

LAKE SHERWOOD

DEED RESTRICTIONS

These Lake Sherwood Restrictions, as adopted by the Lake Sherwood Association, Inc. By Laws (revised November 6, 1987), are to be enforced and maintained by the Association in accordance with the legal documentation applicable to all properties identified in the Association Territory.

1.LAND USE AND BUILDING TYPE (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

a.No lot or building plot shall be used except for residential purposes. No structure shall be erected, altered, placed or permitted to remain on any lot or building plot other than one detached single family private dwelling not to exceed two (2) stories in height above grade level. The grade level hereinafter mentioned is the grade level at the building line on the street side of the house.

b.No structure shall be erected, placed or altered or permitted to remain on any lot or building plot containing less than one full lot as presently subdivided. However, nothing herein contained shall be construed to prohibit the sale by the owner of land in excess of a minimum required frontage of 100 feet to the owner of adjoining lot or lots in order to increase the size of an adjoining building plot, but nothing herein contained shall be construed as to permit the division of the lots into building sites or building plots in excess of the number of lots in said subdivision. The words "building plot" as herein used shall be construed to mean one (1) full lot as presently subdivided plus additional land, if any added thereto by purchase from the owner of adjacent lot(s), or fractions thereof. No splitting of any subdivided lot can take place without the approval of the Charter Township of Commerce or their duly authorized agent or agents.

c.ARCHITECTURAL CONTROL

No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the proposed location of the structure on the lot or building plot have been approved by the Architectural Control Committee as to quality of workmanship and material, harmony of external design with existing structures and as to location with respect to topography, finish grade elevation, existing shade trees, building lines and these restrictions. The Architectural Control Committee expressly reserves the right to reject any plan submitted because of lack of harmony or external design with existing structures, or because of too great a similarity to nearby existing structures; or any plans that, respecting front building line, do not harmonize with nearby shade trees. Approval shall be hereinafter provided.

2. RESIDENCE STRUCTURES (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

- a. No residence structures exceeding two (2) stories in height above grade level will be permitted.
- b. No residence structure shall be erected, altered, placed or permitted to remain on any lot or building plot, unless such a structure shall have a square foot area above grade level of:
 1. Ranch type, one floor, on cement slab, minimum 1500 square feet.
 2. Ranch type, one floor, with crawl space, minimum 1300 square feet.
 3. Two level ranch (on level on top of the other) being a ranch type one floor above grade level with an open exposed basement, minimum 1300 square feet; basement not required to be finished.
 4. Bi-level home, the lower level of building being below grade level a maximum of five feet and above grade level 1 1/2 stories high. Both levels being completely finished as livable home area with no less than 2000 square feet in area.
 1. Tri-level home, being 1 1/2 stories high above grade level, floor area of two upper floors combined, 1300 square feet minimum.
 2. Two story home, being two stories above grade level, floor area at the grade line shall be a minimum of 1000 square feet, provided there is at least 2000 square feet completely finished as livable home area.
 3. One and one half story home being 1 1/2 stories above grade level, minimum 1800 square feet.
- c. The exterior walls of residence structures including all enclosed heated areas and garages shall be constructed of a minimum of 40% natural stone or brick of equal quality, window area of home excluded, the balance may be artificial stone, Cedar, White Pine, Aluminum, Vinyl, Redwood, Cypress or any other acceptable material generally used in the home building industry. These materials may be used as additional siding materials with an exposure of not less than eight inches to the weather. Vertical tongue and groove siding or ornament exterior plywood may also be used. No cinder or concrete block may be used in the exterior walls if they are to be exposed to the weather. The Architectural Control Committee shall have the authority to approve any material, which in their opinion is of equal or superior quality.
- d. No old or used structures of any kind shall be moved upon any lot or building plot. No structures of a temporary character-- trailer, basement, tent, shack, garages, barn or other out-building--shall be constructed or placed on any lot or building plot or used on any lot or building plot at any time as a residence, either temporarily or permanently. In the event an owner or occupant shall have a private trailer, truck or commercial vehicle, the same must be housed in a suitable private garage.

