

Northville Development Co.  
John Patrick Malley and  
Frances Smith Malley, his wife and  
Depositors State Bank of  
Northville

as to  
Northville Estates Subdivision.

②  
Restriction Agreement.  
Liber 3522, page 492, O.C.R.  
Dated April 6, 1956.  
Acknowledged April 6, 1956.  
Recorded May 4, 1956.  
Register No. 27314.

The following covenants, conditions, restrictions, easements, reservations and agreements are hereby imposed on all lots in:

The land embraced in the annexed plat of "Northville Estates Subdivision of part of the southwest quarter of Section 33, town 1 north, range 8 east, Novi Township, Oakland County, Michigan", comprising Lots 1 to 154, both inclusive, is described as follows: Beginning at the southwest corner of Section 33, town 1 north, range 8 east; thence along the west line of said section due north 2643.79 feet to the west quarter line of said section; thence north 89 degrees 34 minutes 30 seconds east, 568.61 feet; thence north 88 degrees 51 minutes 25 seconds east, 1222.30 feet; thence south 0 degrees 38 minutes 06 seconds east, 2658.54 feet to the south line of said section; thence along said south line south 89 degrees 33 minutes 35 seconds west, 1920.18 feet to the point of beginning.

And shall constitute a general plan of uniform restrictions imposed on all lots in said subdivision and shall be binding upon the undersigned and upon their heirs, legal representatives, successors and assigns and upon all grantees, their heirs, legal representatives, successors and assigns.

#### LAND USE AND BUILDING TYPE

(A) No building or structure shall be erected, altered, used, placed on, or permitted to remain on, any lot in said subdivision other than one detached single-family private dwelling not to exceed two stories in height, a private garage to be used to house automobiles of the purchaser, his lessee or guests, and for the use of which no charge is made, and a private stable for the keeping of riding horses, as hereinafter provided. Two story houses can be built only on the approval of the Architectural Control Committee.

(B) No structure shall be erected, altered, placed or permitted to remain on any building plot containing less than 15,000 square feet. In event of construction of a residence structure as herein permitted on a building plot consisting of more or less than one full lot, then such plot shall be treated for the purpose of this agreement as a single lot, but in any event no lot shall contain less than four-tenths of an acre of land.

#### ARCHITECTURAL CONTROL

No building, fence, walls, water tank, or structure shall be commenced, erected, placed, or altered, on any lot until the construction plans and specifications and a plan showing the location of the structure on said lot or building plot have been approved by the Architectural Control Committee as to quality, construction, and materials, harmony of external design with existing structures and as to location with respect to topographic finish, grade elevation and these restrictions. No tight board fence shall be erected and any fence to be erected must first have approval of The Architectural Control Committee. Approval shall be as hereinafter provided.

#### RESIDENCE STRUCTURES

(A) No one-story residence structure shall be erected, altered, placed on, or permitted to remain on any lot unless such structure shall have a square foot area at first floor level of at least 1,200 square feet.

(B) No one and one-half story residence structure shall be erected, altered, placed or permitted to remain on any lot unless such structure shall have a square foot area at first floor level of at least 1,000 square feet.

(C) "Square Foot Area" shall be computed by including exterior walls, and shall include partitions and interior walls, bay-windows, if the same reach to the floor, and fully enclosed and heated porches and breezeways; but such porches and breezeways shall not be credited for more than 100 square feet in the aggregate. Garages and open or unheated porches and breezeways shall not be included in computing square foot area.

(D) Exterior walls of residence structures, garages and breezeways shall be constructed only of stone (briar hill, ledge rock or other stone of equal grade and quality), brick, or of cedar, white pine, or cypress siding with an exposure of not less than 4 inches to the weather, or of cedar shakes. Vertical tongue and groove siding or ornamental plywood may be used if not less than 250 square feet of brick or not less than 60 square feet of stone (briar hill, ledge rock, or equal) is also used in exterior walls, exposed portion of chimney, or in window boxes. No cinder or concrete blocks may be used more than 28 inches above the grade line except in construction of a barbeque grill in rear of lot. No cement or asbestos siding may be used.

(E) No old, used, or other structure of any kind may be moved upon any lot. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other building, or out building shall be constructed or placed upon the premises prior to the beginning of construction of the main residence structure, nor shall the same be used or occupied on any lot at any time as a residence either temporarily or permanently. In the event an owner or an occupant shall have a private trailer such trailer shall not be stored in the open but must be housed in a garage or other adequate permanent enclosed structure.

