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**FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM
THE CROSSINGS AT ROCKY SPRINGS,
A CONDOMINIUM**

This First Amendment is made this 3rd day of June, 2003, by BERKS CONSTRUCTION COMPANY, INC. and MILLPORT DEVELOPERS, LP (herein referred to as "Declarant").

BACKGROUND

Pursuant to a Declaration of Condominium of the Crossings at Rocky Springs, a Condominium recorded by Declarant on Jan. 2, 2003 in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, as Document No. 5141759 the "Declaration"), the Declarant submitted to the provisions of the Uniform Condominium Act, 68 Pa.C.S. §3101 et seq., as amended (the "Act"), certain real estate, together with the buildings and improvements thereon erected and the easements, rights, and appurtenances thereunto belonging, described in Exhibit "A" to the Declaration, created a flexible condominium known as The Crossings at Rocky Springs, a Condominium (the "Condominium"), which is located in West Lampeter Township, Lancaster County, Pennsylvania.

Section 7.4 of the Declaration allows the Executive Board to adopt an amendment necessary to correct or supplement the Declaration or anything appearing or failing to appear in the Declaration Plan.

All capitalized terms used herein which are not defined herein shall have the meanings ascribed to them in the Declaration or by the Act.

NOW THEREFORE, intending to be legally bound, Declarant does hereby amend the Declaration as follows:

1. Section 2.2 is amended to add the following definitions:

"Convertible Real Estate" shall mean the real estate described as such in Exhibit "C" attached hereto.

"Withdrawable Real Estate" shall mean the real estate described in Exhibit "D" attached hereto.

2. In Section 2.3, the definition of "Declaration Plan" shall be deleted in its entirety and replaced with the following:

"Declaration Plan" shall mean the condominium plats as recorded in the Recorder of Deeds Office at Book _____, Page _____, as amended, together with Unit plans attached hereto as Exhibit "E", collectively, pursuant to § 3201 of the Act.

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3. Section 3.1 shall be amended by inserting the word "Declaration" immediately before the word "Plan" in the second sentence. The remainder of this section shall remain in full force and effect.

4. Section 4.1 shall be deleted in its entirety and replaced with the following:

4.1. Allocation of Percentage Interest: the Percentage Interest of all Units shall be equal and calculated based on those Units shown on the Declaration Plan as follows:

$$\text{Percentage Interest} = 1 \div \text{total number of units}$$

Each Unit Owner shall become a member of the Association and shall be subject to all of the rights and duties assigned to Unit Owners. Each Unit shall have one (1) vote.

5. Section 5.1 shall be amended to include the word "driveway" immediately before the work "stoop, deck, or screened in porch" in the second sentence of the section. The remainder of the section shall remain in full force and effect.

6. The following Section 16.2 shall be added:

16.2. Reservation: Declarant hereby explicitly reserves and option until the seventh (7th) anniversary of the recording of this Declaration to convert Convertible Real Estate to the Community from time to time in compliance with § 3212 of the Act, without the consent of any Unit Owner or Permitted Mortgagee. The option to Convert real estate may be terminated prior to such anniversary only upon the filing by Declarant of an amendment to this Declaration. Declarant expressly reserves the right to Convert any or all portion of the Convertible Real Estate at any time, at different times, in any order, without limitation and without any requirement that other real estate be added, converted or withdrawn; provided, however, that the Convertible Real Estate shall not exceed the area described in Exhibit "C" attached hereto and as shown on the Declaration Plan and that the maximum number of Units per acre within the entire Condominium cannot exceed 10. However, the maximum number of Units with any portion or phase may exceed that density so long as the total density of the entire Condominium does not exceed ten (10) Units per acre. There are no other limitations on the option to convert.

7. The following Section 16.3 shall be added:

16.3. Reservation: Declarant hereby explicitly reserves and option until the seventh (7th) anniversary of the recording of this Declaration to withdraw Withdrawable Real Estate from the Community from time to time in compliance with § 3212 of the Act, without the

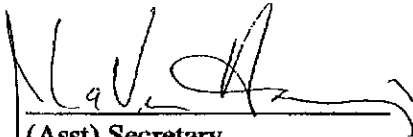
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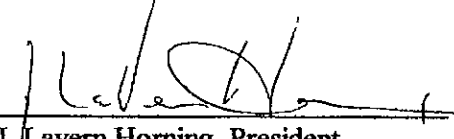
consent of any Unit Owner or Permitted Mortgagee. The option to withdraw real estate may be terminated prior to such anniversary only upon the filing by Declarant of an amendment to this Declaration. Declarant expressly reserves the right to withdraw any or all portion of the Withdrawable Real Estate at any time, at different times, in any order, without limitation and without any requirement that other real estate be added, converted or withdrawn; provided, however, that the Withdrawable Real Estate shall not exceed the area described in Exhibit "D" attached hereto and as shown on the Declaration Plan and that the maximum number of Units per acre within the entire Condominium cannot exceed 10. However, the maximum number of Units with any portion or phase may exceed that density so long as the total density of the entire Condominium does not exceed ten (10) Units per acre. There are no other limitations on the option to withdraw.

IN WITNESS WHEREOF, Declarant has executed this First Amendment to Declaration on the day and year first above written.

BERKS CONSTRUCTION COMPANY INC.

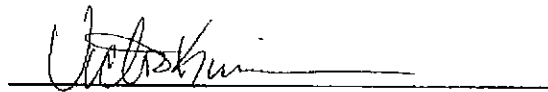


(Asst) Secretary

By: 

J. Lavern Horning, President
Berks Construction Company Inc.

MILLPORT DEVELOPERS, LP.
a Pennsylvania limited partnership
MILLPORT DEVELOPERS, LLC
general partner
VICTOR KICERA,
Sole Member of Millport Developers, LLC



Victor Kicera

ASM:SLK: 298668.3 (20615.005) 6/3/03



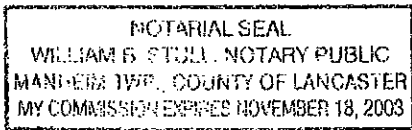
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COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LANCASTER)

On this, the 3rd day of June, 2003, before me the undersigned individual, personally appeared VICTOR KICERA, who is the sole member of MILLPORT DEVELOPERS, LLC, which is the general partner of MILLPORT DEVELOPERS, LP., and that as such Member, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing as such member.

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

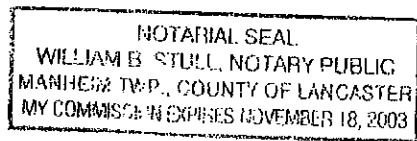


W.B. Stull
Notary Public

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LANCASTER)

On this, the 3rd day of June, 2003, before me the undersigned individual, personally appeared J. LAVERN HORNING, who acknowledged himself to be the PRESIDENT of Berks Construction Company Inc., and that being authorized to do so, executed the foregoing instrument for the purposes therein contained.

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



W.B. Stull
Notary Public

**I Certify This Document To Be
Recorded in Lancaster Co., Pa.**



Steve McDonald
STEVE McDONALD
Recorder of Deeds

EXHIBIT "A"

THE PROPERTY

ALL THAT CERTAIN piece, parcel or tract of land situated on the North side of Kennedy Street, located in West Lampeter Township, Lancaster County, Pennsylvania, being known as Condominium Units 162 – 164 and 165 - 167, as shown on the condominium plat prepared by RGS Associates, Incorporated, Project No. 2000356-009, said tract being more fully bounded and described as follows:

BEGINNING at a point on the North side of Kennedy Street, said point being a corner of Block A, Lot 7; thence extending along Kennedy Street, South eighty (80) degrees forty-one (41) minutes thirty-nine (39) seconds West, a distance of one hundred forty-five and fifty hundredths (145.50) feet to a point, a corner of Remaining Block A, Lot 1; thence extending along the same, the seven (07) following courses and distances: [1] North nine (09) degrees eighteen (18) minutes twenty-one (21) seconds West, a distance of twelve and eighty hundredths (12.80) feet to a point; [2] on a line curving to the left, having a radius of eighteen and eighty-three hundredths (18.83) feet, an arc length of twenty-six and ninety-six hundredths (26.96) feet, a chord bearing of North fifty (50) degrees nineteen (19) minutes three (03) seconds West, and a chord distance of twenty-four and seventy-one hundredths (24.71) feet to a point; [3] on a line curving to the right, having a radius of forty-one and seventeen hundredths (41.17) feet, an arc length of fifty-eight and ninety-four hundredths (58.94) feet, a chord bearing of North fifty (50) degrees nineteen (19) minutes three (03) seconds West, and a chord distance of fifty-four and three hundredths (54.03) feet to a point; [4] North nine (09) degrees eighteen (18) minutes twenty-one (21) seconds West, a distance of forty-four and fifteen hundredths (44.15) feet to a point; [5] on a line curving to the right, having a radius of forty-one and seventeen hundredths (41.17) feet, an arc length of twenty-four and sixty-one hundredths (24.61) feet, a chord bearing of North seven (07) degrees forty-nine (49) minutes zero (0) seconds East, and a chord distance of twenty-four and twenty-four hundredths (24.24) feet to a point; [6] North thirty-four (34) degrees fifty-six (56) minutes fifty-three (53) seconds West, a distance of sixty-eight and twelve hundredths (68.12) feet to a point; and [7] North eight (08) degrees six (06) minutes five (05) seconds West, a distance of one hundred four and fifty-eight hundredths (104.58) feet to a point in line of Block A, Remaining Lands of Millport Developers; thence extending along the same, the two (02) following courses and distances: [1] North eighty-one (81) degrees fifty-three (53) minutes fifty-five (55) seconds East, a distance of one hundred fifty-five and ninety-seven hundredths (155.97) feet to a point; and [2] South thirty-five (35) degrees fifty-eight (58) minutes fifteen (15) seconds East, a distance of one hundred thirty-six and seventy-six hundredths (136.76) feet to a point, a corner of Block A, Lot 7; thence extending along the same, South nine (09) degrees eighteen (18) minutes twenty-one (21) seconds East, a distance of one hundred eighty and zero hundredths (180.00) feet to the place of BEGINNING.

CONTAINING 1.3030 Acres



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EXHIBIT "C"

CONVERTIBLE REAL ESTATE

Millport Developers
West Lampeter Township, Lancaster County
Pennsylvania
LOT 1 Block 'A' - 13.187 Acres

ALL THAT CERTAIN tract of land situate on the northerly side of Millport Road, SR 2036 in West Lampeter Township, Lancaster County, Pennsylvania, known as Lot 1 Block 'A' as shown on Final Plan for "The Crossings at Rocky Springs", Phase 1, prepared by RGS Associates, Drawing Number 2000356-009, Sheet 5 and 6 of 37, dated February 8, 2001, last revised April 1, 2002, recorded in the Office for Recording of Deeds, in and for Lancaster County, Pennsylvania, in Subdivision Plan Book J-211 page 138, and being more fully described as follows:

BEGINNING at the centerline intersection of Lampeter Road, SR 3028 and Millport Road, SR 2036, Thence along the centerline of Millport Road, South $80^{\circ} 41' 39''$ West, a distance of 761.49 feet to a point, a corner of Lot 2 Block 'A' of same plan, Thence along the westerly property line of Lot 2 Block 'A', North $90^{\circ} 18' 21''$ West a distance of 25.00 feet to a point on the Proposed Right-of-Way Line, 25 feet from the existing centerline, the TRUE PLACE OF BEGINNING; Thence along the Proposed Right-of-Way Line of Millport Road, South $80^{\circ} 41' 39''$ West a distance of 651.26 feet to a point on line of land of John S. and Lydia K. King, recorded in Subdivision Plan Book J-97 page 29; Thence along the same the following two courses and distances:

- 1.) North $08^{\circ} 35' 30''$ West a distance of 183.65 feet to a 1" Iron Pipe;
- 2.) South $82^{\circ} 19' 30''$ West a distance of 170.13 feet to a point on line of land of Robert I. and Toby C. Stanley, recorded in Subdivision Plan Book J-118 page 33; Thence along the same North $08^{\circ} 43' 14''$ West a distance of 404.22 feet to a steel rebar, found, a corner of land of Riverbend Limited Partnership; Thence along the same North $08^{\circ} 06' 05''$ West a distance of 106.27 feet to a point, a corner of the Remaining Lands of Millport Developers; Thence along the same, the following two courses and distances:

- 1.) North $81^{\circ} 53' 55''$ East a distance of 836.55 feet to a point,
- 2.) South $35^{\circ} 58' 15''$ East a distance of 136.76 feet to a point, a corner of Lot 7 Block 'A' of same recorded plan; Thence along the same and a portion of a 60 feet wide Access Easement, South $09^{\circ} 18' 21''$ East a distance of 180.00 feet to a point on the southerly portion of the Access Easement, as shown; Thence along the Access Easement, North $80^{\circ} 41' 39''$ East a distance of 34.87 feet to a point at the current terminus of a portion of the Access Easement; Thence along the Access Easement and Lot 6 Block 'A' of same plan, South $09^{\circ} 18' 21''$ East a distance of 142.62 feet to a point, a corner of Lot 2, Block 'A'; Thence along the same the following four courses and distances:

- 1.) South $80^{\circ} 41' 39''$ West a distance of 39.58 feet to a steel rebar;
- 2.) South $09^{\circ} 18' 21''$ East a distance of 20.00 feet to a steel rebar;
- 3.) South $80^{\circ} 41' 39''$ West a distance of 80.42 feet to a point;
- 4.) South $09^{\circ} 18' 21''$ East a distance of 218.00 feet to a point, the TRUE PLACE OF BEGINNING.

Containing: 13.187 Acres

EXHIBIT "D"

WITHDRAWABLE REAL ESTATE

Millport Developers
West Lampeter Township, Lancaster County
Pennsylvania
LOT 1 Block 'A' - 13.187 Acres

ALL THAT CERTAIN tract of land situate on the northerly side of Millport Road, SR 2036 in West Lampeter Township, Lancaster County, Pennsylvania, known as Lot 1 Block 'A' as shown on Final Plan for "The Crossings at Rocky Springs", Phase 1, prepared by RGS Associates, Drawing Number 2000356-009, Sheet 5 and 6 of 37, dated February 8, 2001, last revised April 1, 2002, recorded in the Office for Recording of Deeds, in and for Lancaster County, Pennsylvania, in Subdivision Plan Book J-211 page 138, and being more fully described as follows:

BEGINNING at the centerline intersection of Lampeter Road, SR 3028 and Millport Road, SR 2036, Thence along the centerline of Millport Road, South $80^{\circ} 41' 39''$ West, a distance of 761.49 feet to a point, a corner of Lot 2 Block 'A' of same plan, Thence along the westerly property line of Lot 2 Block 'A', North $90^{\circ} 18' 21''$ West a distance of 25.00 feet to a point on the Proposed Right-of-Way Line, 25 feet from the existing centerline, the TRUE PLACE OF BEGINNING; Thence along the Proposed Right-of-Way Line of Millport Road, South $80^{\circ} 41' 39''$ West a distance of 651.26 feet to a point on line of land of John S. and Lydia K. King, recorded in Subdivision Plan Book J-97 page 29; Thence along the same the following two courses and distances:

- 1.) North $08^{\circ} 35' 30''$ West a distance of 183.65 feet to a 1" Iron Pipe;
- 2.) South $82^{\circ} 19' 30''$ West a distance of 170.13 feet to a point on line of land of Robert I. and Toby C. Stanley, recorded in Subdivision Plan Book J-118 page 33; Thence along the same North $08^{\circ} 43' 14''$ West a distance of 404.22 feet to a steel rebar, found, a corner of land of Riverbend Limited Partnership; Thence along the same North $08^{\circ} 06' 05''$ West a distance of 106.27 feet to a point, a corner of the Remaining Lands of Millport Developers; Thence along the same, the following two courses and distances:

- 1.) North $81^{\circ} 53' 55''$ East a distance of 836.55 feet to a point,
- 2.) South $35^{\circ} 58' 15''$ East a distance of 136.76 feet to a point, a corner of Lot 7 Block 'A' of same recorded plan; Thence along the same and a portion of a 60 feet wide Access Easement, South $09^{\circ} 18' 21''$ East a distance of 180.00 feet to a point on the southerly portion of the Access Easement, as shown; Thence along the Access Easement,

North $80^{\circ} 41' 39''$ East a distance of 34.87 feet to a point at the current terminus of a portion of the Access Easement; Thence along the Access Easement and Lot 6 Block 'A' of same plan, South $09^{\circ} 18' 21''$ East a distance of 142.62 feet to a point, a corner of Lot 2, Block 'A'; Thence along the same the following four courses and distances:

- 1.) South $80^{\circ} 41' 39''$ West a distance of 39.58 feet to a steel rebar;
- 2.) South $09^{\circ} 18' 21''$ East a distance of 20.00 feet to a steel rebar;
- 3.) South $80^{\circ} 41' 39''$ West a distance of 80.42 feet to a point;
- 4.) South $09^{\circ} 18' 21''$ East a distance of 218.00 feet to a point, the TRUE PLACE OF BEGINNING.

