

**SECOND AMENDMENT TO UNILATERAL DECLARATION OF
COVENANTS, EASEMENTS, CONDITIONS AND RESTRICTIONS**

This Second Amendment to Unilateral Declaration of Covenants, Easements, Conditions and Restrictions (the "Second Amendment") is made and executed this _____ day of April, 2018, by Pocono Manor Investors, LP, having a mailing address of P.O. Box 38, Pocono Manor, PA 18349 (hereinafter referred to as "Declarant").

WITNESSETH;

WHEREAS, Declarant executed and caused to be recorded the Unilateral Declaration of Covenants, Easements, Conditions and Restrictions dated September 20, 2013 (the "Declaration") in the Office of the Recorder of Deeds in and for Monroe County, Pennsylvania on September 24, 2013 at Record Book 2427, Page 6769; and

WHEREAS, the Declaration was executed and recorded pursuant to the terms and conditions of a Development Agreement, dated September 20, 2013 (the "Development Agreement") by and between the Declarant and the Township of Tobyhanna, Monroe County (the "Township"); and

WHEREAS, a Memorandum of the Development Agreement has also been recorded in the Office of the Recorder of Deeds in and for Monroe County, Pennsylvania, on October 17, 2013 at Record Book 2428, Page 9428; and

WHEREAS, the Declarant executed and caused to be recorded with the consent of the Township a First Amendment to Unilateral Declaration of Covenants, Easements, Conditions and Restrictions dated November 4, 2013 (the "First Amendment") in the Office of the Recorder of Deeds in and for Monroe County, Pennsylvania, on November 19, 2013 at Record Book 2430, Page 5774, et seq.; and

WHEREAS, pursuant to paragraph 42 of the Declaration, Declarant desires to further modify the terms of the Declaration to which the Township has given its Consent, attached hereto; and

WHEREAS, the Declarant and Township also desire to amend the Development Agreement consistent herewith;

NOW, THEREFORE, the Declaration is hereby amended to delete the following paragraphs:

1. Paragraphs 19 through 23 pertaining to the Access Road Easement;
2. Paragraphs 26 through 28 pertaining to the Temporary Construction Easement for what is known as "Kalahari Boulevard."
3. Paragraph 44 of the Miscellaneous Provisions.
4. Paragraph 44 of the First Amendment as pertains to Lot 3A.

The Declarant by execution hereof and the Township by execution of the Consent attached hereto hereby agree that the Declaration is hereby amended to be consistent herewith.

All other terms and conditions of the Declaration shall remain in full force and effect and unchanged hereby.

IN WITNESS WHEREOF, Declarant intending to be legally bound hereby, has caused this Second Amendment to be executed by its duly appointed managing partner of Pocono Manor Investors, LP, the day and year first above written.

Declarant:

POCONO MANOR INVESTORS, LP

By: _____
James M. Cahill, PLS, PP, Managing Partner

**CONSENT TO SECOND AMENDMENT TO DECLARATION BY
TOBYHANNA TOWNSHIP**

Tobyhanna Township, pursuant to Paragraph 42 of the Declaration, by execution hereof and intending to be legally bound hereby, consents to the provisions of the Second Amendment to Declaration.

IN WITNESS WHEREOF, **Anne Lamberton**, on behalf of Tobyhanna Township has caused this Consent to the Second Amendment to Declaration to be executed this _____ day of April, 2018.

WITNESS:

TOBYHANNA TOWNSHIP

Julia Heilakka, Secretary

By:_____
Anne Lamberton, Chairperson

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA }
 } ss.
COUNTY OF MONROE }

On this _____ day of April, 2018, before me, a notary public, the undersigned officer, personally appeared **Anne Lamberton** who acknowledged herself to be the Chairperson of the Tobyhanna Township Board of Commissioners, and that she as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Township by herself as Chairperson.

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

Notary Public
Commonwealth of Pennsylvania
My Commission Expires: