

**FIRST AMENDMENT TO AMENDED AND RESTATED  
DECLARATION OF RESTRICTIONS AND EASEMENTS  
FOR  
BUTLER RIDGE SUBDIVISION NO. 1 PROVIDING FOR THE INCLUSION OF  
BUTLER RIDGE SUBDIVISION NO. 2**

---

***NOTICE***

---

**THIS FIRST AMENDMENT TO THE DECLARATION AS WELL AS THE DECLARATION CONTAIN CERTAIN RESTRICTIONS OR REQUIREMENTS RELATIVE TO THE SUBDIVISION AND ANY CONSTRUCTION OF A STRUCTURE THEREIN; AND RIGHTS AND RESPONSIBILITIES RELATIVE TO THE SUBDIVISION AND THE COMMON AREAS. EACH PROSPECTIVE PURCHASER OF A LOT IN THE SUBDIVISION IS URGED TO REVIEW THIS DECLARATION CAREFULLY WITH HIS OR HER ATTORNEY.**

---

**WHEREAS, JENSAM PROPERTIES, a Michigan co-partnership, and ROSCOMMON COMPANY, a Michigan corporation, whose addresses are 2301 W. Big Beaver Road, Suite 900, Troy, Michigan 48084, did on the 24th day of July, 2002, execute a certain **AMENDED AND RESTATED DECLARATION OF RESTRICTIONS AND EASEMENTS**, (the "DECLARATION") covering certain property more particularly described as:**

Lots 1 through 65 of Butler Ridge Subdivision No. 1, inclusive of Common Areas, according to the Plat thereof, recorded in Liber 281, Pages 9 through 15, of Plats, Oakland County Records (the "Subdivision")

which **DECLARATION** was executed on the 26th day of July, 2002, recorded with the Oakland County Register of Deeds in Liber 26173 pages 797 through 822, inclusive; and

**WHEREAS, JENSAM, LLC**, a Michigan limited liability company, whose address is 2301 W. Big Beaver Road, Suite 900, Troy, Michigan 48084 is the successor of **JENSAM PROPERTIES (JENSAM, LLC and and ROSCOMMON COMPANY** are hereinafter collectively referred to as "Declarant").

**WHEREAS**, Article VII, Section 3 of said **DECLARATION** provides for the amendment of the **DECLARATION** during the first twenty (20) years by Declarant for the purpose of adding additional residential lots and Common Area to the **BUTLER RIDGE HOMEOWNERS ASSOCIATION** and to otherwise amend said **DECLARATION**, without requiring the vote, signature or consent of any owners or members or, in the alternative, by an instrument signed by not less than ninety (90%) percent of the Lot Owners, and

**WHEREAS**, Declarant is developing said **BUTLER RIDGE SUBDIVISION NO. 2**, and is the owner of all of the lots therein, being described as

Lots 66 through 157 of Butler Ridge Subdivision No. 2, inclusive of Common Areas, according to the plat thereof, recorded in Liber \_\_\_\_, Pages \_\_\_\_ through \_\_\_\_ inclusive, Oakland County Records.

**WHEREAS**, contained within Butler Ridge Subdivision No. 2 is a Common Area shown and designated upon the recorded plat as "Court Park Pvt." ("Court Park"); and

**WHEREAS**, Declarant wishes to subject all of the lots in **BUTLER RIDGE SUBDIVISION NO. 2** to the restrictions imposed and easements granted by said **DECLARATION**, as well as to grant membership in the Association to all Owners of lots

in **BUTLER RIDGE SUBDIVISION NO. 2** and to add ownership of Court Park to the Association so that it shall be for the use and benefit of all residents of both **BUTLER RIDGE SUBDIVISION NOS. 1 and 2**; and

**NOW, THEREFORE**, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the aforementioned **DECLARATION**, as hereinafter modified and amended as follows:

1. The properties described in the said **DECLARATION** as being subject thereto and the definition of the "Subdivision" in Article I, Section II thereof, is hereby amended to include "Lots 66 through 157 inclusive and Court Park (Private Park) of **BUTLER RIDGE SUBDIVISION NO. 2**".