Containing: 13.187 Acres

EXHIBIT "E"

CONDOMINIUM UNIT PLANS

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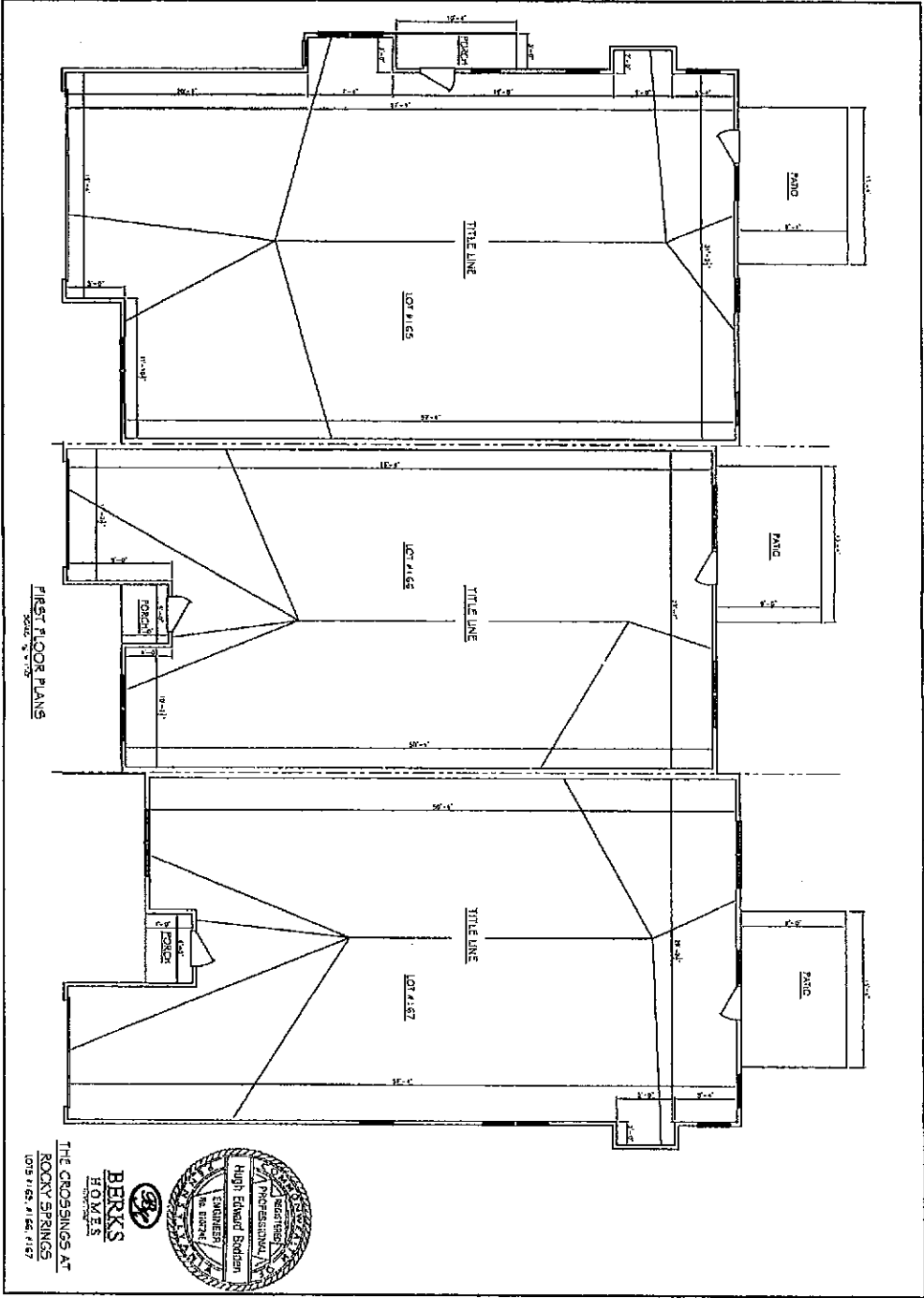
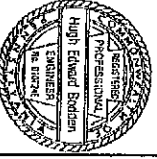


EXHIBIT E

THE CROSSINGS AT
ROCKY SPRINGS
1059 E. US 71 S.E. #137

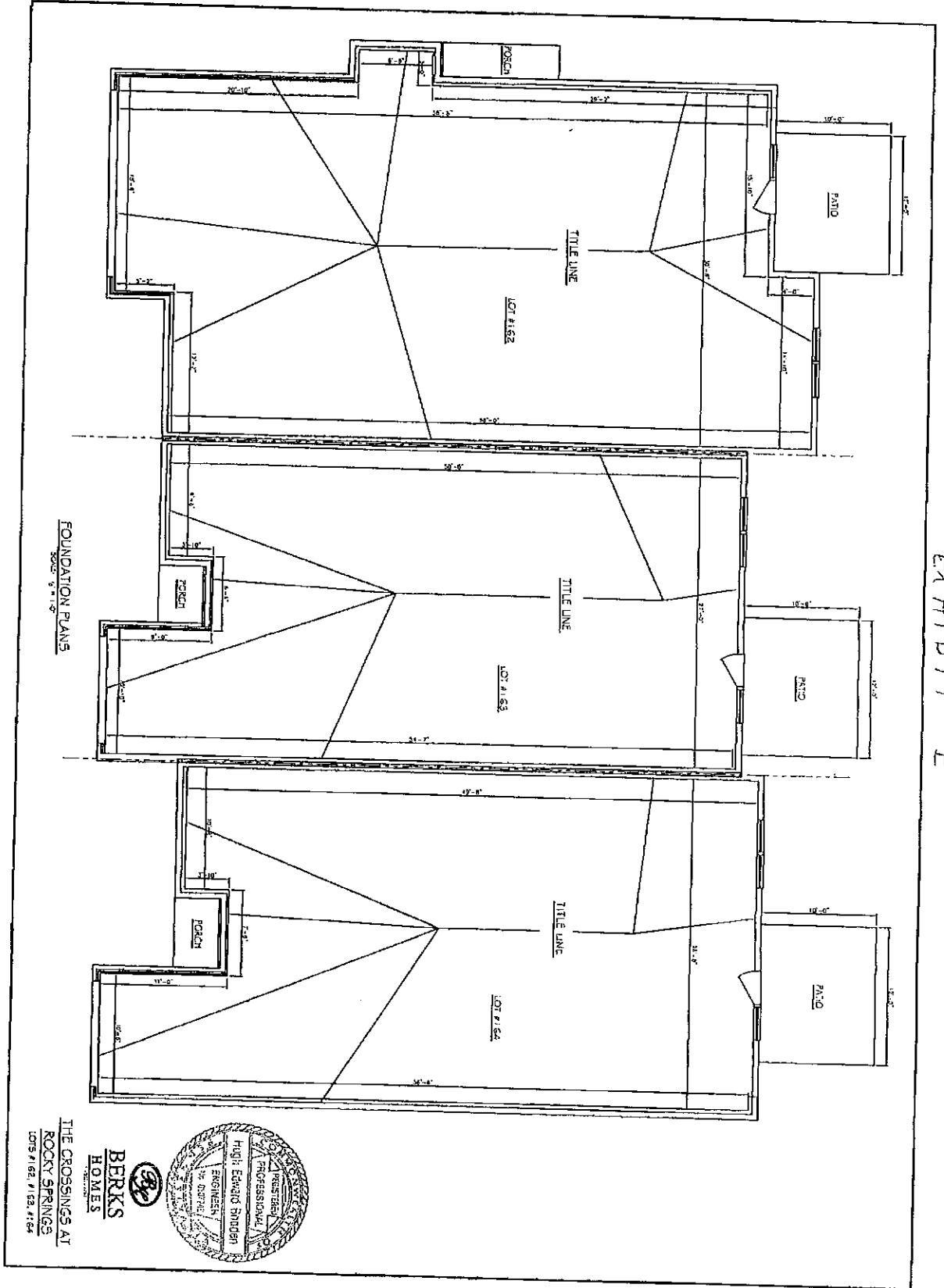
BERKS
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SS AT
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FOUNDATION PLANS
SCALE: 3/8" = 1'-0"

THE CROSSINGS AT
ROCKY SPRINGS
LOTS #1 S2, #1 S3, #1 S4

BERKS
HOMES

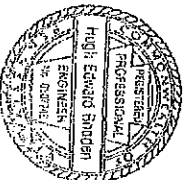
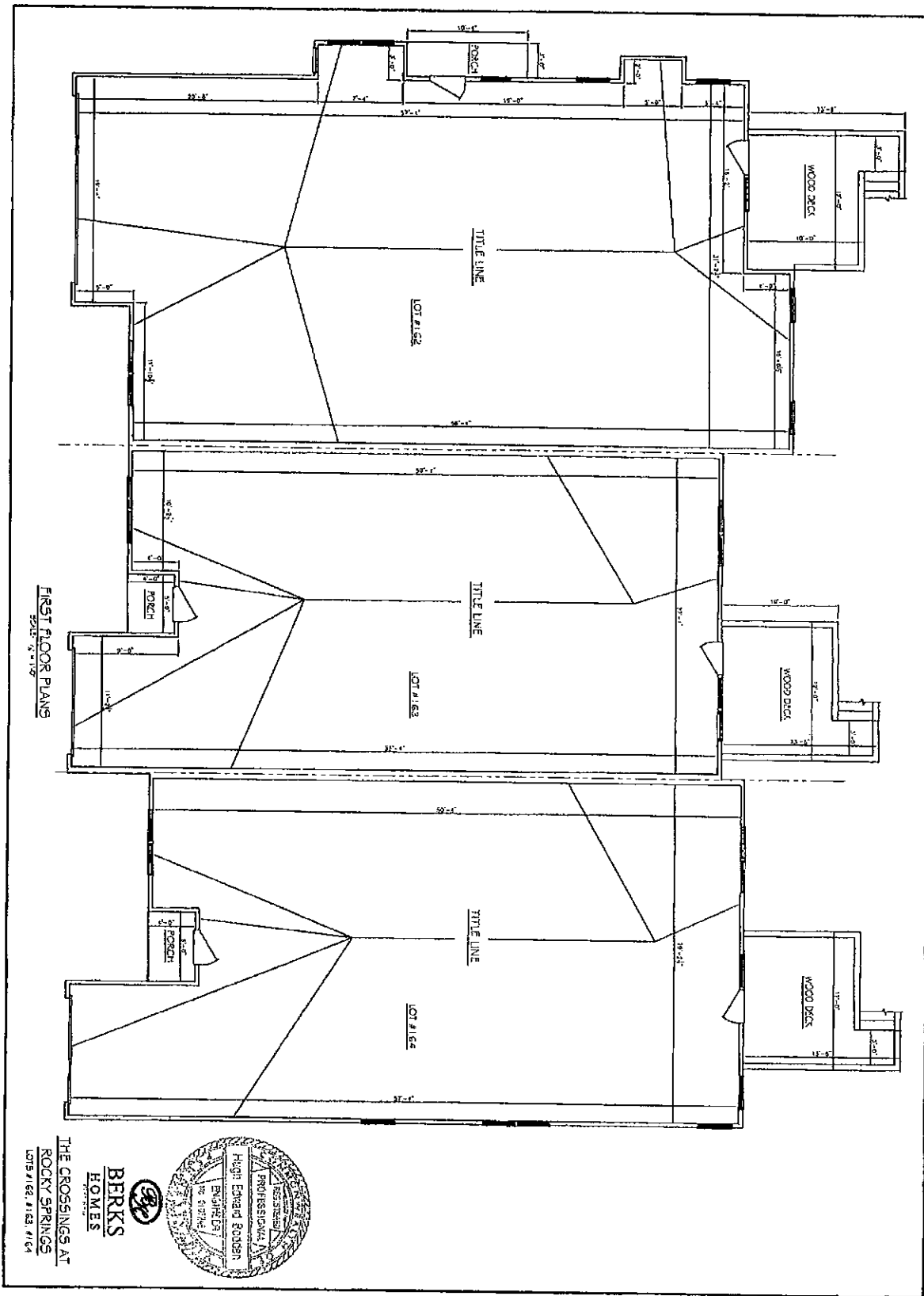


EXHIBIT E



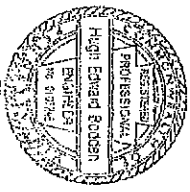
FIRST FLOOR PLANS
SCALE: 1/8" = 1'-0"

