

47
S/2

**SECOND AMENDED MASTER DEED OF
MOON SHADOWS ON RUSH LAKE CONDOMINIUM AND
REPLAT NO. 2 OF LIVINGSTON COUNTY CONDOMINIUM
SUBDIVISION PLAN NO. 28**

Rush Lake Development Group Limited Partnership, a Michigan Limited Partnership, whose address is 6195 Saline-Ann Arbor Rd., Saline, Michigan 48176, being the developer of Moon Shadows on Rush Lake Condominium, a Condominium Project established pursuant to the Master Deed thereof recorded at Liber 1463, Pages 923 to 985, and an amendment thereto recorded at Liber 1570, Pages 522 to 532, Livingston County Records, and known as Livingston County Condominium Subdivision Plan No. 28, hereby amends the Master Deed of Moon Shadows on Rush Lake Condominium pursuant to the authority reserved in Articles VII and X thereof for the following purposes:

1. Enlarging the Condominium Project from forty-one (41) units to one-hundred seventeen (117) units by the addition of the land described in Paragraph 1, below;
2. Reallocating the percentages of value set forth in Article V, Section 2(b) of the Master Deed;
3. Modifying the subdivision plan of the Master Deed pursuant to the authority reserved in Article VII of the Master Deed;
4. Incorporating immaterial revisions in the Master Deed; and
5. Adding sewer and water systems specifications for the land added by this amendment.

Upon the recording of this Amendment in the office of the Livingston County Register of Deeds, the Master Deed, the Bylaws and the Condominium Subdivision Plan shall be amended in the following manner:

1. The land described in the attached Exhibit One, which is made a part hereof, shall be added to the Condominium Project by this amendment.

15-17-300-006 15-20-100-024
 15-18-401-490 15-20-100-025
 15-19-200-034
 15-20-100-022

LIVINGSTON COUNTY TREASURER'S CERTIFICATE
 I hereby certify that there are no TAXES
 LIENS or TITLES held by me or my assigns
 included against the above description
 and all TAXES are paid and paid for five
 years previous to the date of this instrument
 or appear on the records in that
 office except as stated.
 6/1/05

8-1-95
 Damon Hardy, Treasurer
 SEC 186 Act 364 1952 as Amended
 95-55 * Deeds not examined
 * HOMESTEAD DEMANDS NOT EXAMINED

Page 1

15-31-34 PH '95
 LIVINGSTON COUNTY
 RECORDS OF DEEDS
 4/24/95

RECORDED

DEP 1974 PAGE 098

2. Second Amended Article V, Section 2 of the Master Deed of Moon Shadows on Rush Lake Condominium, as set forth below, shall replace and supersede Article V, Section 2 of the Master Deed as originally recorded and previously amended, and the originally recorded and previously amended Article V, Section 2 shall be of no further force or effect:

"SECOND AMENDED ARTICLE V, SECTION 2 OF THE
MASTER DEED OF MOON SHADOWS ON RUSH LAKE CONDOMINIUM

ARTICLE V

Section 2. PERCENTAGE OF VALUE. All of the Units shall have equal percentages of value, because the Units place approximately equal burdens on the Common Elements. The percentage of value assigned to each Unit shall determine each Co-owner's share of the Common Elements, the proportionate share of each Co-owner in the proceeds and expenses of administration and the value of the Co-owner's vote at meetings of the Association."

3. Amended Sheets 1, 2, 3, 3A, 4, and 4A of the Condominium Subdivision Plan of Moon Shadows on Rush Lake Condominium, as attached hereto, shall replace and supersede Sheets 1, 2, 3, 3A, 4, and 4A of the Condominium Subdivision Plan of Moon Shadows on Rush Lake Condominium as originally recorded and previously amended, and the originally recorded and previously amended Sheets 1, 2, 3, 3A, 4, and 4A shall be of no further force or effect. The legal description on amended Sheet 1 shall replace and supersede the description of the condominium premises contained in Article II of the originally recorded Master Deed.

4. Sheets 3B, 3C, 4B and 4C of the Condominium Subdivision Plan of Moon Shadows on Rush Lake Condominium, as attached hereto, shall be added to and shall supplement the Condominium Subdivision Plan of Moon Shadows on Rush Lake Condominium as originally recorded and previously amended.

5. First Amended Article XII, Section 1 of the Master Deed of Moon Shadows on Rush Lake Condominium, as set forth below, shall replace and supersede Article XII, Section 1 of the Master Deed as previously recorded, and the previously recorded Article XII shall be of no further force or effect:

"FIRST AMENDED ARTICLE XII, SECTION 1 OF THE MASTER DEED
OF MOON SHADOWS ON RUSH LAKE CONDOMINIUM

ARTICLE XII
CONTRACTION OF CONDOMINIUM

Section 1. RIGHT TO CONTRACT. As of the date this Amendment to the Master Deed is recorded, the Developer intends to establish a Condominium Project consisting of one-hundred seventeen (117) Units on the land described in Article II of this Master Deed, as shown on the attached Condominium Subdivision Plan. However, Developer reserves the right to establish a Condominium Project consisting of fewer than one-hundred seventeen (117) Units and to withdraw from the Condominium Project all or some portion of the land described in the attached Exhibit One (hereinafter referred to as "Contractible Area"). Therefore, any of the provisions of this Master Deed to the contrary notwithstanding, the number of Units in this Condominium Project may, at the option of the Developer, from time to time during the period ending no later than six (6) years from the date of recording this Master Deed, be contracted to any number determined by the Developer in its sole judgment, but in no event shall the number of Units be less than eight (8).

6. First Amended Article XIII, Sections 1(a) and 1(b) of the Master Deed of Moon Shadows on Rush Lake Condominium, as set forth below, shall replace and supersede Article XIII, Section 1(a) and 1(b) of the Master Deed as previously recorded, and the previously recorded Article XII shall be of no further force or effect:

"FIRST AMENDED ARTICLE XIII, SECTION 1(a) AND SECTION 1(b)
OF THE MASTER DEED OF MOON SHADOWS
ON RUSH LAKE CONDOMINIUM

"ARTICLE XIII

CONVERTIBLE AREAS

Section 1. UNITS AND COMMON ELEMENTS

(a) DESIGNATION OF CONVERTIBLE AREAS. The following areas, which are depicted and designated as Convertible Areas on the amended Subdivision Plan of the project attached to and made a part of this amendment to the Master Deed of Moonshadows on Rush Lake Condominium, are hereby designated as Convertible Area within which a Unit, Limited Common Elements and General Common Elements may be created and modified as provided herein:

- (1) The portion of the General Common Element land area designated as "Convertible Area A" on the subdivision plan for the Project.
- (2) The portion of the General Common Element land area designated as "Convertible Area B" on the subdivision plan for the Project.
- (3) The portion of the General Common Element land area designated as "Convertible Area C" on the subdivision plan for the Project.
- (4) The portion of the General Common Element land area designated as "Convertible Area D" on the subdivision plan for the Project.
- (5) The islands located in Rush Lake that are depicted on the Condominium Subdivision Plan as Convertible Areas.

