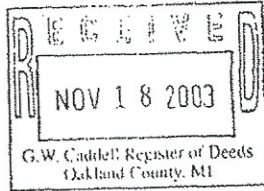


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\$19.00 MISC RECORDING
\$4.00 REINUMENTATION
11/18/2003 08:29:46 A.M. RECEIPT# 103101
FATO RECORDED - OAKLAND COUNTY
G.WILLIAM CADDELL, CLERK/REGISTER OF DEEDS



FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS

**THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS** (this "Amendment") is made as of the 18th day of November, 2003 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 (the "Declaration"), which Declaration encumbers certain real property located in Oxford Township, Oakland County, Michigan, known as *Golf Highlands No. 1 Subdivision* according to the Plat thereof recorded in Liber 286, Pages 17 through 23, Oakland County Records.

B. Pursuant to the rights reserved to Selective, as Declarant, under the Declaration, Declarant desires to amend the Declaration to grant a perpetual permanent easement to the Charter Township of Oxford for the general purpose of installing and maintaining sanitary sewer and water supply systems.

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 III(b) and Article X Paragraph B. of the Declaration, Declarant hereby amends the Declaration to include a new Article VII Paragraph MM which shall provide:

MM. Sanitary Sewer Easement for Subdivision. All property which is now or becomes subject to the terms of this Declaration shall be subject to a perpetual and permanent easement in favor of the Charter Township of Oxford, Oakland County (the "Grantee"), and Grantee's successors, assigns and transferees, in, over, under and through the property, which easement may not be amended or revoked except with the written

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approval of grantee, and which contains the following terms and conditions and grants the following rights:

1. The easement shall be for the purposes of developing, establishing, constructing, repairing, maintaining, sanitary sewer system, or related appurtenances, in any size form, shape or capacity;
2. The Grantee shall have the right to sell, assign, transfer or convey this easement to any other governmental unit;
3. No owner in the subdivision shall build or convey to others any permission to build any permanent structures on the said easement;
4. No owner in the subdivision shall build or place on the area covered by the easement any other type of structure, fixture or object, or engage in any activity or take any action, or convey any property interest or right, that would in any way either actually or threaten to impair, obstruct, or adversely affect the rights of the Grantee under said easements;
5. The Grantee and its agents, contractors and designated representatives shall have right-of-entry on, and to gain access to, the easement property;
6. All owners in the subdivision release Grantee and its successors, assigns or transferees from any and all claims to damages in any way arising from or incident to the construction and maintenance of a sanitary sewer system or otherwise rising from or incident to the exercise by Grantee of its rights under the easement, and all owners, covenant not to sue Grantee for any such damages.

The rights granted to the Charter Township of Oxford, County of Oakland and their successors and assigns, under this Article VII Paragraph MM may not be amended without the express written consent of the Grantee hereunder. Any purported amendment or modification of the rights ranted thereunder shall be void and without legal effect unless agreed to in writing by the Grantee, its successors or assigns.

3. Pursuant to Article III(b) and Article X Paragraph B, of the Declaration, Declarant hereby amends the Declaration to include a new Article VII Paragraph NN which shall provide:

NN. Water Easement for Subdivision. All property which is now or becomes subject to the terms of this Declaration shall be subject to a perpetual and permanent easement in favor of the Charter Township of Oxford, Oakland County (the "Grantee"), and Grantee's successors, assigns and transferees, in, over, under and through the property, which easement may not be amended or revoked except with the written approval of grantee, and which contains the following terms and conditions and grants the following rights:

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1. The easement shall be for the purposes of developing, establishing, constructing, repairing, maintaining, water supply system, or related appurtenances, in any size form, shape or capacity;
2. The Grantee shall have the right to sell, assign, transfer or convey this easement to any other governmental unit;
3. No owner in the subdivision shall build or convey to others any permission to build any permanent structures on the said easement;
4. No owner in the subdivision shall build or place on the area covered by the easement any other type of structure, fixture or object, or engage in any activity or take any action, or convey any property interest or right, that would in any way either actually or threaten to impair, obstruct, or adversely affect the rights of the Grantee under said easements;
5. The Grantee and its agents, contractors and designated representatives shall have right-of-entry on, and to gain access to, the easement property;
6. All owners in the subdivision release Grantee and its successors, assigns or transferees from any and all claims to damages in any way arising from or incident to the construction and maintenance of a water supply system or otherwise rising from or incident to the exercise by Grantee of its rights under the easement, and all owners, covenant not to sue Grantee for any such damages.

The rights granted to the Charter Township of Oxford, County of Oakland and their successors and assigns, under this Article VII Paragraph NN may not be amended without the express written consent of the Grantee hereunder. Any purported amendment or modification of the rights ranted thereunder shall be void and without legal effect unless agreed to in writing by the Grantee, its successors or assigns.

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

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