

AMENDMENT TO AGREEMENT FOR MAINTENANCE OF SUBDIVISION LANDSCAPING

LIBER 28461 PAGE 033

THIS AMENDMENT TO AGREEMENT FOR MAINTENANCE OF STORM DRAINAGE FACILITIES is made this 16th day of September, 1995, by and between NOWLAND ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION, INC., a Michigan non-profit corporation ("Association"), with its principal office at 31555 West Fourteen Mile Road, Suite 101, Farmington Hills, Michigan 48334; THE CHARTER TOWNSHIP OF CANTON, a Michigan municipal corporation ("Township"), having its principal office at 1150 South Canton Center Road, Canton, Michigan 48188; and SHERR DEVELOPMENT CORPORATION, a Michigan corporation ("Developer"), having its principal office at 31555 West Fourteen Mile Road, Suite 101, Farmington Hills, Michigan 48334.

WITNESSETH:

WHEREAS, Township entered into a certain agreement for maintenance of subdivision landscaping dated August 30, 1994 (the "Agreement"), by and among the Township; Developer; William C. and L. Soraya Nowland, husband and wife; and Charles A. and Shelley D. Trask, husband and wife, which Agreement was recorded in Liber 27760, Page 893, Wayne County, Michigan Records; and

WHEREAS, the land which was the subject of the Agreement was described therein as the "Subdivision Parcel"; and

WHEREAS, pursuant to a certain Second Amendment to Declaration of Covenants and Restrictions dated of even date herewith, additional land has been annexed to the Subdivision Parcel, which land is more particularly described in Exhibit "A," attached hereto and made a part hereof (the "Nowland on the Court Parcel"); and

WHEREAS, the Nowland on the Court parcel is benefitted by certain easements as described in Exhibit "B" attached hereto and made a part hereof;

WHEREAS, Developer desires to: (i) extend the terms of the Agreement to the Nowland on the Court Parcel and (ii) assign its rights and obligations under the Agreement to the Association, and the Township is amenable to same.

NOW, THEREFORE, in consideration of the foregoing, the parties hereto hereby agree that the Agreement shall be amended such that the Subdivision Parcel shall be deemed to include the Nowland on the Court Parcel. To the extent that Lots are created in the Nowland on the Court Parcel, all of such lots shall be included as Lots under the terms of the Agreement, and all parks and other common areas established therein, shall be included within the terms of the Agreement.

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Furthermore, Developer hereby assigns all of its rights and obligations under the Agreement to the Association, and the Association assumes same and agrees to indemnify, defend, and hold Developer harmless from and against all causes of action arising under the Agreement from and after the day hereof.

Furthermore, it is hereby acknowledged that the term "Subdivision Landscaping" shall include cul de sac islands and entranceway landscaping.

IN WITNESS WHEREOF, Developer, Association and Township have executed this document the date and year first above written.

WITNESSES:

Joseph Teramino
Joseph Teramino

Brian E. Bunker
Brian E. Bunker

Deborah Zeruthik
Deborah Zeruthik

Joycel Materica
Joycel Materica

Constance L. Ressler
Constance L. Ressler

Ellen Duce
ELLEN DUCE

Joseph Teramino
Joseph Teramino

Brian E. Bunker
Brian E. Bunker

SHERR DEVELOPMENT CORPORATION,
a Michigan corporation

By: Stuart D. Sherr
STUART D. SHERR
Its: Vice-President

THE CHARTER TOWNSHIP OF CANTON,
a Michigan municipal corporation

By: Thomas J. Yack
THOMAS J. YACK
Its: Township Supervisor

AND:

By: Terry G. Bennett
TERRY G. BENNETT
Its: Township Clerk

NOWLAND ESTATES SUBDIVISION
HOMEOWNERS ASSOCIATION, INC.,
a Michigan non-profit corporation

By: Stuart D. Sherr
Stuart D. Sherr, President

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

EXHIBIT " B "

Nowland on the Court Parcel
 Together with Storm Water
 Detention Easements

Land In TOWNSHIP of CANTON

WAYNE County, Michigan

PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWN 2 SOUTH, RANGE 8 EAST, CANTON TOWNSHIP, WAYNE COUNTY MICHIGAN, COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 22; THENCE SOUTH 89 DEGREES 52 MINUTES 17 SECONDS EAST, 869.00 FEET ALONG THE SOUTH LINE OF SECTION 22 TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 41 MINUTES 14 SECONDS WEST, 333.03 FEET; THENCE SOUTH 89 DEGREES 49 MINUTES 30 SECONDS EAST, 1.56 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 26 SECONDS WEST, 333.42 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 33 SECONDS EAST, 335.05 FEET; THENCE SOUTH 00 DEGREES 46 MINUTES 08 SECONDS EAST, 885.70 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 17 SECONDS WEST, 337.12 FEET ALONG THE SOUTH LINE OF SECTION 22 TO THE POINT OF BEGINNING. TOGETHER WITH AN EASEMENT FOR THE PURPOSE OF ACCESS TO INSTALL AND MAINTAIN SEWER LINES AND CONNECTIONS AND EQUIPMENT THEREFORE, IN UNTO, AND UPON THAT CERTAIN PIECE OF LAND SITUATED IN THE CHARTER TOWNSHIP OF CANTON, COUNTY OF WAYNE, AND STATE OF MICHIGAN, TO-WIT: THE NORTH, 20.00 FEET OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWN 2 SOUTH, RANGE 8 EAST, CANTON TOWNSHIP, WAYNE COUNTY, MICHIGAN MORE FULLY DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 22, THENCE NORTH, 254.37 FEET ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION 22, THENCE SOUTH 89 DEGREES 11 MINUTES 00 SECONDS EAST, 43.00 FEET TO THE POINT OF BEGINNING, THENCE NORTH, 79.00 FEET, THENCE SOUTH 89 DEGREES 11 MINUTES 00 SECONDS EAST, 197.00 FEET, THENCE SOUTH, 79.00 FEET, THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 197.00 FEET TO THE POINT OF BEGINNING. AND TOGETHER WITH AN EASEMENT FOR THE PURPOSE OF ACCESS TO INSTALL AND MAINTAIN A STORM WATER DETENTION BASIN AND STORM DRAINAGE FACILITIES, CONNECTIONS AND EQUIPMENT THEREFORE, IN, UNTO AND UPON THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN THE CHARTER TOWNSHIP OF CANTON, COUNTY OF WAYNE, AND STATE OF MICHIGAN, TO-WIT: A 110.00 FOOT WIDE EASEMENT FOR STORM WATER DETENTION ACROSS THE NORTH, 110.00 FEET AND A 30.00 FOOT WIDE ACCESS EASEMENT ACROSS THE EAST, 30.00 FEET OF THE NORTH, 180.01 FEET OF THE SOUTH, 223.01 FEET OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 22, TOWN 2 SOUTH, RANGE 8 EAST, CANTON TOWNSHIP, WAYNE COUNTY, MICHIGAN, MORE FULLY DESCRIBED AS COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 22; THENCE SOUTH 89 DEGREES 11 MINUTES 00 SECONDS EAST, 240.00 FEET ALONG THE SOUTH LINE OF SAID SECTION 22 TO THE POINT OF BEGINNING, THENCE NORTH, 333.37 FEET, THENCE SOUTH 89 DEGREES 08 MINUTES 08 SECONDS EAST, 429.00 FEET, THENCE SOUTH, 333.01 FEET TO SAID SOUTH SECTION LINE, THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 429.00 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING.