

O.R. 6522 PAGE 2353

THE LOFTS AT WETHERINGTON CONDOMINIUM

SECOND AMENDMENT

TO

DECLARATION OF CONDOMINIUM OWNERSHIP

IN ACCORDANCE WITH OHIO REVISED CODE CHAPTER 5311,

INCLUDING SUBJECTING SAID PROPERTY TO CERTAIN COVENANTS,

RESTRICTIONS AND EASEMENTS

200000060299  
Filed for Record in  
BUTLER COUNTY, OHIO  
DANNY N CRANK  
On 10-18-2000 At 08:59:42 a.m.  
DECLARATION 74.00  
OR Book 6522 Page 2353 - 2369

[Phase 3]

This will certify that copies of this Second Amendment to Declaration, together with the Phase 3 drawings, have been filed in the office of the County Auditor, Butler County, Ohio, this \_\_\_\_\_ day of October, 2000.

BUTLER COUNTY AUDITOR

By: C. McElis

Prepared by:

Michael A. Ruh, Jr., Esq.  
Strauss & Troy  
A Legal Professional Association  
The Federal Reserve Building  
150 East Fourth Street  
Cincinnati, Ohio 45202  
(513) 621-2120

**TRANSFER NOT NECESSARY**  
**KAY ROGERS**  
**BY 10-5-2000 DEPT.**  
**AUDITOR, BUTLER CO., OHIO**

O.R. 6522 PAGE 2354

**SECOND AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM OWNERSHIP  
OF  
THE LOFTS AT WETHERINGTON CONDOMINIUM**

This Second Amendment to Declaration of Condominium Ownership of The Lofts of Wetherington Condominium ("Amendment") is made effective as of the date of recording in the Butler County, Ohio Recorder's Office, by Wetherington II Builders, Inc., an Ohio corporation ("Declarant").

**RECITALS:**

1. On January 14, 2000, Declarant recorded at Official Record 6441, Page 962 of the Butler County, Ohio Recorder's Office (the "Records"), the Declaration of Condominium Ownership (the "Declaration") of The Lofts At Wetherington Condominium (the "Condominium").

2. As set forth in the Declaration, Declarant subjected the property described on Exhibit B thereto to Ohio Revised Code Chapter 5311 (the "Condominium Act"), thereby creating Phase 1 of the Condominium.

3. On January 21, 2000, Declarant recorded at Official Record 6442, Page 2113 of the Records, the Correction Amendment To Declaration of Condominium Ownership of The Lofts At Wetherington Condominium ("Correction Amendment").

4. On May 8, 2000, Declarant expanded the Condominium to include Phase 2, as described in the First Amendment To Declaration of Condominium Ownership of The Lofts At Wetherington Condominium ("First Amendment"), recorded at Official Record 6472, Page 1519 of the Records. The term "Declaration" shall hereafter mean the Declaration, as so amended.

5. The Condominium is an "expandable condominium", as that term is defined in the Condominium Act and as provided for in the Declaration, and Declarant has elected to add to the Condominium Property a portion of Additional Property which added portion shall be generally referred to as "Phase 3" of the Condominium both in this Amendment and in the corresponding Drawings.

**NOW, THEREFORE**, for the purposes, and pursuant to the procedures, set forth in the Declaration, and in order to subject Phase 3 of the Condominium to the Condominium Act, Declarant hereby amends and modifies the Declaration as follows:

O.R. 6522 PAGE 2355

### INTRODUCTION

All Article, Section and Exhibit references in this Amendment correspond with the Article, Section and Exhibit references of the same designation in the Declaration.

### ARTICLE I

#### Definitions

Section 1.07 "Condominium Property." This definition is modified to the extent necessary to reflect that the "Condominium Property" shall be comprised of the property described on Exhibit B (B-1, B-2 and B-3) attached to this Amendment and incorporated herein by this reference.

### ARTICLE III

#### Description of Buildings and Units

Section 3.01 Description of Building(s). The Lofts at Wetherington Condominium consists of a Clubhouse Building, multiple-unit buildings and multiple-unit garage buildings constructed of brick (approximately 75% of the surface) and vinyl siding (approximately 25% of surface) exteriors and wood and concrete structural components. Each Unit shall be either on the ground level or second floor, as shown on the drawings referenced on Exhibit D to the Declaration. Each numbered Unit building, except for the Clubhouse Building and garage buildings, contains from eight to sixteen Units and consists of single-family condominium Units as described below:

Clubhouse Building (Phase 1) - single floor, approximately 2052 square feet Common Area building for use by all Unit Owners, their permitted lessees and guests (subject to Association rules and regulations).

Building No. 1 (Phase 1) consists of eight (8) Units.  
Building No. 2 (Phase 1) consists of eight (8) Units.  
Building No. 3 (Phase 1) consists of eight (8) Units.  
Building No. 4 (Phase 1) consists of eight (8) Units.  
Building No. 5 (Phase 1) consists of eight (8) Units.  
Building No. 6 (Phase 1) consists of eight (8) Units.  
Building No. 7 (Phase 2) consists of eight (8) Units.  
Building No. 8 (Phase 2) consists of eight (8) Units.  
Building No. 9 (Phase 3) consists of eight (8) Units.  
Building No. 10 (Phase 3) consists of eight (8) Units.

Garage Building No. 1 (Phase 1) consists of six (6)	Garage Units.
Garage Building No. 2 (Phase 1) consists of six (6)	Garage Units.
Garage Building No. 3 (Phase 1) consists of six (6)	Garage Units.
Garage Building No. 4 (Phase 1) consists of six (6)	Garage Units.
Garage Building No. 5 (Phase 1) consists of six (6)	Garage Units.
Garage Building No. 6 (Phase 1) consists of four (4)	Garage Units.

O.R. 6522 PAGE 2356

Garage Building No. 7 (Phase 2) consists of six (6)	Garage Units.
Garage Building No. 8 (Phase 2) consists of six (6)	Garage Units.
Garage Building No. 9 (Phase 3) consists of six (6)	Garage Units.

**EXHIBITS**

Exhibit A. No changes.

Exhibit B. Exhibit B to the Declaration is hereby replaced in its entirety by Exhibit B (B-1 through B-3) attached hereto and incorporated herein by this reference.

Exhibit C. Exhibit C to the Declaration is deleted and replaced in their entirety by Exhibit C attached hereto and incorporated herein by this reference.

Exhibit D. The references to the Drawings of the Condominium, as set forth in the Declaration and on Exhibit D to the Declaration, shall be deemed to include the Drawings for Phases 1 through 3, inclusive, of the Condominium, which will be (have been) separately recorded in the Butler County, Ohio plat records.

Exhibit E. No changes.

Except as expressly modified or amended by this Amendment, or as may be necessary to effect the terms of this Amendment, the Declaration, as previously amended, remains unchanged and is in full force and effect.

IN WITNESS WHEREOF, the Declarant, Wetherington II Builders, Inc., an Ohio corporation, owner in fee simple of the Condominium Property, has caused its name to be hereunto subscribed by its president effective as of the date first written on page 1 above.

Signed and Acknowledged  
in the presence of:

**WETHERINGTON II BUILDERS, INC.,**  
an Ohio corporation

Stephanie Noel  
Printed Name: Stephanie Noel

By: A. William Erpenbeck, Jr.  
A. William Erpenbeck, Jr., President

CHRIS KENNEDY  
Printed Name: Chris Kennedy

317092

Q.R. 6522 PAGE 2358

**EXHIBIT B**

**EXHIBIT B-1**

(Legal Description – Phase 1)

- Attached -



engineers  
planners  
architects  
surveyors

6900 Tylersville Road, Suite A  
Mason, Ohio 45040  
D.R. 6522 PAGE 2359 p. 513.336.6600  
f. 513.336.9365  
mason@bayerbecker.com

December 21, 1999

**DESCRIPTION:**

6.493 Acre Parcel  
Phase I

**LOCATION:**

The Lofts at Wetherington  
Union Township

Situated in Section 18, Town 3, Range 2, Union Township, Butler County, Ohio and being a 6.493 acre parcel of land being further described as follows:

Begin at a point found by measuring from an existing iron pin at the most northwesterly corner of lot 348, of Wetherington, Section Ten, as recorded in Plat Envelope 2533, Pages A-C of the Butler County Recorder's Office; said point also being on the northerly line of said section, South 82°19'39" East, 753.61 feet; thence South 11°53'08" East, 48.06 feet to a point on the southerly right-of-way of Tylers Place Boulevard; thence with said right-of-way South 76°07'31" East, 66.62 feet; thence South 11°53'08" East, 511.05 feet to an existing 5/8" iron pin, thence South 78°06'52" West, 60.00 feet to an existing 5/8" iron pin, thence South 11°53'08" East, 306.53 feet to the point of beginning;

thence	from the true point of beginning thus found, North 77°19'50" East, 253.29 feet;
thence	North 12°40'10" West, 163.40 feet;
thence	North 82°33'52" East, 192.86 feet to a point on the westerly right-of-way of Tylers Place Boulevard;
thence	along said right-of-way the following three courses: on a curve to the right having a radius of 680.00 feet, an arc length of 272.73 feet (chord = South 04°03'41" West, 270.91 feet);
thence	South 15°33'05" West, 725.88 feet;
thence	on a curve to the right having a radius of 560.00 feet, an arc length of 106.80 feet (chord = South 21°00'54" West, 106.64 feet);
thence	departing said right-of-way, North 84°34'06" West, 57.63 feet;
thence	on a curve to the left, having a radius of 65.00 feet, an arc length of 186.83 feet (chord = North 13°05'21" East, 128.84 feet);
thence	North 69°15'11" West, 235.63 feet;
thence	North 09°26'36" East, 611.93 feet;
thence	North 11°53'08" West, 11.34 feet to the point of beginning containing 6.493 acres of land subject to all easements and rights-of-way of record.

O:\WLEGAL\199c53649.doc

O.R. 6522 PAGE 2360

EXHIBIT B

(Continued)

EXHIBIT B-2

(Legal Description – Phase 2)

- Attached -



O.R. 6522 PAGE 2361



engineers  
planners  
architects  
surveyors

6900 Tylersville Road, Suite A  
Mason, Ohio 45040  
p. 513.336.6600  
f. 513.336.9365  
mason@bayerbecker.com

January 25, 2000

DESCRIPTION:

1.226 Acre Parcel  
Phase 2

LOCATION:

The Lofts at Wetherington  
Union Township

Situated in Section 18, Town 3, Range 2, Union Township, Butler County, Ohio and being a 1.226 acre parcel of land being further described as follows:

Begin at a point found by measuring from an existing iron pin at the most northwesterly corner of lot 348, of Wetherington, Section Ten, as recorded in Plat Envelope 2533, Pages A-C of the Butler County Recorder's Office; said point also being on the northerly line of said section, South 82°19'39" East, 753.61 feet; thence South 11°53'08" East, 48.06 feet to a point on the southerly right-of-way of Tylers Place Boulevard; thence with said right-of-way South 76°07'31" East, 66.62 feet; thence South 11°53'08" East, 511.05 feet to an existing 5/8" iron pin, thence South 78°06'52" West, 60.00 feet to an existing 5/8" iron pin, thence South 11°53'08" East, 92.83 feet to the point of beginning;

thence	from the true point of beginning thus found, North 78°06'52" East, 250.39 feet;
thence	South 12°40'10" East, 210.26 feet;
thence	South 77°19'50" West, 253.29 feet;
thence	North 11°53'08" West, 213.71 feet to the point of beginning containing 1.226 acres of land subject to all easements and rights-of-way of record.

O:\WLEGAL\99C53122.DOC

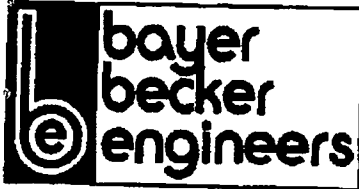
O.R. 6522 PAGE 2362

**EXHIBIT B**  
(Continued)

**EXHIBIT B-3**  
(Legal Description – Phase 3)

- Attached -

O.R. 6522 PAGE 2363



engineers  
planners  
architects  
surveyors

6900 Tylersville Road, Suite A  
Mason, Ohio 45040  
p. 513.336.6600  
f. 513.336.9365  
mason@bayerbecker.com

July 21, 2000

**DESCRIPTION:**

Phase III  
Lofts at Wetherington  
0.841 Acres

**LOCATION:**

Wetherington  
Union Township  
Butler County, Ohio

Situated in Section 18, Town 3, Range 2, Union Township, Butler County, Ohio and being a 0.841 acre tract further described as follows;

