

SECOND AMENDED
DECLARATION OF RESTRICTIONS FOR
CUMBERLAND HILLS SUBDIVISIONS

This SECOND AMENDED DECLARATION made this 10TH day of August, 1979, by ELRO CORPORATION, a Michigan Corporation, 177 West Big Beaver Road, Troy, Michigan 48084 (hereinafter called "Grantor").

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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 through 610, both inclusive, Oakland County Records, and a First Amended Declaration of Restrictions was recorded at Liber 7475 Pages 851 --- 854, both inclusive, Oakland County Records, establishing the conditions and restrictions applicable to Cumberland Hills Subdivision No. 1 and Cumberland Hills Subdivision No. 2, and expressly made subject thereto, and

WHEREAS, it is the purpose and intent of this Second Amended Declaration of Restrictions to consolidate and integrate all properties described on Exhibit "A" hereto, being proposed Cumberland Hills Subdivision No. 3, to the Declaration of Restrictions, 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 Cumberland Hills Subdivision No. 2, and

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RECORDED
OAKLAND COUNTY MICHIGAN
REGISTER OF DEEDS RECORDS

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WHEREAS, the land described as Cumberland Hills Subdivision No. 3 contains Common Areas which are hereby added to the Common Areas of Cumberland Hills Subdivision No. 1 and Cumberland Hills Subdivision No. 2 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 No. 3, 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. 3: 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 the Cumberland Hills Subdivisions platted and proposed as set forth therein; and, b) all references contained within the Declaration of Restrictions for Cumberland Hills Subdivision No. 1 shall be modified and amended so as to include reference to Cumberland Hills Subdivision Nos. 1, 2 and 3.

The Developer has submitted to the Township a certain Second 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 Second Amended Declaration of Restrictions which shall constitute restrictions running with the land and shall be applicable to the lands subjected to operation of this Second Amended Declaration of

Restrictions by this or subsequent amendments.

Subsequent to the recording of this Second Amended Declaration of Restrictions and the companion Second Amended Agreement for Subdivision Open Space Plan with regard to Cumberland Hills Subdivisions Nos. 1, 2 and 3, additional lands may be added to and made subject to the operation of this Second 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.

Further, that Article V, BUILDING AND USE RESTRICTIONS FOR THE SUBDIVISION, Section 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, and Lots 236 through 250, both inclusive, of Cumberland Hills Subdivision No. 2, but also Lots 391, 392, 398 through 401, both inclusive, 403 through 424, both inclusive, and 489 through 505, both inclusive, of Cumberland Hills Subdivision No. 3.

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 fully authority and capacity to make the contract.

IN WITNESS WHEREOF, the parties have set their hands and seals at the Township of Avon, Oakland County, Michigan, on the date above.

WITNESSES:

Michael C. Hechtman
Michael C. Hechtman
Joanne B. Jennings
Joanne B. Jennings

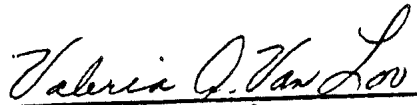
ELRO CORPORATION,
a Michigan Corporation

By: Graham A. Orley
Graham A. Orley

Its: President

STATE OF MICHIGAN }
COUNTY OF OAKLAND } ss

On this 10TH day of August, 1979, before me, a Notary Public in and for said County, personally appeared Graham A. Orley the President 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.


Valeria A. Van Loo
Notary Public, Wayne County, MI
Acting in Oakland County, MI
My Commission Expires: 4/10/83

DRAFTED BY AND WHEN RECORDED RETURN TO: Michael C. Hechtman
177 West Big Beaver Road
Troy, MI 48084

EXHIBIT "A"

Land in the Township of Avon, Oakland County, Michigan, described as:
Part of the north 1/2 of section 27, town 3 north, range 11 east Avon Township,

Oakland County, Michigan, described as: Beginning at the north 1/4 corner of section 27, town 3 north, range 11 east; thence along the north line of section 27, south 89 degrees 54 minutes 00 seconds east 8.08 feet thence along the boundary of Cumberland Hills Subdivision No. 1 recorded in liber 160, pages 14 to 18, inclusive, south 01 degree 33 minutes 41 seconds west 1243.84 feet; thence along the boundary of said Cumberland Hills Subdivision No. 1 and Cumberland Hills Subdivision No. 2 recorded in liber 160, pages 36 to 38, inclusive, south 48 degrees 36 minutes 58 seconds west 1907.81 feet; thence along the boundary of said Cumberland Hills Subdivision No. 2 south 04 degrees 37 minutes 03 seconds east 295.44 feet and north 85 degrees 22 minutes 57 seconds east 30.00 feet and south 04 degrees 37 minutes 03 seconds east 150.00 feet; thence along the east and west 1/4 line of section 27, south 85 degrees 22 minutes 57 seconds west 619.04 feet; thence north 00 degrees 27 minutes 31 seconds east 1442.11 feet; thence along the boundary of Starr Estates recorded in liber 64, page 35, Oakland County Records north 89 degrees 34 minutes 41 seconds east 135.00 feet and north 00 degrees 29 minutes 06 seconds west 211.99 feet; thence along the boundary of Hamlin Estates Subdivision recorded in liber 74, page 16, Oakland County Records, north 88 degrees 51 minutes 40 seconds east 477.10 feet and north 00 degrees 46 minutes 05 seconds west 972.89 feet; thence south 89 degrees 33 minutes 17 seconds east 491.82 feet; thence south 03 degrees 11 minutes 43 seconds west 36.04 feet; thence south 89 degrees 35 minutes 35 seconds east 168.74 feet; thence north 00 degrees 29 minutes 39 seconds east 394.28 feet; thence along the north line of section 27 north 89 degrees 34 minutes 29 seconds east 737.89 feet to the point of beginning, containing 74.587 acres of land and comprising lots 311 to 516, inclusive of CUMBERLAND HILLS SUBDIVISION NO. 3, and one private park, according to the plat thereof as recorded in Liber 167, Pages 40-43 INCL. Oakland County Records.