3. GARAGES, BARBEQUES, AND BREEZEWAYS (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

- a. Garages, breezeways, and porches shall have exterior walls constructed only of material

permitted for the main-residence structure.

b.No animal, livestock or poultry of any kind shall be raised, bred or kept as household pets, provided that they are not kept, bred, or maintained for commercial purposes. Dog kennels for the use of such household pets may be built only integral with the garage. No noxious or offensive odors or excessive, offensive or objectionable noise, whether arising on account of maintenance or permitted pets, or otherwise, will be permitted on any lot or building plot.

4.BUILDING AND GRADE LINES (Does not not apply to Area 20 - AKA Lake Sherwood Area 11)

The maximum finish grade line and the minimum finished grade line of each lot shall be individually established by the Architectural Control Committee. No structure shall be erected, altered, placed or permitted to remain on any lot unless the finished grade thereof shall conform to the line established by said Architectural Control Committee upon presentation of proposed plans and specifications covering proposed construction on such lot. Finished grade line shall be shown on the plot plan and be in relationship to the centerline elevation of the street at the centerline of the lot.

a.No structure shall be erected, altered, placed or permitted to remain on any lot nearer than 25 feet to any front street line nor nearer than 30 feet from the water's edge nor nearer than 25 feet to any side street line or nearer than 10 feet to any interior side lot line except as follows: The Architectural Control Committee shall have full discretion and authority to alter any of the building line restrictions, as set forth in Paragraph (b) above, when deemed necessary to harmonize with existing adjacent structures or approved structures, to preserve shade trees or when in its opinion, topography shall so require.

c.Building and grade line minimum elevation: (Subdivisions No 15 and 16 Lots only)

The minimum finished grade line elevation on all lots at the completion of the construction of residence structures shall be 936.00 feet U.S.G.S. Datum.

5.EXTERIOR COMPLETION (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

The exterior of all resident structures, garages and breezeways must be completed, including at least two coats of paint or varnish on all exterior woodwork within nine months from the date of commencement of construction.

6.RUBBISH FACILITIES (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

No lot or building plot shall be used as a dumping ground for rubbish or for storage of materials, except for such materials as are necessary for and used in the course of construction. No outdoor trash cans or collection containers shall be permitted on any lot after completion of main residence structure, unless enclosed and hidden from view.

7.VEGETABLE GARDENS (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

No vegetable garden on any lot or building plot shall have an area of more than 3,000 feet. Vegetable gardens, if any, shall be planted only on the rear half of the lot. In case of corner lots, no part of any vegetable garden shall extend nearer than 25 feet to any side street line.

8.OUTBUILDINGS (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

No outbuildings of any kind shall be constructed, erected, placed, or maintained on any lot or building plot except two-car (or larger) garages, boat docks, breezeways, and children's playhouses as herein provided, no boat houses will be allowed. The design, size, materials and location must be approved by the Architectural Control Committee. Building lines on boat docks and children's playhouses shall be established by the Architectural Control Committee, and shall not necessarily be restricted by the ten foot minimum as established for residence structures.

9.FENCES (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

No fence other than living shrubs and wood fences or corral or picket type will be permitted. Corral or picket type wood fences may be erected on side and street sidelines, extending only from the road on the sidelines to the lakefront side of the residence building line, provided that such fence shall not exceed three feet in height. No fence shall be permitted in front of the lakefront building line of the main residence structure.

No hedge or living shrub will be permitted in front of front building line exceeding four feet in height. An area enclosed with cyclone or chain-link fence not more than four feet in height for use as children's play area or pet dog runway will be permitted only when approved as to area, location and type of fencing by the Architectural Control Committee. So called patio or privacy fences may be permitted when approved by the Architectural Control Committee and only then when permission has been received from the adjoining property owners on each side of the proposed patio or privacy fence property. Area, location, height and type of fencing must be approved by the Architectural Control Committee.

10.LANDSCAPING (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

Basic landscaping including finished grading and seeding or sodding and installation of driveways must be completed within nine months after date of occupancy.

11.SEPTIC TANK AND WELLS (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

At least one septic tank for the proper and sanitary disposal of sewage shall be installed for each residential building built. No septic tank shall be installed nearer than ten feet to any boundary line of any lot. No septic tank or other means of sewage disposal shall be installed until approved and permitted by the State Board of Health or by other lawfully constituted and authorized public authority having jurisdiction. Wells must be placed at least 50 feet from the septic system. According to the provisions stipulated by the Oakland County Health Department, all sewage disposal facilities must be located on the roadside frontage of each lot wherever applicable. Special conditions of installation will be delineated on each sewage disposal permit, for each lot, as they are issued by the Oakland County Health

Department.

12. SEWAGE DISPOSAL, AND DOMESTIC WATER SUPPLY (Subdivisions No. 15 & 16 Lots only)

- a. All dwellings shall be served by a sewage disposal system. During the initial development of the subdivision, private septic tanks and drain fields constructed in compliance with the regulations of the Oakland County Health Department and with applicable Michigan Department of Health regulations may be installed. All toilet facilities must be located inside a dwelling.
- b. All dwellings shall be served by a potable water supply system. All wells on individual lots shall be drilled by a well driller licensed by the State of Michigan to a depth of not less than 25 feet and a complete well log form for each potable water well shall be submitted to the County or District Health Department within 60 days following completion of such well.
- c. At some time subsequent to the initial development, it may be necessary to construct a community water supply and sewage disposal system. The construction of such public systems may be financed in whole or in part, by the creation of a special assessment district or districts which may include all original lots. The acceptance of a conveyance or the execution of a land contract by any owner or purchaser shall constitute the agreement by such owner or purchaser, his heirs, executors, administrators and assigns that such owner or purchaser will execute any petition circulated for the purpose of creating such a special assessment district and will vote in favor of the creation of such a district in any referendum called for that purpose. Further each owner will pay such special assessments as may be levied against his lot by such special assessment district and shall take the necessary steps as required by the appropriate state, county and township agencies to connect at his own expense, his water intake and sewage discharge facilities to such community system within 90 days following the completion of said system or systems.

13. BASEMENT FLOOR ELEVATIONS (Subdivision No 15 and 16 Lots only)

On all lots where basements are to be included as part of the residence structure the local municipality or governmental agency that is authorized to issue the building permit shall be contacted or their approval as to the grade elevation allowed for the basement floor in order that basement floor elevation shall not be constructed below any sewer or proposed sewer elevations. Even though flood plain limits are established it is conceivable that some basement floor elevation might need to be above the limits set forth in FLOOD PLAIN .

14. ARCHITECTURAL CONTROL COMMITTEE (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

The Architectural Control Committee is composed of Lewis Easlick, Gordon Easlick, Charles R. Martin, and Walter G. Weinlander. A majority of the Committee may designate a representative to act for it. In the event of the death or resignation of any member of the Committee, the remaining members shall have full authority to designated representative shall be entitled to compensation for services performed pursuant to this covenant. The Committee's approval or

disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representative fails to approve or to disapprove within thirty (30) days after submission to it of plans, specifications and written request for the approval thereof signed by the owner, or in any event, if no suit to enjoin construction has been commenced prior to completion thereof, approval will not be required and the related covenants shall be deemed to have been complied with. Written approval of proposed plans and plot plans must be obtained from the Architectural Control Committee before the township is authorized to issue a building permit.

15.GENERAL PROVISIONS (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

These covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of 35 years from and after the recording of this agreement, after which date covenants shall be periodically extended for successive periods of ten (10) years each, unless, and prior to the extension of such ten (10) year period, an instrument signed by the owner of record of a majority of the lots in the subdivision has been recorded, changing, or modifying said restrictive covenants in whole or in part.

Invalidation of any one of these covenants by judgments or decree shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

The aforementioned restrictions are intended as minimum restrictions and if any use permitted under the terms of these restrictions is prohibited by the terms of any applicable zoning ordinance, then in force, then the terms of said ordinance should apply. Nothing herein contained shall be construed to prohibit the erection and maintenance of a sales office on said premises and suitable subdivision sale signs by the subdivider and/or builders of the subdivider. No residence structure shall be constructed, erected or maintained on any lot unless the same be constructed or erected by or under the direct supervision and controls of a builder who is registered and licensed builder under the laws of the State of Michigan or approved by the Architectural Control Committee.

16.PARK PRIVILEGES

The owners of all lots in said subdivision together with their families and guest shall be subject to the rules and regulations as promulgated by the subdivider. Such right of use shall be in common with the lot owners of existing and proposed subdivisions. The owners of all lots in said subdivision and owners of proposed subdivision additions, together with their families and guests shall, subject to the limitations herein expressed, have the right of use for private park purposes all outlots and parks platted in previous Lake Sherwood Subdivisions and future Lake Sherwood Subdivisions and the six islands on the plat of Lake Sherwood Subdivision but excepted therefrom. Such right of use shall be in common with the lot owners of the proposed adjacent subdivisions. The six islands or lake frontage located on said Park lots shall be used for ornamental purposes and for swimming, boating and fishing.

17.LOT OWNERS ASSOCIATION

Purchaser agrees to become member of the Lake Sherwood Lot Owners Association and/or its successor.

18.LAKE LEVEL

Grantee will not do any act to affect the level of lakes or streams without the written consent of the OWNER/DEVELOPER or their duly authorized agent. The lake level may be altered or adjusted during the months of October through April by the Grantor, to facilitate lakeshore improvements or construction.

19.USAGE AND CONTROL

Lake Sherwood is designated as a "Private Lake" and as such the rights to usage and control of same remains with the Grantors and the lot owners record of Lake Sherwood Subdivision, Trentwood Subdivision, and the subdivision additions to be platted.

20.ENFORCEMENT (Does not apply to Area 20 - AKA Lake Sherwood Area 11)

The enforcement of the above restrictions remains vested in the Grantor, or their authorized representative and/or agent. When 75% of the lots are owner occupied in each subdivision or subdivision addition, the rights of the Grantor may be assigned to the Lake Sherwood Association, at the Grantor's option.

21.EASEMENTS

Easements for the installation and maintenance of public utilities and other drainage facilities are reserved as shown on the recorded plat. Such other easements are hereby reserved to enter upon the premises, if necessary, to construct, operate, and maintain any other public improvements, whether under or above ground. Pipes, poles, wires, etc. to be placed on the lot lines wherever possible or practical.

22.FLOOD PLAIN (Subdivisions No. 15 and 16 Lots only)

Any building used or capable of being used for residential purposes and occupancy with in the flood plain shall:

- a. Be served by streets within the proposed subdivision having surfaces higher than the elevation of the contour defining the flood plain limits.
- b. Have lower floors, excluding basement, a minimum of one foot higher than the elevation of the contour defining the flood plain limits.
- c. Have openings in the basement not lower than the elevation of the contour defining the flood plain limits.
- d. Have basement wall and floors below the elevation of the contour defining the flood plain limits watertight and reinforced to withstand hydrostatic pressures from a water level equal to the elevation of the contour defining the flood plain limits.
- e. Be equipped with a positive means of preventing sewer backup from sewer lines and drains,

which serve the building.

f .The above flood plain restrictions shall remain in perpetuity.

13.SPECIAL INDIVIDUAL LOT RESTRICTIONS (Subdivision No 15 only)

LOTS NO. 390 AND 393 shall not be used as residential lots until they can be served with a sanitary sewer.

LOT NO 385: The structures presently erected on this lot including one wooden frame house, one two car garage, one wooden tool shed, and one wooden barn shall be permitted to remain until such time as they shall be destroyed or removed. In the event the structures shall be destroyed entirely or removed and complete rebuilding shall become necessary they shall be rebuilt according to the restrictions imposed on all of the remaining lots in the subdivision. In the event of partial destruction, the present structures may be rebuilt to their present dimensions and design (a larger structure may be rebuilt or added on to in the case of the residence structure).