Message Contents Page 1 of 1

Delete Prev Next Reply/All Forward/Inline Open Inbox 9 of 9

Go to

Move

Copy Inbox

Date: Sun, 5 Jun 2005 15:15:52 -0400

From: "Staran, John" < JStaran@beierhowlett.com > Add To Address Book | This is Spam

Subject: RE: Falcon Estates No. 4

To: "Deborah Millhouse" <millhoud@rochesterhills.org>

Deb: I don't recall whether you and I reached "closure" on this or not. In any event, I confirm that the original Declaration allows the Developer to annex additional lands and to bring them within the Declaration. This would apply to phase 4, as well.

----Original Message----

From: Deborah Millhouse [mailto:millhoud@rochesterhills.org]

Sent: Thursday, May 19, 2005 1:26 PM

To: Staran, John

Subject: Falcon Estates No. 4

To summarize my previous e-mail, the reason we requested the Declaration of Restrictions and Easments for Falcon Estates Subdivision No. 1, No. 2, and No. 3 was to confirm that the Amendment to Declaration Providing for the Inclusion of Falcon Estates No. 4 (as transmitted to you on January 7, 2005) was permitted. Attached is the original Declaration.

According to the fourth "Whereas," it seems to me that this Declaration can be amended to include Falcon Estates No. 4. Do you agree or disagree? (Easy one this time ... I think.) Deborah Millhouse City of Rochester Hills Michigan millhoud@rochesterhills.org www.rochesterhills.org

Delete Prey Next Reply/All Forward/Inline Open Inbox 9 of 9

Go to

Move

Vao

Inbo

\$ 11.00 MISCELLANEIRS RECIREITING 1 2.00 REMUNERITATION 9 JUL 97 11158 A.H. RELETPYS 248 PAID RECORDED - DAKLAND COUNTY LIMN D. ALLEN, CLERK/REGISTER OF DEEDS

AMENDMENT TO DECLARATION OF RESTRICTIONS AND EASEMENTS FOR FALCON ESTATES SUBDIVISION NO. 1 & NO. 2 PROVIDING FOR THE INCLUSION OF FALCON ESTATES SUBDIVISION NO.3

WHEREAS, the undersigned, L & R Homes, Inc., a Michigan corporation, of 2490 Walton, Suite 203, Rochester Hills, Michigan 48309, hereinafter referred to as "The Declarant", did on the 7th day of July, 1993, execute a certain DECLARATION OF RESTRICTIONS AND EASEMENTS, (the "DECLARATION") covering certain property more particularly described urrier de

Lots I through 30 inclusive, FALCON ESTATES SUBDIVISION NO.1, according to the plat thereof as recorded in Liber 227, pages 30 THROUGH 36, of Plats, Oakland County Records. Lots 31 through 46 inclusive, FALCON ESTATES SUEDIVISION NO. 2, according to the plat thereof as recorded in Liber 228, pages 5,6, and 7, of Plats, Oakland County Records. (15-07-100-000) \$15-07-127-000 entire

WHEREAS, Article X, Section 4 of said DECLARATION provides for the Amendment of the DECLARATION OF RESTRICTIONS AND EASEMENTS, by Declarant for the purpose of adding additional residential lots and Common Area to the Falcon Estates Homeowners Association without requiring the vote, signature or consent of any owners or members or, in the alternative, by an instrument signed by not less than seventy-five percent (75%) of the lot Owners; and A taleon End. Th # 2 15-07-101-000 entire

WHEREAS, the said Declarant has developed said FALCON ESTATES SUBDIVISION NO. 3, and is the owner of all of the lots therein, being described as:

Lots 47 through 84 inclusive, of FALCON ESTATES SUBDIVISION NO. 3 according to the plat thereof as Liber 253 Oakland County Records; and 15-07-103-000 entue (15-07-100.022)

WHEREAS, the Declarant wishes to subject all of the lots in FALCON ESTATES SUBDIVISION NO. 3 to the restrictions imposed by the said DECLARATION, as well as to grant membership in the Association to all Owners of lots in FALCON ESTATES SUBDIVISION NO. 3.

WHEREAS, the Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the aforementioned DECLARATION OF RESTRICTIONS AND EASEMENTS, as hereinafter amended as follows:

1. The properties described in the said DECLARATION as being subject thereto and the definition of "The Subdivision" is hereby amended to include "Lots 47 through 84 inclusive FALCON ESTATES NO. 3".

> (12/30/26) O.K. - MJ

13

GRECO



unn 17369N342

- 2. The Falcon Estates Homeowners Association, a Michigan Nonprofit Corporation, is hereby amended to include all of the Owners of Lots 47 through 84 inclusive, of FALCON ESTATES SUBDIVISION/NO.3, as member s and membership in the said Association shall be mandatory for each such Owner. The Association shall exercise authority and assume the obligations set forth in a certain Open Space Agreement between Declarant and the City of Rochester Hills, recorded in Liber 14384, page 815 through 821, inclusive, as amended to include Lots 47 through Lots 84 by Amendment record in Liber 253, pages 61 through 62.
- 3. Article VIII, <u>Section 10</u>. Prohibited Driveway Access to Falcon Drive, in the said DECLARATION is hereby amended by adding the following to the end of the said section:

There shall be no direct vehicular access to Falcon Drive from Lots 47,70, 71, and 84.

4. All other terms and conditions of the said DECLARATION shall remain in full force and effect as to all the lots of Falcon Estates Subdivision NO.1, 2, and 3 without any change or modification whatsoever, except only as to those changes set forth in this Amendment.

VF.

uex 17369N343

- 46

TH WITHESS WHEREOF, the undersigned, being all of the parties with an ownership interest in the lots in The Subdivision have caused these presents to be executed on this 24 day of June, 1995.

IN THE PRESENCE OF:

Name

L & R Homas, Inc. a Michigan Corporation

Randazzo Pts: President

STATE OF MICHIGAN) 88 COUNTY OF CAKLAND)

day of July, 1991, by Larry Randazzo, President of L & R Homes, Inc., a Michigan Corporation, on behalf of the Corporation.

B. SCHEIFFLEE-SEARD Notary Public, Oakland County, Michigan My Commission Expires: September 9, 1906

Notary Public Oakland County, Michigan

My Commission expires:

THIS INSTRUMENT DRAFTED BY AND WHEN RECORDED RETURN TO:

/Ronald E. Hodess, Esq. Miller, Canfield, Paddock and Stone 1400 North Woodward, Suite 100 P.O. Box 2014 Bloomfield Hills, Michigan 48303-2014

3H2731V5C330.2V673211-03001