2. The **BUTLER RIDGE HOMEOWNERS ASSOCIATION**, a Michigan non-profit corporation, is hereby amended to include all of the Owners of Lots 66 through 157 inclusive, of **BUTLER RIDGE SUBDIVISION NO. 2**, as members 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 the **DECLARATION** and a certain Conservation Easement between Declarant and the City of Rochester Hills ("City"), over lots 116 through 123, inclusive, recorded in Liber \_\_\_\_\_, pages \_\_\_\_ through \_\_\_\_ inclusive, Oakland County Records, a certain Tree Preservation Easement between Declarant and the City recorded in Liber \_\_\_\_\_, pages \_\_\_\_\_ through \_\_\_\_\_ inclusive over lots 116, 117 and 121, Oakland County Records, and a certain Agreement for Permanent Water Quality Basins between Declarant and the City, recorded in Liber \_\_\_\_\_, pages \_\_\_\_ through \_\_\_\_ inclusive over Court Park, Oakland County Records.

3. **ARTICLE I - DEFINITIONS, SECTION 3.** The "Common Area" referred to in the said **DECLARATION** as defined in Article I, Section 3, is hereby amended to include Court Park. Court Park shall be subject to all applicable terms and conditions of the **DECLARATION**.

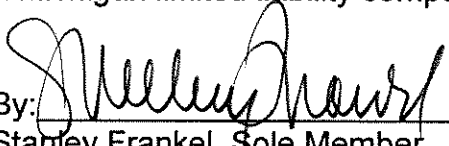
4. **ARTICLE V - EASEMENTS, SECTION 4. Conservation Easement.** The list of Lots subject to the Conservation Easement for unimproved natural feature setback in Article V, Section 3 of the **DECLARATION** shall be amended to include lots 116 through 123, inclusive.

**IN WITNESS WHEREOF**, the undersigned, of the lands hereinabove described, has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**DECLARANT:**

JENSAM LLC, a Michigan limited liability company

By: BUTLER RIDGE, LLC, Member,  
a Michigan limited liability company


By:   
Stanley Frankel, Sole Member

STATE OF MICHIGAN    )  
                                  )SS  
COUNTY OF OAKLAND    )

On this 1<sup>ST</sup> day of JUNE, 2004, before me, the subscriber, a Notary Public, in and for said county, personally appeared Stanley Frankel, sole member of Butler Ridge, LLC, a Michigan limited liability company, member of Jensam LLC, a Michigan limited liability company, on behalf of said company.

SANDRA R. PISCHING  
NOTARY PUBLIC - MICHIGAN  
MACOMB COUNTY  
MY COMMISSION EXPIRES SEPT. 19, 2007

*ACTING IN OAKLAND COUNTY*

  
NOTARY PUBLIC

ROSCOMMON COMPANY, a Michigan corporation

By: *Stanley Frankel*  
Stanley Frankel, Chairman

STATE OF MICHIGAN )  
 )SS  
COUNTY OF OAKLAND )

On this 1<sup>ST</sup> day of JUNE, 2004, before me, the subscriber, a Notary Public, in and for said county, personally appeared Stanley Frankel, Chairman of Roscommon Company, on behalf of said corporation.

SANDRA R. PISCHING  
NOTARY PUBLIC - MICHIGAN  
MACOMB COUNTY  
MY COMMISSION EXPIRES SEPT. 19, 2007  
*ACTING IN OAKLAND COUNTY*

*Sandra R. Pisching*  
NOTARY PUBLIC

**CITY OF ROCHESTER HILLS**

By: \_\_\_\_\_  
Pat Somerville, Mayor

By: \_\_\_\_\_  
Beverly Jasinski, City Clerk

STATE OF MICHIGAN )  
 )SS  
COUNTY OF OAKLAND )

On this \_\_\_\_ day of \_\_\_\_\_, 2004, before me, the subscriber, a Notary Public, in and for said county, personally appeared Pat Somerville, Mayor of the City of Rochester Hills, and Beverly Jasinski, City Clerk of the City of Rochester Hills, on behalf of the City.

\_\_\_\_\_  
NOTARY PUBLIC

Drafted by and when recorded return to:

John D. Gaber, Esquire  
Williams, Williams, Ruby & Plunkett, P.C.  
380 North Old Woodward Avenue, Suite 300  
Birmingham, Michigan 48009