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Williston, VT Town Clerk's Office
Received for Record
February 5 AD 2013
at 1 O'clock 17 minutes P M
and recorded in Book 495 Pages 444-45
Attest [illegible] ASST Town Clerk
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SECOND AMENDMENT TO DECLARATION OF PLANNED COMMUNITY FOR FINNEY CROSSING

This Second Amendment to Declaration of Planned Community for Finney Crossing (the "Amendment") is made by **THE SNYDER TAFT CORNERS LLC**, a Vermont limited liability company with a place of business in Shelburne, County of Chittenden and State of Vermont (the "Declarant").

Background

1. Declarant has declared a common interest community known as Finney Crossing, as described in the original Declaration of Planned Community for Finney Crossing, and its Exhibits, dated March 13, 2012 and recorded in Volume 480 at Pages 522-584 of the Town of Williston Land Records, as amended by First Amendment to Declaration dated May 10, 2012 and recorded in Volume 483 at Page 231 of the Town of Williston Land Records (the "Declaration").

2. Declarant has obtained permits and approvals to reconfigure portions of the Planned Community to: (a) increase the number of Units within Building M3 on Lot CR-17 from forty-three (43) Units to forty-five (45) Units; (b) increase the number of Units within Building M2 on Lot CR-10 from forty-four (44) units to fifty-seven (57) Units; and (c) to slightly reconfigure Lots CR-5, CR-7, CR-9 and CR-10 to accommodate modified Building M2 as shown on the revised plat sheet entitled: "Finney Crossing, Subdivision Plat (Central), 5987 Williston Road, Williston, Vermont," Sheet 2 of 4, prepared by Lamoureux & Dickinson Consulting Engineers, Inc., dated November 30, 2005, last revised October 18, 2012 and recorded in Map Slide 051D of the Town of Williston Land Records (the "Second Revised Plat").

3. The above-described modifications and the Second Revised Plat were approved by the following: (a) Williston Development Review Board approval of Discretionary Permit #DP 09-01/SUB 04-01 dated September 12, 2012, a memorandum of which is recorded in Volume MS53 at Page 741 of the Town of Williston Land Records; (b) Wastewater System and Potable Water Supply Permit No. WW-4-0415-5 dated September 18, 2012 and recorded in Volume 489 at Page 303 of the Town of Williston Land Records (to increase Building M3 from 43 units to 45 units) and Permit No. WW-4-0415-6 dated December 13, 2012 and recorded in Volume 494 at Page 136 of the Town of Williston Land Records (to increase Building M2 from 44 to 57 units and to adjust the lot lines for Lots CR-5, CR-7, CR-9 and CR-10); and (c) Land Use Permit Amendment No. 4C0887-1R-C dated October 16, 2012 and recorded in Volume 490 at Page 745 of the Town of Williston Land Records (to increase Building M3 from 43 units to 45 units); and Permit Amendment No. 4C0887-1R-D dated December 24, 2012 and recorded in Volume 493 at Page 614 of the Town of Williston Land Records (to increase Building M2 from 44 to 57 units and to adjust the lot lines for Lots CR-5, CR-7, CR-9 and CR-10).

4. In Section 13.2 of the Declaration, Declarant reserved the Development Rights to "alter the layout and arrangement of the Lots, said right to last as long as the Declarant controls the Association or owns any of the Lots, Building Footprint Lots or Units so altered."

NOW, THEREFORE,

Pursuant to Sections 13.2, 13.3, 13.4, 13.6 and 15.1 of the Declaration, Declarant hereby amends the Declaration as follows:

Section 1. **Revisions to Plat**. Declarant has obtained permits and approvals for the subdivision and development of the Property as shown on the Second Revised Plat. The Second Revised Plat makes the following changes and modifications to the Planned Community:

(a) Increase the number of Units within Building M3 on Lot CR-17 from forty-three (43) Units to forty-five (45) Units.

(b) Increase the number of Units within Building M2 on Lot CR-10 from forty-four (44) units to fifty-seven (57) Units.

(c) Reconfigure the lot lines for Lots CR-5, CR-7, CR-9 and CR-10 as shown on the Second Revised Plat.

Section 2. **Revisions to Exhibit "B"**. Exhibit "B" (Listing of Units in the Planned Community) attached hereto shall be substituted for Exhibit "B" attached to the Declaration.

Section 3. **Development Rights to Enlarge Planned Community**. The reserved Development Rights set forth in Article 13 of the Declaration and the statement of the maximum number of units in Section 13.4 is hereby amended to reserve a maximum number of four hundred fifty (450) Units in the Planned Community.

Section 4. **Easement for Encroachments**. Each Building Footprint Lot shall have the benefit of and shall be subject to an easement for any building encroachment caused by the construction of any portion of a row-home, townhome or carriage home located outside the boundary of the Building Footprint Lot, meaning that if the as-built location of a row-home, townhome or carriage home is not exactly aligned with the surveyed boundaries of the Building Footprint Lot, each respective Owner shall have a permanent easement for any resulting encroachment.

Section 5. **Effect of Amendment**. Except as otherwise amended herein, all of the original terms, conditions and provisions of the Declaration shall remain in full force and effect. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Declaration.

IN WITNESS WHEREOF, the Declarant, as evidenced by the signature of its Duly Authorized Agent, does hereby execute this Amendment to be executed as of the 4 day of February, 2013.

THE SNYDER TAFT CORNERS LLC

By: _____
Duly Authorized Agent

STATE OF VERMONT
CHITTENDEN COUNTY, SS.

