

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR WALNUT CREEK SUBDIVISION NO. 1

AND

DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
WALNUT CREEK SUBDIVISION NO. 2

Township of Macomb, Macomb County, Michigan

This Amendment to Declaration of Covenants, Conditions, and Restrictions, WALNUT CREEK SUBDIVISION No. 1, and Declaration of Covenants, Conditions, and Restrictions, WALNUT CREEK SUBDIVISION No. 2 is made this 1st day of October, 1996, by Twenty Two Mile Development Associates, is a Michigan Co-Partnership, whose address is 41400 Dequindre, Ste. 105, Sterling Heights, Michigan 48314 (hereinafter referred to as the "Declarant.")

W I T N E S S E T H:

WHEREAS, Declarant is the proprietor of certain real property known as WALNUT CREEK SUBDIVISION No. 1, located in the Township of Macomb, Macomb County, Michigan, which subdivision is more particularly described in the plat thereof as recorded in Liber 113 at Pages 46 through 50 of Plats, Macomb County Records (hereinafter referred to as "Subdivision No. 1"); and

WHEREAS, on February 16, 1996, a Declaration of Covenants, Conditions, and Restrictions for Subdivision No. 1 was recorded by the Macomb County Register of Deeds in Liber 6917 at Pages 380 through 395, Macomb County Records (hereinafter the "Declaration"); and

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WHEREAS, Declarant is the owner of certain real property abutting Subdivision No. 1, which Declarant has developed as a single family residential subdivision known as WALNUT CREEK SUBDIVISION No. 2, according to the plat thereof as recorded in Liber at Pages through of Plats, Macomb County Records (hereinafter referred to as "Subdivision No. 2");

and

WHEREAS, Declarant desires to impose upon Subdivision No. 2 (but not any property outside of Subdivision No. 2, whether or not owned by Declarant) certain covenants, conditions, and restrictions in order to insure the most beneficial development of Subdivision No. 2 as a single family residential area, to prevent any use thereof which might tend to diminish its valuable or pleasurable enjoyment, to assure the harmony, attractiveness and utility thereof, to provide for Lot Owners in Subdivision No. 2 to bear certain expenses, and to impose other rights and obligations all set forth in the Declaration; and

WHEREAS, Declarant desires to subject Subdivision No. 2 to the same covenants, conditions, and restrictions set forth in the Declaration, and to provide for the sharing of certain expenses by the Lot Owners in Subdivision No. 1, and Subdivision No. 2 and to provide for the use of the common areas located within Subdivisions No. 1, and No. 2 by the Lot Owners; and

WHEREAS, Declarant has caused the formation of Walnut Creek Homeowners Association, a Michigan non-profit corporation (hereinafter the "Association"), for the purpose of exercising the powers and functions described in the Declaration and desires to provide that the Lot Owners of Subdivision No. 2 shall be members of the Association and that said Association shall exercise those powers and functions described in the Declaration in connection with Subdivisions No. 1, and No. 2.

NOW, THEREFORE, Declarant as owner of the property described in Subdivision No. 2 and pursuant to Articles 10 and 14 of the Declaration, declares as follows:

1. Pursuant to Article 14 of the Declaration, Declarant hereby exercises its right to amend said Declaration to make the same applicable to Subdivision No. 2 and hereby declares that Subdivision No. 2 shall be subject to all of the terms and provisions of the Declaration, as amended, in its entirety, which are incorporated herein by this reference.

2. That Article 5 of the Declaration is hereby amended as follows:no fences, pools or structures of any kind may be erected or maintained on Lots, within the Denryter Drain Easement.

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3. Except as expressly amended hereby, all of the covenants, conditions, and restrictions contained in the Declaration shall remain in full force and effect with respect to Subdivision No. 1, and Subdivision No. 2.

IN WITNESS WHEREOF, Grantor has executed this Declaration of Restrictions as of the date first above written

WITNESS:

TWENTY TWO MILE DEVELOPMENT
ASSOCIATES
a Michigan Co-Partnership

Stephen Devers
STEPHEN DEVERS
Elaine T. Norini
ELAINE T. NORINI

By: RESCO, INC., PARTNER

Salvatore Cottone
Salvatore Cottone,
President

Stephen Devers
STEPHEN DEVERS
Elaine T. Norini

By: A. F. DEVELOPMENT,
PARTNER

Asa Shapiro
Asa Shapiro,
President

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WITNESS:

TWENTY TWO MILE DEVELOPMENT
ASSOCIATES, A MICHIGAN CO-PARTNERSHIP

BY: FIRST OF AMERICA BANK-MICHIGAN N.A.
MORTGAGOR

John DeCes
STEVEN DECES

Richard Landgraff
Richard Landgraff,
Vice-President

William E. Mosher IV
WILLIAM E. MOSHER IV

State of Michigan)

: ss

County of WAYNE

The foregoing instrument was acknowledged before me this
20th day of February, 1998, by Richard Landgraff,
Vice President of First of America, Bank - Michigan N.A., Mortgagor.

PENNY A. DAY
NOTARY PUBLIC - MONROE COUNTY, MI
MY COMMISSION EXPIRES 11/21/98

Penny A. Day
Notary Public _____ County
Michigan
Acting in Wayne County
My Commission Expires: _____

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Exhibit "A"

Property Description

"Walnut Creek Subdivision No. 2", part of the S.E. 1/4 and S.W. 1/4, Section 20, T.3N., R.13E., Macomb Township, Macomb County, Michigan is described as:

Commencing at the South 1/4 Corner of Section 20, T.3N., R.13E., Macomb Township, Macomb County, Michigan; thence N.01°49'01"W., 1365.47 feet along the N-S 1/4 line of Section 20 and across "Walnut Creek Subdivision" as recorded in Liber 113, Pages 46-50 of the Macomb County Records to the Point of Beginning; thence S.87°36'58"W., 677.91 feet along the North line of "Walnut Creek Subdivision"; thence N.02°09'19"W., 1302.64 feet; thence N.87°52'11"E., 685.58 feet along the E-W 1/4 line to the Center Post; thence N.87°43'17"E., 303.63 feet along the E-W 1/4 line; thence S.02°23'02"E., 1265.25 feet; thence along the northerly line of "Walnut Creek Subdivision" the following three courses: S.75°18'59"W., 153.10 feet; and S.83°14'16"W., 15.46 feet; and S.87°36'58"W., 151.49 feet to the Point of Beginning and containing 29.552 acres and comprising 101 lots numbered 102 thru 202 inclusive.

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