

Declaration of Restrictions Lakeside Estates North Subdivision

Green Oaks Properties, LL.C., a Michigan limited liability company, is the proprietor of a certain plat located in Green Oak Township, Livingston County, Michigan, described as:

Lakeside Estates North Subdivision (lots 1 through ____, inclusive), a subdivision of part of the southeast 1/4 section of 26, town 1 north, range 6 east, Green Oak Township Livingston County, Michigan, as recorded in Liber ____ of plats, Pages ____ through ____ inclusive, Livingston County records, and as more as particularly described in Exhibit "A".

In consideration of the mutual benefits to be derived by the undersigned developer and all intending purchasers and future owners of the lots in Lakeside Estates North Subdivision, the developer declares:

1. Land use. All lots in the subdivision shall be used only for single family residential purposes. No structure shall be erected, altered, placed or permitted to remain on any lot other than one (1) single family dwelling with attached garage, which shall be designed and erected for occupancy by a single private family. All other accessory structures, storage buildings, detached garages, or shed are prohibited and shall not be erected, placed or permitted to remain upon any lot.
2. Dwelling size. Dwellings shall be constructed in accordance with the applicable governmental building codes. All dwellings to be erected, altered, placed or permitted on any lot shall conform with the following minimum size requirements as to total floor area **as to total floor area**.
 - A. one story – not less than 2,000 square feet
 - B. two story – not less than 2,500 square feet
 - C. one and a half story – not less 2,400 square feet
3. Garages. All dwellings must have one (1) private attached garage for not less than two (2) cars, nor more than three (3) cars. Garage doors shall not face the street on which the residence fronts.
4. Building set back lines Minimum building set back requirements for lots which are zoned "natural river" are as follows: front – 60 feet, side – 20 feet, rear – 50 feet, minimum building set back requirements for all other lots within Lakeside Estates which are zoned "R-2" are as follows: front – 40 feet, side – 15 feet, rear – 45 feet. Lots fronting on more than one road require a front set back from each road. All lots backing to the water shall have a minimum set back of 125 feet from the water.
5. Temporary building. No temporary structure of any kind, such as a tent, trailer, shack, barn or garage shall be erected or placed upon any lot; however, temporary buildings to be used during construction of a dwelling shall be removed from the premises upon enclosure of the residence dwelling.

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Amended November 7, 2006

09. Fences. No fence or wall shall be placed, erected or permitted to remain on any lot. Fences which are required by local ordinance to enclose swimming pools shall be allowed provided they are kept in good condition and repair at all times (above ground pools are not permitted). Dog runs are allowed as stated (below) in item 28.

16. Pets and Animals. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats, or other household pets, provided they are not kept, bred or maintained for any commercial purposes. All dogs shall be kept on a leash, in a dog run, or contained with an invisible fence, and shall not be allowed to run loose unattended. No dog runs shall be permitted or maintained unless said dog run are in conformance to the restrictions defined in item 28.

28. Dog Runs. Dog runs shall be defined as a structure or solid fence constructed for the purpose of providing a dog a confined space. The construction of a dog run must be approved by the Architecture Committee and conform to the following guidelines:

- Shall be located behind the house adjacent to an exterior wall of the dwelling or garage, a dog run may be located at the side of the house between the driveway and rear of the dwelling furthest from the front of the dwelling
- Height shall be consistent with the grade of the dwelling and not to exceed 48"
- Square footage shall not exceed 160 square foot
- Shall be constructed with materials consistent with the dwelling and shall be a solid fencing material be wood be sealed, stained or painted to match the dwelling
- Shall contain landscaping around the exterior of the structure
- Shall be maintained and kept in good condition and repair at all times

