

130396  
 LIBER 35464 PAGE 851  
 \$34.00 MISC RECORDING  
 \$4.00 REMONUMENTATION  
 05/09/2005 10:07:02 A.M. RECEIPT# 49850



PAID RECORDED - OAKLAND COUNTY  
 RUTH JOHNSON, CLERK/REGISTER OF DEEDS

**FIRST AMENDMENT TO  
 DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS  
 FOR TOLLGATE WOODS SUBDIVISION NO. 1 AND  
 TOLLGATE WOODS SUBDIVISION NO. 2**

WHEREAS, SINGH OF TOLLGATE WOODS, L.L.C., a Michigan limited liability company, whose address is 7125 Orchard Lake Road, Suite 200, West Bloomfield, Michigan 48322 (the "Phase I Declarant"), is the developer of a certain subdivision of land located in the City of Novi, Oakland County, Michigan, as described in Exhibit "A" attached hereto, known as the Tollgate Woods Subdivision No. 1, a Subdivision created pursuant to the plat thereof as recorded in Liber 276, Page 38 through 43 of Plats, Oakland County Records (the "Tollgate Woods Subdivision No. 1");

WHEREAS, the Phase I Declarant has recorded a Declaration of Easements, Covenants and Restrictions recorded December 22, 2000 in Liber 22145, Pages 001 through 047, Oakland County Records (the "Declaration");

WHEREAS, TOLLGATE WOODS SINGH II, L.L.C., a Michigan limited liability company, whose address is 7125 Orchard Lake Road, Suite 200, West Bloomfield, Michigan 48322 (the "Phase II Declarant"), is the developer of a certain subdivision of land located in the City of Novi, Oakland County, Michigan, as described in Exhibit "A" attached hereto, known as Tollgate Woods Subdivision No. 2, a Subdivision created pursuant to the plat thereof as recorded in Liber 292, Pages 1 through 8 of Plats, Oakland County Records ("Tollgate Woods Subdivision No. 2") (Tollgate Woods Subdivision No. 1 and Tollgate Woods Subdivision No. 2 are referred to collectively as the "Subdivisions");

WHEREAS, the Declarant has reserved the power under the Declaration to amend the Declaration to subject additional subdivisions of land to the easements, covenants, restrictions, charges and liens set forth in the Declaration;

WHEREAS, the Declarant desires to amend the Declaration to provide for the preservation and enhancement of the property values and amenities in the Subdivisions and for the maintenance of certain Common Areas in the Tollgate Woods Subdivision No. 2 and to subject the Tollgate Woods Subdivision No. 2 and the Common Areas situated therein to the easements, covenants, restrictions, charges and liens set forth in the Declaration, each and all for the benefit of the Subdivisions and all of the Owners therein; and

WHEREAS, the Declarant has deemed it desirable for the efficient preservation of the values and amenities in the Subdivisions for the Association to own, maintain and administer the

Common Areas in the Tollgate Woods Subdivision No. 2 as set forth in the Declaration and for all of the Owners in the Tollgate Woods Subdivision No. 2 to be members of the Association;

WHEREAS, the Declarant may, at some future time, plat additional subdivisions of land adjacent to the Subdivisions and subject the land so platted to the easements, covenants, restrictions and liens set forth in the Declaration and herein;

NOW, THEREFORE, in consideration of the mutual benefits derived by the Declarant, its successors and assigns for all Owners of Lots in Tollgate Woods Subdivision No. 1 and Tollgate Woods Subdivision No. 2 and all intending purchasers and future Owners of the various Lots comprising the Subdivisions, the Declarant, for itself, its successors and assigns, does hereby publish, declare and make known to all present Owners and intending purchasers and future Owners of the Lots comprising the Subdivisions, that the same will and shall be used, owned, held and/or sold expressly subject to the Declaration and the following conditions, easements, covenants, restrictions and agreements which shall be incorporated by reference in all deeds of conveyance and contracts for the sale of said Lots and shall run with the land and be binding upon all grantees of individual Lots in the Subdivision and on their respective heirs, personal representatives, successors and assigns.

