

### **Amendment to Watermain Easement**

On March 17, 2003, Rochester Hills Congregate L.L.C., a Michigan limited liability company, whose address is 31731 Northwestern Hwy., Suite 250W, Farmington Hills, Michigan, 48334 (the "Grantor"), granted a Watermain Easement to the City of Rochester Hills, a Michigan municipal corporation, whose address is 1000 Rochester Hills Drive, Rochester Hills, Michigan, 48309 (the "Grantee"), which Watermain Easement is recorded in Liber 32550, Page 330, Oakland County Records, over a portion of the property owned by Grantor and attached as Exhibit "A".

The Grantor and Grantee wish to amend the Watermain Easement.

Now, therefore, in consideration of the promises set forth below, it is agreed as follows:

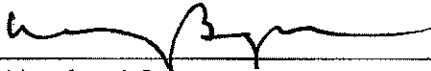
1. The Grantor is allowed to construct carports on the property described in Exhibit "A".
2. In the event any of the carports are constructed over the Watermain Easement, the Grantee shall notify the Grantor if the Grantee needs access to the Watermain Easement to repair or replace the watermain. The Grantor shall promptly remove any carport necessary for access to the Grantee. In the event the carports are not timely removed for the Grantee to repair or replace the watermain or where circumstance makes the delivery of notice unreasonable, the Grantee shall have the right to remove the carports necessary to repair or replace the watermain. The Grantor shall be responsible for all such costs in removing or installing the carports. The Grantor shall also hold the Grantee harmless from any costs or damages regarding the carports if the Grantee complies with this Amendment to Watermain Easement.
3. Grantor shall provide to the Grantee's Departments of Engineering and Public Services the contact numbers for ownership and management of the Grantor.
4. This Amendment to Watermain Easement is binding on the Grantor, Grantee, and their respective successors and assigns.
5. Except as expressly amended herein, the Watermain Easement remains in full force and effect.

In Witness hereof, this Amendment to Watermain Easement is entered into this 6<sup>th</sup> day of December, 2006.

**Rochester Hills Congregate L.L.C., a Michigan  
limited liability company**

By: Oakland Management Corp.

Its: Manager

By:   
Maurice J. Beznos

Its: President

State of Michigan )  
County of Oakland )

Subscribed and sworn to before me this 14 day of December, 2006 by  
Maurice J. Beznos

**CYNTHIA TUCKER**  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires Sep. 30, 2012  
Acting in the County of Oakland My commission expires: 9-30-12

  
Notary Public, Oakland County Michigan

**City of Rochester Hills, a Michigan Municipal  
Corporation**

By: \_\_\_\_\_

Its: \_\_\_\_\_

State of Michigan )  
County of Oakland )

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2006 by  
\_\_\_\_\_

\_\_\_\_\_  
Notary Public, Oakland County Michigan

My commission expires: \_\_\_\_\_

Drafted by and  
after recording, return to:  
Mark A. Sturing  
31731 Northwestern Hwy., Suite 250W  
Farmington Hills, MI 48334