

**FIRST AMENDMENT  
TO THE  
BUILDING AND USE RESTRICTIONS FOR  
ASHLEY FARMS SUBDIVISION NOS. 1, 2, 3, 4 AND 5**

WHEREAS, Ashley Farms Associates L.L.C., a Michigan limited liability company, whose address is 32605 West Twelve Mile Road, Suite 350, Farmington Hills MI 48334 (the "Declarant"), has recorded a certain Declaration of Easements, Covenants and Building and Use Restrictions for Ashley Farms Subdivision No. 1 dated May 8, 1997 and recorded on May 15, 1997 in Liber 7457, Pages 811 through 838, Macomb County Records, as amended by the First Amendment to Declaration of Easements, Covenants and Use Restrictions for Ashley Farms Subdivision Nos. 1 and 2, dated October 24, 1997 and recorded on November 18, 1997 in Liber 7734, Pages 292 through 298, Macomb County Records, as amended by the Restated Declaration of Easements, Covenants and Restrictions for Ashley Farms Subdivision Nos. 1, 2 and 3 dated January 28, 1998, and recorded January 28, 1998, in Liber 7834, Pages 224 through 256, Macomb County Records and as amended by the Restated Declaration of Easements, Covenants and Building and Use Restrictions for Ashley Farms Subdivisions 1, 2, 3 and 4 dated August 9, 1999 and recorded in Liber 9056, Pages 52 through 84 and as amended by the Restated Declaration of Easements, Covenants and Building and Use Restrictions for Ashley Farms Subdivisions 1, 2, 3, 4 and 5 dated December 1, 2000 and recorded in Liber 9990, Pages 873 through 902 (collectively the "Original Declaration");

WHEREAS, the Original Declaration applies to Ashley Farms Subdivision No. 1, a subdivision established pursuant to the Plat thereof as recorded in Liber 121 of Plats, Pages 15 through 23, Macomb County Records; and to Ashley Farms Subdivision No. 2, a subdivision established pursuant to the Plat thereof as recorded in Liber 123 of Plats, Pages 46 through 49,

Macomb County Records; and to Ashley Farms Subdivision No. 3, a subdivision established pursuant to the Plat thereof as recorded in Liber 125 of Plats, Pages 31 through 34, Macomb County Records, and to Ashley Farms Subdivision No. 4, a subdivision established pursuant to the Plat thereof as recorded in Liber 139 of Plats, Pages 26 through 30, Macomb County Records; and to Ashley Farms Subdivision No. 5, a subdivision established pursuant to the Plat thereof recorded in Liber 147, Pages 41 through 46, Macomb County Records;

WHEREAS, the Declarant desires to amend Article VII, Section 6 of the Original Declaration as clearly set forth herein;

NOW THEREFORE, in consideration of the mutual benefits to be delivered by the Declarant, its successors and assigns, and all intending purchasers, current and future Owners of the various Lots comprising the Subdivisions, the Declarant, for itself, its successors and assigns, does hereby publish, declare and make known to all intending purchasers, current and future Owners of the Lots comprising the Subdivisions, that the same will and shall be used, owned, held and/or sold expressly subject to the following conditions, easements, covenants, restrictions and easements which shall be incorporated by reference in all deeds of conveyance and contracts for the sale of said Lots and shall run with the land and be binding upon all Owners grantees of individual Lots in the Subdivisions and on their respective heirs, personal representatives, successors and assigns and which shall be further amended as follows:

1. Article VII, Section 6 of the Building and Use Restrictions shall be amended to allow black aluminum fencing. All other provisions of Section 6 shall remain the same as stated.
2. Except as set forth in this First Amendment, the Restated Declaration of Easements, Covenants and Building and Use Restrictions for Ashley Farms Subdivision Nos. 1, 2, 3, 4 and 5, is hereby ratified and confirmed.

IN WITNESS WHEREOF, This First Amendment is executed on this 30<sup>th</sup> day of

September 2002.

WITNESS:

DECLARANT:

**ASHLEY FARMS ASSOCIATES L.L.C.,**  
A Michigan limited liability company

By: The Slavik Company, a Michigan  
Corporation, Member

By:

Eric A. Gold  
Eric A. Gold, Vice President

Sandra A. Sutton  
SANDRA A. SUTTON

Stefanie Bednarz  
STEFANIE BEDNARZ

STATE OF MICHIGAN     )  
                                          ) SS.  
COUNTY OF OAKLAND    )

The foregoing instrument was acknowledged before me this 30 day of September, 2002,  
by Eric A. Gold, Vice President of The Slavik Company, Member of Ashley Farms Associates  
L.L.C., a Michigan limited liability company, on behalf of the limited liability company.

This instrument drafted by  
And when recorded return to:

Michael D. Langnas, Esq.  
Langnas & Associates, P.C.  
24359 Northwestern Highway, Suite 200  
Southfield, MI 48075  
(248) 356-7100  
Ashley Farms/condo/docs/First Amendment

Kimberly M. Vanderburg

KIMBERLY M. VANDERBURG  
Notary Public, Wayne County, MI  
My Commission Expires 12/31/2002  
Acting in Oakland County, MI