Begin at a point found by measuring from an existing iron pin at the most northwesterly corner of Lot 348, of Wetherington, Section Ten, as recorded in Plat Envelope 2533, Pages A-C of the Butler County Recorder's Office; said point also being on the northerly line of said section; thence South 82°19'39" East, 753.61 feet; thence South 11°53'08" East, 48.06 feet to a point on the southerly right-of-way of Tylers Place Boulevard; thence with said right-of-way South 76°07'31" East, 66.62 feet to an existing 5/8" iron pin; thence South 11°53'08" East, 417.34' feet to the true point of beginning;

thence	from the true point of beginning, thus found North 78°06'52" East, 142.55 feet;
thence	South 12°40'10" East, 92.70 feet;
thence	North 78°06'52" East, 45.29 feet;
thence	South 12°40'10" East, 93.86 feet;
thence	South 78°06'52" West, 250.39 feet;
thence	North 11°53'08" West, 92.83 feet;
thence	North 78°06'52" East, 60.00 feet;
thence	North 11°53'08" West, 93.71 feet to the true point of beginning containing 0.841 acres of land subject to all easements and rights-of-way of record.

O.R. 6522 PAGE 2364

EXHIBIT C

(5 Pages)

THE LOFTS AT WETHERINGTON CONDOMINIUM

(Phases 1-3)

<u>Unit or Garage Unit No.</u>	<u>Unit Type</u>	<u>Approximate Square Footage*</u>	<u>Par Value</u>	<u>Percentage Interest In Common Areas**</u>	<u>Auditor's Parcel #</u>
1A	A	960	20	1.21504% ***	M 5620-404-000-055
1B	A	960	20	1.2106%	M 5620-404-000-056
1C	B	1096	20	1.2106%	M 5620-404-000-057
1D	B	1096	20	1.2106%	M 5620-404-000-058
1E	A	960	20	1.2106%	M 5620-404-000-059
1F	A	960	20	1.2106%	M 5620-404-000-060
1G	B	1096	20	1.2106%	M 5620-404-000-061
1H	B	1096	20	1.2106%	M 5620-404-000-062
2A	A	960	20	1.2106%	M 5620-404-000-063
2B	A	960	20	1.2106%	M 5620-404-000-064
2C	B	1096	20	1.2106%	M 5620-404-000-065
2D	B	1096	20	1.2106%	M 5620-404-000-066
2E	A	960	20	1.2106%	M 5620-404-000-067
2F	A	960	20	1.2106%	M 5620-404-000-068
2G	B	1096	20	1.2106%	M 5620-404-000-069
2H	B	1096	20	1.2106%	M 5620-404-000-070
3A	A	960	20	1.2106%	M 5620-404-000-071
3B	A	960	20	1.2106%	M 5620-404-000-072
3C	B	1096	20	1.2106%	M 5620-404-000-073
3D	B	1096	20	1.2106%	M 5620-404-000-074
3E	A	960	20	1.2106%	M 5620-404-000-075
3F	A	960	20	1.2106%	M 5620-404-000-076
3G	B	1096	20	1.2106%	M 5620-404-000-077
3H	B	1096	20	1.2106%	M 5620-404-000-078
4A	A	960	20	1.2106%	M 5620-404-000-079
4B	A	960	20	1.2106%	M 5620-404-000-080
4C	B	1096	20	1.2106%	M 5620-404-000-081
4D	B	1096	20	1.2106%	M 5620-404-000-082
4E	A	960	20	1.2106%	M 5620-404-000-083
4F	A	960	20	1.2106%	M 5620-404-000-084
4G	B	1096	20	1.2106%	M 5620-404-000-085
4H	B	1096	20	1.2106%	M 5620-404-000-086

## O.R. 6522 PAGE 2365

<u>Unit or Garage Unit No.</u>	<u>Unit Type</u>	<u>Approximate Square Footage*</u>	<u>Par Value</u>	<u>Percentage Interest In Common Areas**</u>	<u>Auditor's Parcel #</u>
5A	A	960	20	1.2106%	M 5620-404-000-087
5B	A	960	20	1.2106%	M 5620-404-000-088
5C	B	1096	20	1.2106%	M 5620-404-000-089
5D	B	1096	20	1.2106%	M 5620-404-000-090
5E	A	960	20	1.2106%	M 5620-404-000-091
5F	A	960	20	1.2106%	M 5620-404-000-092
5G	B	1096	20	1.2106%	M 5620-404-000-093
5H	B	1096	20	1.2106%	M 5620-404-000-094
6A	A	960	20	1.2106%	M 5620-404-000-095
6B	A	960	20	1.2106%	M 5620-404-000-096
6C	B	1096	20	1.2106%	M 5620-404-000-097
6D	B	1096	20	1.2106%	M 5620-404-000-098
6E	A	960	20	1.2106%	M 5620-404-000-099
6F	A	960	20	1.2106%	M 5620-404-000-100
6G	B	1096	20	1.2106%	M 5620-404-000-101
6H	B	1096	20	1.2106%	M 5620-404-000-102
7A	A	960	20	1.2106%	M 5620-404-000-149
7B	A	960	20	1.2106%	M 5620-404-000-150
7C	B	1096	20	1.2106%	M 5620-404-000-151
7D	B	1096	20	1.2106%	M 5620-404-000-152
7E	A	960	20	1.2106%	M 5620-404-000-153
7F	A	960	20	1.2106%	M 5620-404-000-154
7G	B	1096	20	1.2106%	M 5620-404-000-155
7H	B	1096	20	1.2106%	M 5620-404-000-156
8A	A	960	20	1.2106%	M 5620-404-000-157
8B	A	960	20	1.2106%	M 5620-404-000-158
8C	B	1096	20	1.2106%	M 5620-404-000-159
8D	B	1096	20	1.2106%	M 5620-404-000-160
8E	A	960	20	1.2106%	M 5620-404-000-161
8F	A	960	20	1.2106%	M 5620-404-000-162
8G	B	1096	20	1.2106%	M 5620-404-000-163
8H	B	1096	20	1.2106%	M 5620-404-000-164
9A	A	960	20	1.2106%	
9B	A	960	20	1.2106%	
9C	B	1096	20	1.2106%	
9D	B	1096	20	1.2106%	
9E	A	960	20	1.2106%	
9F	A	960	20	1.2106%	
9G	B	1096	20	1.2106%	
9H	B	1096	20	1.2106%	

## O.R. 6522 PAGE 2366

<u>Unit or Garage Unit No.</u>	<u>Unit Type</u>	<u>Approximate Square Footage*</u>	<u>Par Value</u>	<u>Percentage Interest In Common Areas**</u>	<u>Auditor's Parcel #</u>
10A	A	960	20	1.2106%	
10B	A	960	20	1.2106%	
10C	B	1096	20	1.2106%	
10D	B	1096	20	1.2106%	
10E	A	960	20	1.2106%	
10F	A	960	20	1.2106%	
10G	B	1096	20	1.2106%	
10H	B	1096	20	1.2106%	
G1A	Garage Unit	N/A	1	.06053%	M 5620-404-000-103
G1B	Garage Unit	N/A	1	.06053%	M 5620-404-000-104
G1C	Garage Unit	N/A	1	.06053%	M 5620-404-000-105
G1D	Garage Unit	N/A	1	.06053%	M 5620-404-000-106
G1E	Garage Unit	N/A	1	.06053%	M 5620-404-000-107
G1F	Garage Unit	N/A	1	.06053%	M 5620-404-000-108
G2A	Garage Unit	N/A	1	.06053%	M 5620-404-000-109
G2B	Garage Unit	N/A	1	.06053%	M 5620-404-000-110
G2C	Garage Unit	N/A	1	.06053%	M 5620-404-000-111
G2D	Garage Unit	N/A	1	.06053%	M 5620-404-000-112
G2E	Garage Unit	N/A	1	.06053%	M 5620-404-000-113
G2F	Garage Unit	N/A	1	.06053%	M 5620-404-000-114
G3A	Garage Unit	N/A	1	.06053%	M 5620-404-000-115
G3B	Garage Unit	N/A	1	.06053%	M 5620-404-000-116
G3C	Garage Unit	N/A	1	.06053%	M 5620-404-000-117
G3D	Garage Unit	N/A	1	.06053%	M 5620-404-000-118
G3E	Garage Unit	N/A	1	.06053%	M 5620-404-000-119
G3F	Garage Unit	N/A	1	.06053%	M 5620-404-000-120
G4A	Garage Unit	N/A	1	.06053%	M 5620-404-000-121
G4B	Garage Unit	N/A	1	.06053%	M 5620-404-000-122
G4C	Garage Unit	N/A	1	.06053%	M 5620-404-000-123
G4D	Garage Unit	N/A	1	.06053%	M 5620-404-000-124
G4E	Garage Unit	N/A	1	.06053%	M 5620-404-000-125
G4F	Garage Unit	N/A	1	.06053%	M 5620-404-000-126