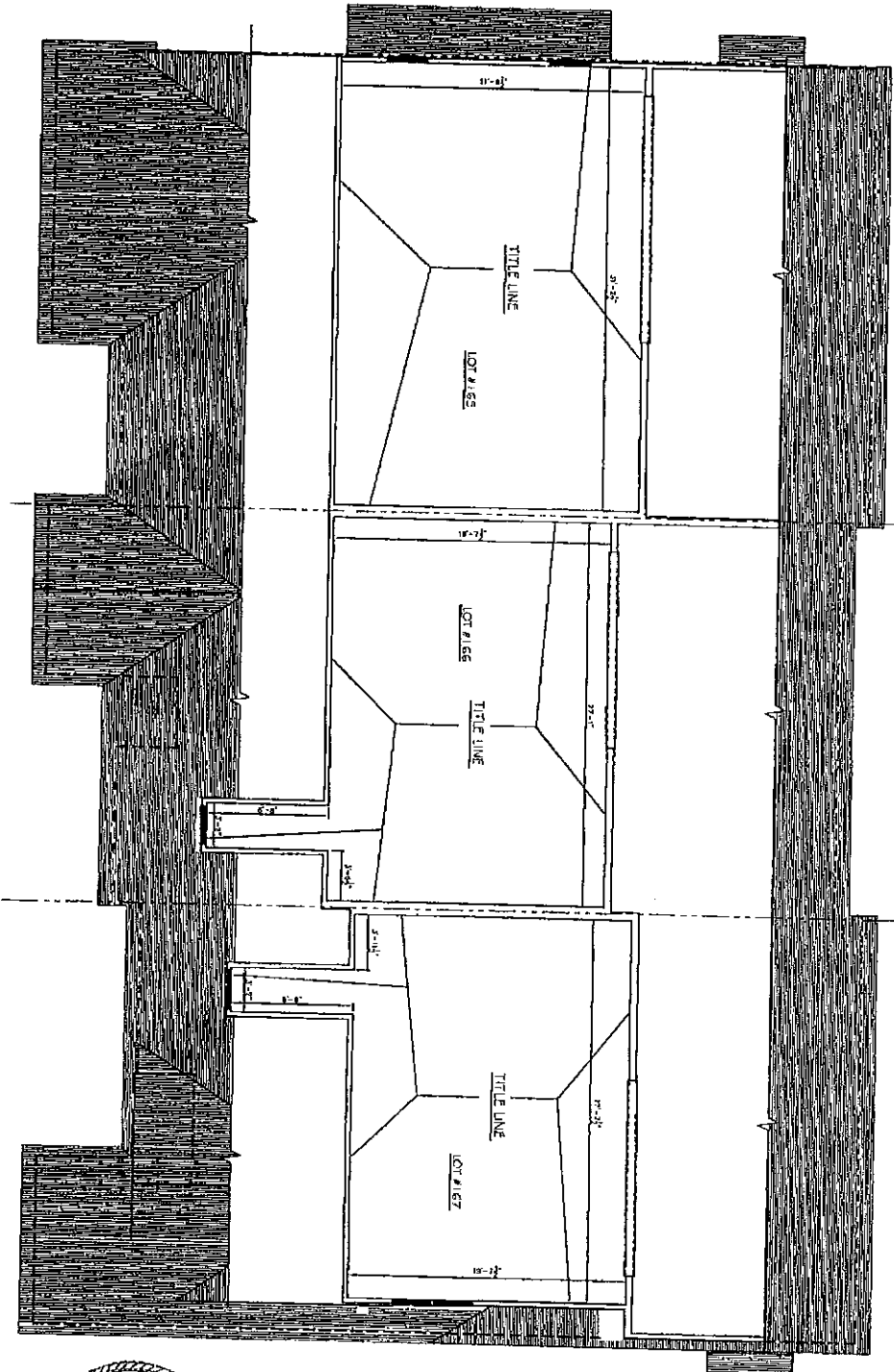
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THE CROSSINGS AT
ROCKY SPRINGS
LOTS #152, #153, #154

**BERKS
HOMES**





SECOND FLOOR PLANS
SCALE: 1/8" = 1'-0"

THE CROSSINGS AT
ROCKY SPRINGS
LOTS #165, #166, #167

BERKS
HOMES

