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BROMLEY PARK SUBDIVISIONS NO. 1 AND NO. 2

**FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("First Amendment") is made this 7th day July, 2003, by **PULTE LAND COMPANY, LLC**, a Michigan limited liability company, the address of which is 26622 Woodward Avenue, Suite 204, Royal Oak, MI 48067 ("Developer").

R E C I T A L S:

A. In connection with the development of certain real property located in the Township of Superior, County of Washtenaw, State of Michigan, as a residential subdivision known as Bromley Park Subdivision No. 1, the plat thereof recorded in Liber 34, Pages 20 through 33, inclusive, Washtenaw County Records, Developer recorded a certain Declaration of Covenants, Conditions and Restrictions in Liber 4229, Pages 965 through _____, inclusive, Washtenaw County Records (the "Declaration").
being 24 pages long

B. In accordance with the provisions of Section 8.1 of the Declaration, Developer desires to amend the Declaration to add Bromley Park Subdivision No. 2 as part of the overall Property that is subject to the Declaration.

NOW, THEREFORE, Developer hereby declares that the Declaration is amended as follows:

1. **Definitions**. The following Definitions contained in Article 1 of the Declaration are hereby amended and restated in their entirety as follows:

Section 1.14 "Property" shall mean the certain real property described on Exhibit "A" of the Declaration (being Subdivision No. 1), together with the real property described in the Exhibit "A" attached hereto (being Subdivision No. 2) and made a part hereof, as the same may be amended.

Section 1.18 "Subdivision" shall mean the single family residential subdivisions known as Bromley Park Subdivision No. 1, as recorded in Liber 34, Pages 20 through 33, inclusive, Washtenaw County Records, and Bromley Park Subdivision No. 2 as recorded in Liber 35, Pages 1 through 11a, inclusive, Washtenaw County Records, and any additional phases that may be created pursuant to a recorded plat and added to this Declaration by amendment.

2. **Property Subject to Declaration.** Article 2 of the Declaration is hereby amended and restated in its entirety as follows:

The Property which is subject to and which shall be held, transferred, sold, conveyed and occupied pursuant to the Declaration is that Property, as defined in Paragraph 1.14 above, as same may be amended.

3. **New Subdivision No. 2 Floodplain Restrictions.** The following new Section 6.30 is hereby added to the Declaration:

Section 6.30 Floodplain Restrictions. The recorded plat for Subdivision No. 2 identifies the elevations defining the limits of the floodplain within the Subdivision. A portion of the Bazley-Foster Drain lies within a portion of the Subdivision and the one hundred (100) year flood elevation of the floodplain varies from 731.4 N.G.V. Datum at Lot 176 to 727.4 N.G.V. Datum at the downstream plat limits, including along the southern portion of Lots 178, 179, 180, 181 and 182, as shown on the plat(s) for the Subdivision (the "Floodplain Area"). In addition, portions of lots 178, 179, 180, 181 and 182, and Lots 183, 184, 260, 261 and 262 have been filled to elevate them above the floodplain elevation, in accordance with the prior written approval of the Michigan Department of Environmental Quality ("MDEQ"). No dwellings, structures or improvements of any kind may be constructed within the Floodplain Area. No filling or occupation of the Floodplain Area shall take place without prior written approval of the MDEQ, and any building used or capable of being used for residential purposes and occupancy within or affected by the Floodplain Area shall comply with the following requirements following MDEQ approval: the building shall have lower floors, including basements, not lower than the elevation defining the floodplain limits, being 731.4 feet to 730.8 feet, NGV Datum, respectively.

Notwithstanding anything to the contrary contained in Section 8.1, regarding the amendment of this Declaration, the restrictions contained in this Section 6.30 shall be observed in perpetuity and may not be amended without the prior written approval of the MDEQ.

4. **Ratification.** To the extent not modified by this First Amendment, the terms and provisions of the Declaration shall continue in full force and effect and are hereby ratified. Capitalized terms that are not otherwise defined in this First Amendment shall have the meanings given to such terms in the Declaration.



Peggy M Haines, Washtenaw REST 5476871

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THIS AMENDMENT was executed as of the date and year first set forth above.

WITNESS:

PULTE LAND COMPANY, LLC, a Michigan limited liability company

[Signature]
Brian R. Wenzel
[Signature]
William W. Anderson

By: [Signature]
Howard Fingerroot
Its: [Signature]

STATE OF MICHIGAN)
)ss.
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 9th day of July, 2003, by Howard Fingerroot, the Manager of Pulte Land Company, LLC, a Michigan limited liability company, on behalf of the company.

[Signature]
Notary Public, Oakland County, MI
My Commission Expires: 9-10-2003

MARTHA JORDAN
Notary Public, Oakland County, MI
My Commission Expires 09/10/2003

DRAFTED BY AND WHEN RECORDED RETURN TO:

✓
Clark G. Doughty, Esq.
Bodman, Longley & Dahling LLP
34th Floor 100 Renaissance Center
Detroit, Michigan 48243
(313) 392-1057



Peggy M Haines, Washtenaw REST 5476871

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EXHIBIT "A"

LEGAL DESCRIPTION

**"BROMLEY PARK SUBDIVISION NO. 2"
DESCRIPTION OF A 75.52-ACRE PARCEL
IN PART OF THE NORTHEAST ¼ OF SECTION 35,
AND PART OF THE NORTHWEST ¼ OF SECTION 36,
T2S, R7E, SUPERIOR TOWNSHIP, WASHTENAW COUNTY, MICHIGAN**

Commencing at the Northwest corner of Section 36, T2S, R7E, Superior Township, Washtenaw County, Michigan; thence N88°32'07"E 1323.86 feet along the North line of said Section 36 and the centerline of Geddes Road (60 foot 1/2 width); thence S02°07'26"E 313.15 feet along the East line of the West 1/2 of the Northwest 1/4 of said Section 36 and the East line of "Bromley Park Subdivision No. 1", as recorded in Liber 34 of plats, Pages 20-33, Washtenaw County Records for a **POINT OF BEGINNING**; thence continuing along said East line S02°07'26"E 2350.91 feet; thence S88°12'06"W 1334.05 along the East-West 1/4 line of said Section 36 to the West 1/4 corner of said Section 36; thence N01°54'15"W 539.63 along the West line of said Section 36; thence S51°00'21"W 13.18 feet; thence S56°54'29"W 78.74 feet; thence S67°38'32"W 77.65 feet; thence S78°18'03"W 77.65 feet; thence S88°57'34"W 77.65 feet; thence N80°22'56"W 77.65 feet; thence N69°43'25"W 77.65 feet; thence N25°36'20"E 120.00 feet; thence 4.54 feet along the arc of a 298.00 foot radius non-tangential circular curve to the right, with a central angle of 0°52'20", having a chord which bears N63°57'30"W 4.54 feet; thence N63°31'20"W 136.08 feet; thence S26°28'40"W 126.40 feet; thence N58°51'19"W 81.39 feet; thence N55°34'53"W 79.79 feet; thence N43°37'23"W 79.79 feet; thence N31°39'53"W 79.79 feet; thence N20°31'43"W 78.75 feet; thence N13°27'59"W 59.99 feet; thence N14°25'17"W 120.00 feet; thence N12°37'05"W 68.38 feet; thence N05°36'34"W 72.45 feet; thence N01°51'39"E 71.79 feet; thence along the Southerly line of said "Bromley Park Subdivision No. 1", the following forty-two (42) courses: S84°44'15"E 186.00 feet, N05°15'45"E 19.77 feet, S84°44'15"E 159.61 feet, N05°15'45"E 186.00 feet, N84°44'15"W 30.37 feet, N08°00'45"E 131.49 feet, S84°43'44"E 57.73 feet, S82°47'47"E 61.80 feet, S86°06'00"E 169.03 feet, N88°53'23"E 87.57 feet, N87°18'44"E 66.81 feet, N03°30'39"W 120.03 feet, N13°02'58"E 69.29 feet, N04°44'15"W 120.00 feet, N85°17'11"E 180.00 feet, N83°16'56"E 60.20 feet, N88°00'09"E 65.94 feet, S01°49'50"E 120.00 feet, N87°53'50"E 60.00 feet, N01°49'50"W 120.00 feet, N87°53'50"E 120.00 feet, N88°45'08"E 68.38 feet, S84°57'34"E 70.64 feet, S77°31'37"E 72.73 feet, S69°58'44"E 72.86 feet, S62°21'12"E 74.23 feet, S62°20'49"E 32.09 feet, N41°42'12"E 60.00 feet, N41°26'12"E 60.00 feet, S48°53'07"E 120.28 feet, N41°42'12"E 100.33 feet, 65.34 feet along the arc of a 342.00 foot radius non-tangential circular curve to the left, with a central angle of 10°56'47", having a chord which bears N36°13'50"E 65.24 feet, N59°14'33"W 120.00 feet, N23°57'50"E 52.52 feet, N10°22'34"E 52.52 feet, N03°12'41"W 52.52 feet, N16°47'57"W 52.52 feet, N30°23'12"W 52.52 feet, N52°49'10"E 120.00 feet, N40°58'15"E 67.20 feet, N50°52'54"E 120.00 feet, and N87°52'49"E 129.47 feet to the Point of Beginning, being a part of the West 1/2 of the Northwest 1/4 of said Section 36 and the Northeast 1/4 of Section 35, containing 75.52 acres of land, more or less, and being subject to easements and restrictions of record, if any. Comprising of 146 lots, numbered 121 through 266 both inclusive, and three (3) private parks.



Peggy M Haines, Washtenaw REST 5476871

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