**Section 1. Annexation of Additional Lots and/or Common Area.**

The Declarant reserves the right at any time or times in the future to amend this Declaration by adding to it any Subsequent Phase. Such Subsequent Phase may or may not contain Common Areas. Any such amendment(s) to this Declaration shall provide that the Owners of all residential Lots in Subsequent Phases shall be required to be Members of the Tollgate Woods Homeowners Association and shall be subject to the covenants, restrictions, easements, charges and liens set forth herein. Such amendment(s) shall also provide that the Common Areas contained within the Subdivisions and Subsequent Phases shall be for the use and benefit of all Owners of Lots in the Subdivision and all subdivisions added hereto. Additional Lots and Common Areas may be annexed to the Association by Declarant without the consent or approval of the Association or any of its Members or any Owner.

**Section 2. Street Trees for Tollgate Woods Subdivision #2.**

Each Owner in Tollgate Woods Subdivision #2 shall pay to the Declarant, at the time of the purchase of a Lot, a street tree fee which will cover the cost of installation of the street trees that are required by the City of Novi, in accordance with the City of Novi Landscape Design Manual. Street trees will be planted by the Declarant in front of each residential Lot in the area between the sidewalk and the curb. There shall be a minimum spacing between street trees of thirty-five (35) feet. Corner Lots shall be considered to have two (2) street frontages and, therefore, street trees will be required based on both frontages. A Schedule of Street Trees is attached hereto as Exhibit "B" which identifies the number of street trees required to be planted for each Lot in the Subdivision. The species of the street trees will be selected by the Declarant in accordance with the requirements of the City of Novi, and the street trees will be planted at a time or times selected by the Declarant. The initial street tree fee shall be Four Hundred (\$400.00) Dollars per street tree and may be adjusted from time to time to cover the increased cost of the street trees. Once planted, street trees shall be maintained by the Owner of the Lot.

**Section 3. Tree Planting Obligation of Each Owner.**

Each Owner shall plant trees on his respective Lot in locations approved by the Declarant in accordance with the requirements set forth in the Tollgate Woods Subdivision Tree Planting Schedule which is attached hereto as Exhibit "C" and made a part of this Declaration. The trees,

which each Owner shall plant on his Lot, shall be of the size and type described in the Tree Planting Schedule. To ensure that each Owner will perform his/her obligation to install the trees stipulated in Exhibit "C" and to landscape their Lot in accordance with Article V, Section 29 of the Declaration and to install a residential post light in accordance with Article V, Section 35 of the Declaration, each Owner shall pay the Declarant a deposit in the amount of Seven Thousand Five Hundred and 00/100 (\$7,500.00) Dollars (the "Deposit") at the time of purchase of their Lot. Once an Owner has planted on his/her Lot all of the trees described in the Tree Planting Schedule for that Lot, completed the landscaping as required in Article V, Section 29 of this Declaration and installed a residential post light as required in Article V, Section 35 of this Declaration, the Declarant shall return the Deposit to the Owner. If the Owner fails to plant all of the trees described in the Tree Planting Schedule for his/her Lot, the Declarant may plant the trees not planted by the Owner, pay itself the cost of planting those trees from the Owner's Deposit and collect from the Owner any additional costs incurred by the Declarant that exceed the Deposit. Once planted, trees shall be maintained by the Owner of the Lot on which the trees were planted. If a tree dies, the Owner of the Lot on which the tree was planted shall replace that dead tree with a tree of like species and size.

IN WITNESS WHEREOF, the undersigned have executed this First Amendment to Declaration of Easements, Covenants and Restrictions on the 31st day of March, 2005.

**Singh of Tollgate Woods, L.L.C.**

a Michigan limited liability company

By Singh General Corp., a Michigan corporation

Its: Manager

By:

  
Lushman S. Grewal, Vice President

**Tollgate Woods Singh II, L.L.C.**

a Michigan limited liability company

By Singh General Corp., a Michigan corporation

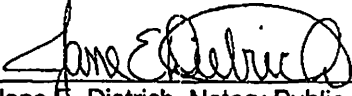
Its: Manager

By:

  
Lushman S. Grewal, Vice President

STATE OF MICHIGAN) SS  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 31st day of March, 2005, by Lushman S. Grewal, who is the Vice President of Singh General Corp., a Michigan corporation, which is the Manager of Singh of Tollgate Woods, L.L.C., a Michigan limited liability company, on behalf of the said limited liability company.

