

Darrell Klute, County Clerk
303 Court St
Little Valley, NY 14755
(716) 938-2293

Cattaraugus County Clerk Recording Cover Sheet

Received From :
PHILLIPS LYTLE LLP
ONE CANALSIDE 125 MAIN ST
BUFFALO, NY 14203

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BUFFALO, NY 14203

Method Returned : FILE CABINET

First PARTY 1

MORNINGSIDE ESTATES HOMEOWNERS ASSOC INC

First PARTY 2

CZARCINSKI, TODD

Index Type : Deeds

Inst Number : 202412067

Book : **Page :**

Type of Instrument : Restrictive Covenants

Recording Fee: \$120.50

Recording Pages : 16

Recorded Information

State of New York

County of Cattaraugus

I hereby certify that the within and foregoing was
recorded in the Clerk's office for Cattaraugus
County, New York

On (Recorded Date) : 10/07/2024

At (Recorded Time) : 9:42:19 AM



Doc ID - 015131390016

Darrell Klute, County Clerk



AMENDMENT TO THE REVISED DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS OF THE
MORNINGSIDE ESTATES HOMEOWNERS ASSOCIATION, INC.

WHEREAS, a certain Revised Declaration of Covenants, Conditions, Restrictions and Easements - Morningside Estates Homeowners Association, Inc. ("the Declaration") was dated April 18, 2013 and recorded on April 19, 2013, in the Cattaraugus County Clerk's Office as Instrument Number 195095-001 in Miscellaneous Records and;

WHEREAS, pursuant to Article XIII, Section 1 of the Declaration, it is agreed, upon the consent in writing of not less than 80% (eighty percent) of all Owners, to amend said Declaration as hereinafter provided, said Certification of Consent to this amendment is attached hereto; and

WHEREAS, this proposed Amendment will not change any part of the Town of Ellicottville Planning Boards Approvals or Conditions.

NOW, THEREFORE, BE IT RESOLVED, that said Declaration be and the same hereby is amended as follows:

Declaration Article VII (4), Maintenance, is amended as follows:

Assessments levied by the Association shall be used exclusively:

(4) to provide the following services:

maintenance and repair of exteriors of all townhome units, ~~including~~
excluding windows (sash, frame and glass), roofs, patios, decks and porches, and
including roofs;

Maintenance, repair, improvement, and snow plowing of driveways and
parking areas;

garbage and trash removal;

Maintenance and repair of garbage dumpsters and dumpster enclosures;
Snow shoveling of sidewalks and steps; and

Maintenance of Common Areas drainage swales and retention areas for
surface water.

The Association shall not be responsible for any replacements, or the cost of replacements, to improvements located on Association property or the single family Townhouses located on the individual Lots, including any garages, as a result of defects in construction, due to improper workmanship or defective design.

Article X - Insurance, is deleted in its entirety and replaced with the following new language:

Each of the Owners shall obtain and pay for insurance coverage on or for their personal liability, personal property and for no less than \$300,000.00 in the Improvements and Betterments (defined below) in or attached to the improvements on their Lot. The policy shall be written on a form known as Homeowners 6 (HO-6) or Homeowners 3 (HO-3). If the Lot is titled in such a way as to not be eligible for an "HO-6" or "HO-3" policy, a commercial or business unit owner's Condominium Policy must be acquired with no less than a \$300,000.00 limit on Improvements and Betterments. Personal property in the Unit should be insured for the replacement cost of such property and a liability policy limit of no less than \$500,000.00 shall be required.

For the purposes of this Article, Improvements and Betterments are defined to include, but not necessarily be limited to the following: all interior drywall, all drywall finished surfaces, ceilings and sub-floors, floor coverings such as carpet or tile, all fixtures, cabinets, equipment, machinery, elements, pipes, ducts, wiring, conduit, decks and hot tubs and plumbing and plumbing fixtures within the boundaries of each Owner's respective unit. Failure to insure the Improvements and Betterments for \$300,000.00 will result in an Owner being financially responsible for up to \$300,000.00 on such property.

Each Owner(s) shall provide a Certificate of Insurance naming Morningside Estates Homeowners Association, Inc.

The Association has the responsibility to insure the buildings located on the Lots. While it is understood that the Association consists of all of the individually titled Lots with improvements, the form of insurance to be used on the buildings is a commercial condominium form in order to coordinate with the HO-6 or HO-3 form required of each of the Owners. The buildings are to be insured on a replacement cost basis, if available. The Association waives all rights to subrogation against any and all of the Owners.

The building policy will have no specific exclusions on the Improvements and Betterments. It is to be understood that after each Owner has satisfied the \$300,000.00 responsibility to insure or to be financially responsible for the first \$300,000.00 coverage of Improvements and Betterments on any given Lot, the Association policy will cover the value of such Improvements and Betterments on an excess basis.

The Association policies shall cover the interests of the Association, the directors, the officers and each of the Owners and their mortgagees as their interest may appear.

The new language is in **bold**;
~~The old language is lined out~~

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 12th day of September, 2024.

By: [Signature]

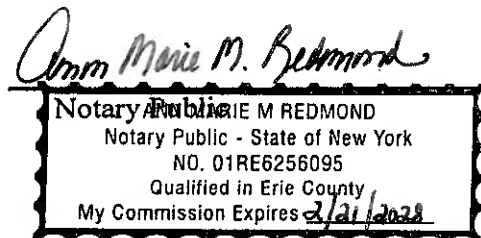
By: Todd Czarinski

Address: 6394 Rt. 242 E#15, Ellicottville, NY 14731

STATE OF NEW YORK)
COUNTY OF Erie)

On this 12th day of September 2024, before me, the undersigned, personally appeared Todd Czarinski, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

STATE OF NEW YORK)
COUNTY OF _____)



On this _____ day of _____ 2024, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 18th day of SEPTEMBER 2024.

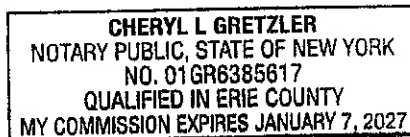
By: Michael A. Rizzo

By: MICHAEL A. RIZZO

Address: 8957 STONEBRIAR DR. CLARENCE CENTER
N.Y. 14032

STATE OF NEW YORK)
)
COUNTY OF ERIE)

On this 18th day of September 2024, before me, the undersigned, personally appeared Michael A. Rizzo, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.



Cheryl L. Gretzler
Notary Public

STATE OF NEW YORK)
)
COUNTY OF _____)

On this _____ day of _____ 2024, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 20 day of September, 2024.

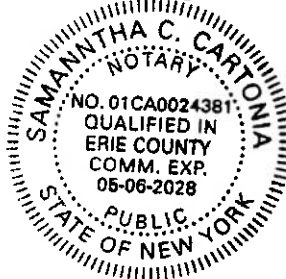
By: Martin A Ballou

By: Martin A Ballou

Address Bldg #17 6314 27042 Ellendale Village

STATE OF NEW YORK)
COUNTY OF ERIE)

On this 20th day of September 2024, before me, the undersigned, personally appeared Martin A. Ballou, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.



[Signature]
Notary Public

STATE OF NEW YORK)
COUNTY OF _____)

On this _____ day of _____ 2024, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 20 day of September, 2024.

By: Tom McLaughlin

By: Katherine McLaughlin


Address: 11 Amalia Ct, Guelph, ON N1L 1L2

PROVINCE OF ONTARIO

~~STATE OF NEW YORK~~)

COUNTY OF WELLINGTON)

On this 20 day of Sept. 2024, before me, the undersigned, personally appeared Tom McLaughlin or Katherine McLaughlin, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.



Notary Public, Ontario
J. Scott Galvin

STATE OF NEW YORK)

COUNTY OF _____)

On this _____ day of _____ 2024, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 4 day of October, 2024.

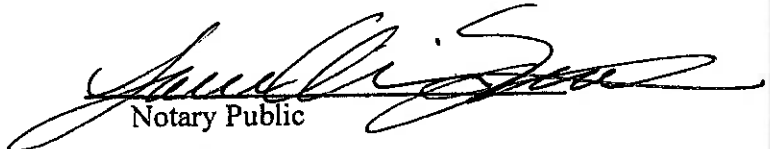
By: Mansi Demla

By: _____

Address: 600 MAIN ST, 1103, BUFFALO, NY 14202

STATE OF NEW YORK)
COUNTY OF Erie)

On this 4th day of October, 2024, before me, the undersigned, personally appeared Mansi Demla, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.


Notary Public

STATE OF NEW YORK)
COUNTY OF _____)

JANE OLIVIA SCHAEFER
NOTARY PUBLIC STATE OF NEW YORK
~~ONONDAGA COUNTY~~ (Erie county)
LIC. #01SC6442646
COMM. EXP. 10/17/2026

On this _____ day of _____, 2024, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 23 day of SEP, 2024.

By: _____

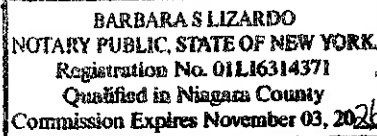
By: N/A

Address: 283 PARK PL. GRAND ISLAND, NY 14072

STATE OF NEW YORK)

COUNTY OF Erie)

On this 23rd day of Sept, 2024, before me, the undersigned, personally appeared Radenko Ristic, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.



Barbara S. Lizardo
Notary Public

STATE OF NEW YORK)

COUNTY OF _____)

On this _____ day of _____, 2024, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 23 day of September, 2024.

By: ~~David~~ David Schleggenburger

By: ~~David~~ [Signature]

Address: 9 Ellcottville 6384 Route 242 East

STATE OF NEW YORK)
COUNTY OF ERIE)

On this 23 day of SEPT. 2024, before me, the undersigned, personally appeared DAVID SCHLEGGENBURGER, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

DONALD N. FRIES
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 12/31/2026

Donald N. Fries
Notary Public

STATE OF NEW YORK)
COUNTY OF _____)

On this _____ day of _____ 2024, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 24 day of Sept, 2024.

By: [Signature]

By: [Signature]

Address: 39 HEMLOCK HILL RD. ORCHARD PARK NY 14127

STATE OF NEW YORK)
)
COUNTY OF Erie)

On this 24 day of Sept 2024, before me, the undersigned, personally appeared Diana Ulsma, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

KATHLEEN M CONTA
Notary Public, State of New York
No. 01CO6362903
Qualified in Erie County
Commission Expires 09/23/2025

[Signature]
Notary Public

STATE OF NEW YORK)
)
COUNTY OF Erie)

On this 24 day of Sept 2024, before me, the undersigned, personally appeared Alvin Ulsma, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

KATHLEEN M CONTA
Notary Public, State of New York
No. 01CO6362903
Qualified in Erie County
Commission Expires 09/23/2025

[Signature]
Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 26th day of September, 2024.

By: RAJA CHERUVU

By: Youn Kim

Address: 27 Ellicottville, Ellicottville, NY 14731

STATE OF NEW YORK)
COUNTY OF Erie)

On this 26 day of August 2024, before me, the undersigned, personally appeared Raja Cheruvu, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Deanna Ventura-Cullen
Notary Public

DEANNA VENTURA-CULLEN
Notary Public, State of New York

STATE OF NEW YORK)
COUNTY OF Erie)

Reg. No. 01VE0001204
Qualified in Erie County
Commission Expires February 9th, 2027

On this 26 day of August 2024, before me, the undersigned, personally appeared Youn Kim, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Deanna Ventura-Cullen
Notary Public

DEANNA VENTURA-CULLEN
Notary Public, State of New York
Reg. No. 01VE0001204
Qualified in Erie County
Commission Expires February 9th, 2027

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 27 day of September, 2024.

By: _____

By: _____

Address: _____

4378 Dallas St Acworth GA 30101
For 6394 Rt 242E Elliptville NY 14731

Georgia
STATE OF ~~NEW YORK~~)
COUNTY OF Cobb)

On this 27 day of Sept 2024, before me, the undersigned, personally appeared David Piazza, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

BREANNA MICHELLE HEMBREE
NOTARY PUBLIC
Paulding County
State of Georgia
My Comm. Expires Sept. 20, 2027

B Hembree

Notary Public

Georgia
STATE OF ~~NEW YORK~~)
COUNTY OF Cobb)

On this 27 day of Sept 2024, before me, the undersigned, personally appeared Margaret Piazza, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

BREANNA MICHELLE HEMBREE
NOTARY PUBLIC
Paulding County
State of Georgia
My Comm. Expires Sept. 20, 2027

B Hembree

Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 30th day of September, 2024.

By: Kari Zimmer

By: Kari Zimmer

Address: 5510 William St Lancaster NY 14086

STATE OF NEW YORK)
COUNTY OF Essex)

On this 30th day of September 2024, before me, the undersigned, personally appeared Kari S. Zimmer, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Betty Jane Whitaker
Notary Public

STATE OF NEW YORK)
COUNTY OF _____)

BETTY JANE WHITAKER
Notary Public, State of New York
No. 01WH6406860
Qualified in Wyoming County
My Commission expires on April 20, 2028

On this _____ day of _____ 2024, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Notary Public

CERTIFICATION

IN WITNESS WHEREOF, the undersigned being a Member of the Morningside Estates Homeowners Association, Inc., cause this Amendment to be signed this 30th day of September, 2024.

By: Kevin Sheedy (Kevin J)

By: _____

Address: 4595 Grumbier Rd
Wilkesville, NY 14224

Unit #25

STATE OF NEW YORK)

COUNTY OF ERIE)

On this 30 day of September, 2024, before me, the undersigned, personally appeared Kevin J. Sheedy, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

SIMONE DENISE MIDDLEBROOKS
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01MI6111954
COMM. EXP. 06/28/2028

Simone Denise Middlebrooks
Notary Public

STATE OF NEW YORK)

COUNTY OF _____)

On this _____ day of _____, 2024, before me, the undersigned, personally appeared _____, known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the above instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual or person on behalf of which he/she acted, executed this instrument.

Notary Public

AMENDMENT TO THE DECLARATION OF
MORNINGSIDE ESTATES HOMEOWNERS ASSOCIATION, INC.

DATED: SEPTEMBER 18, 2024

BY: RONALD S. SHUBERT, ESQ.
PHILLIPS LYTTLE LLP
ONE CANALSIDE
125 MAIN STREET
BUFFALO, NY 14203
716-847-5491

Doc #5424370.1