

38655

**The Arden Manor II Common Interest Community,  
a West Virginia Planned Community Development.**

**1st Amendment to the Declaration  
of Common Interest Community**

**WHEREAS**, by a Declaration of Common Interest Community Development dated May 12, 2006 and recorded July 5, 2006 in the office of the Clerk of the County Commission of Berkeley County, West Virginia in Deed Book 841 at Page 622 (hereinafter "Declaration") S&A Land Acquisition Limited Partnership/ Arden (hereinafter "Declarant") caused to be created and subject to West Virginia's Uniform Common Interest Ownership Act at West Virginia Code § 36B-1-1-101 et. seq. (hereinafter "Act"), a Planned Community Development known as **The Arden Manor II Common Interest Community, a West Virginia Planned Community;**

**WHEREAS**, pursuant to the Act at Section 2-117 and Article VII, Section 7.1 of the Declaration, the undersigned Declarant, as said Declarant and sole Unit Owner representing 100% of the allocated votes in the Arden Manor II Homeowners Association, Inc., intends to amend the Declaration to change the name of the Common Interest Community to **The McGinnis Point Common Interest Community, a West Virginia Planned Community;**

**WHEREAS**, pursuant to Article XII, Section 12.3 and Article I, Section 1.4.15 of the Declaration, as well as Sections 2-110 (c)(1) and 1-103(31) of the Act, Declarant desires to exercise its Special Declarant Right to designate Unit 83 as a Common Element Unit, being a Community Park/ Tot Lot;

**WHEREAS**, pursuant to Section 2-109 (f) of the Act, Declarant desires to amend the Exhibit "B", being the Declaration Plat, to accommodate the designation of Unit 83 as a Common Element Unit; and

**WHEREAS**, pursuant to Section 2-110 (c)(1) of the Act, and Article II, Sections 2.1 of the Declaration, Declarant desires to amend Exhibit "C" as filed to the original Declaration to update the Percentage Interest, Votes and Common Expense Liabilities.

**NOW THEREFORE**, Declarant, S & A Land Acquisition Limited Partnership/ Arden, declares the Declaration and Declaration Plat amended as follows:

- I. That The Arden Manor II Common Interest Community, a West Virginia Planned Community, shall hereinafter be known as **The McGinnis Point Common Interest Community, a West Virginia Planned Community.**

- II. That the homeowners association for the Planned Community shall hereinafter be known as The McGinnis Point Homeowners Association, Inc. and the Declaration is amended to reflect the change of name.
- III. That Unit 83 as set forth in Exhibit "B" attached hereto and incorporated by reference, is designated as, and will hereinafter become, a Common Element of the Planned Community, being a Community Park/ Tot Lot.
- IV. That pursuant to Section 2-110(a) and (c) of the Act, Article III, Section 3.1 of the Declaration shall be amended to add the following designated Common Element:
  - 3.1.5 Unit 83, being designated as a Community Park/ Tot Lot on the 1st Amendment to Declaration Plat.
- V. That the Declaration Plat filed as Exhibit "B" to the Declaration, is amended to reflect the designation of Unit 83 as a Common Element, and the 1<sup>st</sup> Amendment to Declaration Plat attached hereto and incorporated by reference as Exhibit "B", is substituted in its place, and shall be recorded in the office of the Clerk of the County Commission of Berkeley County, West Virginia.
- VI. That Exhibit "C" to the Declaration is amended to reflect the designation of Unit 83 as a Common Element, and the new listing of Units, their identifying numbers, voting interest, and percentage interest, attached hereto as Exhibit "C", is substituted in its place.
- VII. All other terms and conditions of the Declaration and Declaration Plat as originally dated May 12, 2006 and recorded July 5, 2006 in Deed Book 841 at Page 622 are not modified by this 1<sup>st</sup> Amendment and shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant, S & A Land Acquisition Limited Partnership/ Arden, has caused this 1<sup>st</sup> Amendment to be executed this 22<sup>nd</sup> day of August, 2008.

WITNESS:

DECLARANT  
S & A Land Acquisition Limited Partnership/ Arden  
By: S & A Homes, Inc., formerly known as S & A Custom Built Homes, Inc., General Partner

Dawn A Spoth

by: Richard L Fortney

Commonwealth of Pennsylvania :  
County of CENTRE : ss

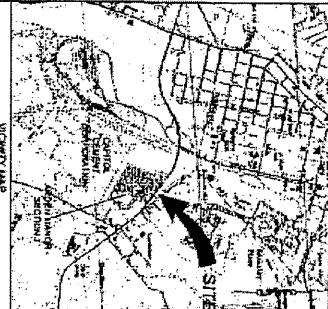
On this, the 22<sup>nd</sup> day of AUGUST, 2008, before me, the undersigned officer, personally appeared RICHARD L FORTNEY, who acknowledged himself to be the COO of S & A Homes, Inc., General Partner of S&A Land Acquisition Limited Partnership/ Arden, and that he as such COO, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of S & A Homes, Inc., General Partner of S&A Land Acquisition Limited Partnership/ Arden by himself as COO.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Alicia N. Cornali, Notary Public  
Ferguson Twp., Centre County  
My Commission Expires July 27, 2012  
Member, Pennsylvania Association of Notaries

Alicia N. Cornali  
Notary Public

My Commission Expires:



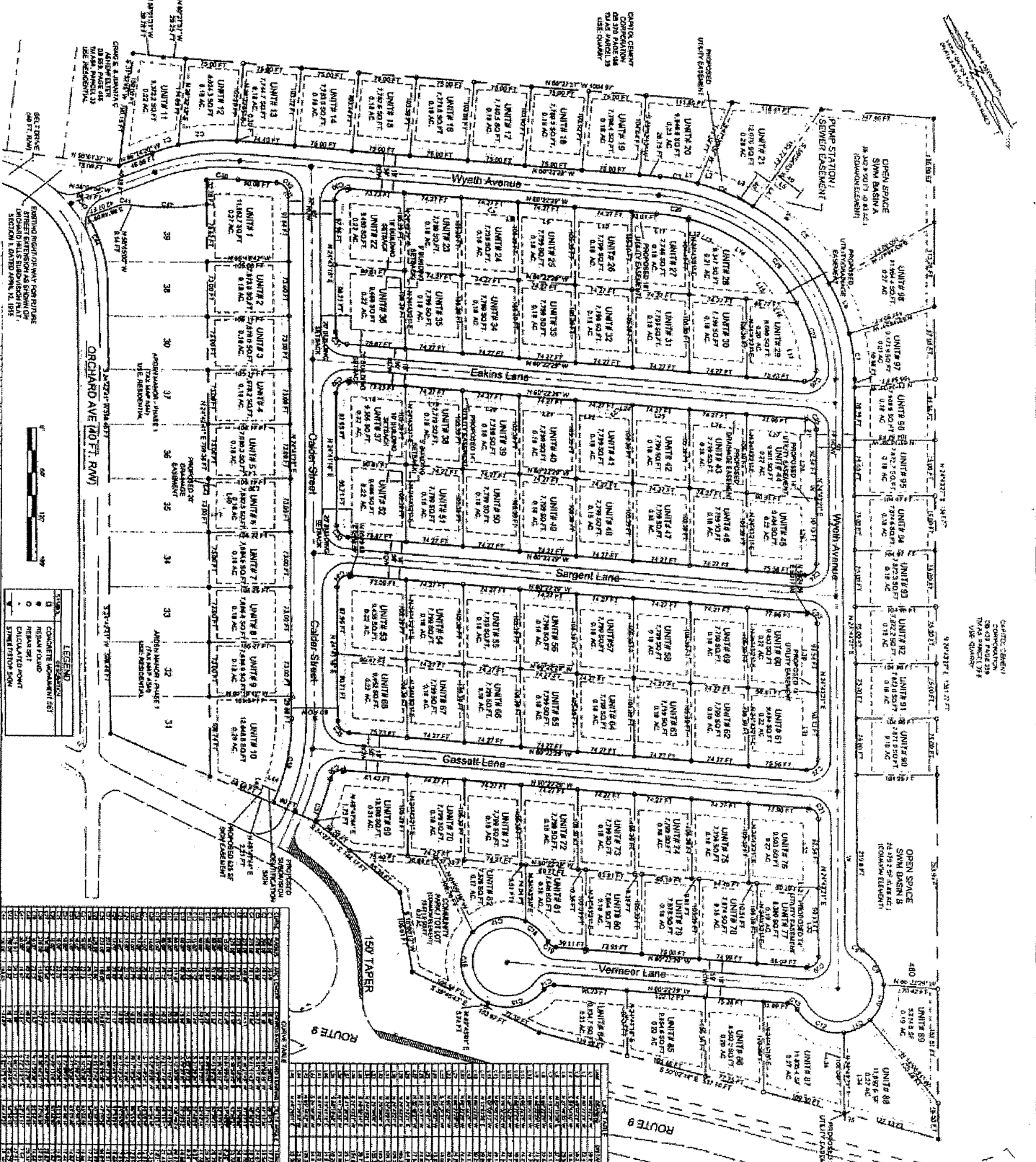
**NOTES:**  
 1. ALL LOTS TO BE DIVIDED OR PLACED WITHIN EACH LOT TO BE DIVIDED SHALL BE SUBJECT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT AND THE PROVISIONS OF THE SUBDIVISION MAP ACT AND THE PROVISIONS OF THE SUBDIVISION MAP ACT.  
 2. THESE ARE NOT STREET LOTS OR SURFACE IMPROVED LOTS.  
 3. THERE ARE NO ADJACENT LOTS OR SURFACE IMPROVED LOTS.  
 4. THERE ARE NO ADJACENT LOTS OR SURFACE IMPROVED LOTS.  
 5. THERE ARE NO ADJACENT LOTS OR SURFACE IMPROVED LOTS.  
 6. THERE ARE NO ADJACENT LOTS OR SURFACE IMPROVED LOTS.  
 7. THERE ARE NO ADJACENT LOTS OR SURFACE IMPROVED LOTS.  
 8. THERE ARE NO ADJACENT LOTS OR SURFACE IMPROVED LOTS.  
 9. THERE ARE NO ADJACENT LOTS OR SURFACE IMPROVED LOTS.  
 10. THERE ARE NO ADJACENT LOTS OR SURFACE IMPROVED LOTS.

**PROPERTY:**  
 384 Land and Subdivision License Performance  
 2711 Oakdale Road, Suite 200  
 Phone: 304-544-1110

**OWNER:**  
 ARDEN DISTRICT, BERKELEY COUNTY, WEST VIRGINIA

**DEVELOPER:**  
 ARDEN DISTRICT, BERKELEY COUNTY, WEST VIRGINIA


**DATE:**  
 11/10/20



UNIT	AREA	PERCENTAGE	COMMENTS
1	1.23	2.00	
2	1.23	2.00	
3	1.23	2.00	
4	1.23	2.00	
5	1.23	2.00	
6	1.23	2.00	
7	1.23	2.00	
8	1.23	2.00	
9	1.23	2.00	
10	1.23	2.00	
11	1.23	2.00	
12	1.23	2.00	
13	1.23	2.00	
14	1.23	2.00	
15	1.23	2.00	
16	1.23	2.00	
17	1.23	2.00	
18	1.23	2.00	
19	1.23	2.00	
20	1.23	2.00	
21	1.23	2.00	
22	1.23	2.00	
23	1.23	2.00	
24	1.23	2.00	
25	1.23	2.00	
26	1.23	2.00	
27	1.23	2.00	
28	1.23	2.00	
29	1.23	2.00	
30	1.23	2.00	
31	1.23	2.00	
32	1.23	2.00	
33	1.23	2.00	
34	1.23	2.00	
35	1.23	2.00	
36	1.23	2.00	
37	1.23	2.00	
38	1.23	2.00	
39	1.23	2.00	
40	1.23	2.00	
41	1.23	2.00	
42	1.23	2.00	
43	1.23	2.00	
44	1.23	2.00	
45	1.23	2.00	
46	1.23	2.00	
47	1.23	2.00	
48	1.23	2.00	
49	1.23	2.00	
50	1.23	2.00	
51	1.23	2.00	

**1st AMENDMENT  
DECLARATION  
PLAT**

EXHIBIT "B"



**McGINNIS POINT  
COMMON INTREST COMMUNITY**  
 Tax Map No. A 5, Parcel 48  
 Arden District, Berkeley County,  
 West Virginia

**Terra  
Development  
Services L.L.C.**

A Land Services Development Company  
 1911 Parko Blvd. Arden, West Virginia 26031  
 Phone: 304-544-1022, Fax: 304-544-1021

**SHEET  
1 OF 1**

**1<sup>st</sup> Amended EXHIBIT "C"**  
**Identification Numbers/Percentage Interests/Voting Interests**  
**For The McGinnis Point Homeowners Association, Inc.**


<u>Association Common Areas</u>	
Unit #	Common Areas
A	Open Space Stormwater Management Area
B	Open Space Stormwater Management Area
83	Community Park/ Tot Lot

<u>Units in the Association</u>		
Unit #	Percentage of Interest	Voting Interest
1	1.031	1
2	1.031	1
3	1.031	1
4	1.031	1
5	1.031	1
6	1.031	1
7	1.031	1
8	1.031	1
9	1.031	1
10	1.031	1
11	1.031	1
12	1.031	1
13	1.031	1
14	1.031	1
15	1.031	1
16	1.031	1
17	1.031	1
18	1.031	1
19	1.031	1
20	1.031	1
21	1.031	1
22	1.031	1
23	1.031	1
24	1.031	1
25	1.031	1
26	1.031	1
27	1.031	1
28	1.031	1

EXHIBIT "C" continued

Unit #	Percentage of Interest	Voting Interest
29	1.031	1
30	1.031	1
31	1.031	1
32	1.031	1
33	1.031	1
34	1.031	1
35	1.031	1
36	1.031	1
37	1.031	1
38	1.031	1
39	1.031	1
40	1.031	1
41	1.031	1
42	1.031	1
43	1.031	1
44	1.031	1
45	1.031	1
46	1.031	1
47	1.031	1
48	1.031	1
49	1.031	1
50	1.031	1
51	1.031	1
52	1.031	1
53	1.031	1
54	1.031	1
55	1.031	1
56	1.031	1
57	1.031	1
58	1.031	1
59	1.031	1
60	1.031	1
61	1.031	1
62	1.031	1
63	1.031	1
64	1.031	1
65	1.031	1
66	1.031	1

**EXHIBIT "C" continued**

<b>Unit #</b>	<b>Percentage of Interest</b>	<b>Voting Interest</b>	
67	1.031	1	
68	1.031	1	
69	1.031	1	
70	1.031	1	
71	1.031	1	
72	1.031	1	
73	1.031	1	
74	1.031	1	
75	1.031	1	
76	1.031	1	
77	1.031	1	
78	1.031	1	
79	1.031	1	BERKELEY COUNTY, WV
80	1.031	1	FILED
81	1.031	1	September 23, 2008 14:48:03
82	1.031	1	JOHN W. SMALL JR.
			COUNTY CLERK
84	1.031	1	TRANSACTION NO: 2008038655
85	1.031	1	BOOK OF DEEDS
86	1.031	1	Book: 00909 Page: 00040
87	1.031	1	
88	1.031	1	
89	1.031	1	
90	1.031	1	
91	1.031	1	
92	1.031	1	
93	1.031	1	
94	1.031	1	
95	1.031	1	
96	1.031	1	
97	1.031	1	
98	1.031	1	
<b>Total Units</b>	<b>Total Percentage Interest</b>	<b>Total Votes</b>	
97	100.0000%	97	