## O.R. 6522 PAGE 2367

<u>Unit or</u> <u>Garage</u> <u>Unit No.</u>	<u>Unit Type</u>	<u>Approximate</u> <u>Square Footage*</u>	<u>Par</u> <u>Value</u>	<u>Percentage Interest</u> <u>In Common Areas**</u>	<u>Auditor's</u> <u>Parcel #</u>
G5A	Garage Unit	N/A	1	.06053%	M 5620-404-000-127
G5B	Garage Unit	N/A	1	.06053%	M 5620-404-000-128
G5C	Garage Unit	N/A	1	.06053%	M 5620-404-000-129
G5D	Garage Unit	N/A	1	.06053%	M 5620-404-000-130
G5E	Garage Unit	N/A	1	.06053%	M 5620-404-000-131
G5F	Garage Unit	N/A	1	.06053%	M 5620-404-000-132
G6A	Garage Unit	N/A	1	.06053%	M 5620-404-000-133
G6B	Garage Unit	N/A	1	.06053%	M 5620-404-000-134
G6C	Garage Unit	N/A	1	.06053%	M 5620-404-000-135
G6D	Garage Unit	N/A	1	.06053%	M 5620-404-000-136
G7A	Garage Unit	N/A	1	.06053%	M 5620-404-000-137
G7B	Garage Unit	N/A	1	.06053%	M 5620-404-000-138
G7C	Garage Unit	N/A	1	.06053%	M 5620-404-000-139
G7D	Garage Unit	N/A	1	.06053%	M 5620-404-000-140
G7E	Garage Unit	N/A	1	.06053%	M 5620-404-000-141
G7F	Garage Unit	N/A	1	.06053%	M 5620-404-000-142
G8A	Garage Unit	N/A	1	.06053%	M 5620-404-000-143
G8B	Garage Unit	N/A	1	.06053%	M 5620-404-000-144
G8C	Garage Unit	N/A	1	.06053%	M 5620-404-000-145
G8D	Garage Unit	N/A	1	.06053%	M 5620-404-000-146
G8E	Garage Unit	N/A	1	.06053%	M 5620-404-000-147
G8F	Garage Unit	N/A	1	.06053%	M 5620-404-000-148
G9A	Garage Unit	N/A	1	.06053%	
G9B	Garage Unit	N/A	1	.06053%	
G9C	Garage Unit	N/A	1	.06053%	
G9D	Garage Unit	N/A	1	.06053%	
G9E	Garage Unit	N/A	1	.06053%	
G9F	Garage Unit	N/A	1	.06053%	

TOTAL

1652100%\*\*\*

## O.R. 6522 PAGE 2368

*\*The actual square footage may be adjusted in accordance with field measurements made once the units are completed. The above areas have been calculated without reference to the inclusion of any garages.*

*\*\*Pursuant to Section 2.07 of the Declaration, said percentage interests for each Unit and for each Garage Unit were calculated as follows:*

$$\frac{\text{Par Value of Unit}}{\text{Total of Par Values for all Units and Garage Units in Condominium}} = \frac{20}{1652} = 1.2106 \% \text{ (rounded)}$$

$$\frac{\text{Par Value of Garage Unit}}{\text{Total of Par Values for all Units and Garage Units in Condominium}} = \frac{1}{1652} = .06053 \% \text{ (rounded)}$$

*\*\*\*Solely for the purpose of conforming with the legal requirement that the total of all interests must equal exactly 100%, the Declarant reserves the right to adjust the percentage interest of one (1) Unit, in a de minimus amount, to the extent necessary to assure that the total of all interests equal 100%. By their acceptance of a deed to a Unit, all Unit Owners agree to the foregoing; provided, however, that the relative voting power and liability for assessments and expenses shall continue to be equal for all Unit Owners.*



O.R. 6522 PAGE 2369

EXHIBIT D

See drawings as filed in the plat records of the Butler County, Ohio Recorder's Office, as amended from time to time, which are incorporated herein by this reference as if actually attached to this Amendment to Declaration.