(b) DEVELOPER'S RIGHT TO CREATE UNITS AND TO MODIFY UNITS AND COMMON ELEMENTS. The Developer reserves the right, in its sole discretion and without the consent of any Co-owner, during the period ending six (6) years after the recording of this Master Deed, to create additional units and General and/or Limited Common Elements, and modify the size, location, design or elevation of Units and/or General or Limited Common Elements appurtenant or geographically proximate to such Units within the Convertible Areas designated in Subsection 1(a), above, so long as those modifications do not unreasonably impair or diminish the appearance of the Project or the view, privacy or other significant attribute or amenity of any Unit that adjoins or is proximate to the modified Unit or Common Element. The maximum number of Units that may be created within the Convertible Areas described in Section 1(a)(1) is One (1) Unit. The maximum number of Units that may be created within the Convertible Areas described in Section 1(a)(2) is One (1) Unit. The maximum number of Units that may be created within the Convertible Areas described in Section 1(a)(3) is One (1) Unit. The maximum number of Units that may be created within the Convertible Areas described in Section 1(a)(4) is One (1) Unit. The maximum number of Units that may be created within the Convertible Areas described in Section 1(a)(5) is Four (4) Units.

7. The following provisions, which shall be designated Article VI Subsections 15(n) through 15(w), and which shall govern the placement and construction of on-site sewage disposal systems for Units 42 through 117, shall be added to the Bylaws of Moon Shadows on Rush Lake Condominium:

(n) The bottoms of the stone beds for the respective septic field areas of the following Units shall be no deeper than as set forth below:

<u>Unit No.</u>	<u>Elevation (NGV datum) (ft)</u>
44	891
45	883
46	883
47	884
48	884
49	889
50	893
53	889
54	890
55	882
56	886
58	881
59	880.5
61	884
64	880
65	888
69	883
72	897
75	896
76	896
77	896
78	893
79	894
80	894
81	894
82	892
83	892
85	900
88	891
89	897
90	899
91	897
93	894
94	894
95	893

96	895
99	895
100	895
101	890.5
102	890
103	890
104	890
105	895
106	897
107	895
108	895.5
109	894.5
110	894
111	894
112	896
113	889
114	892

- (o) Unit 51 will require a 10 foot cutdown to more permeable material.
- (p) Unit 63 will require a 5 foot cutdown through fill to more permeable material.
- (q) Unit 64 will require a 4± foot cutdown through fill.
- (r) Unit 83 will require a 4.5 foot cutdown to more permeable material.
- (s) Unit 98 will require a 5 foot cutdown to more permeable material.
- (t) The engineer for the developer must certify to the Township that any grading, cutting and/or filling that has taken place or will take place as part of the construction of the Project will not affect the placement of the existing and proposed active and/or reserve sewage systems.
- (u) A minimum 4 foot separation from the bottom of the sewage systems to the seasonal high groundwater table must be provided, per the benchmarks (USGS Datum) placed in the project as depicted in the site plan for the Project that is on file with the Department.

- (v) The reserve septic system locations that are designated on the preliminary site plan on file with the Department shall be maintained in a vacant state and shall be accessible for future sewage disposal purposes. That vacant state shall preclude the installation thereon of all improvements, including but not limited to utility lines, driveways and garages.
- (w) The provisions of Article VI, Section 15 of the Bylaws of Moon Shadows on Rush Lake Condominium, as originally recorded and previously amended, are applicable to Units 42 through 117 of the Project."

8. A new provision, designated as Article X, Section 7, and reading as follows, is added to the Master Deed:

"The Master Deed, Bylaws and Subdivision Plan of Moonshadows on Rush Lake Condominium shall not be substantively amended, except to correct minor clerical or survey errors, without the prior approval of the Hamburg Township Planning Commission."

9. The first sentence of Article VI, Section 5 of the Bylaws of Moonshadows on Rush Lake Condominium is amended to read as follows:

"PETS. No animal other than two domesticated cats, two domesticated dogs or a domesticated cat and a domesticated dog shall be maintained in the Condominium by any Co-owner without the prior written Consent of the Association".

10. The following provision is added to Article VI, Section 11 of the Bylaws of Moonshadows on Rush Lake Condominium:

"No Co-owner or the Association shall clear or disturb native vegetation from nor construct, install or place any building or structure within the following areas:

- (A) The 30 feet wide landscape buffer located South of Units 101, 102, 103 and 104 and North of Highway M-36 and depicted on the subdivision plan for Moonshadows on Rush Lake Condominium, and
- (B) The 10 feet wide landscape buffers located along the entire length of the North and South lines of Lakeland Trail (the Old Grand Trunk Western Railroad right-of-way) as depicted on the subdivision plan for Moonshadows on Rush Lake Condominium.

11. First Amended Article II, Section 12 of the Bylaws of Moon Shadows on Rush Lake Condominium, as set forth below, shall replace and supersede Article II, Section 12 of the Bylaws as previously recorded, and the previously recorded Article II, Section 12 shall be of no further force or effect:

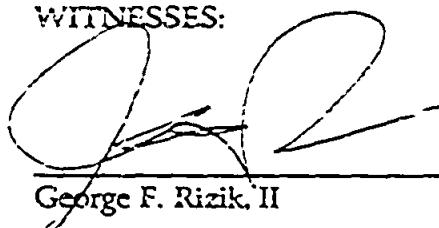
**"FIFTH AMENDED ARTICLE II, SECTION 12
OF THE BYLAWS - MOON SHADOWS ON RUSH LAKE CONDOMINIUM**

Section 12. ASSESSMENTS UNDER 1929 P.A. 137. Except as provided below, in addition to regular and special assessments levied by the Association, each co-owner shall be responsible for the payment of dues to the Rush Lake Property Owners Association, a Michigan Summer Resort Corporation organized under Act 137 of the Public Acts of Michigan of 1929, as set forth in an instrument recorded with the Livingston County Register of Deeds. That association (which is separate and distinct from the Condominium Association and unrelated to the Condominium Association) has the authority to levy dues and assessments against each owned parcel (viz., each Unit) within its jurisdiction pursuant to the above-cited act. Those dues and assessments are payable directly to the Rush Lake Property Owner's Association and not to the Condominium Association. The foregoing notwithstanding, all units in the Condominium that lie completely within the South 1/2 of the Northwest 1/4 of Section 20, Hamburg Township, shall be excluded from membership in the Rush Lake Property Owners Association, and the benefits, privileges, liabilities and responsibilities incident thereto, and shall not be subject to the foregoing provisions of this Section 12 or to assessment by the Rush Lake Property Owners Association. These excluded units, as depicted on Replat No. 2 of the Subdivision Plan for the Condominium, are Units Nos. 76, 77, 78, 86, 87, 88, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116 and 117.

