

Prepared by and
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OPA Number:

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**SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION
OF PIER 3 CONDOMINIUM**

THIS SECOND AMENDMENT to the Amended and Restated Declaration of Condominium of Pier 3 Condominium (the "Amendment") is made this 28th day of September 2020 (the "Effective Date"), by the Pier 3 Condominium Association, Inc. (the "Association").

WHEREAS, the Association is the condominium association of a certain residential condominium community located in the City of Philadelphia, Pennsylvania, known as “The Pier 3 Condominium” (the “Condominium”); and

WHEREAS, the Condominium is governed by a Declaration of Condominium of Pier 3 Condominium, recorded on September 5, 1986 in the Commissioner of Records, City of Philadelphia (the “Declaration”), as further amended by an Amended and Restated Declaration of Condominium of Pier 3 Condominium (the “Restated Declaration”), recorded on May 9, 1994 in the Commissioner of Records, City of Philadelphia, in Deed Book 0566, Page 830, et seq., as amended and supplemented from time to time, and the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. §§ 3101, et seq., (the “Act”); and

WHEREAS, Section 3219(f) of the Act applies to the Association and provides that “[e]xcept as otherwise provided in the declaration, if any amendment to the declaration is necessary in the judgment of the [Board of Directors] . . . to cure any ambiguity or to correct or supplement any provision of the declaration...that is defective, missing or inconsistent with any other provision thereof then, at any time and from time to time, the executive board may at its discretion effect an appropriate corrective amendment without the approval of the unit owners or the holders of any liens on all or any part of the condominium, upon receipt by the executive board of an opinion from independent legal counsel to the effect that the proposed amendment is permitted by the terms of this subsection.”; and

WHEREAS, the Board of Directors has received an opinion from counsel that this amendment is consistent with the provisions of Section 3219(f) of the Act; and

WHEREAS, the Board of Directors has determined that an amendment to the Restated Declaration is appropriate and necessary to correct a defect and inconsistency in Article V, Section 5.3 of the Restated Declaration regarding allocation of Limited Expense Liability.

NOW, THEREFORE, BE IT RESOLVED, that Article V, Section 5.3 of the Restated Declaration of Condominium of Pier 3 Condominium is amended to read as follows:

1. **Section 5.3. Allocation of Limited Expense Liability.** *Limited Common Elements shall be maintained and repaired by the Association and the costs of such maintenance and repair shall be assessed in equal shares against the Units to which that Limited Common Element served at the time the expense was incurred. Notwithstanding the foregoing, each Unit Owner whose Balcony Area, Patio Area or Terrace Area contains wood planking or wooden slats on boards as the flooring of such area shall be responsible, at his/her own cost and expense, for maintaining, repairing and replacing such planking, slats and/or boards.*

2. Except as expressly set forth in this All other terms and provisions of the Restated Declaration not amended herein shall remain in full force and effect.

WITNESS this day, our hands and seals:

ATTEST:

BOARD OF DIRECTORS:
THE PIER 3
CONDOMINIUM ASSOCIATION

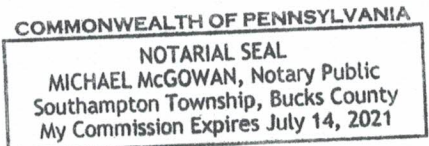
John J. Gugliano
Name: John J. Gugliano
Title: Secretary

Edward H. Collins
Name: Edward H. Collins
Title: President

STATE OF PENNSYLVANIA)
)
COUNTY OF *Philadelphia*) SS:

On this 28th day of September, 2020, before me, a Notary Public, the undersigned officer, personally appeared _____ who acknowledged himself/herself to be the PRESIDENT of THE PIER 3 CONDOMINIUM ASSOCIATION and that as such, being authorized to do so, executed the foregoing Amendment and acknowledged that he/she executed the same for the purpose therein contained.

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



[Signature]
Notary Public
My Commission Expires: _____