

LIBER 34446 558

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LIBER 34446 PAGE 558  
\$28.00 MISC RECORDING  
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11/18/2004 08:58:10 A.M. RECEIPT# 137904  
PAID RECORDED - OAKLAND COUNTY  
G.WILLIAM CADDELL, CLERK/REGISTER OF DEEDS

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

**THIS FOURTH AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS** (this "Amendment") is made effective as of the 1<sup>st</sup>  
day of NOVEMBER, 2004 by **SELECTIVE - DELAWARE, L.L.C.**, a Delaware limited  
liability company ("Selective"), the address of which is 100 Galleria Officecentre, 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 Liber 32321, Pages 150, Oakland County Records, 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 Liber 33340, Page 650, Oakland County Records, and the Third Amendment to Declaration of Covenants, Conditions and Restrictions dated effective as of the 19th day of March, 2004 and recorded in Liber 33340, Page 656, 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 of Plats, Pages 17 through 23, Oakland County Records, and Golf Highlands No. 2, according to the Plat thereof recorded in Liber 289 of Plats, Pages 15 through 20, Oakland County Records, and Golf Highlands No. 3, according to the Plat thereof recorded in Liber 290 of Plats, Pages 1 through 8, Oakland County Records (collectively the "Original Subdivisions").

A

(P)

B. The Declarant has prepared a proposed plat for certain real property, the description of which is attached hereto as **Exhibit A** ("Golf Highlands No. 4"), which proposed plat is currently under review by the appropriate governmental agencies.

C. The Michigan Department of Environmental Quality (the "MDEQ") has established restrictions regarding construction affected by the 100-year floodplain of Golf Highlands No. 4.

**O.K. - AW**

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LIBER 34446 PG 559

D. Pursuant to the rights reserved to Selective, as Declarant, under the Declaration, Declarant desires to amend the Declaration to subject Golf Highlands No. 4 to the covenants, conditions, restrictions, easements, charges and liens of the Declaration.

**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.

2. Pursuant to Article II of the Declaration, Declarant hereby amends the Declaration such that Golf Highlands No. 4 shall become subject to all of the covenants, conditions, restrictions, easements, charges and liens of the Declaration immediately upon recordation of the Golf Highlands No. 4 plat, and the Golf Highlands No. 4 shall thereafter be held, transferred, sold, conveyed and occupied subject to and pursuant to the Declaration.

3. The definition of Private Parks in Article I Paragraph L of the Declaration shall be amended to include Dunlap Park No. 3, East Park II, Glass Lake East Park, Rivercrest Park, Lower Brooks Lane Park, Glass Lake South Park to the extent such parks are shown on recorded plats now or hereafter subject to the Declaration.

4. Article XI Subsection C of the Declaration shall be replaced in its entirety with the following:

**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 101, inclusive, Lots 125 through 135, inclusive, and Lots 182 through 200, inclusive, is 1035.00 N.G.V. Datum. The 100-year floodplain elevation of Stony Lake affecting Lots 78 through 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 Lots 78 through 83, inclusive, Lots 93 through 101, inclusive, Lots 125 through 135, inclusive, and Lots 182 through 200, 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

LIBER 34446 PG 560

floodplain limits, that are watertight and designed to withstand hydrostatic 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," EP 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.
5. Except as amended hereby, the Declaration remains in full force and effect.

**[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]**

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IN WITNESS WHEREOF, the Declarant has executed this Amendment as of the date first above written.

**SELECTIVE – DELAWARE, L.L.C.**,  
a Delaware limited liability company

By: **CENTEX HOMES**, a Nevada general partnership, its sole Member

By: **CENTEX REAL ESTATE CORPORATION**, a Nevada corporation, its Managing Partner

By: WT  
William T. Stapleton,  
Division President

STATE OF MICHIGAN )  
                                  ) SS.  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 1 day of November, 2004, by William T. Stapleton, a Division President of Centex Real Estate Corporation, a Nevada corporation, the Managing Partner of Centex Homes, a Nevada general partnership, the sole Member of Selective – Delaware, L.L.C., a Delaware limited liability company, on behalf of the company.

