


Prepared by and return to:
Rhonda M. Weaver, Esquire
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108


Image ID: 000003295335 Type: GEN
Recorded: 04/23/2013 at 10:18:16 AM
Fee Amt: \$28.50 Page 1 of 8
Instr# 20130005537
Adams County, PA
Linda K Myers Register and Recorder
BK 5821 PG 745

DECLARATION OF RECIPROCAL EASEMENTS

This DECLARATION OF RECIPROCAL EASEMENTS is made this 22nd day of April, 2013, by KLEIN BUILDERS GROUP, INC., a Pennsylvania business corporation ("KBG") and THE LINKS AT GETTYSBURG, L.L.C., a Pennsylvania limited liability company ("Links"). THE LINKS AT GETTYSBURG REALTY COMPANY, L.L.C., a Pennsylvania limited liability company ("Realty"), joins in this Declaration for the purposes set forth herein.

WITNESSETH:

A. Pursuant to a certain Declaration of Condominium of The Retreat At The Links At Gettysburg, A Condominium, recorded in the Office of the Recorder of Deeds in and for Adams County, Pennsylvania, in Record Book 4391, Page 69 (as amended, the "Declaration"), KBG, as the Declarant, and Links, as the fee simple owner of the subjected land, submitted to the provisions of the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq. (as amended, the "Act") certain real estate located in Mount Joy Township, Adams County, Pennsylvania, as described in Exhibit "A" to the Declaration, and created a flexible condominium known as "The Retreat At The Links At Gettysburg, A Condominium" (the "Condominium").

B. Pursuant to Article XX of the Declaration, KBG reserved the option to withdraw from the Condominium all or portions of the "Withdrawable Real Estate" described

(A3329200:1)

in the Declaration. By the recording of the Fifth Amendment to the Declaration immediately prior hereto (the "Fifth Amendment"), KBG has withdrawn portions of Withdrawable Real Estate from the Condominium in accordance with the procedures set forth in Article XX of the Declaration. Links and Realty joined in the Fifth Amendment for the purposes set forth therein.

C. The parcels of Withdrawable Real Estate withdrawn pursuant to the Fifth Amendment are collectively referred to herein as the "Withdrawn Lots." The Withdrawn Lots are comprised of Lot A and Lot B, as shown on the Phase 1 Preliminary/Final Subdivision Plan for The Villas At The Retreat At the Links At Gettysburg, recorded in Plat Book 98, Page 56.

D. The Declaration requires that when Withdrawable Real Estate is withdrawn, certain reciprocal easements shall be created and granted in favor of and against the Condominium Unit Owners and the Association, on the one hand, and the owner(s) and occupants of the Withdrawn Lots, on the other hand.

E. Links remains the fee simple owner of all of the Withdrawn Lots, and pursuant to that certain Revocation and Termination of Partial Assignment of Option Agreement, dated September 30, 2010 and recorded in Record Book 5523, Page 653, Realty is the owner of an equitable interest in the Withdrawn Lots, as the optionee under that certain unrecorded Option Agreement dated June 29, 2001.

F. All capitalized terms used herein which are not defined herein shall have the meanings specified in the Declaration.

NOW, THEREFORE, pursuant to and in compliance with the Declaration, KBG, as the Declarant of the Condominium, and Links, as the fee simple owner of the Withdrawn Lots, hereby declare as follows:

(A33292001)

Image ID: 00003285336 Type: GEN
Page 2 of 3
BK 5821 PG 746

1. The Condominium, on the one hand, and each of the Withdrawn Lots, on the other hand, are hereby benefited and burdened with the reciprocal easements set forth in Section 20.2 of the Declaration, which are listed below:

(a) A non-exclusive easement and right-of-way over, on, and upon any roads and streets created within the Condominium or the Withdrawn Lots for ingress and egress to and from Savannah Drive and any public streets serving the Condominium and the Withdrawn Lots, including without limitation, Mason Dixon Road;

(b) The right of access for the placement and maintenance of underground utility facilities to serve any owner of any portion of the Condominium and the Withdrawn Lots, including, inter alia, electrical, gas, telephone, sewer and waterlines, provided that the exercise of said rights does not materially interfere with the existing utility facilities;

(c) The right to use and gain access to existing utility facilities located within the Condominium and/or the Withdrawn Lots, including the waterlines, sanitary sewer and storm sewer facilities, and to tie into said facilities, together with the right to install and maintain new utility facilities, provided that the exercise of such rights does not materially interfere with the existing utility facilities; and

(d) The right to enter upon the Condominium and the Withdrawn Lots at reasonable times for the purpose of laying, constructing, inspecting, maintaining, repairing or removing said utility facilities.

2. In accordance with Section 20.2 of the Declaration, KBG and Links hereby create the reciprocal rights set forth in Paragraph 1 above, subject to the following conditions:

(a) The party exercising such easement rights for the installation of utility facilities shall be solely responsible for all expenses of whatever nature with regard to the initial construction and installation of said utility facilities;

(b) Any party exercising the easement right to install utility facilities over, under or through the burdened property shall observe all applicable laws pertaining thereto. All work shall be done during reasonable times, following reasonable notice to any party who will be affected by the work, and shall be done in a manner which shall not unreasonably interfere with the use of the burdened property by the owners and occupants thereof;

{A3329200:1}

3

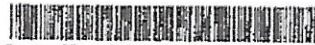


Image ID: 000003295337 Type: GEN
Page 3 of 8

BK 5821 PG 747

(c) The party exercising such easement right, at its sole cost, shall promptly restore the burdened property to its original condition;

(d) The expense of operating, maintaining and repairing any area or facility subject to a reciprocal easement shall be equitably apportioned among the owners using said areas or easements, considering all pertinent use factors; and

(e) The party exercising any easement right shall indemnify and hold harmless all other owners within the burdened property from all loss, damage, claims or expenses, including reasonable attorneys' fees, resulting from its negligent or improper exercise of the easements and other rights granted herein.

3. The rights and obligations created hereby shall be covenants running with the land, burdening and benefiting all owners and occupants of the Condominium and the Withdrawn Lots.

4. The withdrawal of the Withdrawn Lots from the Condominium shall not affect the boundaries of the Assessment District (as defined in the Declaration). The Withdrawn Lots shall remain part of the Assessment District.

5. Realty hereby subjects its interest in the Withdrawn Lots to the provisions of this Declaration of Reciprocal Easements, consents hereto, and agrees to be bound hereby.

(Signature Page Follows.)

Image ID: 000003285338 Type: GEN
Page 4 of 8
BK 5821 PG 748

{A3329200.1}

IN WITNESS WHEREOF, KBG, Links and Realty have caused this Declaration of Reciprocal Easements to be executed as of the date first above written.

WITNESS: KBG: KLEIN BUILDERS GROUP, INC., a Pennsylvania corporation

By: [Signature]
Name: MARK S. MAGINNIS
Title:

By: [Signature]
Name: Richard A. Klein
Title: President

ATTEST: LINKS: THE LINKS AT GETTYSBURG, L.L.C., a Pennsylvania limited liability company

[Signature]
Name: Cathy Batista
Title: Secretary

By: [Signature]
Name: Richard A. Klein
Title: ~~Managing Member~~ President

WITNESS: REALTY: THE LINKS AT GETTYSBURG REALTY COMPANY, L.L.C., a Pennsylvania limited liability company:

[Signature]
Name: MARK S. MAGINNIS
Title:

By: [Signature]
Name: Richard A. Klein
Title: Managing Member

Image ID: 000003295339 Type: GEN
Page 5 of 8
BK 5821 PG 749

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF DAUPHIN :

On this, the 22nd day of April, 2013, before me, a Notary Public, the undersigned officer, personally appeared Richard A. Klein, who acknowledged himself to be the President of KLEIN BUILDERS GROUP, INC., a Pennsylvania business corporation, and that he as such officer, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as such officer.

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

Lisa R. Barker

Notary Public

(SEAL)

My commission expires:

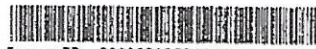
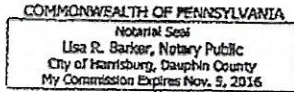


Image ID: 000003295340 Type: GEN
Page 6 of 8

EX 5821 PG 750

{A3329200-1}

COMMONWEALTH OF PENNSYLVANIA :
 :
COUNTY OF DAUPHIN : SS:

On this, the 22nd day of April, 2013, before me, a Notary Public, the undersigned officer, personally appeared Richard A. Klein, who acknowledged himself to be the Managing Member of THE LINKS AT GETTYSBURG, L.L.C., a Pennsylvania limited liability company, and that he as such Managing Member, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the company by himself as such Managing Member.

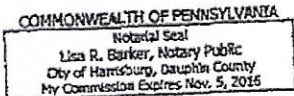
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Lisa R. Barker

Notary Public

(SEAL)

My commission expires:



Barcode
Image ID: 000003285341 Type: GEN
Page 7 of 8
BK 5821 PG 751

{A3329200:1}

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF DAUPHIN :

On this, the 22nd day of April, 2013, before me, a Notary Public, the undersigned officer, personally appeared Richard A. Klein, who acknowledged himself to be the Managing Member of THE LINKS AT GETTYSBURG REALTY COMPANY, L.L.C., a Pennsylvania limited liability company, and that he as such Managing Member, being authorized to do so, executed the foregoing instrument for the purposes therein contained as Managing Member of said company.

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

Lisa R. Barker
Notary Public

(SEAL)

My Commission Expires:

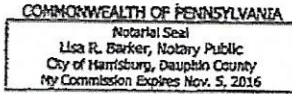


Image ID: 000003295342 Type: GEN
Page 8 of 8
BK 5821 pg 752

{A3329200:1}