

AMENDMENT TO AGREEMENT FOR MAINTENANCE OF STORM DRAINAGE FACILITIES

LIBER 28461 PAGE 038

THIS AMENDMENT TO AGREEMENT FOR MAINTENANCE OF STORM DRAINAGE FACILITIES is made this 16th day of September, 1995, by and between NOWLANDESTATES 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 storm drainage facilities 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 902, 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, 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, including all storm drainage facilities which service the Nowland on the Court Parcel (some of which benefit the Nowland on the Court Parcel pursuant to certain easements as described in Exhibit "B" attached hereto and made a part hereof), shall be included within the terms of the Agreement.

Handwritten initials and date: HL 19/9/95

T9514222

95266233

DECEMBER 15, 1995

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.

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 Zevallink
Deborah Zevallink

Joyce Materig
Joyce Materig

Constance L. Ressler
Constance L. Ressler

Anna M. Stump
Anna M. Stump

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

Joseph Teramino
Joseph Teramino

Brian E. Bunker
Brian E. Bunker

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

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

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

Carol Quinn
Notary Public, ~~Oakland~~ ^{Wayne} County, Michigan
My commission expires: June 26, 1996
CAROL QUINN

STATE OF MICHIGAN)
)
) SS.
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this 15th day of ^{November} ~~September~~, 1995, by Thomas J. Yack, the Township Supervisor, and Terry G. Bennett, the Township Clerk of The Charter Township of Canton, a Michigan municipal corporation, on behalf of the corporation.

Constance Kressler
Notary Public, Wayne County, Michigan
My commission expires: 3-2-96

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

The foregoing instrument was acknowledged before me this 16 day of ^{October} ~~September~~, 1995, by Stuart D. Sherr, President, of the Nowland Estates Subdivision Homeowners Association, a Michigan non-profit corporation, on behalf of the corporation.

Carol Quinn
Notary Public, ~~Oakland~~ ^{Wayne} County, Michigan
My commission expires: June 26, 1995
CAROL QUINN

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

When recorded return to:
Charter Township of Canton
Engineering Department
1150 South Canton Center Road
Canton, Michigan 48188

DET0563580.2
AM01 02/7/95 1:16pm

DECEMBER 15, 1995

EXHIBIT "A"

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, 1.55 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 06 SECONDS EAST, 865.70 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, 78.00 FEET, THENCE SOUTH 88 DEGREES 11 MINUTES 00 SECONDS EAST, 197.00 FEET, THENCE SOUTH, 78.00 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, 190.01 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.