



Allegheny County  
 Jerry Tyskiewicz  
 Department of Real Estate  
 Pittsburgh, PA 15219

Instrument Number: 2014-14557

BK-DE VL-15624 PG-148

Recorded On: June 06, 2014

As-Deed Agreement

Parties: FOX WAY COMMONS ASN

To FOX WAY COMMONS ASN

# of Pages: 5

Comment:

\*\*\*\*\* THIS IS NOT A BILL \*\*\*\*\*

Deed Agreement 150.00  
 0  
 0  
 Total: 150.00

**Realty Transfer Stamp**

**Department of Real Estate Stamp**

Affidavit Attached-No	
NOT A DEED OF TRANSFER	EXEMPT
Value	0.00

Certified On/By-> 06-06-2014 / P F
NOT A DEED OF TRANSFER

I hereby certify that the within and foregoing was recorded in the Department of Real Estate in Allegheny County, PA

**\*\*DO NOT REMOVE-THIS PAGE IS PART OF THE RECORDED DOCUMENT\*\***

**File Information:**

**Record and Return To:**

Document Number: 2014-14557  
 Receipt Number: 2647798  
 Recorded Date/Time: June 06, 2014 12:37:41P  
 Book-Vol/Pg: BK-DE VL-15624 PG-148  
 User / Station: T Greil - Cash Super 05

LISA M BURKHART  
 1109 GRANT BLDG  
 310 GRANT BLDG  
 PITTSBURGH PA 15219



*Jerry Tyskiewicz*  
 Jerry Tyskiewicz, Acting Manager  
 Rich Fitzgerald, County Executive



AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS  
OF FOX WAY COMMONS ASSOCIATION

WHEREAS, Fox Way Commons Association is a Pennsylvania Non-Profit Corporation, and the Association of Unit Owners of a planned community located in the City of Pittsburgh, 17<sup>th</sup> Ward, Allegheny County, Pennsylvania, and was created by the recording of a Declaration of Covenants and Restrictions for Fox Way Commons at the Allegheny County Recorder of Deed's Office at Deed Book Volume 9366, Page 4401, on December 14, 1994; and

WHEREAS, the Declaration of Covenants and Restrictions for Fox Way Commons provides at Article VII, Section 7.2 that the Declaration may be amended upon approval of at least two-third (2/3) of the votes of the Voting Members; and

WHEREAS, the Declaration currently provides that each Owner shall be responsible for the maintenance, repair and replacement of their respective Units, including the maintenance repair and replacement of the roof; and

WHEREAS, the Board of Directors of Fox Way Commons believes that it may be in the best interest of the Association to amend the Declaration to provide that the Association shall be responsible for the replacement of the roofs that are shared in common with more than one (1) Unit and to further amend the Declaration to clearly define the maintenance responsibilities of the Association and the Owners to provide direction to current and future Unit Owners;

WHEREAS, at a duly called meeting of the Unit Owners, the within Amendment was approved by no less than two-thirds (2/3) of the Unit Owners entitled to cast a vote at Fox Way Commons.

NOW, THEREFORE, the Declaration of Covenants and Restrictions of Fox Way

Commons is hereby amended by adding the following Article VIII:

“ARTICLE VIII

MAINTENANCE

Section 8.1 Maintenance by the Association. The Association shall be responsible for the replacement of the roofs, gutters and downspouts which are shared in common between more than one (1) Unit. This shall only include the replacement of the roofs, gutters and downspouts at the end of the useful life of the roof. The Unit Owners shall be responsible for all routine maintenance and repairs of the roof, gutters and downspouts servicing their respective Units. This provision shall not apply to the three (3) single Units with roofs that service only one Unit, and these Units shall not be responsible for the roof assessments defined herein. The Association shall also be responsible for maintenance, repair and replacement of the Common Areas of the Association used in common by all Unit Owners, as those areas are more fully defined in the Declaration of Covenants and Restrictions of Fox Way Commons. The Association’s maintenance shall include the maintenance, repair and replacement of the common fence surrounding the property.

Section 8.2 Assessment for Roof Replacement. Each year as part of the preparation and adoption of the budget for the upcoming year, the Board of Directors shall establish the annual roof assessment to be assessed against those Units with shared roofs and shall be paid in equal monthly installments as part of the monthly Assessments. The amount paid by each Unit shall be calculated by analyzing the remaining useful life of the roof and the cost of roof replacement for each Building with a shared roof. The cost of the roof assessment may vary by Building according to the remaining useful life of the roof and the cost of replacement for each Building.

Section 8.3 Maintenance by the Unit Owners. The Unit Owners shall be responsible for all remaining maintenance, repair and replacement of the Unit, including but not limited to exterior maintenance, routine maintenance and the repair of the roof, gutters and downspouts, and exterior painting. Unit Owners shall be responsible for the seeding, watering of lawns and pruning of shrubs and trees within fenced areas of their property. “

Except to the extent of any inconsistency with the terms and provisions of the within Amendment, all of the remaining terms and provisions of the Declaration of Covenants and Restrictions of Fox Way Commons Association.

IN WITNESS WHEREOF, this Amendment is hereby duly adopted this 27<sup>th</sup> day of March, 2014.

FOX WAY COMMONS ASSOCIATION

BY: Brady Justice  
PRESIDENT

BY: Lisa Oltus  
SECRETARY

**CERTIFICATE**

We, Brady Lutsko, President, and Lisa Otterbein, Secretary of Fox Way Commons Association hereby certify that at 2/3 of the Units entitled to cast a vote at Fox Way Commons have voted in favor of the foregoing Amendment to the Declaration of Covenants and Restrictions of Fox Way Commons.

FOX WAY COMMONS ASSOCIATION

BY: Brady Lutsko  
PRESIDENT

BY: Lisa Otterbein  
SECRETARY

**ACKNOWLEDGEMENT**

COMMONWEALTH OF PENNSYLVANIA )  
)   SS:  
COUNTY OF ALLEGHENY )

On this, the 2<sup>nd</sup> day of March, 2014, before me, a Notary Public, the undersigned officer, personally appeared Brady Lutsko, President and Lisa Otterbein, Secretary of Fox Way Commons Association, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and notarial seal.

Lisa M. Burkhart  
Notary Public

Mail To:  
Lisa M. Burkhart, Esq.  
1109 Grant Building  
310 Grant Street  
Pittsburgh, PA 15219