12. In all respects other than as hereinabove indicated, the originally recorded and previously amended Master Deed of Moon Shadows on Rush Lake Condominium, including the Bylaws and Condominium Subdivision Plan respectively attached thereto as Exhibits A and B, recorded as aforesaid, is hereby ratified, confirmed and redeclared.

Dated this 27th day of July, 1995.

WITNESSES:

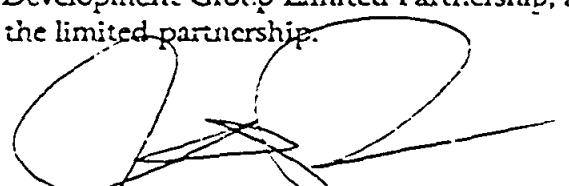


George F. Rizik, II


Tammy J. Reitano

STATE OF MICHIGAN)
:SS
COUNTY OF GENESEE)

The foregoing instrument was acknowledged before me this 31 day of July, 1995, by James R. Kremidas, the president of Calmic Properties Group, Inc., a Michigan Corporation, General Partner of Rush Lake Development Group Limited Partnership, a Michigan Limited Partnership, on behalf of the limited partnership.



George F. Rizik, II
Notary Public
Genesee County, Michigan
My Commission Expires: 03/06/96

DRAFTED BY AND WHEN RECORDED RETURN TO:

Rizik & Rizik, P.C.
George F. Rizik, II (P30395)
Attorneys at Law
5405 Gateway Centre
Flint, MI 48507
Telephone: (810) 767-8200
d:\wp51\gfr\condo\rush2md2
Revised July 31, 1995

LEGAL DESCRIPTION

That parcel of land added to Moon Shadows On Rush Lake Condominium
in Replat No. 2

Parcel A

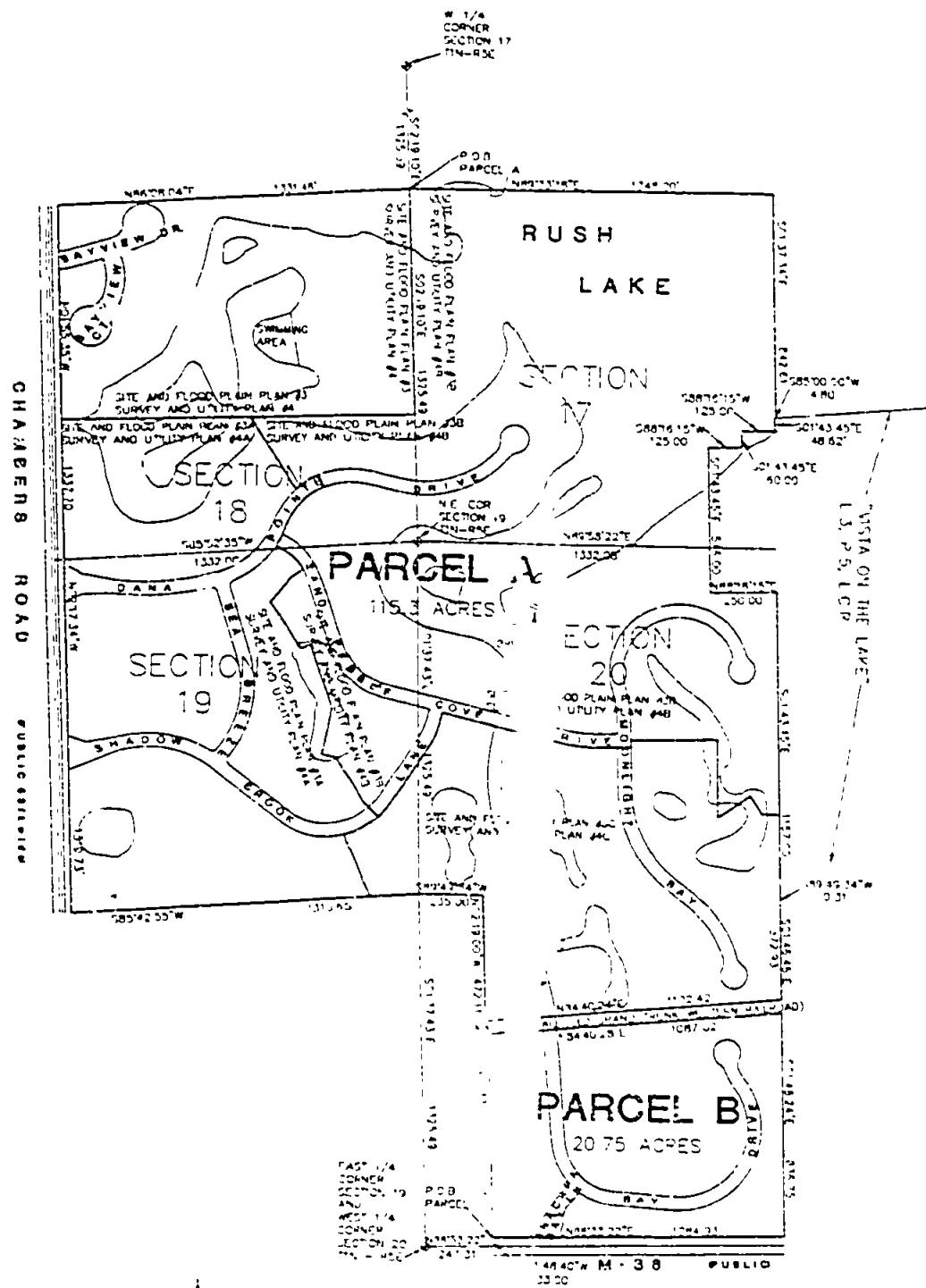
Part of the SW 1/4 of Section 17, part of the SE 1/4 of Section 18,
part of the NE 1/4 of Section 19, and part of the NW 1/4 of Section
20, T1N-R5E, Hamburg Township, Livingston County, Michigan
described as: commencing at the West 1/4 corner of Section 17;
thence S 02°19'10" E along the West line of Section 17, 1325.49
feet to the Point of Beginning; thence N 89°33'18" E, 1348.00 feet;
thence S 01°37'34" E, 842.61 feet to the North line of "Vista On
The Lake", a subdivision as recorded in Liber 3 of Plats on Page 5
of the Livingston Records; thence along the North line of said
"Vista On the Lake", S 85°00'00" W, 4.80 feet to the Northwest
corner of said subdivision; thence along the West line of said
"Vista On The Lake", S 01°43'45" E, 48.62 feet; thence leaving said
West line S 88°16'15" W, 125.00 feet; thence S 01°43'45" E, 60.00
feet; thence S 88°16'15" W, 125.00 feet; thence S 01°43'45" E,
546.00 feet; thence N 88°16'15" E, 250.00 feet to a point on the
West line of said "Vista On The Lake"; thence S 01°43'45" E,
1157.00 feet; thence S 89°49'34" W, 0.31 feet; thence along the
West line of said "Vista On The Lake", S 01°46'48" E, 372.93 feet;
thence along the Northern Right-of-Way line of the Old Grand Trunk
Western Railroad (50 feet wide), S 84°40'24" W, 1102.24 feet;
thence N 02°19'00" W, 472.11 feet; thence S 89°49'34" W, 235.00
feet; thence S 85°42'55" W, 176.99 feet; thence N 24°15'19" W,
219.31 feet; thence N 15°33'41" W, 33.00 feet; thence 137.99 feet
along a curve to the left having a central angle of 26°48'03", a
radius of 295.00 feet and a long chord bearing N 61°02'17" E,
136.74 feet; thence N 42°21'45" W, 83.00 feet; thence N 32°00'33" W,
187.65 feet; thence N 79°05'09" W, 54.36 feet; thence N
10°54'51" E, 179.09 feet; thence N 19°18'37" W, 249.91 feet; thence
S 70°41'23" W, 45.39 feet; thence N 35°25'06" W, 210.65 feet;
thence N 38°59'29" E, 118.83 feet; thence N 56°23'24" E, 62.50
feet; thence 100.79 feet along a curve to the left having a central
angle of 28°10'10", a radius of 205.00 feet and a long chord
bearing N 47°41'41" W, 70.78 feet; thence N 61°46'46" W, 40.32
feet; thence 72.36 feet along a curve to the left having a central
angle of 11°40'43", a radius of 355.00 feet and a long chord
bearing N 26°25'10" E, 72.23 feet; thence 225.53 feet along a curve
to the right having a central angle of 46°59'23", a radius of
275.00 feet and a long chord bearing N 44°04'30" E, 219.27 feet;
thence N 22°25'48" W, 50.00 feet; thence 104.83 feet along a curve
to the left having a central angle of 18°28'49", a radius of 325.00
feet and a long chord bearing S 58°19'47" W, 104.37 feet; thence N
40°54'37" W, 33.00 feet; thence N 33°24'30" W, 232.53 feet; to a
point on an intermediate traverse line being approximately 10 feet
Southeast of the waters edge; thence along said line S 26°09'08" W,
89.78 feet; to a point being approximately 10 feet Southeast of the
waters edge; thence along said line S 48°28'42" W, 88.87 feet; to
a point being approximately 10 feet Southeast of the waters edge;

EXHIBIT ONE

thence along said line S 30°57'03" W, 155.49 feet to a point being approximately Southeast of the waters edge; thence along said line S 42°02'49" W, 58.06 feet to a point being approximately 10 feet South of the waters edge; thence along said line S 67°39'26" W, 107.46 feet; to a point being approximately 10 feet South of the waters edge; thence along said line S 83°26'53" W, 81.84 feet to a point being approximately 10 feet South of the waters edge; thence along said line N 79°21'50" W, 53.86 feet to a point being approximately 10 feet South of the waters edge; thence along said line N 51°46'24" W, 83.00 feet to a point approximately 10 feet Southwest of the waters edge; thence along said line N 18°31'31" W, 71.57 feet to a point being approximately 10 feet West of the waters edge; thence along said line N 16°13'21" W, 191.68 feet to a point being approximately 10 feet West of the waters edge; thence along said line N 54°04'57" W, 68.54 feet to a point being approximately 10 feet West of the waters edge; thence leaving said traverse line S 88°04'25" W, 59.21 feet to a point on the East Right-of-Way line of Chambers Road; thence N 01°55'35" W, along the East Right-of-Way line of Chambers Road, 39.00 feet; thence leaving said Right-of-Way line N 88°04'25" E, 192.92 feet; thence N 40°00'09" E, 557.09 feet; thence N 01°55'35" W, 389.72 feet; thence S 36°08'04" W, 221.88 feet; thence 125.00 feet along a curve to the left having a central angle of 95°29'35", a radius of 75.00 feet and a long chord bearing S 69°17'23" W, 111.03 feet; thence N 68°27'24" W, 25.00 feet; thence N 03°51'56" W, 41.45 feet; thence N 86°08'04" E, 1084.38 feet to the Point of Beginning, containing 115.3 acres, more or less.

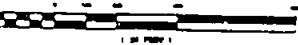
Parcel B

A part of the West 1/2 of the Northwest 1/4 of Section 20, T1N-RSE, Hamburg Township, Livingston County, Michigan, more particularly described as follows: Commencing at the West 1/4 corner of Section 20, said corner also being common to the East 1/4 corner of Section 19; thence along the East-West 1/4 line of said Section 20, and the center line of State Highway M-36, N 88°33'22" E, 247.31 feet; thence N 01°48'40" W, 33.00 feet to a point on the North line of said Highway also being the Point of Beginning of the parcel to be described; thence N 01°48'40" W, 763.16 feet; thence along the Southwly Right-of-Way line of the Old Grand Trunk Western Railroad (50 feet wide), N 34°40'28" E, 1087.02 feet; thence S 01°48'24" E, 836.73 feet; thence along said North line of M-36, S 88°33'22" W, 1084.93 feet to the Point of Beginning, containing 20.75 acres, more or less.

