

FOURTH AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR ROLLING RIDGE PRD

THIS FOURTH AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR ROLLING RIDGE PRD (the "**Fourth Amendment**") is made as of the ___ day of _____, 2019, by **Rolling Ridge PRD Phase III Association, Inc.** (the "**Association**") and joined in by at least sixty-six and sixty-seven hundredths (66.67%) percent of the Lot Owners of the Community (as hereinafter defined).

RECITALS

The background of this Fourth Amendment is as follows:

R.1. Pursuant to a Declaration of Protective Covenants for Rolling Ridge PRD dated August 7, 1995 and recorded in the Recorder of Deeds Office in and for Northumberland County, Pennsylvania on August 14, 1995 in Record Book 1014, pages 055 – 081, (the "**Initial Declaration**"), John Fogarty Development Corporation, a Pennsylvania corporation (the "**Declarant**") submitted certain property located in the Borough of Milton, Northumberland County, Pennsylvania containing 84.491 acres of land to the terms and conditions of the Initial Declaration and thereby creating a planned community known as "Rolling Ridge PRD Phase III" (the "**Community**").

R.2. The Initial Declaration was supplemented with General Protective Covenants: Restrictions and Covenants Running With the Land of John Fogarty Development Corporation in the Subdivision of Rolling Ridge PRD Phase III in Milton Borough, Northumberland County, Pennsylvania recorded in the Recorder of Deeds Office in and for Northumberland County, Pennsylvania on August 14, 1995 in Record Book 1014, pages 082 – 089 (the "**Protective Covenants**").

R.3. Pursuant to a First Amendment to the Declaration of Protective Covenants for Rolling Ridge PRD dated March 9, 1998 and recorded in the Recorder of Deeds Office in and for Northumberland County, Pennsylvania on March 10, 1998 in Record Book 1147, pages 266 – 270 (the "**First Amendment**"), the Declarant amended the Initial Declaration in several ways, as more specifically set forth in the First Amendment.

R.4. Pursuant to a Second Amendment to the Declaration of Protective Covenants for Rolling Ridge PRD dated April 28, 1998 and recorded in the Recorder of Deeds Office in and for Northumberland County, Pennsylvania on April 28, 1998 in Record Book 1156, pages 198 – 200 (the "**Second Amendment**" and, together with the Initial Declaration, the Protective Covenants and the First Amendment, the "**Declaration**"), the Declarant further clarified the Initial Declaration, as more specifically set forth in the Second Amendment.

R.5. Pursuant to a Third Amendment to the Declaration of Protective Covenants for Rolling Ridge PRD dated April 3, 2014 and recorded in the Recorder of Deeds Office in and for Northumberland County, Pennsylvania on April 7, 2014 in Record Book 2540, page 784 – 790, (the "**Third Amendment**" and, together with the Initial Declaration, the Protective Covenants and the First and Second Amendments, the "**Declaration**"), the Declarant further clarified the Initial Declaration, as more specifically set forth in the Third Amendment.

R.6. Pursuant to Section 5102 of the Pennsylvania Uniform Planned Community Act, 68 P.S. §§5101 – 5414 (the "**Act**"), the Community was made subject to certain terms, conditions and provisions of the Act.

R.7. Section 5219 of the Act provides that a declaration may be amended by a vote or agreement of unit owners of units to which at least sixty-seven percent (67%) of the votes in the association are allocated.

R.8. The Declaration provides that the Declaration may be amended by an instrument signed by not less than sixty-six and sixty-seven hundredths (66.67%) percent of the Owners.

R.9. As of the date of this Fourth Amendment, there are 184 Lots owned by Lot Owners, each of which is entitled to one vote on Association matters. 123 Lots or votes constitute at least sixty-six and sixty-seven hundredths (66.67%) percent of all Lots or votes in the Association.

R.10. The Declaration does not contain any provisions permitting or prohibiting the rental of Lots in the Community; however, the Association and the joining Lot Owners, intending to preserve, protect and enhance the value of the Community and the individual Lots in the Community, wish to amend the Declaration in order to impose restrictions prohibiting the rental of Lots, or any portion thereof, as more specifically set forth herein.

NOW THEREFORE, in accordance with the Declaration and the provisions of 68 Pa.C.S.A. §5219, the Association and the Lot Owners, INTENDING TO BE LEGALLY BOUND HEREBY, amend the Declaration as follows:

1. **RECITALS**. The Recitals set forth above are incorporated herein by reference as if set forth in full.
2. **OWNER-OCCUPANCY**. Article II (entitled "Definitions") of the Declaration is hereby amended by adding the following Section 2.13 at the end thereof:

Section 2.13. "OWNER OCCUPIED LOTS" shall mean Lots occupied solely by the Owner, the members of the family or regular housekeeping unit of the Owner or other guests and invitees of the Owner who occupy without payment of rent.

3. **RENTAL RESTRICTIONS**. Article V, Section 5.2 of the Declaration (entitled "Permitted Uses") is hereby amended by adding the following at the end thereof:

Section 5.2.(A) All Lots shall be Owner Occupied Lots unless the Lots are Grandfathered Lots (as set forth in Article V, Section 5.2.(A)(i) below.

(i) Lots leased at the time of the recording of the Fourth Amendment in the Recorder of Deeds Office in and for Northumberland County, Pennsylvania shall be defined as "Grandfathered Lots." Such Grandfathered Lots shall be exempt from the Owner Occupied Lots restriction subject to the following conditions and such other reasonable conditions as the Executive Board may impose:

- (1) Lot Owners may extend the tenancy of a Grandfathered Lot only to the present tenant of that Grandfathered Lot;
- (2) New, additional, subtenants or replacement tenants shall not be allowed; and
- (3) Upon the termination of the tenancy or vacating of the Grandfathered Lot by the present tenant, the Lot shall no longer be determined to be a

Grandfathered Lot and thereafter shall be subject to the terms of Article V, Section 5.2.(A).

(ii) Notwithstanding the above provisions, at any time in the future, the Executive Board may declare a Lot to be a Grandfathered Lot upon request by a Lot Owner suffering from a financial or personal hardship which renders the Lot Owner unable to reside in the Lot, in which cases, the Executive Board may, in its sole discretion, declare the Lot to be a Grandfathered Lot subject to the conditions set forth in Article V, section 5.2.(A)(i) above and such other reasonable terms and conditions as the Executive Board deems to be appropriate and in the best interests of the Association.

4. **REMAINDER OF DECLARATION**. The remainder of the Declaration not amended by this Fourth Amendment shall remain in full force and effect.
5. **RECORDING**. This Fourth Amendment shall be recorded in the Recorder of Deeds Office in and for Northumberland County, Pennsylvania and shall be effective immediately upon such recording.

IN WITNESS WHEREOF, this Fourth Amendment has been executed by the Association and by at least sixty-six and sixty-seven hundredths (66.67%) percent of the Owners, as certified by the Secretary of the Association pursuant to the attached Secretary's Certificate which is incorporated herein by reference as if set forth in full.

ROLLING RIDGE PRD PHASE III ASSOCIATION, INC.

Date: _____

By: _____
President

COMMONWEALTH OF PENNSYLVANIA :
: **SS:**
COUNTY OF :

ON THIS, the ____ day of _____, 2019, before me, a Notary Public, the undersigned officer, personally appeared _____, President of Rolling Ridge PRD Phase III Association, Inc. who acknowledged herself/himself to be President and that she/he, as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

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

Notary Public

My Commission Expires:

(Seal)

SECRETARY'S CERTIFICATE

I, _____, Secretary of the Rolling Ridge PRD Phase III Association, Inc., a Pennsylvania non-profit corporation (the "**Association**"), DO HEREBY CERTIFY that:

1. I am the duly elected and current Secretary for the Association.
2. I have received from at least one hundred fourteen (123) Lot Owners of the Community, executed forms of Joinder In And Consent To the Third Amendment to the Declaration of Protective Covenants for Rolling Ridge PRD (the "**Joinders**"), which Joinders are on file with the records of the Association.
3. The said Joinders constitute the consent or agreement of at least sixty-six and sixty-seven hundredths (66.67%) percent of the Lots of the Association.

IN WITNESS WHEREOF, I have set my hand and the seal of the Association as of the ____ day of _____, 2019.

Secretary of Rolling Ridge PRD Phase III Association, Inc.

COMMONWEALTH OF PENNSYLVANIA :
: SS.:
COUNTY OF :

ON THIS, the ____ day of _____, 2019, before me, a Notary Public, the undersigned officer, personally appeared _____, who acknowledged him/herself to be the Secretary of the Rolling Ridge PRD Phase III Association, Inc., a Pennsylvania nonprofit corporation, and that s/he, as such Secretary, being authorized to do so, executed the foregoing Secretary's Certificate for the purposes therein.

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

Notary Public
My Commission Expires:
(SEAL)

**JOINDER IN AND CONSENT TO FOURTH AMENDMENT TO THE DECLARATION OF
PROTECTIVE COVENANTS FOR ROLLING RIDGE PRD**

The undersigned, being the Owner(s) of Lot # _____ of Rolling Ridge Phase III planned community, hereby joins in the Fourth Amendment to the Declaration to evidence my/our consent to the rental restrictions of the Community pursuant to the terms and conditions contained therein.

WITNESS:

Print Name

Print Name