

**THIRD AMENDMENT TO
AMENDED DECLARATION
BENNETT RUN, A FLEXIBLE PLANNED COMMUNITY
(Conewago Township)**

THIS THIRD AMENDMENT TO THE AMENDED DECLARATION OF BENNETT RUN, A FLEXIBLE PANNED COMMUNITY is made this _____ day of _____ 202__.

RECITALS

- A. The original Declaration for Bennett Run, A Flexible Planned Community (the “Initial Declaration”) was recorded at York County Record Book 1422, Page 4684.
- B. An Amended Declaration for Bennett Run, A Flexible Planned Community (the “Amended Declaration”) was recorded June 19, 2002, at York County Record Book 1501, Page 2905.
- C. A First Amendment to the Amended Declaration was recorded March 22, 2007, at Book 1881, Page 5870.
- D. A Declaration of Second Amendment of Rules and Regulations of Bennett Run, A Flexible Planned Community was recorded March 22, 2007, at Book 1881, Page 5888. This document purports to be amending sections of the Amended Declaration but is in reality amending the Amended and Restated Rules and Regulations.
- E. A Second Amendment to the Amended Declaration was recorded December 22, 2010, at Book 2017, Page 2823.
- F. By vote of at least 67% of Unit Owners of Bennett Run, A Flexible Planned Community, each being a member of the Bennett Run Homeowners Association, the Association has elected to further amend the Amended Declaration.

NOW THEREFORE, pursuant to and in compliance with the aforesaid Amended Declaration, said Amended Declaration is hereby amended as follows:

I. Amended Declaration Sections 3.02(1)(B) and (D) are amended by deleting the current language and replacing it with the language below:

Section 3.02(1)(B) Any member who is in violation of the Rules and Regulations may have their voting rights suspended upon notice by the Board of Directors.

Section 3.02 (1)(D) Any member who is not in good standing as defined by Section 5103 of the Uniform Planned Community Act shall not be entitled to vote in any matter concerning the Association.

II. Amended Declaration Article V is amended by adding the following new Section 5.06 immediately after current Section 5.05:

Section 5.06: Limits on Non-owner occupied units

5.06 (A) As and after the effective date of this amendment, there is hereby imposed a cap on the number of Units that may be nonowner-occupied. No more than twenty (20%) percent of the total number of improved residential Units may be non-owner-occupied. If, as of the effective date of this amendment that percentage is exceeded, then persons other than owners residing in any Unit may remain residents in that Unit (as grandfathered occupants), but (i) no further Units may be occupied by other than the owner(s) and immediate family (defined as a parent, spouse, or child of the owner(s)), unless and until the number of non-owner-occupied Units drops below the cap set forth in this paragraph and (b) a Unit shall remain grandfathered only until such time as the current occupant(s) vacate(s) the Unit, after which time that Unit shall be subject to the cap in this paragraph.

5.06 (B) For each and every Unit that is to be leased, such lease is subject to the cap in Section 5.06 (A). Further, at least twenty (20) days prior to the date upon which a tenant is to enter into occupancy of the Unit, a completed application for lease or other form(s) as prescribed by the Board must be submitted to the Association along with a copy of the proposed lease. The lease must contain the tenant(s)' full name(s), the property address, an acknowledgement by the tenant(s) of his/her/their receipt of and obligation to comply with the Declaration, Bylaws, and Rules and Regulations of the Association, an assignment of rents provision that permits the Association to notify the tenant(s) to pay rent directly to the Association upon the owner's default in any monetary obligation owed to the Association, and the right of the Association to evict the tenant(s) upon violation of the Declaration, Bylaws, or Rules and Regulations and failure to cure within the time for same as set forth in notice of the violation.

5.06 (C) If the Unit will be occupied by a non-owner but not subject to a lease, then written notice of the Unit address and non-owner-occupant(s)' full name(s), along with details of the basis upon which the non-owner(s) will be occupying the Unit, must be provided to the Board Secretary at least twenty (20) days prior to occupancy. The notice must contain the dated signature(s) of the future occupant(s) age 18 or older, acknowledging his/her/their receipt of and obligation to comply with the Declaration, Bylaws and Rules and Regulations of the Association and acknowledgement by the owner and tenant(s) of the right of the Association to evict the non-owner occupant(s) (other than non-owner occupants under the age of 18) upon violation of the Declaration, Bylaws, or Rules and Regulations and failure to cure within the time for same as set forth in notice of the violation.

5.06 (D) Unit owners remain responsible for compliance with the Declaration, Bylaws and Rules and Regulations by themselves and all non-owner occupants of the Unit.

IN WITNESS WHEREOF, this Amendment to the Amended Declaration is executed the day and year set forth above.

Attest:

BENNETT RUN HOMEOWNERS ASSOC.

, Sec'y.

By: _____, Pres.

IN WITNESS WHEREOF, the Unit Owners have caused this Amendment to be executed.

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PARCEL ID – COUNTY OF YORK, CONEWAGO TOWNSHIP

Parcel: _____

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF YORK :

On this the ___ day of _____, 202__, before me, a Notary Public, the undersigned officer, personally appeared _____ and _____, who acknowledged him/herself to be the President and Secretary of the Bennett Run Homeowners Association, respectively, and that s/he as such officer being authorized to do so, executed the foregoing instrument for the purposes therein contained.

Notary Public

My Commission expires: