

## RESTRICTIONS ON PLAT OF WATERFORD NO. 1

The following covenants and restrictions shall apply to all lots and property encompassed and within the Plat of Waterford No.1, and shall be binding upon the owners thereof, their heirs, administrators, successors and assigns and shall run with the land.

1. Said lots shall be used exclusively for residential purposes except those lots designated as business or commercial areas on the plat aforesaid. No lots may be subdivided.

2. Not more than one single family dwelling house may be erected or constructed on any one lot. No building may be erected prior to the erection of a dwelling house except that a boat house may be constructed upon receiving written permission from the Seller or its assigns. No accessory or temporary building including a boat house shall be used or occupied as living quarters without written permission of Loch Erin, Inc., or its assigns. No building shall be constructed or erected on said lots unless built of solid or permanent material. Wood exteriors shall be stained or painted with at least two coats of stain or paint. No structure shall have tar paper, roll brick siding or similar material on the outside walls. No house trailers, tents, shacks, or other similar structures shall be erected, moved onto, or placed upon said premises. The exteriors of all buildings must be completed within six months from the date construction commences. Open foundations shall not be permitted without written approval of Loch Erin, Inc., its successors or assigns.

**Paragraph 3 (a) of the Restrictions, as amended by paragraph 3(a) of the Third Amendment, shall be superseded and replaced in its entirety by the following new paragraph 3 (a):**

3(a). All residences erected on any Lot shall have a minimum enclosed living area, exclusive of porches, garages and breezeways, of: (a) RANCH-TYPE or ONE STORY on a slab, crawl space, basement or walkout basement - 1200 square feet above grade (b) BI-LEVEL, STORY and ONE-HALF - 860 square feet above grade on ground floor with a total living area of 1200 square feet; and (c) TRI-LEVEL - 1200 square feet of living area. Roofs of all residences shall have a minimum pitch of 5/12 and interior ceiling heights shall be a minimum of 8 feet over a minimum of 80% of the enclosed living area. All building plans are subject to the prior approval of the Loch Erin Property Owners Association, its committees or assigns prior to the commencement of the construction, and must comply with the Michigan Residential Building Code, as amended. No porch or projection of any building shall extend nearer than 35 feet from any road right-of-way; nor nearer than 10 feet from anyone side property line or a total of 25 feet from both side property lines; nor within 50 feet from the normal high water line as indicated on plat or plats of Waterford Subdivision No.1 without written permission of the Loch Erin Property Owners Association, its committees or assigns. All conditions must comply with the zoning ordinances, building and use codes, and rules and regulations of governing townships and counties.

This Fourth Amendment has been approved by 2/3rds of the owners of the Lots within Waterford Subdivision No.1, as attested to by the attached 51 pages containing the notarized signatures of 222 of the owners of the 148 total Lots, as required for amendments by paragraph 10 of the Restrictions, as revised by paragraph 10 of the First Amendment to Restrictions for Waterford Subdivision, recorded December 21, 1984, in Liber 980, page 150, of the Lenawee County Register of Deeds.

(b) No residential building shall be erected on any lot having less than 3000 square feet of its area at its natural grade lower than 929.1 feet above sea level.

(c) The elevation of the lower floor, exclusive of basement, of all residential buildings shall not be less than 930.1 feet above sea level.

(d) The basement openings of any residential buildings shall not be less than 929.1 feet above sea level.

(e) All residential buildings having basement walls and floors lower than 929.1 feet above sea level shall be constructed water tight and reinforced to withstand hydrostatic pressure from a water level equal to 929.1 feet above sea level.

(f) All residential buildings having any construction at or lower than 929.1 feet above sea level shall be equipped with a positive means of preventing sewer backup from sewer lines and drains which serve the building, and shall be securely anchored to prevent flotation.

4: No outside toilets shall be allowed. No waste shall be permitted to enter Loch Erin Lake and all sanitary arrangements must be inspected and approved by local and/or state health officers, and all residential buildings shall be required to use the central water and sewer system upon installation of same. No individual drain field or other disposal system shall be allowed nearer than fifty (50) feet from the normal high water mark of Loch Erin.

5 :No noxious or offensive home occupations or activity shall be permitted on any lot, nor shall anything be done thereon, which shall be or become an annoyance or nuisance to the neighborhood, and Loch Erin, Inc. its successors or assigns shall determine what constitutes noxious or offensive activity and said determination shall be complete and final. No animals or fowl shall be kept or maintained on said lots except customary household pets in reasonable numbers. No signs of any kind shall be displayed on any lot without written permission of Loch Erin, Inc., or its successors or assigns. Failure to maintain lots in a tidy manner will result in maintenance of the lots by the Property Owners Association for which a reasonable charge will be levied against the property owner.

6: No boat docks, floats or other structures extending into the lake shall be constructed or placed into or on said lake without prior written approval of Loch Erin, Inc., its successors or assigns. Use of the lake is limited to members of Loch Erin Property Owners Association and such use shall be in compliance with the rules and regulations of Loch Erin Property Owners Association. Loch Erin, Inc. shall have the use of the lake for its corporate purposes.

7:(a) Loch Erin, Inc., for itself, its successors, assigns and licensees reserves an easement along the entire shoreline of Loch Erin for the installation and maintenance of underground utilities, together with a fifteen (15) foot wide easement along both sides of all road rights-of-way and a ten (10) foot wide easement along the side and rear lines of each and every lot, with the right of ingress and egress thereon for the purpose of installing and maintaining utility lines, gas and water mains, sewer lines and drainage ditches and appurtenances thereto; together with the right to trim, cut or remove any trees or brush necessary, and the right to locate guy wires, braces and anchors where necessary. Except where an owner of two or more adjoining lots constructs a building, which will cross over or through a common lot line, said common lot line shall not be subject to the aforementioned ten (10) foot easement. The owners of said lots shall have no cause of action against Loch Erin, Inc., its successors, assigns or licensees either at law or in equity excepting in cases of willful negligence by reason of any damage caused said lots in installing, operation or maintaining above mentioned installations, or for drainage of surface waters over and/or through said lots. (b). All electrical utility service shall be underground, and Loch Erin, Inc. shall install said service to the Individual lot line and each property owner shall install at his expense said underground electrical service from his lot line to his dwelling and other outbuildings.

8: All lots shall be served by streets having surfaces higher than 929.1 feet above sea level.

9: As part of the consideration herein the Purchaser, his heirs, devisees or assigns further agree that he will not sell, assign or convey any lot or lots to any persons not accepted for membership in Loch Erin Property Owners Association. This restriction shall not apply to mortgages given to savings banks, institutions for savings, co-operative banks, savings and loans associations, credit unions or other bona fide lending institutions but shall apply to all conveyances of the equity of redemption in any lot.

### **FIRST AMENDMENT TO RESTRICTIONS FOR WATERFORD SUBDIVISION**

**This First Amendment to the Restrictions for the Plat of Waterford Subdivision No.1 for the Loch Erin Development recorded on March 30, 1972 in Liber 737, Pages 542 through 547 in the Lenawee County Register of Deeds Records is made for the purposes of extending, amending and supplementing said Restrictions as follows:**

**1. Paragraph 10 of the Restrictions shall be superseded and replaced in its entirety by the following new paragraph 10:**

The foregoing restrictions shall run with the land and shall bind the owners their heirs, executors, administrators, successor and assigns or any persons claiming under them. These restrictions shall continue in full force and effect until January 1, 2005 and shall thereafter be automatically extended for successive 10 year periods (except for Restriction Nos. 1 and 3 which shall continue in perpetuity). The then owners of record of 2/3 of the lots subject to these restrictions may change, alter, amend or revoke these restrictions, in whole or in part by executing and recording the appropriate instrument with the Lenawee County Register of Deeds; provided, however, no changes shall be made which violate or limit Restriction Nos. 1 and 3. The Association shall have the right, or if the Association fails then any owner shall have the right, to prosecute any person violating or attempting to violate these restrictions in a court of proper jurisdiction. Any invalidation of anyone of these restrictions or provisions therein shall in no way affect any other restriction or provision therein, which shall remain in full force and effect.

This First Amendment has been executed by the owners of lots in the Waterford No. 1 Subdivision in counterparts with each counterpart being deemed an original instrument and with all counterparts constituting a single instrument. The executed counterparts are attached hereto and incorporated herein by reference as if fully set forth herein.

11: Loch Erin, Inc., its successors or assigns, shall appoint a committee to approve the plans and specifications for all dwellings and appurtenant structures within said allotment. Loch Erin, Inc., its successors or assigns, shall have the right to approve the construction of a dwelling or appurtenant structure in variance with the restrictions heretofore recorded, where said modification will not in the judgment of said Loch Erin, Inc., its successors or assigns, do material damage to any lot in said subdivision.

**This Fourth Amendment to the Restrictions for the Plat of Waterford Subdivision NO.1 is for the purpose of amending and supplementing the Restrictions as recorded on March 30, 1972 in Liber 737, Pages 542 through 547, and as amended by a Second Amendment recorded on December 12, 1991 in Liber 1180 Page 486, and a Third Amendment recorded December 12, 1991, in Liber 1180, page 603, all in the Lenawee County Register of Deeds.**

**The Restrictions are amended as follows:**

1. Paragraph 12 of the Second Amendment, shall be superseded and replaced in its entirety by the following new paragraph 12:

12. No house trailers, mobile homes, modular homes, tents, shacks or similar structures shall be erected, moved onto or placed upon any lot in Waterford Subdivision No. 1. It is the intent of this restriction to require all residences, buildings and other structures to be of a quality, predominately site-built, construction utilizing conventional and customary residential building materials and methods which may consist of pre-assembled components such as trusses, doors, windows, precast basement wall panels, and pre-assembled floor joists.

For purposes of these restrictions, a mobile home is a structure intended for a dwelling that is factory constructed, with or without a permanent chassis, which is hauled to its site on attached wheels or a trailer device. For purposes of these restrictions, a modular home is a structure intended for a dwelling that is substantially constructed or fabricated in single or multiple sections off-site and transported as a single section or multiple sections to the site. Modular homes shall include those structures commonly called manufactured homes, pre-fabricated housing and sectional homes.