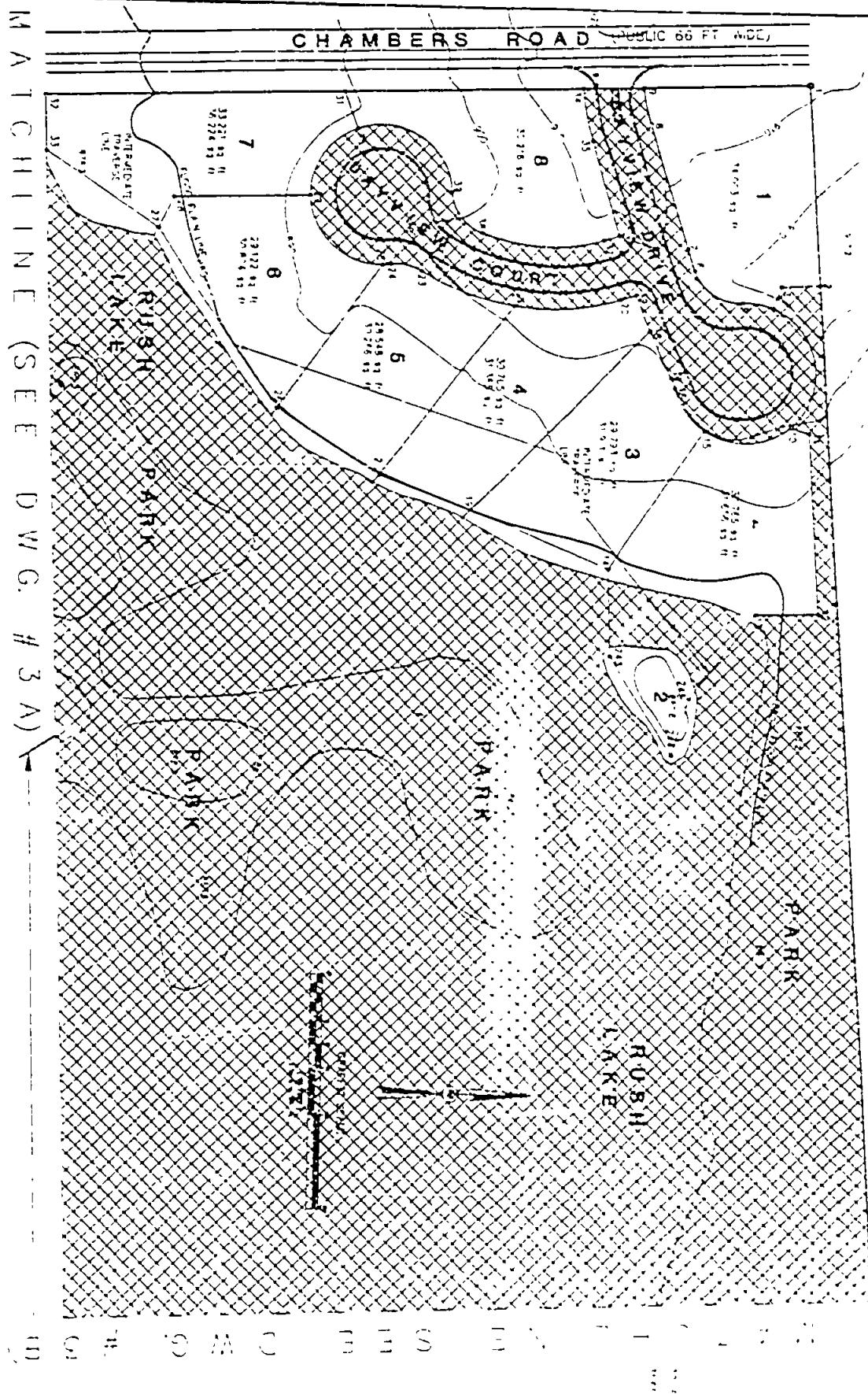


PROPOSED 7-2-85	
MOONSHINE BLOWDOWN RUSH LAKE DEVELOPMENT LTD.	
COMPOSITE PLAN 2	
RUSH LAKE RUSH LAKE DEVELOPMENT LTD. 103 SUPERIOR AVENUE SUITE 400 TORONTO, ONTARIO M5J 1E6	P.DAVISON P.DAVISON P.DAVISON P.DAVISON P.DAVISON P.DAVISON P.DAVISON

GRAPHIC SCALE



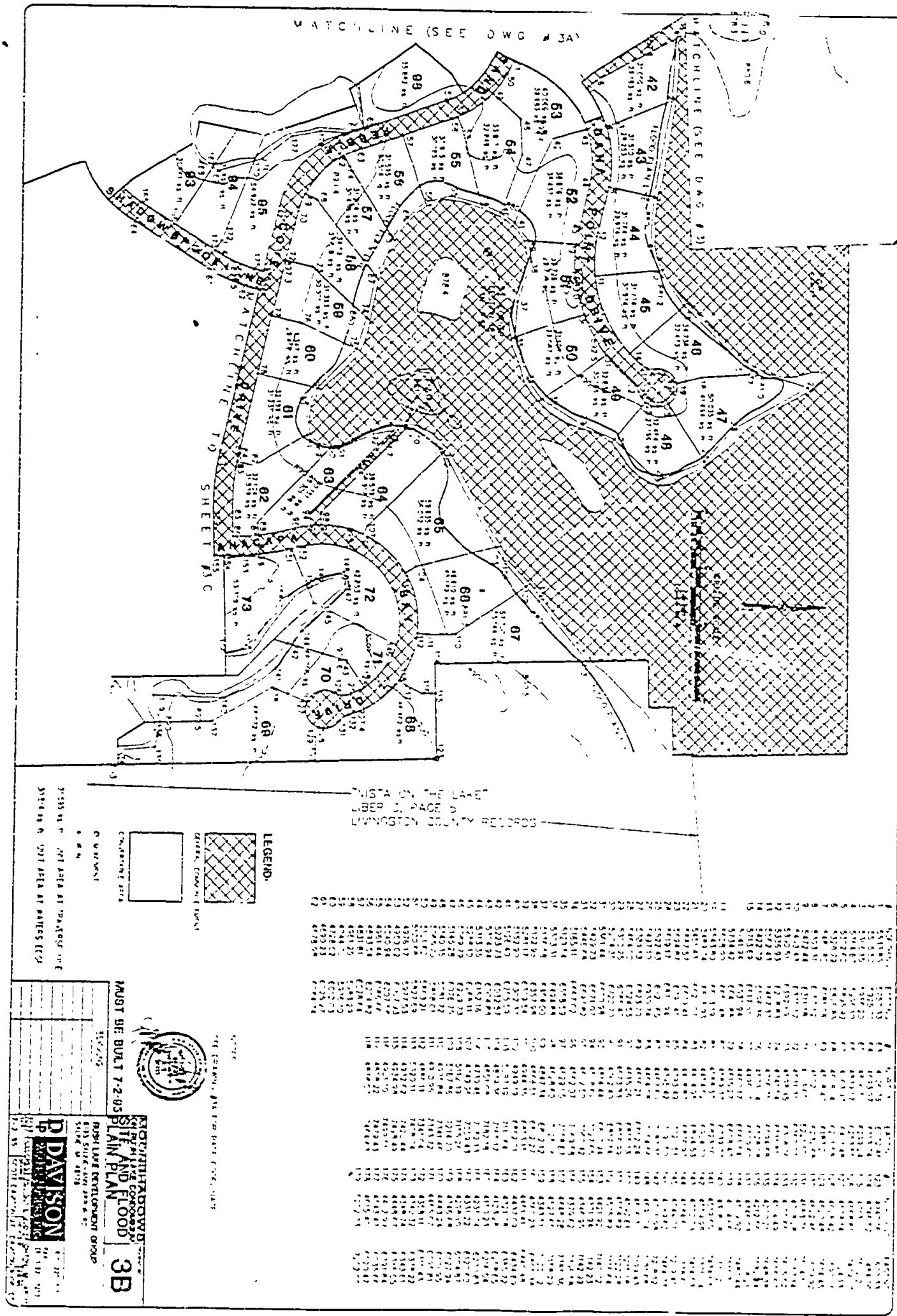
01104 SHEET 10

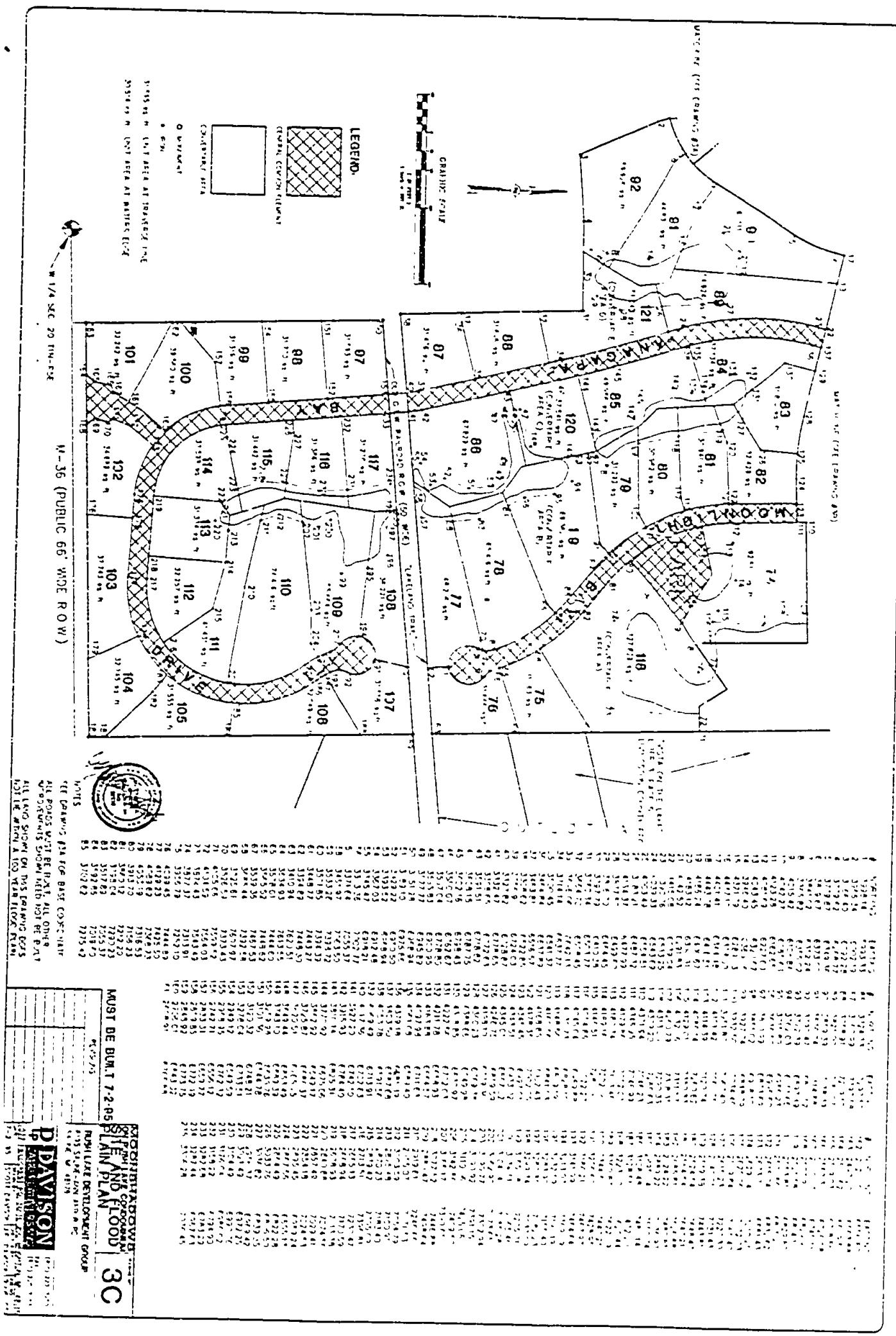


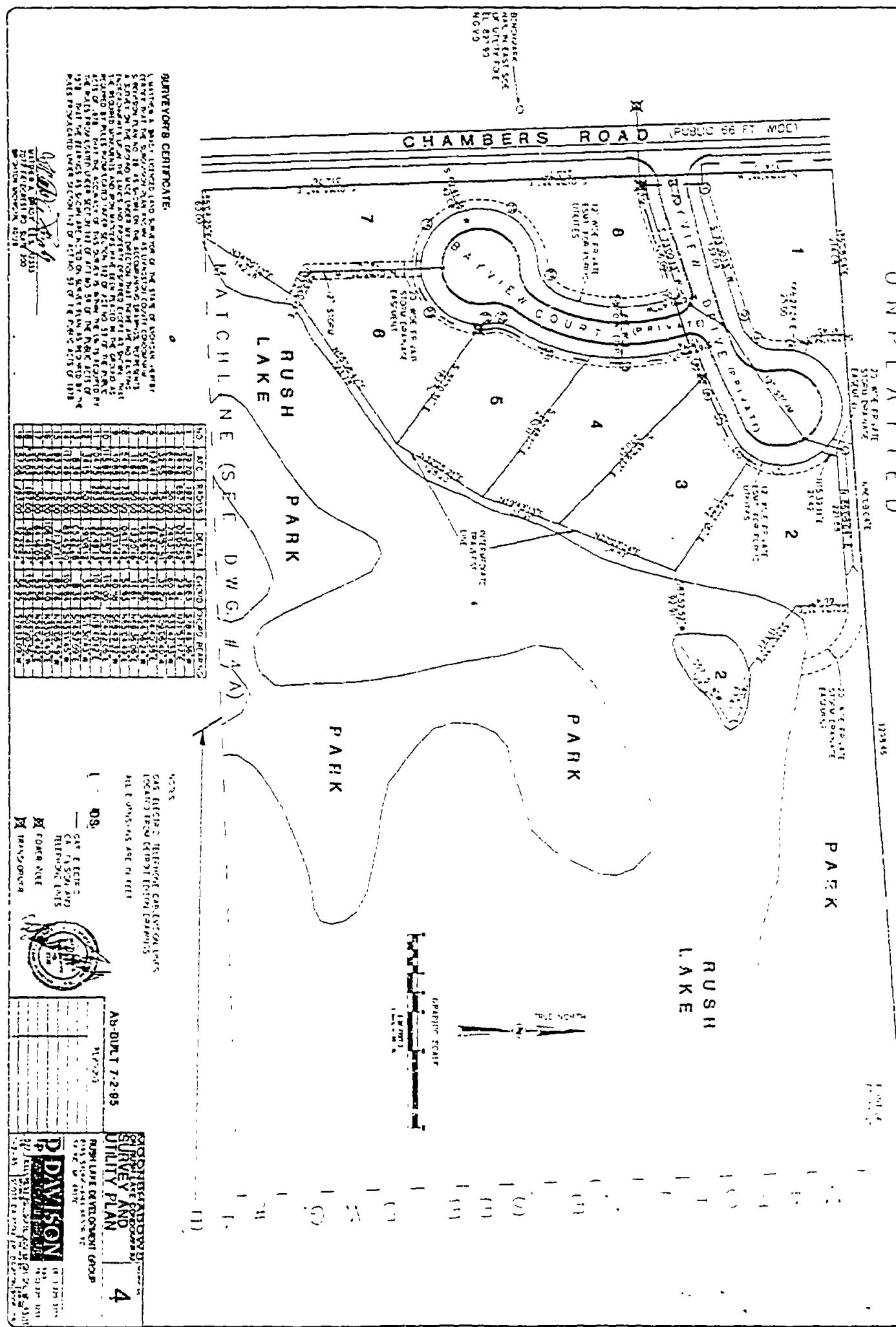
AD BUREAU 7-2-95

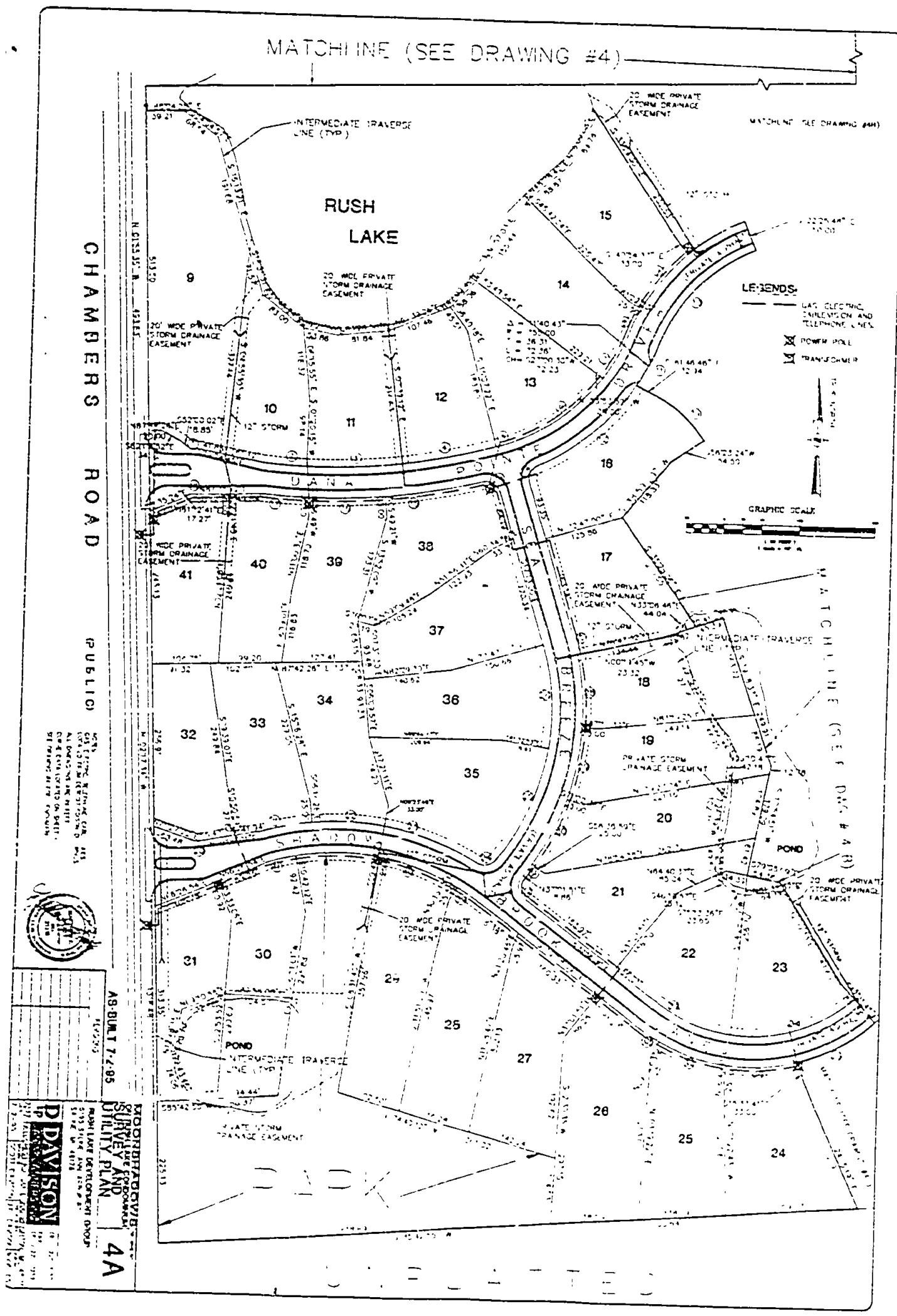
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DAVISON	CONTRACTORS SHEET PLAN ROBINS LAKE DEVELOPMENT GROUP
DAVISON	3

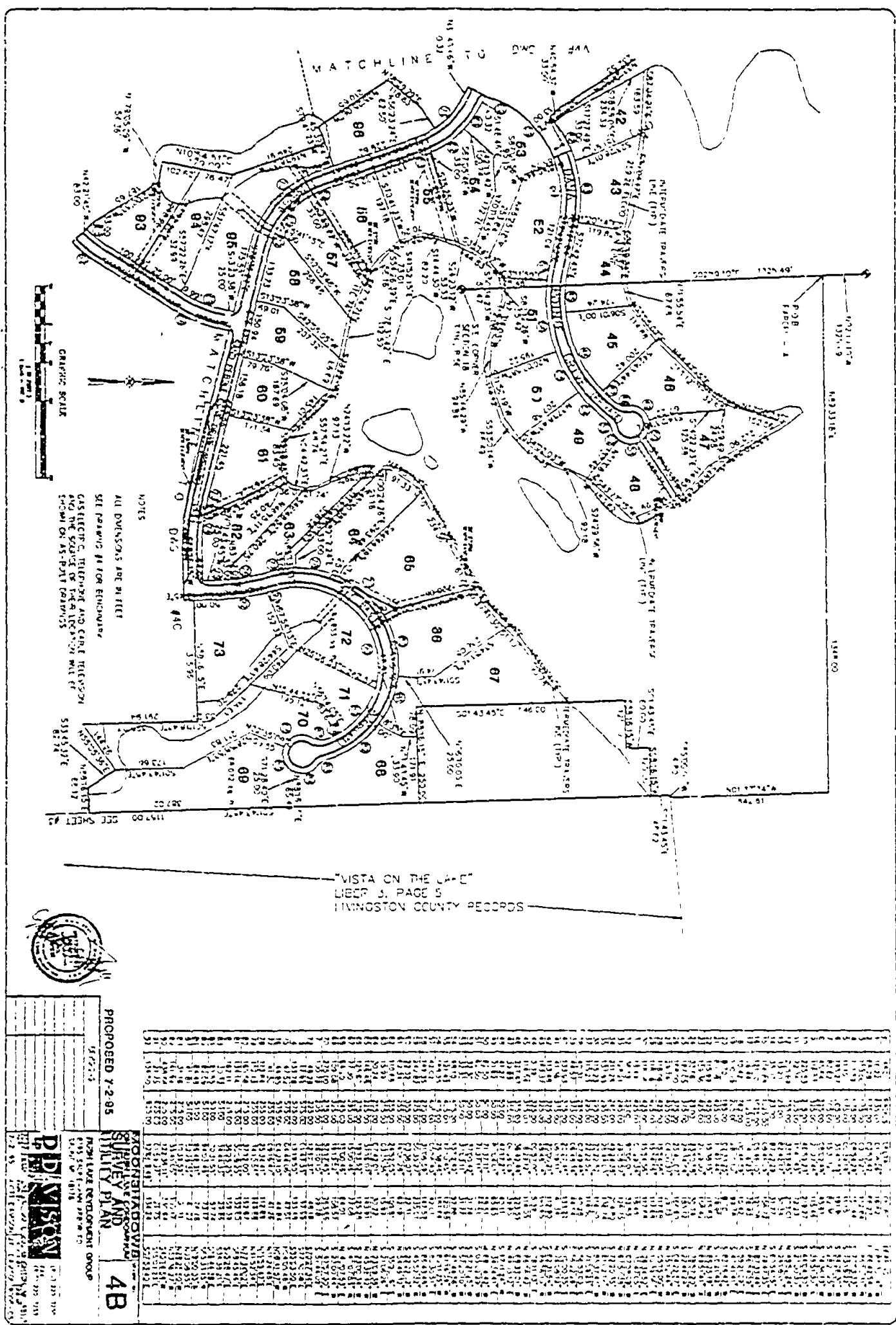


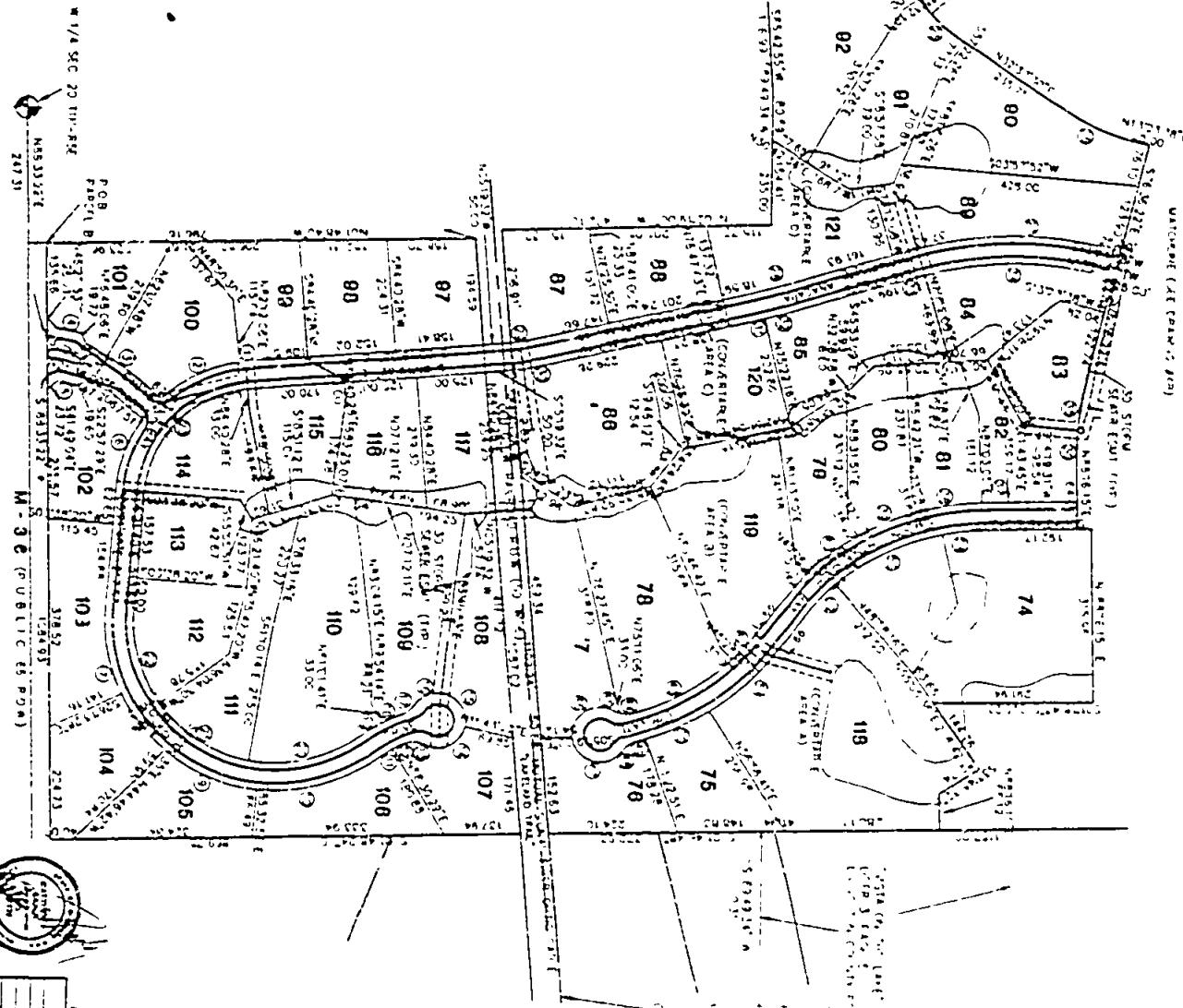
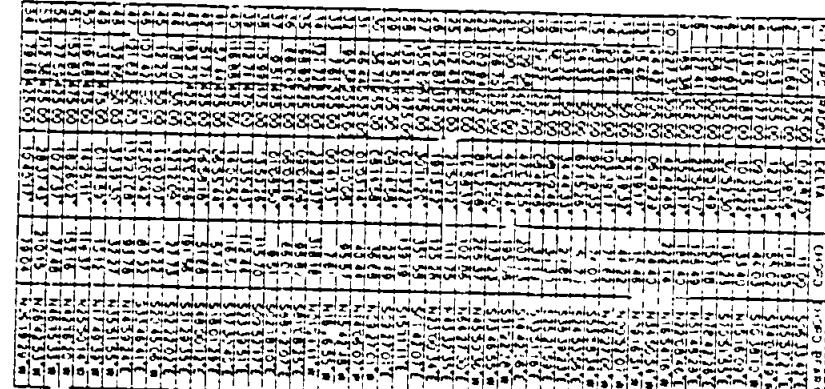






LIBER 1944 PAGE C 116





<i>AS-BUILT 7-2-68</i>	SURVEY PLAT
4C	
PROPOSED SURVEY PLAT	
RIVERLAND DEVELOPMENT GROUP	
DAVISON	

NOTES:
All dimensions are in FEET.
LOT LINES ARE FOR INFORMATION ONLY.
THIS SURVEY WAS CONDUCTED IN THE
STATE OF SOUTH DAKOTA BY,
RIVERLAND DEVELOPMENT GROUP,
WILLIAM DAVIDSON, SURVEYOR,
REG'D. NO. 103232.