

**NOWLAND ESTATES SUBDIVISION**

**NOWLAND ON THE COURT SUBDIVISION**

**THIRD AMENDMENT TO DECLARATION  
OF COVENANTS AND RESTRICTIONS**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS is made this 23<sup>rd</sup> day of December, 1996 by SHERR DEVELOPMENT CORPORATION, a Michigan corporation (the "Declarant"), having its principal office at 31555 West Fourteen Mile Road, Suite 101, Farmington Hills, Michigan 48334.

WITNESSTH:

WHEREAS, Declarant was a party to a certain Declaration of Covenants and Restrictions concerning Nowland Estates Subdivision. which Declaration of Covenants and Restrictions was dated the 30th day of August, 1994 and recorded in Liber 27760, Pages 869 to 892. all inclusive. Wayne County Records; and

WHEREAS, such Declaration of Covenants and Restrictions was amended by a First Amendment to Declaration of Covenants and Restrictions as recorded in Liber 28004, Pages 350 to 353, all inclusive, Wayne County Records; and

WHEREAS, such Declaration of Covenants and Restrictions and first Amendment to Declaration of Covenants and Restrictions were amended by a Second Amendment to Declaration of Covenants and Restrictions as recorded in Liber 28461, Pages 009 to 012, all inclusive, Wayne County Records (such Declaration of Covenants and Restrictions, as amended, shall be hereinafter referred to collectively as the "Declaration"); and

WHEREAS, Declarant further desires to amend the Declaration as hereinafter set forth.

NOW, THEREFORE, in consideration of the foregoing, the Declaration is hereby amended as follows:

1. Article VI, Section 7 of the Declaration of Covenants and Restrictions is hereby amended to permit the installation of fencing by those Owners whose rear lot line abuts the Franklin-Palmer Subdivision. The purpose for this permitted fencing is to conceal fencing placed upon the rear lot line of an abutting Franklin-Palmer Subdivision lot. The conditions for the permitted fencing are as follows: 1) the Owner's rear lot line must abut the rear lot line of a Franklin-

Palmer Subdivision rear lot line; 2) the permitted fencing may be placed solely along the Owner's rear lot line; 3) the permitted fencing may be placed solely to the extent of the abutment; 4) the permitted fencing may be placed only to the extent of the fencing upon the abutting Franklin-Palmer Subdivision lot; 5) the permitted fencing may be either landscape material or wood, however, if wood is used, it may not be painted and may be sealed or preserved provided the natural color and appearance are maintained; 6) the permitted fencing may not exceed the height of the fencing on the abutting Franklin-Palmer Subdivision lot unless landscape material is used in lieu of wood; 7) in no extent shall the height of the permitted fencing exceed six (6) feet; 8) approval is first received from the Architectural Review Committee prior to installation; and 9) all necessary governmental approvals, including a permit from the Township, have first been received.

2. Article VI, Section 7 of the Declaration of Covenants and Restrictions is further amended to permit certain types of decorative fencing not to exceed four (4) feet in height in order to enclose a patio or garden. provided that such fencing not be placed within the building setback areas of the lot (as defined by the Township), that approval is first obtained from the Architectural Review Committee, and further that all necessary municipal approvals have been obtained.

3. Article VI, Section 27 of the Declaration of Covenants and Restrictions is hereby amended to permit leasing, renting, or subletting provided the Owners are moving out of State of Michigan and reasonably plan to be gone in excess of one (1) year.

4. Article JV, Section I of the Declaration of Covenants and Restrictions is hereby amended, effective the incorporation date of the Association. to add that with respect to Lots owned by the Declarant, the first annual assessment of such Lots shall commence at such time as Class B members shall have voting rights as provided in Article II, Section 2(d) of this Declaration. To the extent of any conflict with the Association Articles or Bylaws. this provision shall control.

5. Article JV, Section 2 of the Declaration of Covenants and Restrictions is amended to add the following paragraph at the end of the Section: "The Association and each and every Owner hereby ratify all acts and omissions made by Declarant, and shall hold Declarant harmless from liability in connection with any decision or action made or taken or not made or taken by Declarant in the course of its administration of the Association." 6. The Declaration, as amended herein, is hereby ratified, and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this Third Amendment to Declaration of Covenants and Restrictions the date and year lint above written.

WITNESSES

*This Document is digitization of scanned records and is missing key signatures found in the originals. This file is meant for residents to easily search and find relevant information pertaining to Nowland Estates Governing Documents.*

I. William Sherr  
Michael L. Shapiro  
Stuart D. Sherr.

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 23rd day of December, 1996, by Stuart D. Sherr, Vice President of Sherr Development Corporation, a Michigan corporation, on behalf of the corporation.

NOTORIZED BY Tracie A. Hinson

Document drafted by and  
when recorded return to:

Stuart D. Sherr, Esq.  
J 1555 West Fourteen Mile Road, Suite IOI  
Farmington Hills, MI. 48334