6. Lot maintenance. All lots in the subdivision (occupied or unoccupied) shall be kept trimmed, the grass mowed, and free of debris. No lot shall be used as a dumping ground and all rubbish, trash, garbage or other waste shall be kept in sanitary containers. All lot owners are encouraged to reduce the use of fertilizers, herbicides and pesticides in maintaining their landscape.
7. Exterior surfaces. Exterior walls of any structure in the subdivision shall be constructed of brick, stone, glass, wood, or other standard exterior siding materials. No aluminum or asphalt siding and no exterior concrete or cinder block shall be allowed. All exterior wall materials must be approved by the developer/architectural review committee prior to installation. All structures shall have one or more offsets in the front wall. Roof pitches shall be predominately 6/12 pitch and there must be at least one (1) gable or hip roof design on the front of each house.
8. Easements. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and no buildings are to be constructed or placed within the easements. Each owner shall maintain the surface area of easements within his/her property, shall keep grass and weeds cut, shall keep the area free of trash and debris, and shall take such action as may be necessary to eliminate surface erosion. No lot owner or other person may change the direction or alter the flow of surface runoff in the drainage easements. A wetland delineation is on file at the township office. No regulated wetland shall be filled, dredged or altered without a permit from Green Oak Township and/or the Michigan Department of Natural Resources.
9. Fences. No fence or wall shall be placed, erected or permitted to remain on any lot. Fences which are required by local ordinance to enclose swimming pools shall be allowed provided they are kept in good condition and repair at all times (above ground pools are not permitted). Dog runs are allowed as stated (**below**) in item 16.
10. Driveways. A driveway permit shall be obtained from the Livingston County Road Commission prior to any earth excavation or construction on any lot. All driveways shall be constructed with hard surfacing or asphalt or concrete and shall be installed prior to occupancy of the residence, weather and conditions permitting; or a cash deposit shall be given to the developer or association which guarantees hard surfacing of the driveway within one (1) year of occupancy.
11. Grade changes. The grade of any lot in the subdivision may not be changed without written consent of the developer and/or township building department.
12. Vehicle storage. No commercial vehicles, house trailers, boat trailers, boats, camping vehicles or camping trailers may be parked on or stored on any lot in the subdivision, unless stored fully enclosed within an attached garage. Commercial vehicles and trucks shall not be parked in the subdivision on any lot therein, except while making deliveries or pickups in the normal course of business. This shall not apply to vehicles and equipment used in connection with and during the period of home construction.
13. Common Areas. **The three Private Parks (2.9 acres, 2.5 acres, and 3.5 acres)** shall be used by property owners with in the subdivision and their guests. **Lakeside Estates North – Park #1**. All lot owners shall have the right and easement of enjoyment in and to Lakeside Estates North – Park #1 and such easement shall be appurtenant to and shall pass with the title of every lot. Only foot

traffic will be allowed in Park #1. No bicycles, motorcycles, scooters, all terrain vehicles, cars or trucks will be allowed to enter the park and no hunting shall be allowed anywhere in the subdivision.

14. Natural vegetation strip. To minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the natural river area, a natural vegetation strip shall be maintained on each parcel or lot between the rivers edge and a line, each point of which is fifty (50) feet on all privately-owned land and one hundred (100) feet on all publicly-owned land horizontal from and perpendicular to the river's edge. This minimum restricted cutting strip shall apply on each side of the mainstream and designated tributaries. Within the natural vegetation strip, trees, and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the river from the main dwelling, and for reasonable private access to the river. Because of the potentially severe adverse effects on riverfront vegetation, fish, wildlife, and water quality from improper use of even small amounts of pesticides, herbicides, and fertilizers, their use on lands within the natural river area is strongly discouraged except when utilized in accord with the advice and supervision of qualified specialists.
15. Fertilizer Management Program. A sound fertilizer management program is just one of the elements needed to maintain healthy vegetation. Healthy vegetations also requires proper irrigation, pesticide management, soil management, and, in the case of turf grasses, using proper mowing frequency and height.

Plants need a certain amount of nutrients (nitrogen, phosphorus, etc.) to grow and stay healthy. Nutrient deficiency may result in weaker plants, which may make them more susceptible to disease. This, in turn, may increase the amount of pesticides or other inputs needed. Proper fertilization will help plants stay healthy and reduce other inputs.

Excess nutrients which are applied beyond that needed by the plant may get washed off the soil and end up in lakes, streams and wetlands, or leach into the ground water. When nutrients such as nitrogen and phosphorus run off into surface waters (i.e. rivers, lakes), they can cause algae blooms and nuisance aquatic plant growth.

Ground water can be impacted by excess nitrogen, which readily converts to nitrates. When nitrate leaches to ground water, it can contaminate drinking water supplies. Phosphorus generally doesn't affect groundwater since it binds readily with the soil.

To ensure healthy vegetation while maintaining water quality, it is imperative that proper application, storage and disposal of pesticides, herbicides and fertilizers are followed. Always follow the directions on the label. If the label is not legible, contact the distributor for proper application, storage and disposal information.

Because of the potentially severe adverse effects on vegetation, wildlife, and water quality from the improper use of even small amounts of pesticides, herbicides and fertilizers, their use on lands within Lakeside Estates North Subdivision is strongly discouraged except when utilized in accord with the advice and supervision of qualified specialists.

16. Pets and animals. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats or other household pets, provided they are not kept, bred or maintained for any commercial purposes. All dogs shall be kept on a leash or in a dog run or pen, and shall not be allowed to run loose unattended. No dog runs, pens or dog houses shall be permitted or maintained unless located only within the rear yard adjacent to an interior wall of the dwelling or garage.
17. Lot owner's association. All lot purchasers agree to become members of a non-profit association hereinafter to be formed and to be known as the Lakeside Estates North Homeowners' Association, which shall consist of and exist for the benefit of all persons who shall at any given time own lots in the plat of Lakeside Estates North. The association shall be formally established within eighteen (18) months of recordation of the plat of Lakeside Estates North Subdivision. The association shall have the authority to establish rules, regulations, voting procedures and policies for the betterment of the association, including the authority to make and enforce regulations pertaining to the use and maintenance of the parks within Lakeside Estates North. The association shall also have the authority to enforce these building and use restrictions.
18. Parks. The feeding of ducks, geese, and other waterfowl and fauna at the park is prohibited. Park quiet hours are between 9:00 p.m. and 7:00 a.m.
- A. Access to Nichwagh Lake will be provided to all lot owners or Lakeside Estates North *thru Park #1*. Only self-propelled watercraft (canoes, rowboats etc.) or watercraft with electric motors will be allowed on Nichwagh Lake. Gasoline powered watercraft are strictly prohibited. Permanent docking of any watercraft is strictly prohibited.
19. Association dues. The owners of each lot in the subdivision agree to pay a proportionate share of the taxes, maintenance, improvements, insurance and other costs incurred against **Lakeside Estates North** and the private parks. The initial amount dues from each lot owner is sixty (\$60.00) dollars per year and said amount may be increased or decreased by the homeowners association. *The Association has raised the dues to one hundred and twenty (\$120) dollars in 2006.* The developer is not required to pay association dues for any unsold lots. The association dues shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the residents and for the operation, maintenance and improvement of Lakeside Estates North and Park #1, including but not limited to maintenance of wetland trails, decks, picnic areas, trash receptacles, boardwalks and retention ponds. The balance of funds collected will be turned over to the homeowner's association, along with the title to the parks upon formal establishment of the association within eighteen (18) months of recordation of the Lakeside Estates North Subdivision plat.
20. Township maintenance. If the Township of Green Oak finds it necessary to maintain the Private Parks, any costs expended by the township for maintenance shall be pro-rated equally among all owners in the subdivision and billed by the township to the persons showing upon the last tax records to be owned of said property. The township may add to the cost of maintenance a sum not to exceed twenty-five (25%) percent thereof, to cover the township's overhead and administrative costs. All such statements shall be due and payable within thirty (30) days of receipt, and any statements not paid shall become a lien and encumbrance upon the lot with respect to which the statement is made.

21. Signs. No signs of any kind shall be displayed to the public view on any lot in the subdivision except one (1) sign not more than six (6) square feet in area, for the purpose of advertising the property for sale or lease. This shall not apply to the signs erected by the proprietor during the initial development of the subdivision.
22. Architectural review. No building or structure shall be erected or maintained, nor shall any exterior addition, change or alteration to any structure be made until the plans and specifications are submitted to and approved in writing by the developer/architectural review committee. Said plans and specifications, prepared by a competent architect, should show the shape, elevation, façade, height, materials, color scheme and location on lot of the structure and/or addition, as well as the grading plan of the lot to be built upon. The developer shall name the architectural review committee until said function is taken over by the homeowner's association.
23. Sewage disposal. Permits for the installation of on-site sewage disposal systems shall be obtained from the Livingston County Health Department prior to any construction on any lot. There shall be no underground utilities located within the areas designated as active and reserve septic systems. Reserve septic locations must be maintained vacant and accessible for future sewage disposal use. 2,400 square feet has been designated on each lot for the active and reserve sewage disposal systems to accommodate a typical three bedroom single family home. Proposed homes exceeding three bedrooms must show that sufficient area exists for both active and reserve sewage systems, which meet all acceptable isolation distances.
24. Wells. All wells shall be drilled by a Michigan licensed well driller to a depth that will penetrate a minimum of ten (10') foot protective clay barrier or drilled to a minimum depth of one hundred (100') feet if adequate clay protection is not encountered all wells shall be grouted the entire length the casing.
25. Health department approval. All wells and septic fields shall be located in the exact areas as indicated on the preliminary plat which is on file at the Livingston County Health Department. There shall be no future subdividing of any building lots, which would utilize individual on-site sewage disposal and/or water supply systems. All restrictions placed on Lakeside Estates North Subdivision by the Livingston County Health Department, per the Preliminary Approval letter dated, _____ and attached hereto as Exhibit "B", are not severable and shall not expire under any circumstances unless otherwise amended or approved by the Livingston County Department.
26. Floodplain. The 100-year floodplain contour as established by the Department of Environmental Quality is defined as 8907 N.G.V. Datum. There shall be no filling or occupation of the 100-year floodplain area without prior written approval of the Michigan Department of Environmental Quality. Furthermore, any building used or capable of being used, for residential purposes and occupancy within or affected by the floodplain shall comply with the following requirements.
- A. Have lower floors, excluding basements, not lower than the elevation defining the floodplain limits.
 - B. Have openings into the basement not lower than the elevation defining floodplain limits.

