

SECOND AMENDMENT TO THE MASTER DEED OF
THE HILLS OF TYRONE
AND REPLAT NO. 2 OF
LIVINGSTON COUNTY CONDOMINIUM
SUBDIVISION PLAN NO. 32.

Hills of Tyrone Development, Inc., a Michigan Corporation (Developer”), 1407 Penniman, Plymouth, MI 48170, being the developer of The Hills of Tyrone, a condominium project established pursuant to the Master Deed thereof, recorded in Liber 1490, Pages 878-948, inclusive, Livingston County Records, and known as Livingston County Condominium Subdivision Plat No. 32 as amended by the First Amendment, thereto recorded in Liber 1609, Pages 178 through 185, inclusive, and known as Livingston Count Condominium Subdivision plan No. 32, hereby further amends the Master Deed of the Hills of Tyrone, pursuant to the authority reserve in Articles VII and XII thereof for the following purposes:

- (a) To expand the condominium project and increase the number of units in the project from 17 to 50, by the addition of the land described in paragraph 1. Here in,
- (b) To amend the legal description of condominium project in Article II and page 1 of Exhibit “B”, and add pages 7 through 10 to Exhibit “b”.
- (c) To amend Article IV, Section 1(b) and (d),
- (d) To add Article IV, Section 1(j) and (k),
- (e) To amend Article IV, Section 3(c), Article VIII, Sections 1 and 2, and Article XI, Section 6.
- (f) To amend Article VI, Section 21 of The Hills of Tyrone Exhibit “A” Bylaws.

The following amendments to the Master Deed of The Hills of Tyrone shall be effective upon recording this Second Amendment in the Office of the Livingston County Register of Deeds:

1. The condominium project is expanded to include the following land, which is hereby added to the condominium project:

Part of the S $\frac{1}{2}$ of the NW fractional $\frac{1}{4}$ and part of the S $\frac{1}{2}$ of the NE fractional $\frac{1}{4}$ and part of the SE $\frac{1}{4}$ and part of the SW $\frac{1}{4}$ of Section 3,
T4N°R6E, Township of Tyrone, Livingston County, Michigan, more particularly described as: Commencing at the North $\frac{1}{4}$ corner of Section 3; thence S 87°13'32" E along the North line of said Section, 13.25 feet;
thence S 02°19'47" W, 400.08 feet; thence N 87°04'03" W, 14.46 feet;

thence S 02°24'19" W, 795.13 feet; thence 184.65 feet along a curve to the left having a radius of 194.48 feet and a cord which bears S 24°47'32" E, 177.79 feet; thence 164.17 feet along a curve to the right having a radius of 263.00 feet and a cord which bears S 34°06'52" E, 161.49 feet; thence N 73°45'54" E, 160.06 feet; thence S 02°27'00" W, 688.85 feet to the Point of Beginning of the land to be described; thence S 02°27'00" W, 659.73 feet; thence S 88°15'33" E, 331.95 feet; thence S 02°18'58" W, 1320.03 feet; thence N 89°15'33" W, 662.22 feet; thence N 15°57'24" E, 196.43 feet; thence N 74°02'36" W, 193.18 feet; thence N 22°30'42" E, 203.58 feet; thence N 62°27'50" E, 234.25 feet; thence N 18°08'07" E 15.59 feet; thence N 22°43'51" W, 319.82 feet; thence N 68°55'14" W, 274.82 feet; thence N 87°49'01" W, 130.00 feet; thence N 02°10'59" E, 231.00 feet; thence N 87°49'01" W, 137.66 feet; thence S 02°10'59" W, 42.00 feet; thence N 87°49'01" W, 142.35 feet; thence N 02°10'59" E, 150.00 feet; thence S 87°49'01" E, 142.35 feet; thence S 02°10'59" W, 42.00 feet; thence N 87°49'01" E, 107.66 feet; thence N 02° 10'59" E 231.00 feet; thence N 87°49'01" W, 130.00 feet; thence N 02°10'59" E 189.00 feet; thence N 87°49'01" W, 142.35 feet; thence N 02°10'59" E 150.00 feet; thence S 87°49'01" W, 142.35 feet; thence N 02°10'59" E 188.87 feet; thence S 88°26'42" E, 12.29 feet; thence S 87°49'01" E, 871.06 feet to the point of beginning, containing 38.02 acres, more or less.

2. The legal description of the condominium project in Article II is hereby amended to read its entirety:

Part of the S ½ of the NW fractional ¼ and par of the S ½ of the NE fractional ¼ and part of the SE ¼ and part of the SW ¼ of Section 3, T4N°R6E, Township of Tyrone, Livingston County, Michigan, more particularly described as: Commencing at the North ¼ corner of Section 3; thence S 87°13'32" E along the North line of said Section, 13.25 feet; thence S 02°19'47" W, 33.00 feet to the Point of Beginning of the land to be described; thence S 02°19'47" W, 367.08 feet; thence S 86°55'50" E, 315.47 feet; thence S 02°27'47" W, 793.06 feet; thence N 87°03'07" E, 329.24 feet; thence S 02°24'19" W, 1.39 feet; thence 184.65 feet along a curve to the left having a radius of 194.48 feet and a cord which bears S 24°47'32" E, 177.79 feet; thence 164.17 feet along a curve to the right having a radius of 263.00 feet and a cord which bears S 34°06'52" E, 161.49 feet; thence N 73°45'54" E, 160.06 feet; thence S 02°27'00" W, 1348.58 feet; thence S 88°15'33" E, 331.95 feet; thence S 02°18'58" W, 1320.00 feet; thence N 89°15'33" W, 662.22 feet; thence N 15°57'24" E, 196.43 feet; thence N 74°02'36" W, 193.18 feet; thence N 22°30'42" E, 203.58 feet;

thence N 62°27'50" E, 234.25 feet; thence N 18°08'07" E, 15.59 feet;
thence N 22°43'51" W, 319.82 feet; thence N 68°55'14" W, 274.82 feet; thence N 87°49'01" W, 130.00 feet; thence N 02°10'59" E, 231.00 feet;
thence N 87°49'01" W, 137.66 feet; thence S 02°10'59" W, 42.00 feet;
thence N 87°49'01" W, 142.35 feet; thence S 02°10'59" E, 150.00 feet;
thence S 87°49'01" E, 142.35 feet; thence S 02°10'59" W, 42.00 feet;
thence S 87°49'01" E, 107.66 feet; thence N 02°10'59" E, 231.00 feet;
thence N 87°49'01" W, 130.00 feet; thence N 02°10'59" E, 189.00 feet;
thence N 87°49'01" W, 142.35 feet; thence N 02°10'59" E, 150.00 feet;
thence S 87°49'01" E, 142.35 feet; thence N 02°10'59" E, 188.87 feet;
thence S 88°26'42" E, 12.29 feet; thence N 87°49'01" E, 534.66 feet;
thence N 01°43'15" E, 675.87 feet; thence S 88°28'25" E, 98.52 feet;
thence 55.00 feet along a curve to the left having a radius of 197.00 feet and a chord bearing N 43°59'42" W, 54.83 feet thence 247.31 feet along a curve to the right having a radius of 260.48 feet and a chord bearing N 24°47'32" W, 238.13 feet, thence N 02°24'19" E, 8.16 feet; thence N 88°28'25" W, 208.25 feet; thence N 03°33'26" E, 793.20 feet;
thence S 86°57'47" E, 192.33 feet; thence N 04°24'22" E, 367.03 feet;
thence S 87°02'35" E, 54.35 feet; thence S 87°13'32" E, 12.78 feet
to the point of beginning, containing 55.12 acres, more or less and subject to all easements and restrictions of record and all governmental limitations and further subject to reservation by the Developer of all oil, gas, and mineral rights; further subject to certain Bancroft Court easements recorded in Liber 1381 at Page 480 and Liber 1389 at page 258, Livingston County Records, and a certain Agreement for Maintenance recorded in Liber 1389 at Page 258, Livingston County Records and further subject to the rights of adjoining owners to use Bancroft Court.

3. Sheet 1 of Exhibit "B" to the Master Deed of The Hills of Tyrone as attached hereto, and by this reference incorporated therein to be recorded, shall replace and supersede all previously recorded versions of Sheet 1 of Exhibit "B"

4. Sheets 7 through 10 of Exhibit "B" to the Master Deed to the Hills of Tyrone as attached hereto, and by this reference incorporated herein to be recorded, shall be added to and become a part of Exhibit "B."

5. Article IV, Section 1 (b) and (d) are hereby amended to read in their entirety:

(b) Roads, Bancroft Court, Ridge View Trail, and Weathered Wood Court, and such other interior roads as may subsequently be added to the Condominium. The cul-de-sacs on Ridge View Trail as shown on the attached Condominium Subdivision Plan shall be a General Common Element until such time as Ridge View Trail is later extended to

serve the Condominium as enlarged. Parking within the road right of way is not allowed at any time and is enforceable by any member of the Association.

(d) Site Lighting. Any lights designed to provide illumination for the Condominium Premises as a whole. Roadway Site Lighting or Street Lighting is not being installed by the developer in the development please however if the Association determines, at a later date, that lighting is needed they may install such or require that each unit install and maintain a coach lamp in each units front yard area or simply require each unit to have photoelectric porch lighting. The above mentioned is not in conformance with the Tyrone Township Subdivision Ordinance No. 16 off. Jan. 3, 1976, 17.103. Sec. 13 – Street Lighting Requirements (which state) “As a result of the propensity for crime rates to decrease where street lighting is installed, street lights shall be installed at interval of the not less than (1) street light every two hundred fifty (250) feet of roadway”. The Developer shall save and hold the Township, the County of Livingston and its departments harmless from any and all liability whatsoever arising out of the said noncompliance until the condominium is turned over to the members, and then the Association shall continue to save the aforementioned until the entire Condominium is in compliance with the Ordinance and receives permit from the Township.

6. Article IV, Section 1(j) and (k) are hereby added to the Master Deed of the Hills of Tyrone to read:

(j) Wetlands, Based upon the National Wetland Inventory Map wetlands have been indicated on the Site Plan. These Wetlands have been located on the Site Plan of this Amendment. The Wetlands shall not be built upon, cleared, trees or plants cut or destroyed, drained, dumped in, landscaped, or in any other way altered or changed or compromise the natural condition of the Wetlands. In the event of a natural disaster such as wind or fire the Association under the supervision of an Environmental Engineer and with the permission of The D.N.R. may enter the Wetlands and perform such clean-up as is approved, other than such approval no one is allowed to enter these Wetlands for any reason. Violation of this provision shall result in a fine by the Association upon the first known violation of not less than \$500.00 for the first offense.

(k) Wildlife Areas. Two Wildlife Areas have been established by the developer adjacent to the road right of way between units 25 and 26, and units 31 and 32. These Wildlife Areas are also adjacent to Wetlands and are for the peaceful enjoyment of the members. Parking of vehicles along the road side is not permitted at these locations nor are any type of vehicles allowed within these areas. The planned use of these areas is for the observation of wildlife which are attracted to the Wetlands, birdhouses and feeders may be placed within these areas and park bench seating is allowed and may be installed by the Developer. Wood Chip pathways may also be installed by the Developer.

7. Article IV, Section 3(e) is hereby amended to read in its entirety:

(c) General Common Elements. The cost of maintenance, repair and replacement of all General Common Elements shall be borne by the Association, subject to any provision of the Condominium Documents expressly to the contrary. It is acknowledged that Tyrone Township granted developers certain variances from the standard specifications for road grades due to the topography of the land. The Hills of Tyrone Association shall save and hold Tyrone Township, the County of Livingston and its departments harmless from any and all liability whatsoever arising out of the said variances and agree to indemnify them from any and all losses, judgments, awards or settlements arising out of the variances. It shall be incumbent upon the Association to maintain a liability insurance policy to this effect in an amount of not less than one million dollars. The variances were granted on September 1, 1992 by the Township Board and are as follows: Road grade variance of up to 8 percent on Ridge View Trail and any back slopes steeper than a 3:1 ratio would require a permanent ground cover. The private Storm Sewer System located in the General Common and Limited Common Elements shall be under the charge of the Association and the Livingston County Drain Commissioner will in no way be responsible for the maintenance of the system.

8. Article VIII, Section 1 and 2 are hereby amended to read in their entirety:

Section 1. Designation of Convertible Areas. The Limited Common Element yard areas adjacent to the respective Units are hereby designated as Convertible Areas within which the Units and Common Elements may be modified as provided herein. All General Common Elements roads in the Condominium shall also be convertible areas to enable upgrading of the surface of such roads by the Developer and to enable expansion of the condominium.

Section 2. Reservation of Rights to modify Units and Common Elements. The Developer reserves the right, in its sole discretion, during a period ending no later than six years from the date of recording this Master Deed, to create enlarge or extend Units and/or General or Limited Common Elements within Convertible Areas; provided, however, any such enlargement, extension or modification shall comply with all governmental rules, regulations or ordinances then in effect. Under no circumstances, however, shall the Developer, the Association or any other Co-owner or assignee of the Developer modify, enlarge or diminish any Limited Common Element yard area or any rights in connection therewith without the express written consent of the Co-owner or assignee of the Developer modify, enlarge or diminish any Limited Common Element yard area or any rights in connection therewith without the express written consent of the Co-owner to whose Unit such yard area is appurtenant. Ridge View Trail and its temporary cul-de-sacs may also be modified physically and in the condominium Subdivision Plan as may be required from time to time in a manner consistent with the number of Units it is required to serve, when the cul-de-sacs are no longer needed without obtaining consent of the Owners or the mortgagees of the affected Units.

9. Article XI, Section 6 is hereby amended to read in its entirety;

Section 6. Easements for Storm Water Drainage System. There shall exist easements in favor of the association for storm water drainage, retention and detention in the areas within Units 1 through 5 and Unit 12, 29, 30, 31, 47, 48, 49 and their apartment Yard Areas as designated therefore on the Condominium Subdivision Plans, which areas shall be maintained as to their physical configuration by the by the Association, but the upkeep, such as grass cutting seeding weeding and feeding, shall be by the Owner of the Unit or Limited Common Element yard area over which the drainage easements are located. These easements are created for the purpose of facilitating drainage throughout portions of the Condominium and certain adjoining property and is for the benefit of all owners of all such real property. No residences or other permanent structures shall be placed within such easements. If detention or retention ponds within the easement area on Unit 12, as depicted in the attached Condominium Subdivision Plan, are required by the Livingston County Drain Commissioner, then those detention or retention ponds shall be constructed by and at the expense of the Association. The Association will hold the Township of Tyrone harmless from any expense arising from the creation of a drainage district or the construction of drainage improvements resulting from establishment of the Project.

10. Article VI, Section 21 of The Hills of Tyrone Exhibit "A" Bylaws is hereby amended to read in its entirety:

Section 21. Public Health Requirements. Permits for the installation of wells and sewage disposal systems shall be obtained for the Livingston County Health Department prior to any construction on the individual building sites. Face Co-owner shall be solely responsible for installation, maintenance, repair and replacement of the well/water supply system and the septic tank/drain field/sanitary disposal system on his building site and the Association shall have absolutely no financial responsibility or other duty with respect thereto. All wells installed for private water supply must, except as set forth below, penetrate a minimum of feet protective clay overburden or be drilled to a depth of feet if clay is not encountered and prospective building site owners are hereby advised of and agree to this requirement. When and adequate aquaculture cannot be demonstrated, additional safeguards in the form of increased instances and/or depth requirements may be required. The Michigan Department of Public Health, the Livingston County Health Division will determine the necessary depth of water wells in order to penetrate an aquaclude. The test well located on Unit 36 shall be properly abandoned if not intended to be used as a potable water supply.

All wells and septic shall be located in the areas designated on the plans prepared by Progressive Architects, Engineers, Planners, Inc. and Delta Land Surveying and Engineering, Inc. and field with the Livingston County Health Department. When deemed necessary, due to the size or configuration of a building site, grade conditions or evidence of elevated ground water, an engineered building site plan or system design plan may be required by the Livingston County Health Department. Such plans, if required, must be submitted for review and approval prior to the issuance of a sewage disposal systems. All systems are to be installed according to Livingston County Sanitary Code specifications.

All residential dwellings shall be served by an adequate sewage disposal system. Each such sewage system shall be utilized for disposition of human metabolic waste only and not for

processed waste of any sort. Private septic tanks and drain fields constructed in compliance with the regulations of the Livingston County Health Department and with applicable Michigan Department of Public Health Division regulations may be installed and shall be limited in waste flow in accordance with the terms and conditions of the On-Site Sewage Disposal Permit issued by the Livingston County Health Department as may be amended or replaced from time to time. No underground utility lines shall be located within the area designated as active and reserve septic systems. The reserve septic locations as designated on the plan prepared by Progressive Architects, Engineers, Planners Inc, and Delta Land Surveying and Engineering, Inc. and filed with the Livingston County Health, must remain vacant so to be accessible for future sewage use. Further, the active and reserve on site sewage system servicing units 1, 2, 12 and 31 must be a minimum of fifty (50) feet from the storm drainage casements. Easements for Storm Sewer pipe, the on site sewage system shall be no closer than twenty five (25) feet from said Storm Sewer pipe.

The bottom of the sewage disposal system located on Units 28, 29, 37, and 20 shall be placed on original grade. Pumping may be necessary if gravity flow cannot be achieved. Original grade elevations can be found on the preliminary plat which is on file at the LCHD.

The bottom of the sewage disposal system located on Units 20 and 29 shall be placed on original grade and shall have a 3200 sq. foot area reserved for both the active and reserve septic system for a three bedroom home. Original grade elevations can be found on the preliminary plat which is on file at the LCHD.

The bottom of the sewage disposal systems on Units 26, 27, and 41 shall be placed no deeper than 6 inches below the original grade. Original grade elevations can be found on the preliminary plat which is on file at the LCHD.

The bottom of the sewage disposal systems on Units 21, 23, 38 and 44 shall be placed no deeper than 12 inches below the original grade. Original grade elevations can be found on the preliminary plat which is on file at the LCHD.

The bottom of the sewage disposal systems on Units 22, and 24 shall be placed no deeper than 18 inches below the original grade. Original grade elevations can be found on the preliminary plat which is on file at the LCHD.

The bottom of the sewage disposal system on Unit 30 shall be placed no deeper than 3 feet below original grade. Original grade elevations can be found on the preliminary plat which is on file at the LCHD.

The bottom of the sewage disposal system on Unit 40 shall be placed no deeper than 3.5 feet below original grade. Original grade elevations can be found on the preliminary plat which is on file at the LCHD.

Units 32, 33, 42, and 43 will require 100% removal of the clay suits down to the permeable soils in the area of the septic system ranging from 0.5 feet to 8 feet. This may incur and added expense onto the septic system installation for these particular units.

Two Units throughout the development required preparation for both the active and reserve sewage systems. These Units have been prepared in accordance with engineer specification these areas were prepared in accordance with their specifications. In addition, the engineer has submitted "as-built" drawings and fill elevations in order to define the exact areas

prepared. The following Units have been prepared and certified prior to final plat approval; Unit 36 cut down to 11 feet, and Unit 25 18 inches above original grade.

All restrictions placed on the preliminary site condominium project by Livingston County Health Department are not severable and shall not expire under any circumstances unless otherwise amended or approved by the Livingston County Health Department.

At some time subsequent to the initial development, it may become necessary to construct a community water supply and or sewage disposal system. The construction of such public systems, or either of them, may be financed, in whole or in part by the creation of a special assessment district on district which may include all site condominium Units in the Hills of Tyrone. The acceptance of a conveyance or the execution of a land contract by any Owner or purchaser shall constitute the agreement by such Owner or purchaser, his heirs, executors, administrators and assigns that such Owner or purchaser will execute and petition circulated for the purpose of creating such a special assessment district. The Board of Directors of the Association shall be vested with full power and authority to obligate all Co-owners to participate in a special assessment district or districts and to consider and act upon all other community water and sewer issues on behalf of the Association and will Co-owners. Further, each Owner will pay such special assessments as may be levied against his Unit by any such special assessment district and shall take the necessary steps as required by the appropriate state, county and township agencies and by the Association, acting through its Board of Directors to connect, at his own expense, his water intake and sewage discharge facilities to such community system within ninety (90) days following the completion of said system or systems.

WITNESSES:

HILLS OF TYRONE DEVELOPMENT, INC.,
a Michigan corporation

Marcia J. Dicks

By: _____
Timothy A. Dicks
President

Elizabeth J. Bansberg

STATE OF MICHIGAN)
) SS:
COUNTY OF WAYNE)

On the _____ day of November, 1992, the foregoing instrument was acknowledged before me by Timothy A. Dicks, President, of Hills of Tyrone Development. Inc., a Michigan corporation, on behalf of the corporation.

Elizabeth J. Bansberg
Notary Public, Wayne County, Michigan
My commission expires: 3/9/94

DRAFTED BY AND WHEN RECORDED RETURN TO:

Timothy A. Dicks, of Hills of Tyrone Development, Inc.
1407 Penniman, Plymouth Michigan 48170