

**AMENDMENT TO  
DECLARATION OF RESTRICTIONS  
FOR BEACH FOREST SUBDIVISION  
(Adding Beach Forest Subdivision No. 3)**

This Amendment is made and executed the 16<sup>th</sup> day of December, 1992, by the STEPHEN GRAND REVOCABLE INTER-VIVOS TRUST (hereinafter referred to as "Declarant" of 4850 Coolidge Highway, Royal Oak, Michigan 48073-1023.

RECITALS:

R.1. On the 15<sup>th</sup> day of January, 1988, Grandevco, Inc. executed a Declaration of Restrictions for Beach Forest Subdivision, which Restrictions were recorded in Liber 10286, Pages 156 through 166, Oakland County Records, on January 27, 1988.

R.2. Grandevco, Inc. assigned all of its rights and powers, titles, easements and estates reserved to it in the Restrictions to Declarant.

R.3. On October 22, 1991, the Declaration of Restrictions for Beach Forest Subdivision were amended, modified and changed in their entirety by a Restated and Revised Declaration of Restrictions for Beach Forest Subdivision, which were recorded on November 15, 1991, in Liber 12182, Pages 126 through 138, Oakland County Records, said Restated and Revised Declaration of Restrictions for Beach Forest Subdivision hereafter referred to as the "Restrictions".

R.4. Pursuant to the Restrictions, Declarant has the right by written instrument, signed, acknowledged, and recorded with the Oakland County Register of Deeds, to amend the provisions of the Restrictions.

R.5. Pursuant to the Restrictions, Declarant further reserved the right to add additional lots or additional subdivisions.

R.6. Declarant has platted Beach Forest Subdivision No. 3 upon property contiguous to and adjoining the property currently covered by the Restrictitons. The property being added is more fully described on the Plat for Beach Forest Subdivision No. 3 recorded in Liber 222, Pages 38 through 42, Oakland County records, which property is hereafter referred to as "Beach Forest Subdivision No. 3". Declarant now wishes to add to the Restrictions the lots located in Beach Forest Subdivision No. 3 so as to cause those lots to be restricted by and benefited by the terms and conditions of the Restrictions.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the undersigned, its successors and assigns, and all intending purchasers, and future owners of the various lots comprising Beach Forest Subdivision, Beach Forest Subdivision No. 2 and Beach Forest Subdivision No. 3, the undersigned Declarant for itself, its successors and assigns, does hereby amend, modify and change the Declaration of Restrictions for Beach

Forest Subdivision in the following respects and in the following respects only. The lots in Beach Forest Subdivision, Beach Forest Subdivision No. 2 and Beach Forest Subdivision No. 3 shall be used, held, and/or sold expressly subject to the Restrictions as modified by this first Amendment, and the Restrictions as hereby modified shall be incorporated by referenced in all deeds of conveyance and contracts for the sale of the lots in Beach Forest Subdivision, Beach Forest Subdivision No. 2 and Beach Forest Subdivision No. 3, and the Restrictions as amended hereby shall run with the land and be binding upon all grantees of individual lots and on their respective heirs, personal representatives, successors and assigns:

1. The following lots are added to the operation of the Restrictions and shall be from this date forward subject to all of the terms, conditions, obligations and benefits of the Lots and Lot Owners as more particularly set forth in the Restated and Revised Declaration of Restrictions for Beach Forest Subdivision recorded in Liber 12182, Pages 126 through 138, Oakland County Records:

Lots 165 through 223, inclusive, of Beach Forest Subdivision No. 3, a part of the Northeast  $\frac{1}{4}$  of Section 7, Town 2 North, Range 11 East, City of Troy, County of Oakland, Michigan, according to a plat thereof as recorded in Liber 222 of Plats, Pages 38 through 42, Oakland County Records.

All of the terms of the Restrictions and all of the definitions of the Restrictions shall be modified and expanded so as to be applicable to the above referenced Lots. Whenever the term "Subdivision" is used in the Restrictions, the term shall be expanded to mean Beach Forest Subdivision (Lots 1 through 73, inclusive), Beach Forest Subdivision No. 2 (Lots 74 through 164, inclusive), and Beach Forest Subdivision No. 2 (Lots 165 through 223, inclusive). Any term used in this Amendment shall have the meaning assigned to it in the original Restrictions except that said terms shall be expanded to cover the additional Lots being added by this document.