Kristen N. Isola  
Notary Public  
Wayne County, Michigan  
My commission expires: 12/16/05  
Acting in County of OAKLAND

KRISTEN N. ISOLA  
Notary Public, Wayne County, MI  
My Commission Expires Dec. 16, 2005

Drafted By and When Recorded Return To:  
Timothy M. Koltun, Esq.  
Clark Hill PLC  
500 Woodward Avenue, Suite 3500  
Detroit, Michigan 48226

LIBER 34446 PG 562

## EXHIBIT A

Golf Highlands No. 4, located in the SE 1/4 and the SW 1/4 of Section 16, T5N, R10E, Oxford Township, Oakland County, Michigan, described as:

Commencing at the SW corner of Section 16, T5N, R10E, Oxford Township, Oakland County, Michigan, thence N 84°30'32" E 43.15 feet (recorded as N 84°29'40" E) along the South line of said Section 16, thence N 00°35'07" W 40.16 feet along the East line of Dunlap Road (86 feet wide) as recorded in Liber 4247, Page 150, Oakland County Records, thence N 00°35'07" W 380.69 feet along the West line of Golf Highlands No. 1 as recorded in Liber 286 of Plats, Pages 17-23, Oakland County Records, and the East line of said Dunlap Road, thence along the West line of Golf Highlands No. 2 as recorded in Liber 289 of Plats, Pages 15-20, Oakland County Records, and the East line of said Dunlap Road in the following two (2) courses: N 00°35'07" W 25.92 feet, Northeasterly 784.39 feet along the arc of a circular curve to the right, radius 1102.90 feet, central angle 40°44'58", long chord N 19°47'22" E 767.97 feet to the POINT OF BEGINNING,

thence continuing along the East and South line of said Dunlap Road in the following five (5) courses:

Northeasterly 33.68 feet along the arc of a circular curve to the right, radius 1102.90 feet, central angle 01°44'58", long chord N 41°02'20" E 33.68 feet;

N 41°54'50" E 1081.60 feet;

Northeasterly 818.10 feet along the arc of a circular curve to the right, radius 1102.90 feet, central angle 42°30'01", long chord N 63°09'51" E 799.47 feet;

N 84°24'53" E 1153.69 feet;

N 84°17'21" E 1675.53 feet;

thence S 05°42'34" E 92.16 feet;

thence S 17°05'32" W 228.18 feet;

thence S 29°04'56" E 190.03 feet;

thence S 76°19'14" E 200.02 feet;

thence N 40°45'27" E 160.55 feet;

thence S 46°22'29" E 45.00 feet;

thence S 43°37'31" W 682.09 feet;

thence S 46°22'29" E 35.00 feet;

thence S 43°37'31" W 359.60 feet along the North line of Brabb-Dewey Plat, as recorded in Liber 16 of Plats, Page 23, Oakland County Records, and its extension thereof;

thence S 24°56'58" W 44.90 feet;

thence S 01°00'51" E 128.12 feet;

thence along the Northerly line of Golf Highlands No. 3, as recorded in Liber 290 of Plats, Pages 1 through 8, Oakland County Records, in the following three (3) courses:

N 60°28'14" W 233.96 feet;

N 68°56'24" W 60.72 feet;

N 60°25'17" W 114.66 feet to a point on the intermediate traverse line of Glass Lake, said point being S 60°25'17" E 37 feet from the water's edge of said Glass Lake;

thence along the intermediate traverse line of Glass Lake, in the following fifteen (15) courses:

N 45°39'30" E 135.45 feet;

N 13°07'41" W 350.25 feet;

N 27°34'24" W 217.76 feet;

N 86°23'34" W 171.38 feet;

LIBER 34446 PG 563

S 51°29'14" W 303.75 feet;  
 N 86°25'58" W 441.22 feet;  
 S 68°45'43" W 171.62 feet;  
 S 46°28'05" W 249.44 feet;  
 S 09°15'11" W 249.40 feet;  
 S 28°31'57" E 163.31 feet;  
 S 57°26'23" E 200.22 feet;  
 S 84°05'48" E 114.70 feet;  
 S 46°52'03" E 403.84 feet;  
 S 35°01'07" E 88.95 feet;

N 80°45'24" E 181.95 feet to a point on the intermediate traverse line of Glass Lake, said point being S 04°41'41" E 30 feet from the water's edge of said Glass Lake;

thence along the West line of said Golf Highlands No. 3 in the following three (3) courses:

S 04°41'41" E 160.37 feet;  
 S 14°57'09" E 60.85 feet;  
 S 05°59'18" E 136.09 feet to a point on the intermediate traverse line of a pond (no name), said point being N 05°59'18" W 39 feet from the water's edge of said pond;

thence S 77°00'25" W 223.34 feet along the intermediate traverse line of said pond to a point, said point being N 54°46'27" W 57 feet from the water's edge of said pond;

thence N 54°46'27" W 1014.32 feet;

thence N 52°01'12" W 112.21 feet;

thence N 49°12'36" W 130.31 feet;

thence Southwesterly 39.67 feet along the arc of a circular curve to the left, radius 270.00 feet, central angle 08°25'05", long chord S 36°34'51" W 39.63 feet;

thence S 32°22'18" W 481.11 feet;

thence S 53°44'49" E 20.05 feet;

thence N 32°22'18" E 167.38 feet;

thence S 53°44'49" E 103.83 feet;

thence S 57°12'03" E 75.59 feet;

thence S 63°15'05" E 55.90 feet;

thence S 44°21'26" E 153.69 feet;

thence S 26°44'55" W 117.23 feet;

thence S 63°15'05" E 22.94 feet;

thence Northeasterly 54.95 feet along the arc of a circular curve to the left, radius 50.00 feet, central angle 62°57'52", long chord N 85°15'59" E 52.22 feet;

thence Southeasterly 142.41 feet along the arc of a circular curve to the right, radius 60.00 feet, central angle 135°59'22", long chord S 58°13'15" E 111.26 feet;

thence S 80°13'34" E 56.89 feet;

thence S 49°16'00" E 115.22 feet;

thence S 34°47'35" W 73.99 feet;

thence S 54°09'15" W 73.99 feet;

thence S 77°03'48" W 100.69 feet;

thence N 79°42'19" W 106.06 feet;

thence N 63°15'05" W 382.56 feet;

thence N 53°44'49" W 193.85 feet;

thence N 16°24'40" W 64.82 feet;

thence Southwesterly 143.35 feet along the arc of a circular curve to the right, radius 260.00 feet, central angle 31°35'25", long chord S 89°23'02" W 141.54 feet;

LIBER 34446 PG 564

thence N 74°49'15" W 73.78 feet;  
 thence S 15°10'45" W 167.00 feet;  
 thence N 74°49'15" W 210.13 feet;  
 thence along the Easterly and Southerly line of said Golf Highlands No. 2, in the following three  
 (3) courses:

N 15°10'45" E 167.00 feet;  
 S 74°49'15" E 106.69 feet  
 N 15°10'45" E 60.00 feet;

thence S 74°49'15" E 133.27 feet;  
 thence N 15°10'45" E 167.00 feet;  
 thence S 74°49'15" E 57.77 feet;  
 thence N 47°41'35" E 17.27 feet;  
 thence S 57°37'42" E 172.19 feet;  
 thence Northeasterly 10.79 feet along the arc of a circular curve to the left, radius 200.00 feet,  
 central angle 03°05'32", long chord N 33°55'04" E 10.79 feet;  
 thence N 32°22'18" E 9.21 feet;  
 thence N 57°37'42" W 167.00 feet;  
 thence N 32°22'18" E 450.00 feet;  
 thence N 35°20'01" E 109.12 feet;  
 thence N 56°56'09" E 120.06 feet;  
 thence N 04°56'34" E 229.21 feet;  
 thence N 15°29'11" E 160.13 feet;  
 thence N 45°42'52" W 132.38 feet;  
 thence N 11°48'35" W 132.38 feet;  
 thence N 22°05'42" E 132.38 feet;  
 thence N 55°59'59" E 132.38 feet;  
 thence N 17°02'53" W 100.41 feet;  
 thence S 84°24'53" W 488.29 feet;  
 thence Southwesterly 749.86 feet along the arc of a circular curve to the left, radius 1010.90 feet,  
 central angle 42°30'01", long chord S 63°09'51" W 732.79 feet;  
 thence S 41°54'50" W 1081.40 feet;  
 thence N 68°18'11" W 97.51 feet along the Northerly line of said Golf Highlands No. 2 to the  
 POINT OF BEGINNING. Together with all that land lying between the intermediate  
 traverse line of Glass Lake and the water's edge of Glass Lake and between the  
 intermediate traverse line of a pond (no name) and the water's edge of the pond (no  
 name). Being a part of the SE 1/4 and the SW 1/4 of said Section 16, T5N, R10E,  
 Oxford Township, Oakland County, Michigan. Containing 99 lots numbered 102  
 through 200, inclusive, six (6) private parks and 75.03 acres of land.

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