

Agreement Re- Adopting and Amending Building and Use Restrictions

Rochdale Subdivision: a subdivision in the East ½ of Section 16, Town 3 North, Range 11 East Avon Township, (now the City of Rochester Hills), Oakland County, Michigan, according to the Plat thereof as recorded in Liber 67 of Plats on Page 17, Oakland County Records.

WHEREAS, it is the desire of the undersigned, representing more than 50 percent of the owners of the lots in the subdivision, to re-adopt and amend the indenture of Building and Use Restrictions recorded in Liber 2991, Page 366 and in Liber 3697, Page 157, and in Liber 7698, Page 756, Oakland County Records Michigan.

WHEREAS, the above-described indenture of Building and Use Restrictions and Amendments provided that the covenants and restrictions contained therein terminated on January 1, 1990 and that said restrictions and covenants may be extended for additional periods of time by an agreements signed and executed by 50 percent of the lots in the said subdivision.

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, the term of said Indenture of Building and Use Restrictions is hereby re-adopted for a period of time to extend until expressly revoked by a like vote of the Owners of more than 50 percent of the lots in the said subdivision.

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, the above-described indenture of Building and Use Restrictions is hereby amended as follows:

A. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until terminated as provided above, unless by a vote of a majority of the Owners of the lots, it is agreed to change said covenants in whole or in part. Any such change in the provisions of this Indenture shall be evidenced by the recording in the proper office of record of an instrument in writing executed by a majority of the then Owners of the lots stipulating what said changes are.

- B. There shall be granted to the current Board of Directors at any point in time while these Building and Use Restrictions remain in effect, the right to claim a lien against any property, the present owners of which have approved the adoption of these Building and Use Restrictions or which property has been purchased after the recording of these Restrictions and on which the annual dues of the Rochdale Association remain unpaid at the end of the calendar year for which the said dues are assessed, plus any penalty which shall attach under the By- laws of the said Association to the unpaid dues. The Board of Directors may prepare and record an appropriate statement of lien against said delinquent property, and shall serve a copy of said lien on the property owner within 10 days of the recording thereof. A proof of said service of said lien on the property owner shall also be prepared and recorded.

RESTRICTIONS:

EASEMENTS:

Easements and rights of way are expressly reserved for all public utility functions as presently recorded by Detroit Edison Co. in Liber 67 of Plats, Page 17 Oakland County Register of Deeds. Easements are also reserved in and over strips of land 6 feet in width along side lot lines, and wherever it may be deemed necessary by the Utility companies for installing drains, sewers, poles, wires and conduits. Such easements and rights of way which shall include the right to trim or remove trees may be for the following purposes: For erections, construction and maintenance of drains, poles, wires, pipes and conduits and the necessary or proper attachments in connection therewith for the transmission of electricity and for telephone, gas, heat or other purposes, or any other public or quasi-public utility or function; and shall have the right to assign such easements wholly or in part to any person, firm or corporation furnishing any such service.

OTHER RESTRICTIONS:

It is the intent of the Property Owners that restrictions hereinafter set forth are for the benefit of the Property Owners and all purchasers of Lots within the confines of "Rochdale" and shall attach to and run with all the land platted as "Rochdale."

Occupancy: Premises shall not be occupied for any other purposes other than a private dwelling house and not more than one single residence shall be permitted on each lot.

Business: No manufacturing, commercial or other enterprise for profits shall be maintained upon, in front of, or in connection with any lot nor shall any lot be used for other than strictly residential purposes. However, lots number 10, 11, 12, 13, 14, and 15 are expressly reserved for a future shopping center. This Section is to be interpreted to mean the conducting of a business which has a visual or audible impact on the residents of the subdivision such as commercial traffic, inventory storage, audible machinery or equipment and sign advertising the carrying on of a commercial enterprise.

Signs: No signs, poster, billboards or placards for any purposes whatever shall be erected or placed in or upon the premises without the consent of the Board of Directors. However, small lawn signs promoting candidates for public office and signs placed on lawns by service companies during the performance of their work may be placed in accordance with the ordinances of the city of Rochester Hills and removed as required by those ordinances. Signs advertising the home for sale may also be placed in conformity with the ordinances of the city of Rochester Hills.

Livestock: No animals, pigeons or livestock shall be harbored or maintained on the premises excepting ordinary pets, without the written consent of the Board of Directors. House pets shall not be kept on a commercial basis.

Ashes, Litter: No ashes, liter, boxes, crates, lumber, paper, tools, machinery or any unsightly articles shall be thrown or left upon the ground.

Garbage Disposal: Garbage and other refuse or rubbish of any sort shall be disposed of in an inoffensive, odorless, and sanitary manner to prevent any nuisance being created by unsanitary or offensive accumulations.

Subdivision: No lot shall be subdivided for any purpose whatsoever and no portion less than the whole of any lot shall be sold, leased or assigned without the written consent of the Board of Directors.

Objectionable dwelling: No trailer, basement, tent, shack, garage or other outbuilding in the subdivision shall, at any time, be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.

Building on Lot: The number of buildings on any lot shall be limited to the following: The house, a garage attached to or a detached from the house, and one other one- story utility building not to exceed 400 square feet in area.

Houses: No house shall exceed two stories in height. Two- story houses shall have a minimum floor area of 1,000 square feet. One story or 1-½ story houses shall have a minimum ground floor area of 1,100 square feet. The computation of these area limitations shall not include the areas of the utility rooms, porches, terraces or an attached garage.

Building construction: House garage and utility buildings must be constructed of new materials, and exteriors finished in brick, stone, painted wood or other materials approved in writing by the Proprietors. Rolled roofing or diamond shape roofing shall not be used on any pitched roof. All structures shall conform to minimum requirements of the Housing Law of Michigan. No building shall be closer than 65 feet to the street or highway right of way, with the exception of corner lots and such other lots as approved in writing by the Board of Directors. No building shall be closer than 15 feet to side and rear property line and detached garages and utility building not closer than 10 feet. In every case, the lot set- backs shall conform to the ordinances of the city of Rochester Hills.

Sewage: All sewage shall be put through an approved septic tank and drainage field or public disposal system. Sewage disposal systems shall comply with the statutes of the State of Michigan and to the codes of the Township of Avon (now the city of Rochester Hills) and County of Oakland. No outside toilets shall be erected upon the premises. All outside oil tanks shall be buried.

Approval of Plans and Specifications: No house, garage, utility buildings or fences or additions thereto shall be constructed and used on the premises unless the design, specifications and placement on said lot has been approved in writing by the Zoning Board and an officer of the Rochdale Property Owners Association. Approval shall not be unreasonably withheld.

These covenants and restrictions shall run with the land and shall be binding on the Property Owners and all the parties and all persons claiming under them until they expire at which time said covenants and restrictions shall terminate. However, the restrictions herein contain or any portion thereof may be executed for additional periods of time by an agreement signed and executed by 50 percent or more of the owners of the lots in said subdivision, said agreements to be duly executed, witnessed, and acknowledged so that it may be recorded. Any or all of the rights and powers, title easements and estates, reserved or given to the Property Owners in this declaration may be assigned to any corporation or association composed of 50 percent or more of the owners of the property in said subdivision that will agree to assume said rights, powers, duties and obligations and carry out and perform the same. Any such assignment or transfer shall be made by appropriate instrument in writing in which the assignee or transferee shall join for the purpose of evidencing its consent to the acceptance of such rights and powers. Such assignee or transferee shall thereupon have the same rights and powers and be subject to the same obligations and duties as are herein given to and assumed by Proprietors, the Proprietors thereupon being released there from. When 1/3 of the lots in said plat have been sold by the Proprietors, a Corporation or Association of the owners of lots in said plat may be formed which shall assume said rights, powers, duties and obligations and carry out and perform the same and the Proprietors thereupon shall be released.

Any restrictions on the use of this property contained in the original building and use restrictions recorded in Liber 2991, page 366, and in Liber 3697, page 157, which have not been repeated here are hereby incorporated by reference and re-adopted.