2. The Owners and future owners of all of the Lots in Beach Forest Subdivision No. 3, being the Owners and future owners of Lots 165 through 223, inclusive, shall be required to be members of the Association and shall be subject to the covenants, restrictions, easements, charges and liens as set forth in the Restrictions.
3. The Common Area (if any) contained within Beach Forest Subdivision No. 3, together with existing Common Areas (if any) and the Common Areas later added to the Subdivision or future subdivisions shall be for the benefit and use of the Owners of all Lots in the Subdivision (and any Lots subsequently added to the Subdivision), and the Common Areas shall be owned and maintained by the Association in accordance with the terms of the Restrictions. Anything contained herein to the contrary notwithstanding, the areas identified on the Plat of Beach Forest Subdivision No. 3 as "Belmont Park", "Belmont Park East", and "Belmont Park West" are deemed to be and shall be Common Areas as the term is used in the Restrictions.

4. Article XI is hereby amended, modified and changed in its entirety to add Lots 174, 176 and 177, Beach Forest Subdivision No. 3 to the operation of the terms and conditions of said Article:

**ARTICLE XI**  
**BERMS**

As part of Beach Forest Subdivision No. 2, Declarant has caused to be constructed berms which berms are located in part of Lots 110, 111, 112, 113, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, and 134, Beach Forest Subdivision No. 2. In addition, as part of the improvements for Beach Forest Subdivision No. 3, Declarant shall cause to be constructed berms which shall be located in part on Lots 174, 176 and 177, Beach Forest Subdivision No. 3. The berms are intended to act as a sound and sight barrier for the benefit of all Lot Owners in the Subdivision. No Owner of any Lot shall change or modify the berm or the configuration of the berm in any manner including, but not limited to, changing the topography of the berm, excavating or moving or disrupting any portion of the berm.

In addition, each Lot Owner who owns a Lot upon which a portion of the berm is constructed shall maintain that portion of the Berm which lies between the front Lot line of that Owner's Lot and the line which is the center of the top of the Berm. The Homeowners Association shall maintain that portion of the Berm which lies between the top of the Berm and the Owner's rear Lot line (the backside of the Berm). Maintenance shall include, but not be limited to, maintaining the configuration and topography of the berm, keeping the berm free from debris, maintaining any landscaping or vegetation with the Berm area, and where required by cutting grass and removing unsightly vegetation, should the Homeowners Association deem that the same is desirable or should the same be required by any municipal authority.

The Association shall maintain that portion of the Berm which lies outside of the portion of the Berm which is to be maintained by each Lot Owner as specified in the paragraphs above. Maintenance shall include, but not be limited to, maintaining the configuration and topography of the Berm, keeping the Berm free from debris, maintaining any landscaping or vegetation within the Berm area, and where required cutting grass and removing unsightly vegetation should the Homeowners Association deem that the same is desirable or should the same be required by any municipal authority.

5. Lots 194 and 195 of Beach Forest Subdivision No. 3 shall contain a Subdivision entranceway which may include signs, walls, fencing (including rock or ornamental fencing) and surrounding or abutting landscaping (as well as any irrigation system in support thereof), upon said Lots. Lots 194 and 195 of Beach Forest Subdivision No. 3 are, by the Declarant, declared to be subject to the easement contained in Article III G 3 of the Restrictions. This provision is

placed in these Deed Restrictions for notification provisions, it being noted that all Lots in Beach Forest Subdivision, Beach Forest Subdivision No. 2, and Beach Forest Subdivision No. 3 are deemed to be subject to the operation of and the easements referred to in Article III G of the Restrictions.

6. The following subparagraph is added as an additional provision to Article III:

S. No barbecue, barbecue equipment or barbecue paraphernalia shall be left or stored in the front or sides of any home so as to be visible from the street when the same is not in use. Homeowners shall be required to store all barbecues, barbecue equipment and barbecue paraphernalia in a manner where the same shall not be visible from the street when not being used by the homeowner.

7. Other than as amended, modified and changed by this document, the Restated and Revised Declaration of Restrictions for Beach Forest Subdivision as recorded in Liber 12182, Pages 126 through 138, Oakland County Records, shall remain in full force and effect, unchanged and unmodified by this document.