

LIBER 7465 PAGE 387

LIBER 7475 PAGE 851

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FIRST AMENDED
DECLARATION OF RESTRICTIONS FOR
CUMBERLAND HILLS SUBDIVISIONS

This FIRST AMENDED DECLARATION made this 15th day of August, 1978, by ELRO CORPORATION, a Michigan corporation, 177 West Big Beaver Road, Troy, Michigan 48084 (hereinafter called "Grantor").

311 / 27

WITNESSETH:

WHEREAS, the Grantor is the owner of property in the North 1/2 of Section 27, Town 3 North, Range 11 East, Avon Township, Oakland County, Michigan, described on Exhibit "A" hereto, which property is part of a tract being developed by Grantor for residential use, and

WHEREAS, a Declaration of Restrictions was recorded at Liber 7453, Pages 594 thru 610, Oakland County Records, establishing the conditions and restrictions applicable to Cumberland Hills Subdivision No. 1, and expressly made subject thereto, and

WHEREAS, it is the purpose and intent of this First Amended Declaration of Restrictions to consolidate and integrate all properties described on Exhibit "A" hereto, being proposed Cumberland Hills Subdivision No. 2, to the Declaration of Restrictions Recorded in Liber 160, Pages 36, 37, & 38 OCR, in accordance with Article VI, Section 4 thereof, to be held and conveyed subject to the restrictions and conditions contained within said instrument, which restrictions and conditions shall be and constitute covenants running with the land and binding upon the heirs, personal representatives, successors and assigns of the Grantor, the owners of individual lots and other parcels within Cumberland Hills Subdivision No. 1 and other Cumberland Hills Subdivisions, and

WHEREAS, the land described as Cumberland Hills No. 2 contains Common Areas which are hereby added to the Common Areas of Cumberland Hills No. 1 and which shall be consolidated and considered as one Common Area for the maintenance and jurisdiction by the Homeowners Association, and

NOW, THEREFORE, the Grantor does hereby subject the lands described on Exhibit "A" being proposed Cumberland Hills Subdivision

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Re-recorded to delete page previously recorded at Liber 7465, Page 390 as such was improperly inserted and so recorded.

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No. 2, to each and all of the terms, covenants, conditions and restrictions as contained in the Declaration of Restrictions for Cumberland Hills Subdivision No. 1, by incorporating herein the terms thereof as though herein set forth in their entirety, all in accordance with the provisions of Article VI, Section 4 thereof.

Subsequent to the execution and recording hereof and recording of the plat of the proposed Cumberland Hills Subdivision No. 2: a) all persons acquiring any interest in any lot therein shall be subject to all the responsibilities and obligations and be benefitted by all the rights and privileges as set forth in the Declaration of Restrictions for Cumberland Hills Subdivision No. 1 including the right to participate in the affairs of the Association which includes but is not limited to jurisdiction over Common Areas in Cumberland Hills Subdivisions platted and proposed as set forth therein; and b) all references contained within the Declaration of Restrictions shall be modified and amended so as to include reference to Cumberland Hills Subdivisions Nos. 1 and 2.

The Developer has submitted to the Township a certain First Amended Agreement for Subdivision Open Space Plan which has been approved by the Township and which shall be recorded concurrently herewith and together with this First Amended Declaration of Restrictions which shall constitute restrictions running with the land and shall be applicable to the lands subjected to operation of this First Amended Declaration of Restrictions by this or subsequent amendments.

Subsequent to the recording of this First Amended Declaration of Restrictions and the companion First Amended Agreement for Subdivision Open Space Plan with regard to Cumberland Hills Subdivisions Nos. 1 and 2, additional lands may be added to and made subject to the operation of this First Amended Declaration of Restrictions solely by action of the Developer and Township, and without the approval or consent of any lot owner or mortgagee which addition shall be described as an amendment to the Agreement, shall contain a metes and bounds description of the lands to be added to the operation of the Agreement and shall include the name or description of any Common Areas included within any such lands.

See

Further, that Article V, BUILDING AND USE RESTRICTIONS FOR THE SUBDIVISION, Sec. 13, Fences of the DECLARATION OF RESTRICTIONS CUMBERLAND HILLS SUBDIVISION NO. 1 is hereby amended to include not only Lots 1 through 24, both inclusive, of Cumberland Hills Subdivision No. 1, but also Lots 236 through 250, both inclusive, of Cumberland Hills Subdivision No. 2.

The parties hereto make this Agreement on behalf of themselves and their successors and assigns and hereby warrant each to one another that each has full authority and capacity to make this contract.

Witnesses:

Gail K. Oldal
Gail K. Oldal

Joanne B. Jennings
Joanne B. Jennings

ELRO CORPORATION,
a Michigan corporation

By: Patrick G. McKeever
Patrick G. McKeever

Its Treasurer

STATE OF MICHIGAN)
COUNTY OF OAKLAND) ss

On this 15th day of August, 1978, before me, a Notary Public in and for said County, personally appeared Patrick G. McKeever, the Treasurer of ELRO CORPORATION, a Michigan corporation, to me personally known, who being by me duly sworn, did say that he executed the foregoing instrument on behalf of the corporation and acknowledged said instrument to be the free act and deed of the corporation.

Susan J. Dunlop
Susan J. Dunlop, Notary Public
Oakland County, MI
My Commission Expires: 8-10-80

DRAFTED BY AND WHEN RECORDED RETURN TO:

Geoffrey A. Orley
177 West Big Beaver Road
Troy, Michigan 48084

WHEN RECORDED RETURN TO:
THELMA G. SPENCER, CLERK
CHARTER TOWNSHIP OF AVON
P. O. BOX 250
ROCHESTER, MI 48063

Thelma G. Spencer
CLERK-TOWNSHIP OF AVON

1979 APR 3 PM 1 47

REGISTERED
MICHIGAN
REGISTER OF DEEDS

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EXHIBIT "A"

"CUMBERLAND HILLS SUB. NO. 2" Part of the North 1/2 of Section 27, T.3N., R.11E., Avon Township, Oakland County, Michigan, and comprising Lots 236 through 310, both inclusive, and one private park. Beginning at a point which is S 89°54'00" E 8.08 ft. along the North line of Section 27 and along the boundaries of Cumberland Hills Sub. No. 1 (Liber 160, Pages 14 thru 18, O.C.R.) the following courses and distances: S 01°33'41" W 1243.84 ft. and S 48°36'58" W 698.88 ft. from the North 1/4 corner of Section 27, T.3N., R.11E.; thence along the boundaries of said Cumberland Hills Sub. No. 1, the following courses and distances: S 41°23'02" E 226.00 ft. and N 48°36'58" E 12.26 ft. and S 41°23'02" E 615.00 ft. and S 23°36'54" E 48.55 ft. and S 04°55'05" E 455.89 ft.; thence along the East and West 1/4 line of Section 27, said line also being the boundary of Eyster's Avon Gardens (Liber 31, Page 46, O.C.R.) S 85°04'55" W 170.11 ft. to the center post of Section 27; thence continuing along said East and West 1/4 line of Section 27, said line also being in part along the boundary of Eyster's Avon Gardens, S 85°22'57" W 1299.75 ft.; thence N 04°37'03" W 150.00 ft.; thence S 85°22'57" W 30.00 ft.; thence N 04°37'03" W 295.44 ft.; thence N 48°36'58" E 1208.93 ft. to the point of beginning - containing 27.931 acres.