

SECOND AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS

LIBER 28461 PAGE 009

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS is made this 16th day of September, 1995 by SHERR DEVELOPMENT CORPORATION, a Michigan corporation (the "Declarant"), having its principal office at 31555 West Fourteen Mile Road, Suite 101, Farmington Hills, Michigan 48334.

WITNESSETH:

WHEREAS, Declarant was a party to a certain Declaration of Covenants and Restrictions concerning Nowland Estates Subdivision, which Declaration of Covenants and Restrictions was dated the 30th day of August, 1994 and recorded in Liber 27760, Page 869, Wayne County Records; and

WHEREAS, such Declaration of Covenants and Restrictions was amended by First Amendment to Declaration of Covenants and Restrictions as recorded in Liber 28004, Page 350 (such Declaration of Covenants and Restrictions, as amended, shall be hereinafter referred to as the "Declaration"); and

WHEREAS, the property affected by the Declaration, as described in the Declaration, shall be referred to herein as the "Nowland Estates Parcel," which Nowland Estates Parcel is described as:

Lots 1 through 66, both inclusive, Nowland Estates Subdivision, Nowland Park North (Private Park), Nowland Park East (Private Park), and Nowland Park West (Private Park), part of the Southeast 1/4 of Section 22, T2S, R8E, Canton Township, Wayne County, Michigan, according to the Plat thereof as recorded in Liber 107 of Plats, Pages 80 to 83, all inclusive, Wayne County Records; and

WHEREAS, Declarant is the sole owner of certain property adjacent to the Nowland Estates Parcel, which property is described in Exhibit "A" attached hereto and made a part hereof (the "Nowland on the Court Parcel"), which Nowland on the Court Parcel will be described as Lots 1-17 and Nowland Park No. 1 (Private Park) and Nowland Park No. 2 (Private Park); and

WHEREAS, pursuant to Section 4 of Article VIII of the Declaration, Declarant desires to and has the right to annex the Nowland on the Court Parcel to the Nowland Estates Parcel by means of a Supplemental Declaration of Covenants and Restrictions, so that the Nowland on the Court Parcel will be subject to all of the terms of the Declaration, and will be under and within the jurisdiction of the Association (as defined in the Declaration); and

WHEREAS, Declarant further desires to amend the Declaration as hereinafter set forth.

Handwritten initials and date: 4/16/95

95266227

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NOW, THEREFORE, in consideration of the foregoing, the Declaration is hereby amended as follows:

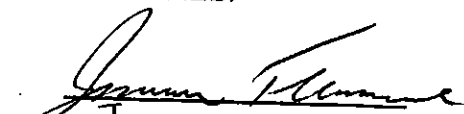
1. Declarant hereby declares that the Nowland on the Court Parcel and each and every Lot to be created therein shall be held, sold, transferred and conveyed subject to the Declaration, as fully and completely as if the Declaration had been completely set forth in this Amendment, it being intended that the Nowland on the Court Parcel be annexed as provided by Section 4, Article VIII of the Declaration, and that each and every lot in the Nowland on the Court Parcel shall be subject to the covenants, restrictions, conditions, assessments, easements and liens as set forth in the Declaration, which shall run with the Nowland on the Court Parcel and each and every Lot therein and shall be binding upon and inure to the benefit of all parties having any right, title or interest in the Nowland on the Court Parcel or any part thereof, their heirs, successors or assigns. Any common areas created in the Nowland in the Court Parcel shall be Common Areas under the Declaration, and the off-site detention pond which services certain portions of the Nowland on the Court Parcel (as well as other storm drainage facilities located within such Parcel) shall be deemed Storm Drainage Facilities Under the Declaration.
2. This amendment shall serve as the Supplemental Declaration of Covenants and Restrictions Contemplated by Section 4 of Article VIII of the Declaration.
3. Declarant hereby declares that, under Article II, Section 2(d) of the Declaration, Declarant remains the sole voter in the Association.
4. Section 9 of Article VI of the Declaration is hereby amended by deleted the fourth sentence of such section and replacing same with the following:

Except for any preexisting pen, no pen shall be erected, placed or permitted to remain on any Lot unless located within the rear yard of such Lot adjacent to a wall of the dwelling or garage, and facing the rear or interior of the Lot, and such pen shall not be permitted to extend into either side yard, unless the Association has approved any exception to this sentence.

5. The Declaration, as amended herein, is hereby ratified and confirmed and shall remain in full force and effect.


IN WITNESS WHEREOF, Declarant has executed this Second Amendment to Declaration of Covenants and Restrictions the date and year first above written.

WITNESSES:

  
Joseph Teramino

  
Brian E. Banker

SHERR DEVELOPMENT CORPORATION,  
a Michigan corporation

By:   
Stuart D. Sherr  
Its: Vice-President

STATE OF MICHIGAN )  
 )  
COUNTY OF ~~OAKLAND~~ ) SS.  
*Wayne*

The foregoing instrument was acknowledged before me this 16 day of ~~September~~ *October*, 1995, by *Stuart Sherr*, the *Vice President* of Sherr Development Corporation, a Michigan corporation, on behalf of the corporation.

*Carol Quinn*  
Notary Public, Oakland County, Michigan  
My commission expires: *June 26, 1996*

Document drafted by and when recorded return to:

Alan M. Hurvitz, Esq.  
Honigman Miller Schwartz and Cohn  
2290 First National Building  
Detroit, Michigan 48226  
(313) 256-7651

DET05/63565.1

Nowland on the Court Parcel

A parcel of land in the Southeast 1/4 of Section 22, Town 2 South, Range 8 East, Canton Township, Wayne County, Michigan, described as follows:

Commencing at the South 1/4 corner of Section 22; thence S. 89° 52' 17" E. 669.00 feet along the south line of Section 22 to the point of beginning; thence N. 00° 41' 14" W. 333.03 feet; thence S. 89° 49' 30" E. 1.55 feet; thence N. 00° 43' 26" W. 333.42 feet; thence S. 89° 44' 33" E. 333.05 feet; thence S. 00° 45' 06" E. 665.70 feet; thence N. 89° 52' 17" W. 337.12 feet along the south line of Section 22 to the point of beginning. Containing 5.138 acres.

Being Tax Parcel Nos. 71-088-99-0016-001 and 71-088-99-0011-710