

**RESTRICTIVE COVENANT**

This Declaration of Restrictive Covenants is made this 3<sup>rd</sup> day of August, 1996, by Rush Lake Development Group, Limited Partnership, ("Rush Lake Development Group") with offices at 6195 Ann Arbor-Saline Road, Saline, Michigan.

**INTRODUCTION**

1. Rush Lake Development Group is the owner of real property described on the attached Schedule A (now referred to as the "real property").

2. The Land and Water Management Division of the Michigan Department of Environmental Quality ("MDEQ") of the State of Michigan is the agency charged with administering under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, which regulates construction activities at the shoreline of waterfront property and operation of marina facilities in inland waters.

3. Rush Lake Development Group applied to do certain development work that the MDEQ asserts is regulated under Part 301 of the Inland Lakes and Streams Act.

4. Rush Lake Development Group desires to install seasonal docks to create and operate a marina as defined by Section 30101(f) of Part 301, 1994 PA 451, on the western shoreline of Rush Lake within Moon Shadows on Rush Lake Condominium.

5. The MDEQ evaluated the permit application and relevant case law and determined that a permit could be granted for the proposed docks on the real property in exercise of the owner's riparian rights. The proposed permitted work is set forth in the permit, which authorizes the proposed work if certain conditions are met. A copy of the permit is attached as Schedule B.

6. As a condition of issuing the permit (Schedule B), the MDEQ required that Rush Lake Development Group record with the Register of Deeds for Livingston County a covenant which:

- 1) Limits dock construction and vessel mooring by the owners of Units of Moon Shadows on Rush Lake condominium (except those units excepted in Schedule A as attached and incorporated herein);

RECORDED

AUG 3 12 07 PM '96

NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI  
43843

- 2) Authorizes a dock facility consisting of ten (10) seasonal slips and a day use dock, as described in Schedule B; and,
- 3) Restricts future expansion of the dock facility for twenty (20) years.

The marina facility is to be used by the individual owners of Units 1, 8, 16-41 and 68-121 having acquired or received assignment of such right to use, in exercising their waterfront real property rights.

7. This agreement is voluntarily entered into by both parties to settle the permit issues, provide for the reasonable exercise of riparian rights, and protect the public trust and interests in the waters and wetlands of Rush Lake.

#### COVENANTS

NOW, THEREFORE, Rush Lake Development Group, for themselves, their heirs, successors, lessees, or assigns, covenants that:

1. The owners of the riparian units 6, 13, 15, 42-67 of Moon Shadow on Rush Lake Condominium according to the Master Deed as recorded in Liber 1463, pages 923 through 985, Livingston County Records and designated as Livingston County Condominium Subdivision Plan No. 2, may place one seasonal dock of reasonable length, not to exceed 75 feet in length, from the shoreline off the specified unit and moor only watercraft registered in the name of the lot owner of record.

2. Rush Lake Development Group shall not expand or seek to expand, enlarge, or create additional mooring sites on the real property other than the 10 (ten) slips and the open pile mooring dock detailed in Schedule B prior to January 1, 2016. Once the 10 (ten) slips and the day use mooring dock identified in Schedule B are constructed and the marina operating permit issued by the MDEQ, the owners may conduct necessary in kind, in place maintenance and repair in accordance with the approved plan identified on Schedule B.

3. The restrictions contained in paragraph 1 of this covenant shall run with the land in perpetuity, for the owners, heirs, successors and assigns, and be interpreted and enforced in law or equity under the laws of the State of Michigan.

LIBER 2073 PAGE 0110

4. The restrictions contained in paragraph 2 of this covenant shall run with the land until January 1, 2016, at which time the owners of Units having acquired the right to use the permitted docks, and the additional owners of Units 1, 6, 16-41 and 68-121 jointly, and the State of Michigan may reevaluate the size and design of the marina. Reevaluation to be at the discretion of and initiated by the property owners via submission of Application For Permit as appropriate under then existing regulations including scaled and/or dimensioned drawings of any expanded proposal. No proposal which reduces or eliminates the number of docks of the facility will be considered or submitted.

5. That the State of Michigan, appropriate local units of government with jurisdiction, or lake association may bring an action for an injunction or other remedy against any person, county or municipality to restrain or prevent any violation of this Restrictive Covenant upon the owner, heirs, successors, lessees, or assigns.

IN WITNESS WHEREOF, Rush Lake Development Group has executed this Declaration of Restrictive Covenants.

**WITNESS:**

Mary Ann Sova  
Mary Ann Sova  
Susan M. Womble  
Susan M. Womble  
Dated: August 3, 1996

RUSH LAKE DEVELOPMENT

GROUP LIMITED PARTNERSHIP

By: James R. Kremidas  
James R. Kremidas  
Its: General Partner  
General Partner

Prepared by: ①

David J. Haywood (P31307)  
D. HAYWOOD & ASSOCIATES, PC  
618 S. Croyts Road, Suite B  
Lansing, MI 48917  
(517) 886-1410

SCHEDULE A

The Master Deed is recorded at Liber 1463, pages 923 to 985, and amendment to this Master Deed was recorded at Liber 1944, pages 0097 to 0117, Livingston County Records. Units 1 through 117 of Moon Shadows on Rush Lake Condominium is legally described as follows:

Master Deed

Part of the SE 1/4 of Section 18, T1N-R5E, Hamburg Township, Livingston County, Michigan, described as: commencing at the East 1/4 corner of said Section 18; thence S 02°19'10" E along the East line of Section 18, 1325.49 feet; thence S 86°08'04" W, 1084.38 feet to the Point of Beginning of the parcel to be described; thence S 03°51'56" E, 41.45 feet; thence 68°27'24" E, 25.00 feet; thence 125.00 feet along the arc of a curve to the right which has a central angle of 95°29'35", a radius of 75.00 feet and a long chord bearing N 69°17'23" E, 111.03 feet; thence N 86°08'04" E, 221.88 feet; thence S 01°55'35" E, 389.72 feet; thence S 40°00'00" W, 557.09 feet; thence S 88°04'25" W, 192.92 feet to the East Right-of-Way line of Chambers Road, (66 feet wide); thence N 01°55'35" W, along said East Right-of-Way, 805.07 feet; thence N 86°08'04" E, 214.08 feet to the Point of Beginning, containing 8.63 acres, more or less.

First Amended Master Deed

Part of the SE 1/4 of Section 18, and the NW 1/4 of Section 19, T1N-R5E, Hamburg Township, Livingston County, Michigan, described as: Commencing at the East 1/4 corner of said Section 18; thence S 02°19'10" E along the East line of Section 18, 1325.49 feet; thence S 86°08'04" W, 1265.45 feet to a point on the East Right-of-Way line of Chambers Road also being the Point of Beginning of the parcel to be described; thence S 01°55'35" E, 805.07 feet; thence N 88°04'25" E, 59.21 feet to a point on an intermediate traverse line being approximately 10 feet west of the waters edge; thence along said traverse line S 54°04'57" E, 68.54 feet to a point, being approximately 10 feet west of the waters edge; thence along said traverse line S 16°13'21" E, 191.68 feet to a point being approximately 10 feet south of the waters edge; thence along said traverse line S 18°31'31" E, 71.57 feet to a point, being approximately 10 feet southwest of the waters edge; thence along said traverse line S 51°46'21" E, 83.00 feet to a point, being approximately 10 feet south of the waters edge; thence along said traverse line S 79°21'50" E, 53.86 feet to a point, being approximately 10 feet south of the waters edge; thence along said traverse line N 93°26'58" E, 81.84 feet to a point, being approximately 10 feet south of the waters edge; thence along said traverse line N 67°39'26" E, 107.46 feet to a point being approximately 10 feet southeast of waters edge; thence along said traverse line N 42°02'49" E, 58.06 feet to a point, being approximately 10 feet southeast of the waters edge; thence along said traverse line N 30°57'03" E, 155.49 feet to a point being

First Amended Master Deed (Continued)

approximately 10 feet southeast of the waters edge; thence along said traverse line N 48°28'42" E, 88.87 feet to a point, being approximately 10 feet southeast of the waters edge; thence along said traverse line N 26°09'08" E, 89.78 feet to a point, being approximately 10 feet southeast of waters edge; thence leaving said traverse line S 33°24'30" E, 232.53 feet; thence S 40°54'37" E, 33.00 feet; thence 104.83 feet along a curve to the right having a central angle of 18°28'49", a radius of 325.00 feet and a long chord bearing N 58°19'47" E, 104.37 feet; thence S 22°25'48" E, 50.00 feet; thence 225.53 feet along a curve to the left having a central angle of 46°59'23", a radius of 275.00 feet and a long chord bearing S 44°04'30" W, 219.27 feet; thence 72.36 feet along a curve to the right having a central angle of 11°40'43", a radius of 355.00 and long chord bearing S 27°00'30" W, 72.23 feet; thence S 61°46'40" E, 32.94 feet; thence 100.79 feet along a curve to the right having a central angle of 28°10'10", a radius of 205.00 feet and a long chord bearing S 47°41'41" E, 99.78 feet; thence S 56°23'24" W, 54.50 feet; thence S 38°59'29" W, 118.83 feet; thence S 35°25'06" E, 210.65 feet; thence N 70°41'23" E, 45.39 feet; thence S 19°18'37" E, 249.91 feet; thence S 10°54'51" W, 179.09 feet; thence S 79°05'09" E, 54.36 feet; thence S 32°00'33" E, 187.65 feet; thence S 42°21'45" E, 83.00 feet; thence 137.99 feet along a curve to the right having a central angle of 26°48'03", a radius of 295.00 feet and a long chord bearing S 61°02'17" W, 136.74 feet; thence S 15°33'41" E, 33.00 feet; thence S 24°15'19" E 219.31 feet; thence S 85°42'55" W, 1105.64 feet to a point on the centerline of Chambers Road Right-of-Way; thence along said centerline N 02° 17'34" W, 1319.73 feet; thence N 01°55'35" W, 1337.70 feet; thence leaving said centerline N 86°08'04" E, 33.01 feet to the Point of Beginning, containing 36.62 acres, more or less. Subject to the rights of the public over Chambers Road.

SCHEDULE ASecond Amended Master Deed

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 12, 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°05'06" 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 705.00 feet and a long chord bearing N 47°41'41" W, 99.78 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 56°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 20°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, 86.87 feet; to a point being approximately 10 feet Southeast of the waters edge;

Second Amended Master Deed (Continued)

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°26'58" W, 81.64 feet to a point being approximately 10 feet South of the waters edge; thence along said line N 79°21'50" W, 53.66 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°00'00" E, 557.09 feet; thence N 01°55'35" W, 369.72 feet; thence S 86°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°27'21" 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-R5E, 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 Southerly Right-of-Way line of the Old Grand Trunk Western Railroad (50 feet wide), N 84°40'28" E, 1087.02 feet; thence S 01°48'24" E, 836.75 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.

UNITS EXCEPTED FROM RESTRICTIVE COVENANT

The real property to be included in this Restrictive Covenant by Rush Lake Development Group are Units 1, 6, 8, 13, 15 through 117 of Moon Shadows on Rush Lake Condominium.

The following units of Moon Shadows on Rush Lake Condominium are excepted from this Restrictive Covenant by Rush Lake Development Group:

Unit 2, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Unit 3, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Unit 4, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Unit 5, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Unit 7, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Unit 9, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985 and an amendment thereto recorded in Liber 1570, Page 522, Livingston County Records, and designated as Livingston County



Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Unit 10, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985 and an amendment thereto recorded in Liber 1570, Page 522, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Unit 11, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985 and an amendment thereto recorded in Liber 1570, Page 522, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Unit 12, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985 and an amendment thereto recorded in Liber 1570, Page 522, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Unit 14, Moon Shadows on Rush Lake Condominium, according to the Master Deed thereof as recorded in Liber 1463, Pages 923 - 985 and an amendment thereto recorded in Liber 1570, Page 522, Livingston County Records, and designated as Livingston County Condominium Subdivision Plan No. 28, together with rights and general common elements and limited common elements as set forth in the above Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

LINE#2073 PAGE0117

## SCHEDULE B

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
PERMIT

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D  
Rush Lake Development Group  
Ltd. Partnership  
1108 Lake Valley Drive  
Fenton MI 48430

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Permit No. 92-11-0C11  
Issued July 12, 1996  
Extended  
Revised  
Expires December 31, 1998  
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This permit is granted under the provisions of the Natural Resources and Environmental Protection Act 451, P.A. 1994 and specifically:  
Part 301 Inland Lakes & Streams

\*- Permitted Activity -----\*

Construct an open pile 10 slip marina facility for property owners of Moon Shadows. Place one 20 foot open pile dock for the mooring of two vessels for day use only at the facility.

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Water Course Affected: Rush Lake  
County: Livingston Town: OLN Range: 05E Sections: 17 18  
Subdivision: Moonshadows Lot:  
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Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee in exercising the authority granted by this permit shall not cause unlawful pollution as defined by Part 31, Water Resources Protection of Act 451, P.A. 1994.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached hereto.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of certain federal assent, all local permits or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the Department of Environmental Quality within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached, preaddressed post card to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the Department of Environmental Quality.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific State Act, Federal Act and/or Rule under which this permit is granted.
- L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

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Rush Lake Development Group  
Ltd. Partnership  
1108 Lake Valley Drive  
Fenton MI 48430

Permit No. 92-11-0011	
Issued	July 12, 1996
Extended	
Revised	
Expires	December 31, 1998

PERMIT LIMITATIONS, continued

Prior to initiation of construction, a pre-construction meeting shall be held with the contractor, permittee and/or his/her representative, and representatives of the Department of Environmental Quality (DEQ). At or prior to the time of the pre-construction meeting, permittee shall submit scaled or dimensioned final construction plans. Final construction plans to be approved by DEQ prior to initiation of construction. To arrange the required pre-construction meeting, contact Hal Harrington, Land and Water Management Division, P.O. Box 30458, Lansing, MI 48909-7958.

This permit does not authorize any dredging or earth moving activities.

Permittee is cautioned that all activity herein authorized is for CONSTRUCTION OF THE 10 SLIP AND 20 FOOT OPEN PILE DAY USE MOORING DOCK MARINA FACILITIES ONLY AND DOES NOT AUTHORIZE OPERATION OR USE OF NEWLY PERMITTED SLIPS. Permittee is required, pursuant to Part 301, Inland Lakes and Streams of Act 451, P.A. 1994, to secure a Marina Operating Permit for the new facilities prior to putting them into service. Upon completion of the permitted marina construction the permittee shall submit scaled or dimensioned as-built drawings to the DEQ. Notification must also be made to the Land and Water Management Division of the DEQ for the final compliance inspection prior to operation of the marina. Until the above required information is submitted the Marina Operating Permit application is considered incomplete.

Dock(s) shall be of open construction without fill, maintaining free water movement and circulation.

The authority granted by this permit is contingent upon recording of a Deed Restriction on the subject property described by the metes and bounds survey for the subject Moon Shadows Development consisting of the three elements listed below and found in this permit:

1. The Permittee, heirs and assigns shall not expand or seek to expand the authorized 10 slip capacity of the marina prior to January 1, 2016. After January 1, 2016, the property owners may apply for the appropriate permits as may be required.
2. Owners of riparian lots 6, 13, 15, and 42-67 inclusive as identified on Moon Shadows Plat may place a seasonal dock with vessel mooring restricted to only watercraft registered in the riparian site condo unit owners names.

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 S T Rush Lake Development Group  
 U O Ltd. Partnership  
 E 1108 Lake Valley Drive  
 C Fenton MI 48430

Permit No. 92-11-0011	
Issued	July 12, 1996
Extended	
Revised	
Expires	December 31, 1998

PERMIT LIMITATIONS, continued

3. This permit does not authorize construction of a boat launch on the Moon Shadows Development. Lot owners of record of Moon Shadows Development shall have access to and share the Rush Lake Homeowners Association launch, as dues paying members of Rush Lake Homeowners Association, per Hamburg Township variance granted February 14, 1996, and written agreement between Rush Lake Homeowners Association and permittee.

These restrictions shall be in the Master Deed, and recorded as restrictions of record on the units.

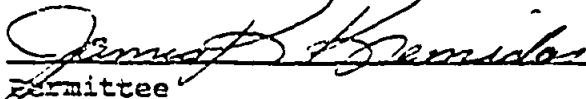
The attached Restrictive Covenants shall be recorded with the Livingston County Register of Deeds within ten (10) business days of DEQ permit issuance.

Permittee covenants not to sue the State of Michigan, or any of its departments, boards, commissions, officers, employees, or agents for any claim, whether legal or equitable, arising under or in any manner related to the privileges granted in this Permit. Permittee hereby releases, waives, and discharges the State of Michigan and all of its departments, boards, commissions, officers, employees, and agents from any and all liability to permittee arising under or in any manner related to the privileges granted under this permit.

Permittee agrees to indemnify the State of Michigan and all of its departments, agencies, boards, commissions, officers, employees, and agents from any and all liability arising under or in any manner related to the issuance of the Permit or the privileges granted under this Permit.

This permit shall become effective on the date of signature by Department of Environmental Quality officer. Upon signing by the permittee named herein, this permit must be returned to the Land & Water Management Division, Department of Environmental Quality, Submerged Lands Management Unit for final execution.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.


 Permittee \_\_\_\_\_

May 29, 1996  
 Date

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S  
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D  
Rush Lake Development Group  
Ltd. Partnership  
1108 Lake Valley Drive  
Fenton MI 48430

Permit No. 92-11-0011	
Issued	July 12, 1996
Extended	
Revised	
Expires	December 31, 1998

PERMIT LIMITATIONS, continued

Russell J. Harding  
Director, Department of Environmental Quality

by: *Byron Amstrong* for  
Hal J. Harrington  
Land and Water Management Division

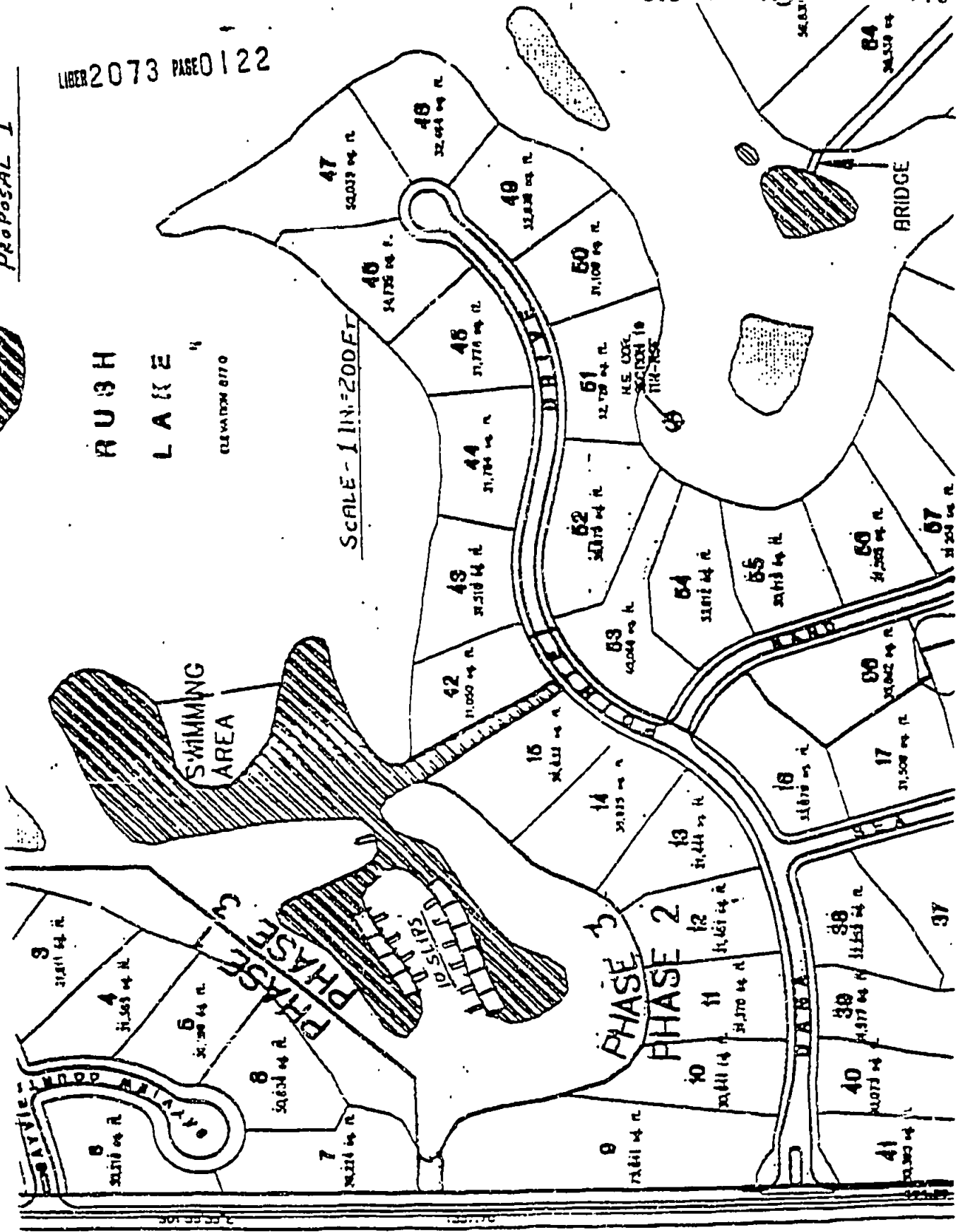
CC: Shiawassee Office Law Supv.  
Shiawassee Office LWMD  
Livingston County Dept. Public Health  
Hamburg Township Clerk  
Rush Lake Homeowners Association

Proposal 1

LIBER 2073 PAGE 0122

RUSH LAKE  
ELEVATION 8770

SCALE - 1 IN. = 200 FT.



PHASE 1 PHASE 2 PHASE 3