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**COMMON INTEREST COMMUNITY NO. 2028  
(Condominium)**

**PORTLAND TOWER**

**FIRST AMENDMENT TO DECLARATION**

This First Amendment to Declaration (“Amendment”) is made this 21<sup>st</sup> day of December, 2017 by Portland Tower L.L.C., a Minnesota limited liability company (the “Declarant”), pursuant to the provisions of Minnesota Statutes Chapter 515B, known as the Minnesota Common Interest Ownership Act (the “Act”), and specifically pursuant to Section 515B.2-112 of the Act.

**WHEREAS**, the Declaration of the Portland Tower was recorded in the office of the Hennepin County Registrar of Titles on June 29, 2016 as Document No. T5358846 (“Declaration”), and

**WHEREAS**, Section 16 of the Declaration provides for the combination of Residential Units, as defined in the Declaration, pursuant to Section 515B.2-112, and grants to Declarant the unilateral authority to combine said Residential Units, all in accordance with the Act, and

**WHEREAS**, as of the date of this Amendment the Residential Units to be combined are owned exclusively by the Declarant; and

**WHEREAS**, as of the date of this Amendment the Declarant control period provided for in Section 15 of the Declaration has not terminated.

**NOW, THEREFORE**, the undersigned hereby enacts this Amendment, in accordance with the requirements of the Declaration and the Act, for the purpose of combining Residential Units 1613 and 1614 into a new Residential Unit 1614, reallocate existing Limited Common Elements and hereby declares that said Residential Unit and Limited Common Elements shall be held, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens provided for in the Declaration and this Amendment, all of which shall be binding upon all persons having or hereafter acquiring any right, title or interest therein, including their heirs, personal representatives, grantees, successors and assigns. Unless otherwise specifically set forth herein, all words and terms used in this Amendment shall have the same meaning set forth in the Declaration.

**A. IDENTIFICATION OF UNITS.** Section 2.1 of the Declaration shall be amended to read as follows:

“2.1 Units. There are 112 Residential Units, 1 Commercial Unit and 198 Parking Units in the Building. Each Unit constitutes a separate parcel of real estate. The Residential Units are restricted exclusively to residential use, the Commercial Unit is restricted exclusively to commercial use and the Parking Units are restricted exclusively to Parking Use. The Unit identifiers and locations of the Units are as shown on the Plat, which is incorporated herein by reference. A schedule of the Residential Units and the Commercial Unit is set forth on Exhibit A and a schedule of the Parking Units is set forth on Exhibit B, both attached hereto.”

The boundaries of each Unit created in this Amendment shall be as defined in Section 2.2 of the Declaration.

**B. REALLOCATION OF VOTING RIGHTS, COMMON EXPENSE OBLIGATIONS AND UNDIVIDED INTERESTS.** Voting rights, Common Expense obligations and undivided interests are reallocated among all Units created by the Declaration and this Amendment in accordance with the formula set forth in Section 4.2 of the Declaration, effective as of the date of recording of this Amendment. The Residential Unit identifiers and the Commercial Unit identifier and each percentage allocation are set forth on Exhibit A attached hereto.

**C. APPLICABILITY AND BINDING EFFECT.** Except as specifically modified by this Amendment, the Declaration, as amended, shall remain in full force and



**Portland Tower**  
**Exhibit A to First Amendment to Declaration**

<u>Unit #</u>	<u>Square Feet</u>	<u>% of Bldg</u>	<u>Unit #</u>	<u>Square Feet</u>	<u>% of Bldg</u>	<u>Unit #</u>	<u>Square Feet</u>	<u>% of Bldg</u>
101	1157	0.76%						
C101	1499	0.99%						
601	1599	1.05%	1001	1599	1.05%	1411	1599	1.05%
602	1118	0.74%	1002	1119	0.74%	1412	1333	0.88%
603	1472	0.97%	1003	1472	0.97%	1413	1561	1.03%
604	1176	0.78%	1004	1176	0.78%	1414	1490	0.98%
605	1176	0.78%	1005	1176	0.78%	1415	1507	0.99%
606	1176	0.78%	1006	1176	0.78%	1416	1572	1.04%
607	1310	0.86%	1007	1310	0.86%	1417	1679	1.11%
608	1121	0.74%	1008	1126	0.74%	1418	1705	1.12%
609	983	0.65%	1009	983	0.65%			
610	1268	0.84%	1010	1277	0.84%	1511	1599	1.05%
						1512	1333	0.88%
701	1599	1.05%	1101	1599	1.05%	1513	1561	1.03%
702	1118	0.74%	1102	1119	0.74%	1514	1490	0.98%
703	1472	0.97%	1103	1472	0.97%	1515	1507	0.99%
704	1176	0.78%	1104	1176	0.78%	1516	1572	1.04%
705	1176	0.78%	1105	1176	0.78%	1517	1679	1.11%
706	1176	0.78%	1106	1176	0.78%	1518	1705	1.12%
707	1310	0.86%	1107	1310	0.86%			
708	1121	0.74%	1108	1126	0.74%	1611	1599	1.05%
709	983	0.65%	1109	983	0.65%	1612	1333	0.88%
710	1268	0.84%	1110	1277	0.84%	1613		(SKIP)
						1614	3051	2.01%
801	1599	1.05%	1201	1599	1.05%	1615	1507	0.99%
802	1118	0.74%	1202	1119	0.74%	1616	1572	1.04%
803	1472	0.97%	1203	1472	0.97%	1617	1679	1.11%
804	1176	0.78%	1204	1176	0.78%	1618	1705	1.12%
805	1176	0.78%	1205	1176	0.78%			
806	1176	0.78%	1206	1176	0.78%	1711	1599	1.05%
807	1310	0.86%	1207	1310	0.86%	1712	1333	0.87%
808	1121	0.74%	1208	1126	0.74%	1713	1561	1.02%
809	983	0.65%	1209	983	0.65%	1714	1490	0.97%
810	1268	0.84%	1210	1277	0.84%	1715	1507	0.98%
						1716	1572	1.03%
901	1599	1.05%	1301	1599	1.05%	1717	1679	1.10%
902	1119	0.74%	1302	1119	0.74%	1718	1705	1.11%
903	1472	0.97%	1303	1472	0.97%			
904	1176	0.78%	1304	1176	0.78%			
905	1176	0.78%	1305	1176	0.78%			
906	1176	0.78%	1306	1176	0.78%			
907	1310	0.86%	1307	1310	0.86%			
908	1126	0.74%	1308	1126	0.74%			
909	983	0.65%	1309	983	0.65%			
910	1277	0.84%	1310	1277	0.84%			

**COMMON INTEREST COMMUNITY NO. 2028**

**PORTLAND TOWER**

**EXHIBIT B TO FIRST AMENDMENT TO DECLARATION**

**UNIT IDENTIFIERS OF PARKING UNITS**

<b>Level</b>	<b>Unit #'s</b>	<b>Count</b>
L2	P201-P245 (inclusive)	45
L3	P301-P349 (inclusive)	49
L4	P401-P454 (inclusive)	54
L5	P501-P550 (inclusive)	50
Total Parking Units:		198