



Instr: 202402090001871

Pgs: 6 F: \$24.50
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2/9/2024 2:35 PM
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SECOND AMENDMENT TO DECLARATION
FOR
DUFFY HIGHLANDS, A PLANNED COMMUNITY

This SECOND AMENDMENT TO DECLARATION FOR DUFFY HIGHLANDS, A PLANNED COMMUNITY (the “Amendment”) is made this 9th day of February 2024, by **Duffy Highlands, LP**, a Pennsylvania limited partnership, the Declarant of DUFFY HIGHLANDS, a Planned Community situate in the Townships of Center and Butler, County of Butler and Commonwealth of Pennsylvania.

WHEREAS, the Duffy Highlands, a Planned Community, was created pursuant to a certain Declaration for Duffy Highlands, A Planned Community dated March 15, 2019, and recorded March 15, 2019, in the Recorder of Deeds Office of Butler County Pennsylvania (“Recorder’s Office”) at Instrument Number 201903150004540 (the “Declaration”); and as amended by the “First Amendment to Declaration for Duffy Highlands, A Planned Community” (the “First Amendment”) for Duffy Highlands, A Planned Community, said amendment being dated February 16, 2022 and recorded in Instrument Number 202202160003715, and

WHEREAS, pursuant to Article XI of the Declaration, the Declarant desires to amend the Declaration to include Additional Real Estate, as defined therein, and other related amendments.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. The Exhibit “A” to the Declaration is hereby amended to include the real property described in Exhibit “A” to this Amendment (“Phase III Property”) so that the Phase III Property is made part of the “Property” subject to the Declaration.
2. The Exhibit “B” of the Declaration is hereby amended to include the description of the Duffy Highlands, a Planned Community Amended Phase 3 Plan for Recording, described in Exhibit “B” to this Amendment (“Phase II”) so that the Phase III is made part of the “Plan” subject to the Declaration.
3. The Declaration is hereby amended to include the following definition:

“Phase III” shall mean Lot Numbers 301-340, Parcel B3, C2, D3, and Gleneagles Drive as shown on the Duffy Highlands, a Planned Community Amended Phase 3 Plan for Recording, as recorded in the Office of the Recorder of Deeds of Butler County, Pennsylvania at Instrument Number 202312040018131, together with the appurtenant Common Elements necessary for the use and enjoyment of those Lots.

4. The terms of Exhibit "C" of the Declaration are hereby deleted in their entirety and replaced with the following:

The Additional Real Estate shall consist of any and all Lots, Open Space Parcels or residual area as shown on the Plan that is not included within Phase I, Phase II, Phase III and any Common Elements thereof.

5. Section 4.3 is hereby added with the following:

4.3 Butler Township specific maintenance. For Lots, Common Elements and Common Facilities located in Butler Township the following additional Common Elements and Common Facilities maintenance apply:

- (a) *In the event the Association or any successor organization shall at any time fail to maintain the Common Elements or Common Facilities in accordance with the development plan, Butler Township may serve written notice upon the Association, successor organization or upon the residents and owners of the Planned Community, setting forth the manner in which the Association has failed to maintain the Common Elements or Common Facilities. This notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof and shall state the date and place for a hearing thereon, which shall be held within 14 days of the notice. At such hearing, Butler Township may modify the terms of the original notice as to the deficiencies and/of may give an extension of time within which such deficiencies must be corrected per Article 300-22(7)(i) of the Butler Township Zoning Ordinance.*
 - (b) *In the event of any proposed transfer of the Common Elements or Common Facilities, or of the assumption of maintenance of the Common Elements or Common Facilities by Butler Township, notice of such action shall be given to all property owners in the Planned Community per Article 300-22(7)(g) of the Butler Township Zoning Ordinance.*
6. This Amendment is being made pursuant to the terms of the Declaration for the purpose of making the Phase III Property and Phase III subject to the scheme of the Declaration and to extend the jurisdiction of the Association to cover the Phase III Property and Phase III.
7. The definition in Section 2.2 of the Declaration is deleted in its entirety and replaced with the following:

2.2 "Approved Builder" shall mean any person or entity improving the Planned Community, only as set forth in Section 10.2 of this Declaration and specifically including D. R. Horton, Inc. – New Jersey.
8. All Capitalized terms not defined herein or otherwise amended herein shall have the same meaning as is given to such terms in the Declaration.

9. This Amendment, along with the First Amendment, includes all amendments, modifications, and changes to the Declaration as of the date of this Amendment. The provisions of this Amendment are intended to amend and supplement the provisions of the Declaration and shall be construed so as to avoid conflicts between their respective terms, however, that in the event of a conflict or inconsistency between the provisions of this Amendment and the Declaration, the terms of this Amendment shall control. As amended by this Amendment, the Declaration is hereby ratified and affirmed and remains in full force and effect.

EXHIBIT "A"

LEGAL DESCRIPTION OF PHASE III PROPERTY

ALL THOSE CERTAIN parcels of land, situate partly in the Township of Center, partly in the Township of Butler, County of Butler, Commonwealth of Pennsylvania, designated as Lot Numbers 301-340, Parcel B3, C2, D3, and Gleneagles Drive as shown on the Duffy Highlands, a Planned Community Amended Phase 3 Plan for Recording, as recorded in the Office of the Recorder of Deeds of Butler County, Pennsylvania at Instrument Number 202312040018131.

EXHIBIT "B"

PHASE III

Lot Numbers 301-340, Parcel B3, C2, D3, and Gleneagles Drive as shown on the Duffy Highlands, a Planned Community Amended Phase 3 Plan for Recording, as recorded in the Office of the Recorder of Deeds of Butler County, Pennsylvania at Instrument Number 202312040018131.