

DEC

COPY

**RESOLUTION OF THE BOARD OF DIRECTORS OF
BROOKSIDE ESTATES HOMEOWNERS ASSOCIATION**

The undersigned, being the Board of Directors (the "Board") of the Brookside Estates Homeowners Association (the "Association"), hereby certifies that the following resolutions were duly adopted at a duly called meeting of the Board held on the 19th day of August 2004, 2004.

WHEREAS, the Association is governed by a *Declaration of Restrictions, Covenants and Easements for Brookside Estates* ("Declaration") filed on July 28, 1989 in the Office of the Recorder of Deeds of Chester County, Pennsylvania, Volume 1633, Page 133;

WHEREAS, Article IV, Section 5 of the Declaration imposes on the Board the obligation to govern the Association and to perform all duties and to exercise all powers granted pursuant to the Declaration and Pennsylvania Law; and

WHEREAS, Section 5219(f) of the Uniform Planned Communities Act ("Act") applies retroactively to the Association, and provides that "[e]xcept as otherwise specified in the declaration, if any amendment to the declaration is necessary in the judgment of the [Board] to . . . cure an ambiguity [or] correct or supplement any provision of the declaration . . . that is defective, missing or inconsistent with any other provision of the declaration or with this subpart . . . the [Board] may effect an appropriate corrective amendment without the approval of the unit owners or the holders of liens on the planned community, upon the receipt of an opinion from independent legal counsel to the effect that the proposed amendment is permitted by the terms of this subsection"; and

WHEREAS, upon review of the Declaration to determine the restrictions regarding the parking and/or storing of mobile homes, prefabricated homes and/or trailers, it became apparent to the Board that certain language contained in Article VIII, Section 7 of the Declaration regarding house trailers was ambiguous and inconsistent with the other restrictions set forth in the Declaration including, but not necessarily limited to, Article VIII, Sections 5 and 7; and

WHEREAS, the Board has determined that it is in the best interests of the Association to cure the ambiguous and inconsistent language; and

WHEREAS, the Board had sought and received the opinion of independent legal counsel that the content and adoption of the attached amendment is within the scope of Section 5219(f) of the Act; and

WHEREAS, the Board wishes to amend the Declaration in such a respect.

NOW THEREFORE, BE IT,

RESOLVED, that the Board, by the signatures affixed below, does hereby ratify the amendment to the Declaration attached hereto as Exhibit "A", and hereby directs that such other action taken as may be necessary or advisable in connection therewith; and

RESOLVED FURTHER, that the amendment to the Declaration attached hereto be recorded with the Office of the Recorder of Deeds of Chester County, Pennsylvania as expeditiously as possible.

ATTEST:

Signatures on file... (Seal)
Name: Dominick J. Proacchi
Title: Secretary

BOARD OF DIRECTORS
Brookside Estates Homeowners Association

Signatures on file ...
Name: Clara C. Keene
Title: President.

Signatures on file ...
Name: Scott W. Mahoney
Title: Member

Signatures on file ...
Name: KATHLEEN M'CRACKEN
Title: MEMBER

(Seal)
Name: _____
Title: _____

(Seal)
Name: _____
Title: _____

**BROOKSIDE ESTATES HOMEOWNERS ASSOCIATION
AMENDMENT TO
DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS**

WHEREAS, the Brookside Estates Homeowners Association ("Association") is governed by a *Declaration of Restrictions, Covenants and Easements for Brookside Estates* ("Declaration") filed on July 28, 1989 in the Office of the Recorder of Deeds of Chester County, Pennsylvania, Volume 1633, Page 133;

WHEREAS, Article IV, Section 5 of the Declaration imposes on the Board of Directors ("Board") the obligation to govern the Association and to perform all duties and to exercise all powers granted pursuant to the Declaration and Pennsylvania Law; and

WHEREAS, Section 5219(f) of the Uniform Planned Communities Act ("Act") applies retroactively to the Association, and provides in relevant part that "[e]xcept as otherwise specified in the declaration, if any amendment to the declaration is necessary in the judgment of the [Board] to . . . cure an ambiguity [or] correct or supplement any provision of the declaration . . . that is defective, missing or inconsistent with any other provision of the declaration or with this subpart . . . the [Board] may effect an appropriate corrective amendment without the approval of the unit owners or the holders of liens on the planned community, upon the receipt 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 requisite opinion of independent legal counsel has been obtained by the Board; and

WHEREAS, the Board, by Unanimous Resolution on the 19 day of August 2004, 2004 (the "Resolution"), authorized, ratified and affected this Amendment, directing that the same be effected and recorded as expeditiously as possible.

