

BUILDING AND USE RESTRICTIONS—Covering Property developed by VAS, LLC dba ARBOR NORTH

VAS, LLC dba Arbor North, of 5757 Pontiac Trail, Ann Arbor, Michigan 48105 is owner ('Owner') of that certain 68+/- acres of land fronting on Northfield Church Road ('Property') in the Township of Northfield, Washtenaw County, Michigan described more particularly as:

Northfield Twp Parcel ID #8-02-34-200-003 Part of the Northwest ¼ of Section 34, Town 1 South, Range 6 East, Northfield Township, Washtenaw County Michigan described as: Beginning at the Northwest Corner of Section 34 and the Centerline of Northfield Church Road, North 86°29'17" East 300.00 feet; thence South 02°10'15" East 687.70 feet; thence North 86°29'17" East 633.49 feet; thence South 31°00'00" East 1088.18 feet; thence South 67°30'00" East 534.63 feet; thence South 45°00'00" East 143.42 feet; thence South 86°32'28" West 10.69 feet; thence South 45°00'00" East 574.47 feet; thence along a line 235.00 feet North of and parallel to the East and West ¼ Line of Section 34, South 86°33'18" West 2421.72 feet; thence along the West Line of Section 34, North 02°10'15" West 2422.89 feet to the Point of Beginning.

The Property has been or will be subdivided into 12 Parcels, denominated in sequence 1a, 1b, 2a, 2b,3, 4, 5, 6, 7, 8, 9, 10 (henceforth referred to as 'Parcel(s)'). The Owner this 4th day of January 2005 hereby places the following restrictions on the Property, which restrictions, both benefits and burdens, run with the land:

1. Land and Use Restrictions

All of Property shall be used for residential purposes. No building or structure shall be erected, altered, placed or permitted to remain on any Parcel other than residential dwellings and such accessory buildings as may be permitted under both Township ordinance and which are architecturally consistent with the dwelling on the parcel and are appropriate to residential and recreational purposes incidental thereto. No parcel shall be created by land division of less than 5.0 acres in size.

2. Size and Height

No structure shall be erected, placed, altered or permitted to remain on any parcel not in conformance with the following minimum size requirements as to living area, measurements to be made from the dominant external face of external walls, and allowing finished walkout areas to be included:

One story, all types

2,000 square feet

| | |
|--|-------------------|
| More than one story, non-modular types | 2,400 square feet |
| Modular homes more than one story | 3,000 square feet |

No building shall exceed thirty-nine (39) feet in height from ground level, measured from the lowest ground level adjacent to the home to the peak of the roof. Neither porches, breezeways, garages, basements, decks nor carports shall be included in computing such required floor area. No floor of the residence whose walls are more than 1/2 below ground level shall be included in computing such required floor area.

3. Approval of Plans

All persons who shall construct a dwelling, any addition thereto, any outbuilding or any fences on a Parcel shall first notify the Architectural Committee and provide plans, site plan, specifications and use (together, ‘Plans’) of the intended structure. The Architectural Committee shall approve or disapprove same by majority vote in writing. Approval will be given without conditions or delays if the Plans conform to the restrictions in this document. Failure of the Plans to conform may result in disapproval or approval conditioned on a proposing Parcel owner’s covenant(s) to be negotiated with the Architectural Committee. If no action is taken by the Architectural Committee within 30 days after submission by the owner of the Parcel to be improved, the plans, site plan and specifications shall be deemed approved as submitted, but in no case will a use forbidden by this Declaration be permitted.

4. Location and Type of Structures

No building or structure shall be erected, altered, placed or permitted to remain upon a Parcel except in conformance with the setback requirements of local codes and as otherwise prescribed in this Declaration. Exterior walls of residential structures shall be composed of vinyl or natural materials including wood, brick or stone. Masonite, plywood and the like are not acceptable exterior wall materials. Accessory buildings must be architecturally appropriate and consistent with the primary residential structure using matching exterior materials and colors. No more than three accessory buildings per Parcel shall be permitted. All accessory buildings must be situated at least 100 feet from the private road easement serving Arbor North, at least 50 feet from any property line and subject to architectural approval as provided herein. All utilities shall be underground. No lighting shall be so situated, or of such intensity in use during hours of dark, as to create an unreasonable nuisance to neighboring properties.

5. Preservation of Trees

Owners of Parcels may remove brush, dead trees and fallen timber at will. Parcel Owners may remove trees as needed for their house site, accessory buildings, related accessory construction like wood decks, utility lines and driveway. Except for trees located within the 50 ft (25’+25’) side yard setbacks established by local ordinance, Owners may remove any trees on their Parcel of less than 8 inch diameter at breast-height, those within 75 feet of the perimeter of their house or those within 35 feet of the perimeter of an accessory building. Trees within easements, including those in 50 foot (25’+25’) side or rear yard setback areas, may be removed to allow installation of underground utilities.

6. Trailers, Trucks, Commercial and Recreational Vehicles

Abandoned or unlicensed vehicles or those not in regular use shall be parked inside a building. Except during a period of construction or repairs within the properties (not to exceed 9 months), no recreational or occupational vehicles such as, but not limited to, trucks, buses, boats, snowmobiles, off road vehicles, trailers or motor homes shall be parked on any Parcel for more than seventy-two (72) hours unless inside a building.

7. Garages, Fences, Antennae, Parcel Boundary Markers

Each residential dwelling shall have an attached garage capable of housing at least two full size vehicles. Garage doors shall not face the road. Except for Parcel boundary marker bollards, no metal fencing or metal fence posts may be erected unless screened from the view of other parcel owners by decorative fencing, buildings or landscaping which has been approved by the Architectural Committee. No more than two exposed antennae of any kind shall be erected on any parcel, and none which are located more than 15 feet from an approved structure. Parcel Owners agree to maintain permanent above-ground easily-visible Parcel boundary markers, but only at each corner or inflection point along the property lines.

8. Architectural Committee

Initially, the Architectural Committee shall consist of Thomas Esper and Robert Frank, both Members of VAS, LLC. When title to a majority of the numbered parcels contained in the subject description is conveyed from VAS, LLC or sooner at the discretion of VAS, LLC, the Architectural Committee shall thereafter be appointed by a majority vote of the owners of Parcels.

9. Livestock, Poultry, Pets

No animals, livestock, birds, or poultry of any kind shall be raised, bred or kept on any Parcel, except that common household and estate pets (including but not limited to dogs, cats, smaller pets, horses, alpacas, and the like) may be kept, provided they are not kept, bred or maintained for any commercial purposes and said animals are suitably housed and maintained in areas setback from property lines by at least 50 feet and so that they are not a nuisance or annoyance to the neighborhood.

10. Signs

After title to the last of the Parcels contained in the subject description is conveyed from VAS, LLC to a new owner, no sign of any kind shall be displayed to the public view on any parcel except one professional sign of not more than 16 square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

11. Garbage and Refuse Disposal

No refuse shall be dumped, created or left on any Parcel. Each Parcel owner has the affirmative duty to remove any refuse on their Parcel. No exterior incinerator or other equipment shall be maintained on any Parcel for disposal of rubbish or garbage. No rubbish or garbage containers shall be left outside except on regular pick-up days.

IN WITNESS WHEREOF, this instrument was executed the day and year first above written.
Witnesses:

Jack Reynold Hendrickson, Jr. Manager, VAS, LLC
dba Arbor North Equities, Owner of Property

STATE OF MICHIGAN)
) ss.
COUNTY OF WASHTENAW)

The foregoing instrument was acknowledged before me this ____th day of January 2005,
by Jack R. Hendrickson, Jr, Manager of VAS, LLC, dba Arbor North/Arbor North Equities.

Notary Public, Oakland County, Michigan
My commission expires: _____

When recorded return to:
Jack R. Hendrickson, Jr, Esq
5757 Pontiac Trail
Ann Arbor, MI 48105
734-761-5068

Drafted by:
Jack R. Hendrickson, Jr, Esq
5757 Pontiac Trail
Ann Arbor, MI 48105