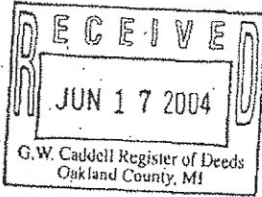


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\$16.00 MISC RECORDING
\$4.00 REINUMENTATION
06/17/2004 04:13:59 P.M. RECEIPT# 75285
PAID RECORDED - OAKLAND COUNTY
G.WILLIAM CADDELL, CLERK/REGISTER OF DEEDS

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

**THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS** (this "Amendment") is made effective as of the 19th day of March, 2004 by **SELECTIVE - DELAWARE, L.L.C.**, a Delaware limited liability company ("Selective"), the address of which is 100 Galleria Offcentre, Suite 200, Southfield, Michigan 48034.

RECITALS:

A. Selective is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions dated February 19, 2003 and recorded in Liber 28938, Page 268, Oakland County Records as amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions dated November 18, 2003 and recorded in Liber 31451, Page 288, Oakland County Records, the Second Amendment to Declaration of Covenants, Conditions and Restrictions dated December 22, 2003 and recorded in, Oakland County Records, and the Amended and Restated First Amendment to Declaration of Covenants, Conditions and Restrictions dated effective as of the 18th day of March, 2004 and recorded in Oakland County Records, (as amended, the "Declaration"), which Declaration encumbers certain real property located in Oxford Township, Oakland County, Michigan, known as Golf Highlands No. 1, according to the Plat thereof recorded in Liber 286, Pages 17 through 23, Oakland County Records, and Golf Highlands No. 2, according to the Plat thereof recorded in Oakland County Records, and Golf Highlands No. 3, according to the Plat thereof recorded in Oakland County Records (collectively the "Original Subdivisions").

B. The Michigan Department of Environmental Quality (the "MDEQ") has established restrictions regarding construction affected by the 100-year floodplain of Golf Highlands No. 3.

C. Pursuant to the rights reserved to Selective, as Declarant, under the Declaration, Declarant desires to amend the Declaration to subject certain lots in Golf Highlands No. 3 to the restrictions established by the MDEQ.

NOW, THEREFORE, in consideration of the premises contained herein, Declarant hereby amends the Declaration as follows:

1. Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Declaration.

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2. The following shall be added as new subsection C to Article XI.

C. Floodplain; Limits on Construction. The following restrictions regarding construction affected by the 100-year floodplain of the Subdivision, as established by the Michigan Department of Environmental Quality and shown on the Plat. The 100-year floodplain elevation of Glass Lake affecting Lots 93 through Lot 101, inclusive, is 1035.00 N.G.V. Datum. The 100-year floodplain elevation of Stony Lake affecting Lots 78 through Lot 83, inclusive, is 1034.50 N.G.V. Datum. These restrictions are to be observed in perpetuity, excluded from any time limitations set forth in the declaration, and shall not be amended without the written approval of the Michigan Department of Environmental Quality:

1. Any building situated on Lot 93 through Lot 101, inclusive, and Lot 78 through Lot 83, inclusive, used or capable of being used for these residential purposes and occupancy within or affected by the 100-year floodplain shall:

(a) have lower floors, excluding basements, not lower than the elevation defining the floodplain limits;

(b) have openings into the basement not lower than the elevation defining the floodplain limits;

(c) have basement walls and floors, if below the elevation defining the floodplain limits, that are watertight and designed to withstand hydro-static pressures from a water level equal to the elevation of the contour defining the floodplain limits following methods and procedures outlined in chapter 5 for type A construction and chapter 6 for class 1 loads found in the publication entitled "Flood Proofing Regulation," I:P 1165 2 314, prepared by the office of the chief of engineers, United States Army, Washington, DC, Dec 1995;

(d) be equipped with a positive means of preventing sewer backup from sewer lines and drains which serve the building; and

(e) be properly anchored to prevent floatation.

2. There shall be no filling, construction or other form of alteration to the floodplain area shown on the Plat of the Subdivision without written approval from the Michigan Department of Environmental Quality. The purpose of this restriction is to maintain the floodplain in its natural and undeveloped condition for the benefit of all Lot Owners.

3. Except as amended hereby, the Declaration remains in full force and effect.

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