NOW, THEREFORE, in accordance with the terms of the Act, and pursuant to the Resolution, intending to be legally bound hereby, the Declaration is hereby amended in the following manner:

Article VIII, Section 7 shall be amended to read as follows:

Section 7. Vehicles. No boat, boat or utility trailer, motor home, house trailer or truck exceeding three-quarter (3/4) ton capacity, shall be parked on any part of the premises. No unlicensed, uninspected, or inoperable motor vehicle may be stored on the premises or parked on any part thereof, for more than thirty (30) days.

All other provisions of the Declaration not amended hereinabove shall remain unaffected.

IN WITNESS WHEREOF, the Board of Directors has caused this instrument to be executed as of the date written above.

ATTEST:

Signatures on file...

(Seal)

Name: Dominic J. Procehi

Title: Secretary

BOARD OF DIRECTORS

Brookside Estates Homeowners Association

Signatures on file ...

Name: Clara C Keene

Title: President

Signatures on file ...

Name: Scott W. Mahoney

Title: Member

Signatures on file ...

Name: KATHLEEN MCCRACKEN

Title: MEMBER

(Seal)

Name: _____

Title: _____

(Seal)

Name: _____

Title: _____

STATE OF PENNSYLVANIA)
)
COUNTY OF Chester) SS:

On this 4th day of October 2004, before me a Notary Public, the undersigned officer, personally appeared CLARA C. KEENE who acknowledged himself/herself to be the PRESIDENT of the BROOKSIDE ESTATES HOMEOWNERS ASSOCIATION and that as such, being authorized to do so, executed the foregoing instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Notarial Seal
Sheila P. Patrick, Notary Public
East Nottingham Twp., Chester County
My Commission Expires Sept. 20, 2005
Member, Pennsylvania Association of Notaries

Signatures on file ...

Notary Public

STATE OF PENNSYLVANIA)
)
COUNTY OF Chester) SS:

On this 4th day of October 2004, before me a Notary Public, the undersigned officer, personally appeared SCOTT W. MAHONEY who acknowledged himself/herself to be the MEMBER of the BROOKSIDE ESTATES HOMEOWNERS ASSOCIATION and that as such, being authorized to do so, executed the foregoing instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Notarial Seal
Sheila P. Patrick, Notary Public
East Nottingham Twp., Chester County
My Commission Expires Sept. 20, 2005
Member, Pennsylvania Association of Notaries

Signatures on file ...

Notary Public

STATE OF PENNSYLVANIA)
)
COUNTY OF Chester) SS:

On this 14th day of October 2004, before me a Notary Public, the undersigned officer, personally appeared KATHLEEN McCracken who acknowledged himself/herself to be the MEMBER of the BROOKSIDE ESTATES HOMEOWNERS ASSOCIATION and that as such, being authorized to do so, executed the foregoing instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Notarial Seal
Sheila P. Patrick, Notary Public
East Nottingham Twp., Chester County
My Commission Expires Sept. 20, 2005
Member, Pennsylvania Association of Notaries

Signatures on file ...

Notary Public

STATE OF PENNSYLVANIA)
)
COUNTY OF Chester) SS:

On this 14th day of October 2004, before me a Notary Public, the undersigned officer, personally appeared Dominic J. Proccchi who acknowledged himself/herself to be the SECRETARY of the BROOKSIDE ESTATES HOMEOWNERS ASSOCIATION and that as such, being authorized to do so, executed the foregoing instrument and acknowledged that he/she executed the same for the purposes therein contained.

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

Notarial Seal
Sheila P. Patrick, Notary Public
East Nottingham Twp., Chester County
My Commission Expires Sept. 20, 2005
Member, Pennsylvania Association of Notaries

Signatures on file...

Notary Public