

201013314

**SECOND AMENDMENT
TO
DECLARATION OF RESTRICTIONS
OF
GRAHAMVILLE SUBDIVISION PHASE I
AS PLOTTED IN ERIE COUNTY
MAP NO. 2005-196
NOW
WHISTLE RUN SUBDIVISION**

NOW, THIS 1st DAY OF JUNE, 2011, DAVID L. THORNTON does hereby,
pursuant to Paragraph 35 of the above referenced Restrictions as recorded at Erie County Record
Book 1275 at Page 252 and as amended at Erie County Record Book 1488 at Page 591, publish
and declare the following amendments.

**1. Paragraph 8 as originally stated is hereby deleted and the following
substituted in its place:**

“8) No structure shall be erected, altered, placed, or constructed upon any lot
except for single and multi family residential dwellings, retirement homes, and related
outbuildings. All single-family structures shall have an attached garage for not less than two nor
more than four vehicles; all multi-family structures shall have an attached garage for not less
than one nor more than two vehicles per unit. Retirement homes may be erected and occupied
on all lots fronting on Wellington Street west of Jefferson Street. Any number of the described
lots may be combined with each other to provide a site or sites for retirement homes. Retirement
homes are not required to have attached or separate garages.

The following enumerated lots may be occupied as single family or multi-family
dwellings, and more specifically, multi-family dwellings may be built and occupied on lots

numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47. In addition, the following lots located west of Jefferson Street and fronting on Wellington Street may be occupied as single family dwellings, multi-family dwellings, or retirement homes and more specifically, retirement homes may be built and occupied on lots numbered as 8, 9, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47

For purposes of the Homeowners' Association, the owner of a retirement home shall be considered the owner of each of the lots combined for the site of the retirement home and the combined lots shall be subject to assessment and exercise a vote for each lot combined."

2. Paragraph 10 as originally stated is hereby deleted and the following substituted in its place:

"10) Any residence erected upon the property shall have not less than 1400 square feet for a single family or 1200 square feet per unit for multi-family housing of enclosed above ground finished living area excluding any breezeway, porches, garage or basements. For split-level residences, ground floor living areas may be considered as "above ground finished living area" in the discretion of David L. Thornton notwithstanding that the lower portion thereof is below ground. Retirement homes which may be built and occupied on Lots numbered as 8, 9, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47, shall not be subject to the living area requirements set forth in this paragraph."

3. Paragraph 13 as originally stated is hereby deleted and the following substituted in its place:

"13) No more than 1 accessory building may be placed on any lot and shall not exceed 120 square feet in area and 12 feet in height. Any accessory building shall be constructed in a style that matches the architectural design and style of the residence. The design of the

accessory building and the material used in the construction of the accessory building shall conform to the design of the residence and materials used in construction of the residence. Siding and roofing materials of the accessory building shall conform to the siding and roofing materials of the residence. Non-vinyl siding may be used on the accessory building, provided that is of similar quality as the siding on the residence. The color of the accessory building shall match exactly the color of the residence. The accessory building must be required to comply with applicable municipal zoning ordinances.”

4. Paragraph 19 as originally stated is hereby deleted and the following substituted in its place:

“19) No lot shall be used in whole or in part for any commercial purpose nor shall any lot be used whole or in part for storage of any property or object that will cause such lot to appear in an unclean or untidy condition, or that will be obnoxious to the eye, nor shall any activity be carried on or substance kept upon any lot that will emit foul or obnoxious odors or that will cause an unreasonable noise or which may become a nuisance to the neighborhood. No horses, cattle, sheep, goats, hogs, poultry or other livestock shall be kept or maintained upon any part of the property provided, however, that the keeping of domestic pets for personal but not commercial purposes shall be permitted. For purposes of enforcement and interpretation of this restriction, the conduct of professions commonly conducted at and in the residence of the practitioner and the conduct and operation of retirement homes, shall not be considered a commercial purpose or a nuisance.”

5. Paragraph 25 as originally stated is hereby deleted and the following substituted in its place:

"25) Radio and television antennas shall not exceed the height of the principal structure upon the premises by more than six feet nor shall any such antenna be located in the front of any property. A satellite dish may be attached to the exterior of the residence or shall be placed in the rear or side yard of the property within the building set back lines applicable to the residence located upon such lot."

6. Paragraph 27 as originally stated is hereby deleted and the following substituted in its place:

"27) All fences and decks shall be constructed of maintenance free material which shall consist of a man-made material such as composite, vinyl, aluminum, plastic and wood synthetics."

30. Paragraph 30 as originally stated is hereby deleted and the following substituted in its place.

"30. All surface and subsurface water control measures, whether temporary during construction or permanent, including but not limited to gutters, downspouts, sump pump outflow, land contouring, and erosion control devices, shall be installed and maintained in accordance with storm water control plans and permits approved by municipal and state agencies having jurisdiction over such activities as the same are issued and released from time to time.


IN WITNESS WHEREOF and with the intent to be legally bound DAVID L. THORNTON hereunto sets his hand and seal this 1st day of June, 2011.


DAVID L. THORNTON

**COMMONWEALTH OF PA
COUNTY OF ERIE**

On this, the 1st day of June, 2011, before me, a Notary Public, the undersigned officer, personally appeared David L Thornton, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes herein contained.

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


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Nancy Jane Wick, Notary Public
North East Twp., Erie County
My Commission Expires Jan. 13, 2012
Member, Pennsylvania Association of Notaries

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