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INDEX DEED

BOOK 8316 PAGE 619

NO. PAGES 8

INSTRUMENT AMENDMENT OF DEC

OR BRIGHTON ESTATES CONDOMINIUM
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COUNTY OF MONROE) ss:

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BOOK 8316 PAGE 619 OF DEED

AMOUNT .00

PATRICIA L. MCCARTHY
MONROE COUNTY CLERK

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**AMENDMENT TO DECLARATION OF
THE BRIGHTON ESTATES CONDOMINIUM**

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This Amendment to Declaration made this 25th day of February, 199³ by Brighton Estates Condominium, a condominium pursuant to Article 9-B of the New York State Real Property Law, having an address at P.O. Box 96, Pittsford, New York 14534 (the "Declarant")

W I T N E S S E T H :

WHEREAS, the Declaration of Condominium creating the Declarant was recorded in the Monroe County Clerk's Office on November 18, 1975 in Liber 4936 of Deeds at Page 98 (the "Original Declaration"); and

WHEREAS, the Original Declaration, including without limitation the corresponding agreements, rules, regulations, by-laws, easements and other documents referenced therein or authorized thereby (the "Condominium Documents"), governs the use and occupation of the individual residential units of the condominium (the "Units"), the management of the common areas of the condominium, and designates the scope of authority of the group of persons selected, authorized and directed to manage and operate the condominium (the "Board of Managers"); and

WHEREAS, the Board of Managers has identified certain modifications to the Original Declaration that are desired by the owners of the Units (each a "Unit Owner") to promote the further enjoyment and use of the Units; and

1993 MAR 2 9 18
MONROE COUNTY CLERK

RECORDED

WHEREAS, the Original Declaration sets out the procedure by which the terms and conditions of the Original Declaration can be amended.

NOW, THEREFORE, pursuant to the Declaration, the Condominium Documents, Article 9-B of the New York State Real Property Law and the good and lawful authority of the Board of Managers, the Declarant does hereby declare and state on behalf of itself, its successors and assigns, and all Unit Owners and other persons having or seeking to acquire any interest of any nature whatsoever in the condominium and the Units, as follows:

1. In accordance with Article XIII of the Original Declaration: (i) the subject matter of this amendment, with reasonable detail in its proposed form, was included in the notice of the meeting at which such amendment was considered; (ii) a resolution adopting the proposed amendment was initiated by the Board of Managers and was approved by the Unit Owners at the meeting called for such purpose by sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the Unit Owners who, in the aggregate, own not less than sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the common interest in the condominium and Unit Owners not present at the meeting expressed their approval either in writing or by proxy; and (iii) a copy of the amendment was certified by the President and Secretary of the Board of Managers as duly adopted and, after recording of this amendment, a copy of same shall be forwarded to each Unit Owner.

2. Enactment of New Policy Regarding Modification to Unit Exterior. To the extent that any Unit Owner desires to add an

improvement to its unit, including without limitation, a skylight, chimney, window or any other improvement, structural or otherwise (an "Exterior Modification"), of which any portion of such improvement will affect, be seen, protrude from or otherwise impact the exterior of the Unit, any other Unit, or any portion of any Common Element of the condominium, the following procedures shall control:

A. Any Unit Owner requesting an Exterior Modification shall submit a written request to the Board of Managers, which request shall include:

(i) a description of the proposed Exterior Modification, including dimensions, color, materials, cost and proposed location as well as any other information as may be reasonably requested by the Board of Managers, including without limitation, any governmental permits and approvals required;

(ii) a photograph or other visual reproduction of the proposed location on the Unit of the Exterior Modification;

(iii) the name of the contractor(s) or other workmen proposed to construct the Exterior Modification, which contractor or workmen shall be insured, reputable, and experienced in the area in which he shall be laboring;

(iv) the written consent of any lender, mortgagee or other party holding an interest or security in the Unit, if the terms of the instrument creating such interest or security so require; and

(v) the written consent of any other Unit Owner whose Unit must be entered in order to construct the Exterior Modification.

B. The Board of Managers shall include a brief summary of the Unit Owner's request in a written notice to all Unit Owners and within fourteen (14) days of giving such notice, any other Unit Owner may, for the consideration of the Board of Managers, voice its opinion or objection to such proposed Exterior Modification. The Board of Managers may request of the requesting Unit Owner such additional information reasonably relevant to the Exterior Modification or response to the objecting Unit Owner's statement. The Board of Managers shall approve or disapprove the requesting Unit Owner's Exterior Modification in its reasonable discretion in a timely fashion, but not before such fourteen (14) day period has passed.

