

10/19/98-AMEND.CRP

14164.45

COMMON INTEREST COMMUNITY NUMBER 793
PLANNED COMMUNITY
VICTORIA PONDS TOWNHOMES

FIRST AMENDMENT TO DECLARATION

This First Amendment to Declaration is made as of the 22nd day of October, 1998, by SVK Development, Inc., a Minnesota Corporation ("Declarant") pursuant to the provisions of the Minnesota Common Interest Ownership Act, Minnesota Statutes §515B.1-101 through §515B.4-118 (the "Act"), as amended.

WHEREAS, Declarant filed for record on September 10, 1996, as Document No. 6673529, a Declaration of Common Interest Community Number 793, for Victoria Ponds Townhomes; and

WHEREAS, Declarant filed for record on June 23, 1976 a First Supplement to Declaration ("First Supplement") as Document No. 6748434 in the office of the County Recorder of Hennepin County, Minnesota; and

WHEREAS, Declarant filed for record on December 19, 1997, a Second Supplement to Declaration ("Second Supplement"), as Document No. 6830264 in the office of the County Recorder of Hennepin County, Minnesota; and

WHEREAS, collectively, said Declaration, First Supplement and Second Supplement did subject the following described real property in Victoria Ponds Townhomes, Common Interest Community No. 793:

Lots 1 through 14, inclusive, Block 1; and
Outlots A, B and D, all in Victoria Ponds;

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Lots 1 through 18, inclusive, Block 1; and Outlots A and B, Victoria Ponds 2nd Addition;

Lots 1 through 14, inclusive, Block 1; and
Lots 1 through 26, inclusive, Block 2; and
Outlots A and B, all in Victoria Ponds 3rd Addition;

to the covenants, easements, charges and liens set forth in said Documents numbered 6673529, 6748434 and 6830264; and

WHEREAS, Section 20 of the Declaration permits amendments to the Declaration if not less than sixty-seven percent (67%) of the Owners of the lots subject to the Declaration, as supplemented aforesaid; give their written consent to the Amendments; and

WHEREAS, Declarant is the owner of the following described real property:

Lots 6, 9 and 12, Block 1, Victoria Ponds;

Lots 1, 7, 8, 11, 12 and 18, Block 1, Victoria Ponds 2nd Addition;

Lots 1 through 14, inclusive, Block 1;
Lots 1 through 26, inclusive, Block 2, all in
Victoria Ponds 3rd Addition;

in Common Interest Community Number 793, Hennepin County, Minnesota;

and

WHEREAS, Outlots A, B and D, Victoria Ponds; Outlots A and B, Victoria Ponds 2nd Addition; and Outlots A and B, Victoria Ponds 3rd Addition, all in Common Interest Community Number 793 Hennepin County, Minnesota have been transferred to Victoria Ponds Townhomes Association, a Minnesota non-corporation (the "Association"); and

WHEREAS, the Association has approved this Amendment and modification of the Declarations as hereinafter set forth; and

WHEREAS, the consent of Eligible Mortgagees as defined in the Declaration is not required for the purpose of this First Amendment to Declaration; and

WHEREAS, Section 6.2 of said Declaration by scrivener's error did not set forth the correct (annual) monthly assessment of \$116.00; and

WHEREAS, Section 6.6 is ambiguous in that it does not define when a unit is "created" for the Declarant's Alternative Assessment Program, and Declarant desires to clarify the meaning of the word "created" as hereinafter set forth; and

WHEREAS, Declarant desires that late charges shall be imposed only against Owners, occupants and/or guests, other than Declarant; and

WHEREAS, the Declarant and Association have executed the First Amendment to Declaration in order to accomplish the purposes stated above.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Subparagraph b. of Section 6.2 of said Declaration shall be and hereby is amended to read as follows:

"b. Until January 1 of the year immediately following the year of conveyance of the first Unit to an Owner, the maximum annual assessment permitted with respect to each Unit shall be \$1,392.00 per year or, if collected monthly, \$116.00 per month. From and after January 1 of that year, assessments shall be determined by the Board."

2. Section 6.6 of said Declaration shall be and hereby is amended to read as follows:

"6.6 Declarant's Alternative Assessment Program. Notwithstanding anything to the contrary in this Section 6, if a Common Expense assessment has been levied, any Unit owned by Declarant for initial sale shall be assessed at the rate of 25% of the assessment levied on other Units of the same type until a certificate of occupancy (for its residential use) has been issued with respect to such unit by the municipality in which the Unit is located. This reduced assessment shall apply to each Unit owned by Declarant at the time that the Unit is created (deemed to be date of issuance of its building permit by the City of St. Louis Park), and shall continue until the issuance of the certificate of occupancy as previously described. There are no assurances that this alternative assessment program will have no effect on the level of services for items set forth in the Association's budget."

3. Clause b. of Section 15.2 of said Declaration shall be and hereby is amended to read as follows:

