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NANCY HAYLAND
REGISTER OF DEEDS
LIVINGSTON COUNTY, MI.
48843

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ROLLING OAKS SUBDIVISION #2
BUILDING AND USE RESTRICTIONS

The restrictions herein appearing shall apply to the following described property:

Situated in the City of Howell, County of Livingston, State of Michigan:

Lots 105-211 Rolling Oaks Subdivision #2, according to the plat thereof as recorded in Liber 36 Pages 27 through 33, both inclusive, Livingston County Records

and shall constitute a general plan for the improvement and development of said property as a residential community. These restrictions are intended to fully protect each lot and these restrictions shall run with the land and shall be binding upon the grantors and all subsequent purchasers, their heirs, successors, administrators and assigns. By inference or otherwise, these restrictions are not to be construed as applying to any lands other than the lots described above.

1. **LAND USE:** All lots or units in the property shall be used as, known as and described as residential lots. No permanent structure shall be erected, altered, placed on or permitted to remain on any lot other than one single family dwelling and attached garage, and such other buildings and auxiliary structures having in the aggregate no more than one hundred (100) square feet of floor space and are built on concrete slab, as are consistent with or incidental to the residential use of the property. No structure of a temporary character, no trailer, basement, tent, shack, garage, barn or other building shall be used on any lot at any time as a residence, either temporarily or permanently. No temporary building shall be permitted to remain on any lot except as may be necessary or incidental to the promotion and sale of the properties herein, or incidental to the construction of a permitted building.

2. **LOT SIZE:** No lot shall be reduced in size without the express prior written consent of the Declarant and the City of Howell. Lots may be enlarged by consolidation of adjoining lots providing such lots are under one ownership. In the event that consolidated lots are used for one dwelling all restrictions herein contained shall apply to the consolidated lots as if a single lot, except that dues and assessments shall apply to each component lot.

3. **BUILDING SIZE:** Minimum size for homes shall be the minimum required by municipal ordinance. Notwithstanding the foregoing, Declarant shall be entitled to require larger building sizes as Declarant in Declarant's sole discretion deems appropriate so long as Declarant owns any lots in the subdivision. All homes shall have attached garages for no less than two (2) cars.

4. **SETBACK MINIMUMS:**

A. **FRONT BUILDING LINE:** Front yards shall be a minimum of thirty (30) feet from any internal public street right of way, except that lots 131 through 135, 152 through 155, 188 and 189 shall have a twenty-five (25) foot minimum front yard setback.

B. **CORNER LOTS:** Lots which front on two streets shall be considered as having two front building lines requiring setbacks from the right of ways to be a minimum of thirty (30) feet each, except that lots 162, 171, 172, 181 and 195 shall have a twenty-five (25) foot minimum side yard for the side (otherwise considered hereunder as being a front building line) adjacent to the street.

Anything herein to the contrary notwithstanding, the minimum distances in this Paragraph 4 may be reduced to the extent permitted or waived by the City of Howell and provided the Declarant or its authorized representative has specifically consented to such reduction in writing.

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5. **FENCES:** No fence, freestanding wall or hedgerow may be erected on any lot without prior written approval of Declarant. Upon approval of the materials and color, which shall be uniform with finish side of fence on the exterior, Declarant shall approve six (6) foot fences along the lot lines which run along N-59 and/or Byron Roads. Additionally, four (4) foot cyclone fences shall be allowed to enclose swimming pools and dog runs, subject to Declarant's approval of the dimensions and location of same.

6. **PLAN APPROVAL:** No building permit shall be applied for and no grading, clearing or building of any kind whatsoever shall be commenced, erected or maintained on any lot, nor shall any addition to or change or alteration to any existing building or grade be made, until such time as proposed plans, specifications, building elevations and finish grading proposals are delivered to Distinctive Land, Inc. or its authorized agent for prior written approval of same and such approval is obtained or there is a failure to act upon same as provided herein. Such approval is hereby established a necessary method of guiding the development of the property as a planned and restricted community.

Within thirty (30) days after submission of the foregoing, Distinctive Land, Inc. or its authorized agent will approve or disapprove the request; failure to act within the said period will constitute approval as submitted, except that failure to obtain approval because of lapse of time shall not give the lot owner the right to deviate from the requirements of the building and use restrictions elsewhere set forth in this instrument nor the right to deviate from the finish grade shown on the engineering plans filed with and approved by the City of Howell. Further, no structure, earth fill, landscaping or other obstruction is to be placed on or adjacent to a lot line drainage area contemplated by said drainage plans. The determination of Distinctive Land, Inc. or its authorized representative in approving or rejecting proposed plans, specifications, elevations, and grading shall be, in the event of a dispute, final.

Notwithstanding anything to the contrary, all persons shall comply with the City of Howell zoning and building ordinances in addition to the restrictions set forth herein. In the case of a conflict between these restrictions and the City of Howell Zoning and/or Building ordinances, the stricter standard shall prevail.

Each residence shall be completed within one (1) year from the date of first starting construction thereon.

7. **NUISANCES:** No noxious or offensive activity shall be carried on or permitted upon any lots or shall anything be done thereon which is or may be an annoyance or nuisance to adjacent or other lots owners. All appurtenances shall conform to any and all regulations of every governmental agency having jurisdiction thereover.

8. **SIGNS:** Other than signs used for promotional purposes during development and construction, no sign of any kind shall be displayed to the public view on any lot except on a sign not more than six square feet used to advertise the property for sale or rent and except for entryway signs or walls with signage thereon installed by Declarant or the Association to identify the property. Any sign displayed shall be maintained in good condition and shall be removed upon termination of use.

9. **LIVESTOCK AND POULTRY:** No animals, livestock, birds, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or other common household pets may be kept provided they are not kept, bred or maintained for any commercial purposes.

10. **REFUSE:** No lot shall be used or maintained as a dumping ground for rubbish or debris of any kind. Trash and other forms of waste shall not be kept on any lot except in closed sanitary containers properly concealed from public view. No trash or waste shall ever be kept on the park areas.

11. **SUBSTITUTION OF APPROVING PARTY:** Declarant has the right at any time or times hereafter to substitute for itself as to all or a portion of the property the Association and/or a building or builders as the party from whom approval must be obtained under any or all provisions of this instrument requiring the approval of Declarant.

12. **LAWNS:** The homeowner of each lot shall install a lawn on the front, sides, and rear of its lots within six (6) months after taking residential occupancy of the house built on such lot, except no lawn is required hereunder for any area of the lot that is tread.

13. **TREES AND SIDEWALKS:** Prior to issuance of a Certificate of Occupancy

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ROLLING OAKS NO. 2, a subdivision of part of the Northwest 1/4 of Section 26, Town 3 North, Range 4 East, City of Howell, Livingston County, Michigan:

Commencing at the East 1/4 Corner of Section 26, Town 3 North, Range 4 East, City of Howell, Livingston County, Michigan; thence N87°33'20"W 2649.86 feet along the East - West 1/4 line of said section to the Center of said section; thence continuing N87°33'20"W 686.86 feet along said East - West 1/4 line; thence N02°08'25"E 456.79 feet along the Westerly line of "Rollings Oaks" a subdivision as recorded in Liber 31 of Plats, Pages 13 through 17, inclusive, Livingston County Records, for a PLACE OF BEGINNING; thence N87°03'32"W 446.23 feet; thence N02°02'49"E 167.41 feet; thence N87°42'48"W 200.00 feet; thence N01°52'12"E 784.66 feet; thence N01°56'20"E 953.87 feet; thence S87°25'55"E 769.34 feet; thence the following 15 courses along said Westerly line of "Rolling Oaks": S05°05'04"E 267.83 feet; S21°09'12"E 129.88 feet; S02°34'05"W 154.03 feet; S87°25'55"E 47.00 feet; S02°54'08"W 186.00 feet; N87°25'55"W 50.57 feet; S02°34'08"W 136.82 feet; S12°18'35"E 722.05 feet; S02°08'25"W 69.37 feet; S87°51'45"E 35.54 feet; S02°08'25"W 126.00 feet; S87°51'35"E 67.07 feet; S02°08'25"W 195.00 feet; N87°51'35"W 337.07 feet; and S83°15'29"W 138.50 feet to the Place of Beginning.

land.

Containing 40.06 acres of

Containing 107 lots numbered 105 through 211, inclusive, and containing 4 parks.