C. The Exterior Modification, if approved by the Board of Managers, shall be installed at the sole cost and expense of the requesting Unit Owner, in compliance with all applicable codes, permits and approvals, and such Unit Owner shall remain exclusively responsible for the repair, replacement and maintenance of the Exterior Modification. The requesting Unit Owner shall also be exclusively liable for all damage to or destruction of other Units, other Unit Owner's personal property and the Common Elements and any other consequential damages resulting from the installation or existence of the Exterior Modification. The Declarant and the Board of Managers shall have no liability with respect to the installation, cost, repair,

replacement or maintenance of the Exterior Modification and the requesting Unit Owner shall indemnify and hold harmless the Declarant and the Board of Managers from and against all such matters arising therefrom.

D. The Board of Managers may condition its approval on any reasonable matter, including without limitation:

- (i) reputability of the contractor(s) or workmen;
- (ii) character and style of the proposed Exterior Modification and impact on the appearance of the Unit, building, or overall condominium community;
- (iii) quality of the proposed Exterior Modification; or
- (iv) execution of an agreement between the Unit Owner and the Declarant with respect to the matters stated in paragraph 2(C) above.

E. After installation and completion of the Exterior Modification, the Board of Managers shall have the right: (i) to inspect the Exterior Modification to confirm that same is consistent with the requesting Unit Owner's application and the Board of Manager's approval, and, if inconsistent, (ii) to require such additional work as it reasonably deems necessary to conform the Exterior Modification to such application and approval.

F. In the event a Unit Owner does not, within a reasonable amount of time after written notice from the Board of Managers, repair, replace when necessary, or maintain the Exterior Modification or any resultant damage, the Board of Managers

reserves the right to so do and charge the Unit Owner for such work together with a reasonable administrative fee.

G. The obligations and liabilities of the Unit Owner installing an approved Exterior Modification shall pass to the successors and assigns of such Unit Owner.

3. In accordance with Article XII of the Original Declaration, the Board of Managers makes the following statement: The Board of Managers, its managing agent, manager or other designee, as the case may be, in executing this instrument is acting only as agent for the Unit Owners, and the members of the Board of Managers, its managing agent, manager or other designee shall have no personal liability on any contract or commitment (except as Unit Owners), and the liability of any Unit Owner on any such contract or commitment shall be limited to such proportionate share of the total liability as the common interest of each Unit Owner bears to the aggregate common interest of all Unit Owners.

4. Any capitalized term not herein defined shall have the meaning so stated for such term in the Original Declaration.

5. The Original Declaration, as hereby amended, shall be deemed to be the "Declaration" for purposes of every reference to the "Declaration" in the Original Declaration or any of the Condominium Documents.

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

ATTEST

By:


Secretary of the Board of
Managers

BRIGHTON ESTATES CONDOMINIUM

By:


President of the Board of
Managers

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

On the 25 day of February, 1992³, before me, the subscriber, personally came Ivan S. Gold, to me known, who, being by me duly sworn, did depose and say that he/she resides at 1168 Wintergreen Way Rochester, NY 14618 that he/she is the President of the Board of Managers of the Brighton Estates Condominium, a condominium pursuant to Article 9-B of the New York State Real Property Law, described in and which executed the foregoing instrument, and he/she acknowledge to me that he/she executed the same by order of the Board of Managers of said Condominium.

Beth L. Gifford
Notary Public

RETH L. GIFFORD
Notary Public, State of New York
Commission Expires 1-2-94

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:

On the 1 day of March, 1992³, before me, the subscriber, personally came Doug Gan, to me known, who, being by me duly sworn, did depose and say that he/she resides at 132 Wintergreen Way Rochester NY 14618, that he/she is the Secretary of the Board of Managers of the Brighton Estates Condominium, a condominium pursuant to Article 9-B of the New York State Real Property Law, described in and which executed the foregoing instrument, and he/she acknowledge to me that he/she executed the same by order of the Board of Managers of said Condominium.

Linda A. Oakes
Notary Public

LINDA A. OAKES
Notary Public, State of New York
No. 4880477
Qualified in Monroe County
Commission Expires January 8, 1994