#### GARAGES, BREEZEWAYS AND STABLES

(A) Garages, breezeways and stables to house horses shall have exterior walls only of materials permitted for exterior walls of residence structures.

(B) All garages must be built integral with the residence structure or connected thereto with an enclosed breezeway.

(C) No structure shall extend nearer than 25 feet to any side street line nor nearer than 15 feet to an interior side lot line.

(D) No private stable shall be erected or maintained on any lot having an area of less than two full acres and stables shall be for the accommodation of not more than 3 horses. Such stables shall have exterior walls only of materials permitted for exterior walls of residence structures. Such stables shall not be nearer than 100 feet to any residence building and shall be erected only on the rear half of the lot and in any case the size of the stable must first be approved by the Architectural Control Committee. The stable shall be used only to house horses for the private use of the owner, his guests or tenant, and for which no charge is made.

(E) No garage shall have a floor area of less than 300 square feet. All garages shall have a boxed cornice not less than 6 inches in width.

(F) All garages must be completed with doors and windows simultaneously with completion of the residence structure.

(G) No animals or livestock of any kind shall be raised, bred or kept on any lot except that not more than 3 horses may be kept on lots having an area of not less than two full acres if an adequate stable is provided. Household pets may be kept on any lot for use by the owner and members of his family or a tenant of the owner provided they are not kept, bred or maintained for any commercial purpose, or provided they do not become nuisance. Dog kennel for the use of such household pets may be built integral with garage, stable or barbeque.

(H) No structure shall be constructed, erected or maintained on any lot unless the same be constructed or erected under the direct supervision and control of a builder who is registered under the laws of the State of Michigan, except that the subdividor reserves the right to place a temporary sales office and signs on any lots in said subdivision and maintain storage and necessary shops during construction of homes.

#### BUILDING AND GRADE LINES

(A) The finish grade line shall be such as shall be established by the Architectural Control Committee giving due consideration to the topography of each lot. No structure shall be erected, altered, placed or permitted to remain on any lot unless the finish grade thereof shall conform to the grade lines established by said committee.

(B) No structure shall be erected, altered, placed or permitted to remain on any lots nearer than 50 feet to the front lot line or nearer than 15 feet to interior lot lines or nearer than 25 feet to any side street lines. A front building line greater or less than 60 feet from the front line may be established upon any lot by the Architectural Control Committee after giving due consideration to the topography of the lot and harmony with the building line of then existing structures.

(C) For the purpose of building line restrictions, eaves, steps, and open porches extending more than five feet beyond the main residence structure shall not be considered a part of a building.

#### NUISANCES

No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

#### EASEMENTS

Easements for installation and maintenance of utility and drainage facilities and reserved as shown on the recorded plat.

#### MISCELLANEOUS

(A) The exterior of all residence structures, stables and garage must be completed, including at least two coats of paint on all exterior woodwork, within six months from the date of commencement or construction on any lot.

(B) No lot shall be used or maintained as a dumping ground for rubbish. All incinerators or other equipment for the disposal of rubbish and garbage shall be kept in a clean and sanitary condition.

#### ARCHITECTURAL CONTROL COMMITTEE

(A) The Architectural Control Committee is composed of a majority of the stockholder of Northville Development Company, a Michigan Corporation. A majority of the committee may appoint a designated representative to act for it. In case of death or resignation of any member of the committee, or in the event of any member of said committee shall sell or otherwise dispose of his stock in said Northville Development Company, the remaining members shall have full authority to appoint a successor. Neither the members of the committee nor its designated representative shall be entitled to compensation for service performed pursuant to this covenant.

(B) The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representative fails to approval or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin construction has been commenced prior to completion thereof, approval will not be required and the related covenants shall be deemed to have been complied with, provided said plans and specifications on their face are in accordance with restrictions.

GENERAL PROVISIONS

(A) These restrictions are covenants and shall run with the land and shall be binding on all parties and all persons claiming by, under or through them for a period of 35 years from and after the date of recording of this agreement with the office of the Register of Deeds of Oakland County, Michigan, after which date said covenants shall be automatically extended for successive periods of 10 years each, unless an instrument signed by the owners of record of a majority of the lots in the subdivision has been recorded with the Register of Deeds Office of Oakland County, Michigan, changing or modifying said restrictive covenants in whole or in part.

