

Residential
FILED L.11194 Deeds
DEC 28 2010
ERIE COUNTY
CLERK'S OFFICE
P8428

FIRST AMENDMENT OF DECLARATION

UNIQUEST DELAWARE, LLC, a New York limited liability company with offices at 100 Corporate Parkway, Suite 500, Town of Amherst, County of Erie, State of New York, hereinafter referred to as the "Declarant," hereby declares:

WHEREAS, a Declaration dated October 30, 2009 establishing a plan of condominium ownership for the 200 Delaware Residential Condominium was recorded in the Erie County Clerk's Office on November 2, 2009, in Liber 11172 of Deeds at Page 3021 (the "Declaration"); and

WHEREAS, the Declaration, *inter alia*, subdivided the fourteenth, fifteenth and sixteenth floors of the Building into separate Units in accordance with Schedule C of the Declarations; and

WHEREAS, the Declarant desires to correct the subdivision information contained in the Declaration and pursuant to Section 339-s of the New York Real Property Law, to amend the Declaration as provided in and in conformity with Article XI thereof, so as to further alter the composition of Unit 1609, subdividing Unit 1609 and the percentage of common interest in and to the common elements into two (2) Units known as Unit 1607 and Unit 1609; and

WHEREAS, the Declarant, upon request of a Unit Owner, and upon the waiver of a special meeting and consent of 80% in number of Unit Owners and their respective mortgagees (if any), desires to correct the subdivision information contained in the Declaration and pursuant to Section 339-s of the New York Real Property Law, to amend the Declaration as provided in and in conformity with Article XI thereof, so as to further alter the composition of Units 1401 and 1402, combining said Units 1401 and 1401 and the percentage of common interest in and to the common elements into one (1) Unit known as Unit 1401;

NOW THEREFORE, the Declarant hereby amends the Schedule C of the Declaration as follows:

1. The 16th floor of the Condominium shall be comprised of nine (9) units having the approximate square footage and the percentage of common areas as set forth in Exhibit A (Amended Schedule C to the Declaration) attached hereto and made a part hereof;
2. Declarant represents that the allocation of the Unit 1609 percentage interest in and to the common elements has been altered by this Amendment to be split between new Units 1607 and 1609;

3. The 14th floor of the Condominium shall be comprised of nine (9) units having the approximate square footage and percentage of common areas set forth in Exhibit A;
4. Declarant represents that the allocation of the Units 1401 and 1402 percentage interest in and to the common elements has been altered by this Amendment to be the combined total between the two original Units 1401 and 1402 now allocated to new Unit 1401;
5. Declarant further represents that all other terms of the Declaration are unaffected by the redefinition of the respective Units herein.

IN WITNESS WHEREOF, the Declarant has caused this First Amendment of Declaration to be executed as of this 27th day of December, 2010.

UNIQUEST DELAWARE, LLC

BY: Uniland Holdings, LLC, Managing Member

By: Uninvest I Corporation, Managing Member

By: _____

Carl J. Montantz, President

STATE OF NEW YORK)
COUNTY OF ERIE) ss.:

On the 27th day of December, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Carl J. Montante, 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

SUSAN M. HASSINGER
Notary Public State of New York
Qualified in Erie County
My commission expires October 27, 2011

EXHIBIT A

AMENDED SCHEDULE C TO THE DECLARATION LIST OF UNITS AND PERCENTAGE INTEREST IN THE COMMON AREAS

FLOOR	UNIT DESCRIPTIONS	SBL NUMBERS	SQUARE FOOTAGE			NUMBER OF BEDROOMS/ BATHROOMS	% OF COMMON INTEREST
			1st FLOOR	BALCONY	TOTAL		
Fourteenth (actual 13 th floor)	1401	111.37-5-6./D1401	4321	166	4487	3BD/3.5BTH	7.71%
	1403	111.37-5-6./D1403	2235	67	2302	2BD/2.5BTH	3.99%
	1404	111.37-5-6./D1404	1453	67	1520	2BD/2.5BTH	2.59%
	1405	111.37-5-6./D1405	1891	67	1958	2BD/2.5BTH	3.37%
	1406	111.37-5-6./D1406	1504	67	1571	2BD/2.5BTH	2.68%
	1407	111.37-5-6./D1407	1355	67	1422	1BD/2BTH	2.42%
	1408	111.37-5-6./D1408	1504	67	1571	2BD/2.5BTH	2.68%
	1409	111.37-5-6./D1409	2464	67	2531	2BD/2.5BTH	4.40%
	1410	111.37-5-6./D1410	2176	102	2278	2BD/2.5BTH	3.88%
	1501	111.37-5-6./D1501	3105	99	3204	3BD/3.5BTH	5.54%
Fifteenth (actual 14 th floor)	1502	111.37-5-6./D1502	1216	67	1283	1BD/1.5BTH	2.17%
	1503	111.37-5-6./D1503	2235	67	2302	2BD/2.5BTH	3.99%
	1504	111.37-5-6./D1504	1453	67	1520	2BD/2.5BTH	2.59%
	1505	111.37-5-6./D1505	1942	67	2009	2BD/2.5BTH	3.46%
	1506	111.37-5-6./D1506	1504	67	1571	2BD/2.5BTH	2.68%
	1508	111.37-5-6./D1508	1504	67	1571	2BD/2.5BTH	2.68%
	1509	111.37-5-6./D1509	3690	102	3792	2BD/2.5BTH	6.58%
	1510	111.37-5-6./D1510	2290	102	2392	2BD/2.5BTH	4.09%
	1601	111.37-5-6./D1601	2786	167	2953	2BD/2.5BTH	4.97%
	1602	111.37-5-6./D1602	2862	102	2964	3BD/3.5BTH	5.11%
Sixteenth (actual 15 th floor)	1604	111.37-5-6./D1604	1676	67	1743	2BD/2.5BTH	2.99%
	1605	111.37-5-6./D1605	1942	67	2009	2BD/2.5BTH	3.46%
	1606	111.37-5-6./D1606	1504	67	1571	2BD/2.5BTH	2.68%
	1607	111.37-5-6./D1607	1346	35	1381	2BD/2.5Bth	2.41%
	1608	111.37-5-6./D1608	1504	67	1571	2BD/2.5BTH	2.68%
	1609	111.37-5-6./D1609	2318	67	2385	3BD/3BTH	4.14%
	1610	111.37-5-6./D1610	2276	102	2378	2BD/2.5BTH	4.06%