

Alan Bernstein

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001	MISC RECORD	1ST AMEND-ELLCOTTV	60.50

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**FIRST AMENDMENT TO THE DECLARATION ESTABLISHING
THE ELLICOTTVILLE INN CONDOMINIUM**

This First Amendment to the Declaration Establishing The Ellicottville Inn Condominium (the "First Amendment") is made this 17 day of August, 2017 by Historic Renovision, LLC (the "Sponsor").

Whereas, the Declaration of The Ellicottville Inn Condominium (the "Declaration") dated August-3, 2011, was recorded in the Cattaraugus County Clerk's Office on August 11, 2011 as Instrument Number 163215-002; and

Whereas, Section 4.03 of the Declaration entitled Dimension of Residential Units was incomplete in that the section incorrectly set forth the approximate dimensions of each Residential Unit and omitted any reference to Commercial Units, and did not sufficiently specify the method for measuring the dimensions of such units; and

Whereas, the Unit Owners and the Sponsor have agreed on the methodology for correctly measuring the dimensions of both residential and commercial units; and

Whereas, this amendment corrects the omissions and does not adversely modify substantial rights of any Unit Owner, or Eligible Mortgage Holder.

Now, therefore, in consideration of the foregoing, as well as for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Sponsor sets forth the following:

1. Section 4.03 of the Declaration entitled Dimensions of Residential Units is hereby replaced in its entirety with the revised Section 4.03 entitled Dimensions of Units attached hereto as **Exhibit A** and made a part hereof.

2. Except as otherwise set forth herein, all terms and conditions of the Declaration are hereby ratified and confirmed.

In Witness Whereof, the Sponsor has executed this Amendment as of the date and year first set forth above.

Historic Renovision, LLC, Sponsor

By:



William D Soffel, Sole Member

EXHIBIT A

Section 4.03. Dimensions of Units.

Residential Units: Each Residential Unit consists of the area of the Residential Unit, measured horizontally from either the unexposed face of the drywall when located at an exterior wall of the building, or where there is no drywall, the interior exposed face of the masonry, brick or block exterior walls of the Building and by either the unexposed face of the drywall, or where there is no drywall, the interior exposed face of the masonry, brick or block demising walls dividing the Residential Unit from other Residential Units, Commercial Units, or the Common Elements. Vertically each Residential Unit consists of the space between the underside of either the subfloor or concrete floor and the unexposed face of the drywall ceiling above or where there is no drywall ceiling, the under face of the joists or floor above. Doors and windows which open from a border of a Residential Unit shall be deemed part of the Residential Unit.

Commercial Units: Each Commercial Unit consists of the area of the Commercial Unit, measured horizontally from either the unexposed face of the drywall when located at an exterior wall of the Building or where there is no drywall, the interior exposed face of the masonry, brick or block exterior walls of the Building and by either the unexposed face of the drywall, or where there is no drywall, the interior exposed face of the masonry, brick or block demising walls dividing the Commercial Unit from other Commercial Units, Residential Units or the Common Elements. Vertically each Commercial Unit consists of the space between the underside of either the subfloor or concrete floor and the unexposed face of the drywall ceiling above or where there is no drywall ceiling, the under face of the joists or floor above. Doors and windows which open from a border of a Commercial Unit shall be deemed part of the Commercial Unit.

Doors, windows, all pipes, conduits and wires from the gas, electric and water meters in the Residential or Commercial Unit, carpet, tile or other flooring systems installed in each Residential or Commercial Unit, and the furnace, hot water heater, and air conditioning systems are a part of such Residential Unit or Commercial Unit and are not a part of the Common Elements.

STATE OF NEW YORK)
 ss:
COUNTY OF CHAUTAUQUA)

On this 17 day of August, 2017, before me, the undersigned, a notary public in and for said state, personally appeared WILLIAM D. SOFFEL, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

JOAN D. WAHL
Notary Public, State of New York
No. 01WA6087623
Qualified in Chautauqua County
Commission Expires February 18, 2019