(B) Invalidation of any one of these restrictions and covenants by judgment or decree shall in no wise affect any of the other provisions hereof which shall remain in full force and effect, and be enforceable as herein provided. Each restriction herein contained is intended to be severable.

(C) These restrictions are intended to be minimum restrictions and all lots in the subdivision must be used in full conformity with the zoning ordinances of the Township of Novi, Oakland County, Michigan, or any other applicable zoning ordinances and with the laws of the Township of Novi, Oakland County, Michigan.

Northville Development Co., a Michigan Corporation signed and acknowledged by Harry Macksey, President and Thomas H. Macksey, Vice President-Treasurer and Alfred J. Macksey, Vice President-Secretary.  
Executed by authority of its Board of Directors. Corporate Seal.

Depositors State Bank of Northville signed and acknowledged by A. Russell Clarke, President and John P. Stubenvoll, Cashier.

**FIRST AMENDMENT TO DEED RESTRICTIONS**

**NORTHVILLE ESTATES SUBDIVISION**, whose address is 46976 Elmsmere, Northville, Michigan 48167, does hereby amend its Deed Restrictions and states as follows:

**WHEREAS, NORTHVILLE DEVELOPMENT CO.**, as Grantor, did file certain Deed Restrictions as to Northville Estates Subdivision, said Deed Restrictions being recorded in Liber 3522, Pages 492-498 for certain real property described as follows:

The land embraced in the annexed plat of "Northville Estates Subdivision of part of the southwest quarter of Section 33, town 1 north, range 8 east, Novi Township, Oakland County, Michigan", comprising Lots 1 to 154, both inclusive, is described as follows: Beginning at the southwest corner of Section 33, town 1 north, range 8 east; thence along the west line of said section due north 2643.79 feet to the west quarter line of said section; thence north 89 degrees 34 minutes 30 seconds east, 668.61 feet; thence north 88 degrees 51 minutes 25 seconds east, 1222.30 feet; thence south 0 degrees 38 minutes 06 seconds east, 2658.54 feet to the south line of said section; thence along said south line south 89 degrees 33 minutes 35 seconds west, 1920.18 feet to the point of beginning.

**WHEREAS**, said Deed Restrictions provided under General Provisions, Paragraph (A) that the same could be modified by a majority of the lot owners of the subdivision, and

**WHEREAS**, proposed Amendment for Modification and Amendment to the Deed Restrictions has been circulated among the homeowners, and

**WHEREAS**, there are 155 property owners, thereby requiring 80 affirmative votes to obtain a 51% majority approval, and

**WHEREAS**, 83 votes approving said Amendment have been forwarded and signed, and

**WHEREAS**, the majority of the property owners have voted for approval of the amendment to Deed Restrictions,

**NOW, THEREFORE**, Deed Restrictions dated April 6, 1956 and recorded May 4, 1956 are hereby amended as follows:

Under provision entitled Architectural Control, the sentence stating, "no tight board fence shall be erected and any fence to be erected must first have approval of the Architectural Control

Committee", is hereby deleted and in its place and stead shall appear the following:

"No fence shall be erected except where required by city to enclose pool and no privacy fence will be permitted to enclose said pool. Any existing pool fencing must comply with these restrictions before replacement. All fencing must be approved by Architectural Control Committee."

In all other respects, said Deed Restrictions shall remain in full force and effect.

Attached hereto are 83 votes approving said Amendment.

DATED: June 9, 1998

WITNESSES:

NORTHVILLE ESTATES SUBDIVISION

Bernadette Dickow  
Bernadette Dickow  
KONRAD STAUCH

BY: [Signature]  
MICHAEL LAING, President

STATE OF MICHIGAN )  
                                  )  
COUNTY OF OAKLAND)

On this 9th day of June, 1998, before me a Notary Public in and for said County, personally appeared, MICHAEL LAING, President of NORTHVILLE ESTATES SUBDIVISION, who executed the within instrument and then acknowledged the execution thereof to be her free act and deed.

Bernadette Dickow  
Bernadette Dickow, Notary Public  
Oakland County, Michigan  
My Commission Expires: 2-5-2000

DRAFTED BY AND AFTER RECORDING  
RETURN TO:

KONRAD STAUCH, P.C.,  
ATTORNEY AT LAW  
31800 NORTHWESTERN HIGHWA  
SUITE 350  
FARMINGTON HILLS, MI 48334  
248-932-8600