On this 4 day of February, 2013, personally appeared Chris Snyder, Duly Authorized Agent of **THE SNYDER TAFT CORNERS LLC**, to me known to be the person who executed the foregoing instrument, and he affirmed the truth of the foregoing statements and acknowledged this instrument by him signed and sealed, to be his free act and deed and the free act and deed of **THE SNYDER TAFT CORNERS LLC**.

Before me, _____
Notary Public

Notary Commission issued in Chittenden County
My commission expires: 2/10/15

Exhibit "B"

Listing of Units in the Planned Community

As of the date of this Declaration, the Planned Community consists of one hundred nineteen (119) Building Footprint Lots and nine (9) Condominium Lots, as further described as follows, with reference to the Revised Plat:

Building Footprint Lots

(a) The following Building Footprint Lots located within Building Footprint Common Lot CR-2:

BLDG R-1A
BLDG R-1B
BLDG R-1C
BLDG R-1D
BLDG R-1E
BLDG R-1F

BLDG R-2A
BLDG R-2B
BLDG R-2C
BLDG R-2D
BLDG R-2E
BLDG R-2F

(b) The following Building Footprint Lots located within Building Footprint Common Lot CR-20:

BLDG R-3A
BLDG R-3B
BLDG R-3C
BLDG R-3D
BLDG R-3E
BLDG R-3F

BLDG R-4A
BLDG R-4B
BLDG R-4C
BLDG R-4D
BLDG R-4E
BLDG R-4F

BLDG R-5A
BLDG R-5B
BLDG R-5C
BLDG R-5D
BLDG R-5E
BLDG R-5F

(c) The following Building Footprint Lots located within Building Footprint Common Lot CR-3:

BLDG R-6A
BLDG R-6B
BLDG R-6C
BLDG R-6D
BLDG R-6E
BLDG R-6F

BLDG R-7A
BLDG R-7B
BLDG R-7C
BLDG R-7D

(d) The following Building Footprint Lots located within Building Footprint Common Lot CR-12:

BLDG R-8A
BLDG R-8B
BLDG R-8C

BLDG R-9A
BLDG R-9B
BLDG R-9C
BLDG R-9D
BLDG R-9E
BLDG R-9F

(e) The following Building Footprint Lots located within Building Footprint Common Lot CR-6:

BLDG R-10A
BLDG R-10B
BLDG R-10C
BLDG R-10D
BLDG R-10E
BLDG R-10F

BLDG R-11A
BLDG R-11B
BLDG R-11C
BLDG R-11D

(f) The following Building Footprint Lots located within Building Footprint Common Lot CR-21:

BLDG R-13A
BLDG R-13B
BLDG R-13C
BLDG R-13D
BLDG R-13E
BLDG R-13F

(g) The following Building Footprint Lots located within Building Footprint Common Lot CR-11:

BLDG R-14A
BLDG R-14B

(h) The following Building Footprint Lots located within Building Footprint Common Lot CR-22:

BLDG R-15A
BLDG R-15B
BLDG R-15C

BLDG R-16A
BLDG R-16B
BLDG R-16C

BLDG R-17A
BLDG R-17B
BLDG R-17C

BLDG R-18A
BLDG R-18B
BLDG R-18C

(i) The following Building Footprint Lots located within Building Footprint Common Lot CR-23:

BLDG R-19A
BLDG R-19B

BLDG R-20A
BLDG R-20B
BLDG R-20C

BLDG R-21A
BLDG R-21B
BLDG R-21C

BLDG R-22A
BLDG R-22B

(j) The following Building Footprint Lots located within Building Footprint Common Lot CR-18:

S1
S2
S3
S4
S5
S6
S7

(k) The following Building Footprint Lots located within Building Footprint Common Lot CR-15:

S8
S9
S10
S11
S12

(l) The following Building Footprint Lots located within Building Footprint Common Lot CR-16:

S13
S14
S15
S16
S17
S18
S19
S20
S21
S22

(m) The following Building Footprint Lots located within Building Footprint Common Lot CR-14:

S23
S24
S25
S26

(n) The following Building Footprint Lots located within Building Footprint Common Lot CR-13:

S27
S28

S29
S30

Condominium Lots

(a) Condominium Lot CR-1 (2.21 acres)

(b) Condominium Lot CR-4 (1.61 acres)

(c) Condominium Lot CR-5 ~~(0.68 acres)~~ (0.72 acres)

(d) Condominium Lot CR-7 ~~(2.03 acres)~~ (2.05 acres)

(e) Condominium Lot CR-8 (0.74 acres)

(f) Condominium Lot CR-9 ~~(1.53 acres)~~ (1.38 acres)

(g) Condominium Lot CR-10 ~~(2.12 acres)~~ (2.21 acres)

(h) Condominium Lot CR-17 (2.10 acres)

(i) Condominium Lot CR-19 (0.66 acres)

In the event that a Condominium Lot is developed with a Condominium Building, upon the recording of a Condominium Declaration by Declarant or by a transferee of a Condominium Lot, each Condominium Unit in the Condominium Building will be defined as a Unit under this Declaration and, in such event, the existing membership for the Condominium Lot in the Association shall automatically increase by the number of Condominium Units that are declared in the Condominium Declaration.

In the event that a Condominium Lot is developed as an apartment building to be held by a single owner, the Condominium Lot's Allocated Interest shall automatically increase by the number of apartment units that are constructed on the Condominium Lot, meaning that while the Condominium Lot shall be deemed to be a single Unit, the Allocated Interest for the Condominium Lot shall be weighted to equal the total number of constructed apartment units. For example, if a 44-unit apartment building is constructed on a Condominium Lot, the Allocated Interest allocable to the Condominium Lot shall be apportioned as 44 Units.

END OF DOCUMENT