minutes 57 seconds East for a distance of 10.84 feet to a point;
 THENCE North 47 degrees 21 minutes 42 seconds East for a distance of 5.78 feet to a point;
 THENCE North 04 degrees 20 minutes 57 seconds East for a distance of 19.60 feet to a point;
 THENCE North 85 degrees 36 minutes 07 seconds West for a distance of 64.62 feet to a point;
 THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 51.24 feet to a point;
 THENCE North 85 degrees 36 minutes 07 seconds West for a distance of 56.15 feet to a point;
 THENCE North 04 degrees 20 minutes 57 seconds East for a distance of 52.76 feet to a point;
 THENCE North 85 degrees 36 minutes 07 seconds West for a distance of 52.00 feet to a point;
 THENCE North 04 degrees 20 minutes 57 seconds East for a distance of 7.81 feet to a point;
 THENCE South 85 degrees 36 minutes 08 seconds East for a distance of 37.78 feet to a point;
 THENCE North 04 degrees 21 minutes 00 seconds East for a distance of 2.00 feet to a point;
 THENCE South 85 degrees 36 minutes 07 seconds East for a distance of 71.81 feet to a point;
 THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 2.00 feet to a point;
 THENCE South 85 degrees 36 minutes 08 seconds East for a distance of 40.00 feet to a point;
 THENCE North 04 degrees 20 minutes 56 seconds East for a distance of 60.00 feet to a point;
 THENCE South 85 degrees 36 minutes 07 seconds East for a distance of 20.00 feet to a point;
 THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 63.82 feet to a point;
 THENCE South 85 degrees 36 minutes 07 seconds East for a distance of 109.26 feet to a point;
 THENCE North 04 degrees 20 minutes 57 seconds East for a distance of 9.65 feet to a point;
 THENCE South 85 degrees 36 minutes 07 seconds East for a distance of 57.20 feet to a point;
 THENCE South 04 degrees 20 minutes 57 seconds West for a distance of 2.11 feet to a point;
 THENCE South 85 degrees 36 minutes 57 seconds East for a distance of 25.64 feet to the POINT OF BEGINNING

Said property contains 0.302 acres more or less.

Together with that certain Easement for Parking from the City of Pittsburgh as shown on said Improvement Subdivision Site Plan for Fox Way Commons Phase 2.