

**SECOND AMENDMENT TO RESTATED
DECLARATION OF ~~PROPERTY~~, COVENANTS AND BUILDING ^(C)
AND USE RESTRICTIONS FOR ASHLEY FARMS
SUBDIVISION NOS. 1, 2, 3, 4 AND 5**

WHEREAS, ASHLEY FARMS HOMEOWNERS' ASSOCIATION ("Association"), whose address is 36121 St. Clair Dr., New Baltimore, MI 48047 was formed to administer and enforce the RESTATED DECLARATION OF ~~PROPERTY~~, COVENANTS AND BUILDING AND USE RESTRICTIONS ("Restated Declaration") dated December 1, 2000 and recorded on January 25, 2001 in Liber 9990, page 873, Macomb County records; and

WHEREAS, the Restated Declaration applies to the land and lots covered by the following platted subdivisions:

Ashley Farms Subdivision No. 1, according to plat thereof recorded in Liber 121, pages 15 through 23 inclusive, of plats, Macomb County records.

Ashley Farms Subdivision No. 2, according to plat thereof recorded in Liber 123, pages 46 through 49 inclusive, of plats, Macomb County records.

Ashley Farms Subdivision No. 3, according to plat thereof recorded in Liber 125, pages 31 through 34 inclusive, of plats, Macomb County records.

Ashley Farms Subdivision No. 4, according to plat thereof recorded in Liber 139, pages 26 through 30 inclusive, of plats, Macomb County records.

Ashley Farms Subdivision No. 5, according to plat thereof recorded in Liber 147, pages 41 through 46 inclusive, of plats, Macomb County records.

WHEREAS, the Restated Declaration was amended once before by document titled FIRST AMENDMENT TO THE BUILDING AND USE RESTRICTIONS FOR ASHLEY FARMS SUBDIVISION NOS. 1, 2, 3, 4 AND 5 ("First Amendment"), dated September 30, 2002 and recorded on November 4, 2002 in Liber 12414, page 850, Macomb County records; and

WHEREAS, the Association was presented with written Owner ballots on the following SECOND AMENDMENT TO RESTATED DECLARATION OF ~~PROPERTY~~, ^(C)

32cm

C

COVENANTS AND BUILDING AND USE RESTRICTIONS FOR ASHLEY FARMS SUBDIVISION NOS. 1, 2, 3, 4 AND 5 ("Second Amendment"), which was approved by at least two-thirds (2/3rd) of the 236 Owners eligible to vote:

181 Owners voted "Yes"

22 Owners voted "No"

33 Owners did not vote

WHEREAS, the Association desires that the Second Amendment apply to all lots and land within the foregoing five (5) subdivisions and the Association's Board of Directors authorized the President and Secretary to sign the within Second Amendment and instructed counsel to record same with the Macomb County Register of Deeds.

NOW THEREFORE, the following is adopted as the SECOND AMENDMENT TO RESTATED DECLARATION OF ~~ASHLEY FARMS~~, COVENANTS AND BUILDING AND USE RESTRICTIONS FOR ASHLEY FARMS SUBDIVISION NOS. 1, 2, 3, 4 AND 5. All other provisions and terms of the Restated Declaration and First Amendment not inconsistent herewith shall remain in full force and effect. In the event this Second Amendment conflicts with the Restated Declaration, the First Amendment or any previous rule or regulation, then the terms and provisions of this Second Amendment shall govern and control. (2)

ARTICLE VII Section 14(e) of the Restated Declaration is amended and revised as follows:

- (1) Except as permitted by subsection (2) below, no swimming pools may be built, erected or maintained on any Lot that is taller than one (1) foot above final Lot grade.
- (2) Subject to subsections (3) and (4) below, swimming pools that are temporary in nature and that are taller than one (1) foot above final Lot grade are permitted but only between Memorial Day and Labor Day each year. "Temporary" shall be defined as a swimming pool that is assembled only for the permitted time period aforesaid and completely disassembled and stored inside between Labor Day and Memorial Day each year. "Temporary" swimming pools shall include but not be limited to inflatable ring and snap together semi- ridged framed pools.
- (3) All swimming pools whether temporary or permanent in nature shall require prior written approval of the Association. No swimming pool shall be built, erected or maintained on any Lot unless some portion of the swimming pool is within twenty (20) feet of the residence. All swimming pools shall be constructed and maintained so that they drain into the storm sewer system only. The Lot owner seeking approval of a swimming pool shall submit such information, drawings, etc. as may be required by the Association. In appropriate circumstances, the Association may condition its approval on screening and/or landscaping around the swimming pool. The Association reserves the right to disapprove any proposed swimming pool or to revoke the approval of any swimming pool if, in the judgment of the Board, the swimming pool is unsightly or not maintained according to conditions of approval or is a nuisance to adjoining Lot owners. The Association may adopt reasonable rules and regulations consistent with the foregoing provisions.
- (4) All swimming pools whether temporary or permanent in nature shall comply with all applicable laws and ordinances.

(5) The Association may enforce the foregoing restrictions and requirements by all means available, including but not limited to action at law, abatement of violation and proceedings for injunctive relief, and/or assessment and collection of fines per the Ashley Farms Homeowners Association Rules Enforcement Policy dated January 25, 2001.

ASHLEY FARMS HOMEOWNERS' ASSOCIATION
A Michigan non-profit corporation

Dated: January 20, 2014

Karen Parenteau
Karen Parenteau
President

Lisa Marshke
Lisa Marshke
Secretary

STATE OF MICHIGAN)
) ss.
COUNTY OF MACOMB)

On January 20, 2014, before me appeared Karen Parenteau, president and Lisa Marshke, secretary, of ASHLEY FARMS HOMEOWNERS' ASSOCIATION, a Michigan non-profit corporation and acknowledged the foregoing instrument as the act and deed of the within named corporation.

MARY C RUTLEDGE
Notary Public, Macomb Co., MI
My Commission Expires Apr 5, 2019
Acting In MACOMB Co.
Mary C Rutledge
Notary Public, State of Michigan
Acting in Macomb County
My commission expires: April 5, 2019

Drafted by and return to:
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