- C. Have basement walls and floors, if below the elevation defining the floodplain limits, which are watertight and designed to withstand hydrostatic pressures from a water level equal to the elevation of the contour defining the floodplain limits following methods and procedures outlined in Chapter 5 for type "A" construction and Chapter 6 for Class "T" loads found in the publication entitled "Flood proofing Regulations" DE 1165 2 314, prepared by the office of the chief of engineers, United States Army, Washington, D.C., June, 1972.
- D. Be equipped with a positive means of preventing sewer backup from sewer lines and drains which serve the building.
- E. Be properly anchored to prevent flotation.

Any residential structure built on a filled portion of the floodplain must have its lowest floor including basement floor, elevated above floodplain elevation as required by Subdivision Rule R560.304.3

The floodplain restrictions contain herein are to be observed in perpetuity, excluded from any time limitations set forth in the Declaration of Restrictions, and may not be amended without the consent of the State of Michigan, Department of Environmental Quality, or its successor.

27. Lakeside Estates North Drain Drainage District.

Attached as Exhibit "C" is an Agreement establishing the Lakeside Estates North Drain Drainage District, pursuant to Section 433 of Act No. 40 of the Public Acts to 1956, as amended. A copy of the 433 Agreement in the Livingston County Register of Deeds at Liber _____ Pages _____.

Easements. There shall exist easements over all lots and park areas for purposes of construction, maintenance and improvement of the storm water drainage and retention or detention as designated on the plat. The easements are granted in favor of the Lakeside Estates North Drain Drainage District. The Drainage District shall have the right to sell, assign, transfer or convey this easement to any governmental unit. The Livingston County Drain Commissioner, and his agents, contractors and designated representatives shall have the right of entry on, and to gain access to, the easement property.

No lot owner shall disturb the grade or otherwise modify the area within the easements in any way inconsistent with the Drain. No lot owner shall install, maintain, repair or replace landscaping materials located within the Drain easement area lying within such lot owner's property in any way inconsistent with the use by the Drainage District. All lot owners shall release Grantee and its successors, assigns or transferees from any and all claims to damages in any way arising from or incidental to the exercise by the Drainage District of its rights under said easements, and all lot owners covenant not to sue the Drainage District for any such damage.

Assessments for the Lakeside Estates North Drain District. All costs relating to the maintenance and improvement of the Lakeside Estates North Drain shall be borne by the Drainage District, and assessed to the lot owners pursuant to Act No. 40 of the Public Acts of 1956, as amended.

28. **Validity.** Invalidation of any of these covenants, conditions and restrictions by judgment or court order, shall not affect any of the other covenants, conditions and restrictions, which shall remain in full force and effect.
29. **Continuity.** The above stated covenants, conditions and restrictions shall run with the land and shall be operative up to and until January 1, 2005, at which time they shall automatically be extended for successive periods of ten (10) years, unless previously canceled, altered, or amended or modified by a vote of seventy-five (75%) percent of the members of the homeowners' association.

December 14, 2001 Liber 3217 pages 181 – 189

March 27, 2002 Liber 3344 page 197 - 199

May 22, 2003 Liber 3974 page 592 – 600

NOTE: Bolded items are intended to represent small changes included in Declaration of Restrictions distributed to Phase 2 homeowners.