DECLARATION

FOR

THE WINCHESTER ASSOCIATION

4th Ward
2013

43 residential
+4 Professional units
47 units

ARTICLE I

This Declaration is prepared in accordance with the provision 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 describe in Article II below.

ARTICLE II

The following land and building are hereby submitted to the Unit Property Act of Pennsylvania:

ALL THAT CERTAIN LOT OR PIECE OF LAND situate in the 4th ward of the City of Pittsburgh, County of Allegheny and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the Westerly side of Neville Street distant seven hundred and twenty-one hundredth (719.21) feet Northwardly from the Northwesterly corner of Fifth Avenue and Neville Street; thence along said side of Neville Street, North 18°34'10" East one hundred (100) feet to line of land now or formerly on Henry Lloyd; thence along said land South 68°34'10" West two hundred forty-three and ninety-four hundredths (243.94) feet more or less to line of land now or formerly of Rev. Regis Canevin, Trustee, thence along said land South 21°43"50" East ninety-nine (99) feet ten and three-quarter (10-3/4) inches to a point; thence North 68°34'50" East two hundred thirty-eight and forty-four hundredths (238.44) feet to Neville Street at the place of beginning.

HAVING ERECTED THEREON, a nine story, forty-seven unit apartment building known as 538-544 North Neville Street, Pittsburgh.

BEING DESIGNATED in the Deed Registry Office of Allegheny county as Block 52E, Lot 47.

BEING the same premises which Norris Food Service, Inc. Successor to Brass Rail Restaurant Company, granted and conveyed to Eugene Litman and Sally Litman, his wife, and Louis Deglau and Margaret Deglau, his wife, by deed dated April 22, 1970, and recorded in the Recorder of Deeds of Office of Allegheny County in Deed Volume 4832, page 293.

SUBJECT TO THE FOLLOWING:

(a) Any rights of way granted to utility companies.

(b) Such matters as may be disclosed by an accurate survey of the property.

ARTICLE III

The name by which the property shall be known is The Winchester Association.

ARTICLE IV

Section 1. The property consists of forty-seven (47) units and common elements as shown in a Declaration Plan, certified by Charles Roberts, A.I.A. The Declaration Plan is attached hereto, marked Exhibit B and made apart hereof.

Section 2. (a) The private elements of each respective unit shall include not only the confines of each apartment unit but the limits of any attaching or abutting patio or balcony the boundaries thereof being described below.

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

(c) The boundary lines of each attaching or abutting balcony or patio are the exterior finished surfaces of the railing or edges thereof, the interior finished surfaces of the perimeter walls abutting said balcony, the interior unfinished surfaces of the floor (not including paint, paper, wax, tile, enamel, or other finish), and the interior finished surface of the ceiling.

(d) If any portions of the common elements shall actually encroach upon any unit, or if any unit shall encroach upon any portions of the common elements, as the common elements and unit are shown by the drawings comprising the Declaration Plan attached hereto as Exhibit B, there shall be deemed to be mutual casements in favor of the owners of the common elements and the respective unit owners involved to the extent of such encroachments so long as the same shall exist.

(e) There shall be an easement in favor of any unit which is serviced by utility lines, including but not limited to water pipes, drain pipes, electric wires, conduits, flues, chimneys and the like, which are within the confines of any other unit, including those within an interior wall of a unit.

ARTICLE V

Section 1. The common elements consist of:

(a) The land described in Article II above, including the land on which the building is located and portion of the building which are not included in a unit.

(b) The foundations, structural parts, supports, walls, roofs, basements, 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, drain pipes, electric wires, general conduits, flues, chimneys, and the like or otherwise, including those within an interior wall within the confines of a unit; 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, furnaces and heaters and other heating apparatus, air-conditioners, water heaters and the like which service common elements.

(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, pipes 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, pipes, ducts, flues, chutes, other appurtenant installations to the outlets regardless of location, parking stalls and manager's apartment.

Section 2. The proportionate undivided interest in the common elements belonging and appurtenant to each apartment is as follows:

APT. NO.	PERCENTAGES
101	1.337%
102	1.351%
103	1.485%
104	1.239%
201	2.129%
202	1.882%
203	1.882%
204	1.876%
205	1.876%
206	2.129%
301	2.116%
302	1.882%
303	1.882%
304	1.876%
305	1.876%
306	2.116%
401	2.129%
402	1.882%
403	1.882%
404	1.876%
405	1.876%
406	2.116%
501	2.129%
502	1.882%
503	1.882%
504	1.876%
505	1.876%
506	2.155%
601	4.005%
602	4.005%
603	1.923%
604	1.923%
605	1.876%
606	2.876%
607	2.129%
705	1.876%
706	1.876%
707	2.116%
801	4.005%
802	4.005%
803	1.923%
804	1.923%
805	1.876%
806	1.876%
807	2.142%
905	3.075%
906	3.075%

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) The Code of Regulations governing The Winchester Association, attached hereto as Exhibit "A" and made part hereof, is herby adopted as the code of regulations required by The Unit Property Act of Pennsylvania.

(b) 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.

(c) 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 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.

(d) No unit owner may permit of 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, ordinance, rules and regulations applicable to the apartment.

ARTICLE VIII

The names of the first members of the Council, to be known as the Board of Directors, are:

Eugene Litman
Louis Eglau
Morris Schwartz

ARTICLE IX

This Declaration may be amended by the undersigned owners at any time prior to the date of recording of any deed conveying title to an apartment unit. Thereafter, this Declaration may be amended with the consent of at least 66-2/3% in number and in common interest of all unit owners, including the undersigned, subject, however, to the provisions of Article VI hereof.

IN WITNESS WHEREOF, the undersigned owners set their hands and seals hereto this 13th day of September 1972.

RECORDED AS ORGINALLY SIGNED

Eugene Litman

Sally Litman

Louis Deglau

Margaret Deglau

AFFIDAVIT

AND NOW TO-WIT, this 13th day of September, 1972, before me, the undersigned authority, personally appeared EUGENE LITMAN and SALLY LITMAN, his wife, and LOUIS DEGLAU and MARGARET DEGLAU, his wife, known to me or satisfactory proven to be the persons whose names are subscribed to the foregoing Declaration for The Winchester Association, who being duly sworn according to law, acknowledged that they executed the foregoing instrument as the respective voluntary act and deed for the purposes therein contained.

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

Notary Public