

**FIRST AMENDMENT TO  
DECLARATION OF PROTECTIVE COVENANTS  
FOR  
ROLLING RIDGE PRD**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR ROLLING RIDGE PRD is made this 9th day of March, 1998, by JOHN FOGARTY DEVELOPMENT CORPORATION, a Pennsylvania Corporation (hereinafter the "Declarant") and Rolling Ridge PRD Phase III Association, Inc. (the "Owners").

**Background**

The Declarant executed a Declaration of Protective Covenants (the "Declaration"), dated August 7, 1995, subjecting certain real property known as Rolling Ridge PRD Phase III to certain covenants, restrictions, easements, charges and liens. The Declaration was recorded by the Declarant on August 14, 1995, in the Office of the Recorder of Deeds in and for Northumberland County in Book 1014, at Page 55. Lots 72, 73, 74, 75, 76, 185, 186 and 187 of Rolling Ridge PRD Phase III were designated for multi-family apartment or condominium use on the Rolling Ridge PRD Phase III plats and plans. Final land development plans were never obtained by the Declarant for those Lots. The Declarant now intends to obtain final plans and approvals to develop Lots 72, 73, 74, 75, 76, 185, 186 and 187 as townhouse building lots, with each of the aforesaid Lots being resubdivided into two or more townhouse building lots on which the Declarant will construct multiple attached townhouse units, with one townhouse unit being situate on each of the separate townhouse building lots. This Amendment is intended to amend and supplement the Declaration to reflect the development of the aforesaid portions of Phase III of the Rolling Ridge PRD as separately owned townhouses, rather than as multi-family apartment or condominium buildings. In addition, this Amendment will further clarify and augment certain of the covenants and restrictions contained in the Declaration. This Amendment is made pursuant to Section 9.1 of the Declaration.

NOW, THEREFORE, the Declarant and Owners hereby declare that the Declaration is amended and supplemented as follows:

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ST \$15.50  
RECORD FEE \$15.00  
WRIT TAX \$0.50  
03-10-98 13:01CLERK 6 24051

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1. Section 5.2 "Permitted Uses" is replaced in its entirety by the following:

Section 5.2 PERMITTED USES. All of the Lots shall be used for residential purposes only. Lots 72, 73, 74, 75, 76, 185, 186 and 187, as defined and designated on the Final Plan for "Rolling Ridge PRD", prepared by Sweetland Engineering and Associates, Inc., Drawing No. D-2999, dated March 25, 1995, and recorded in the Recorder of Deeds Office in and for Northumberland County, in Plan Book 23, Page 91, shall be used as attached, single family townhouse dwellings, each of which shall be located on a separately subdivided lot. The number of lots resulting from the resubdivision of Lots 72, 73, 74, 75, 76, 185, 186 and 187 shall not exceed ninety-five (95). For purposes hereof, "residential purposes" shall mean a single family dwelling, either as a detached, single family residence or an attached townhouse unit located on a separately subdivided lot.

2. Section 7.3 "Initial Assessments" is replaced in its entirety with the following:

Section 7.3 INITIAL ASSESSMENTS. The initial assessment shall be Two Hundred Dollars (\$200.00) for each Lot (whether free standing residence or townhouse). The initial assessment shall be payable at settlement on the conveyance of the Lot from the Declarant, or, if the Declarant is renting an improved Lot, then the initial assessment shall be paid on the effective date of the lease of the Lot.

3. Section 7.4 "Annual Assessments" is hereby amended by adding the following at the end of sentence two (2):

(regardless of whether a free standing single family residence Lot or a townhouse Lot).

4. Section 7.6 "Rate of Assessment" is hereby replaced in its entirety with the following:

Section 7.6 RATE OF ASSESSMENT. All annual and special assessments shall be at a uniform rate for each Lot. The developer will not pay annual assessments on Lots owned by the Developer, unless the Lots are improved and leased by the Developer for occupancy as a residence.

5. Section 9.8 "Condominium" is hereby deleted in its entirety.

2.

REC1147 PG 267

6. The General Protective Covenants (Exhibit "D") of the Declaration are amended and supplemented as follows:

A. Section 7 "Building Area" is amended by replacing the second sentence of that Section, which refers to multi-family Lots, with the following:

The minimum total floor area for townhouses shall be one thousand (1,000) square feet.

B. Section 25 "Resubdivision" is amended and supplemented by an additional sentence stating as follows:

The provisions of this Section 25 shall not apply to the Declarant subdividing any Lot originally designated for multi-family Lots into two or more townhouse building Lots.

C. Section 27 "Garages" is amended by deleting the fourth sentence of that Section, which regards multi-family Lots.

D. Section 29 "Driveways" is replaced in its entirety with the following:

29. Driveways. Driveway entrances shall be limited to not more than one entrance per each Lot and shall be designed in accordance with the Design Criteria.


3.

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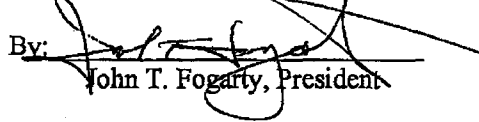
Except as expressly set forth herein, the Declaration is otherwise unchanged and remains in full force and effect.

IN WITNESS WHEREOF, the undersigned, being sixty-six and sixty-seven hundreds percent (66.67%) or greater of the Owners of the Lots, in accordance with Section 9.1 of the Declaration, have executed this Amendment, intending to be legally bound, on the day and year first above written.

WITNESS/ATTEST:

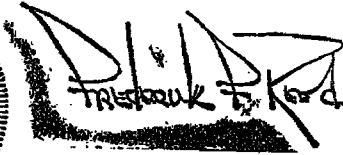
  
\_\_\_\_\_  
MARY ROSE SWITZER, Asst. Secretary

JOHN FOGARTY DEVELOPMENT CORPORATION

By:   
\_\_\_\_\_  
John T. Fogarty, President

I hereby CERTIFY that this document is recorded in the Recorder's Office of North'd County, Pennsylvania.





Frederick F. Reed  
Recorder of Deeds


4.

REC1147 PR:269

COMMONWEALTH OF PENNSYLVANIA :  
 : SS:  
COUNTY OF UNION :

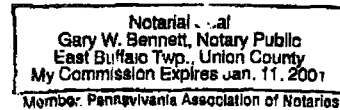
On this, the 9th day of March, 1998, before me, a Notary Public, the undersigned officer, personally appeared John T. Fogarty, who acknowledged himself to be the President of John Fogarty Development Corporation, and that he, as such officer, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of John Fogarty Development Corporation by himself as President.

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

  
Notary Public

My Commission Expires:

(SEAL)



5.

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