  
Jane E. Dietrich, Notary Public

Oakland County, Michigan

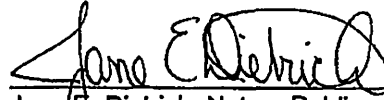
My Commission Expires: 06/08/2005

Acting in Oakland

TOLLGATE WOODS 2 Amendment to Declaration of Covenants

STATE OF MICHIGAN) SS  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 31st day of March, 2005, by Lushman S. Grewal, who is the Vice President of Singh General Corp., a Michigan corporation, which is the Manager of Tollgate Woods Singh II, L.L.C., a Michigan limited liability company, on behalf of the said limited liability company.



Jane E. Dietrich, Notary Public  
Oakland County, Michigan  
My Commission Expires: 06/08/2005  
Acting in Oakland

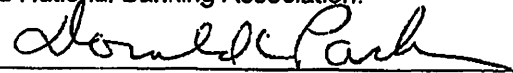
MORTGAGEE: TCF National Bank  
A National Banking Association



By: Terrance Pryer  
Its: Senior Vice President

STATE OF MICHIGAN) SS  
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of March, 2005, by Terrance Pryer, Senior Vice President of TCF Bank, a National Banking Association.



Notary Public  
OAKLAND County, Michigan  
My Commission Expires: 1/06/2011  
~~ACT~~

This instrument drafted by and after recording return to:  
G. Michael Kahm  
Singh Development, LLC  
7125 Orchard Lake Road, Suite 200  
West Bloomfield, Michigan 48322

Donald C. Parker, Notary Public  
State of Michigan, County of Wayne  
My Commission Expires 1/06/2011  
Acting in the County of ~~OAKLAND~~ *MD*

EXHIBIT "A"

**LEGAL DESCRIPTIONS**

**Tollgate Woods Subdivision, Phase I**

Part of the Northeast 1/4 of Section 11, Town 1 North, Range 8 East, City of Novi, Oakland County, Michigan, being more particularly described as:

Lots 1 through 58, inclusive, of Tollgate Woods Subdivision (No. 1) according to the plat thereof as recorded in Liber 276, Pages 38 through 43 of Plats, Oakland County Records.

22-11-277-000 enl

**Tollgate Woods Subdivision, Phase II**

276038

Land situated in the City of Novi, Oakland County, Michigan, described as:

Lots 59 through 111, inclusive, of Tollgate Woods Subdivision No. 2, according to the plat thereof as recorded in Liber 292, Pages 1 through 8 of Plats, Oakland County Records.

22-11-277-000 enl

292001

**EXHIBIT "B"****SCHEDULE OF  
REQUIRED STREET TREES**

<b>LOT #</b>	<b>LOT FRONTAGE</b>	<b>NUMBER OF REQUIRED STREET TREES</b>
59	143	4
	77	2
60	64	1
61	93	2
	122	3
62	65	1
63	65	1
64	65	1
65	65	1
66	65	1
67	115	3
	121	3
68	70	2
69	70	2
70	70	2
71	86	2
72	69	1
73	80	2
74	75	2
75	80	2
76	70	2
77	70	2
78	70	2
79	70	2
80	70	2
81	70	2

**EXHIBIT "B"****SCHEDULE OF  
REQUIRED STREET TREES**

<b>LOT #</b>	<b>LOT FRONTAGE</b>	<b>NUMBER OF REQUIRED STREET TREES</b>
82	70	2
83	70	2
84	118	3
	126	3
85	81	2
86	70	2
87	70	2
88	70	2
89	70	2
90	70	2
91	90	2
92	84	2
93	70	2
94	70	2
95	70	2
96	100	2
97	90	2
98	91	2
99	93	2
100	70	2
101	69	1
102	70	2
103	70	2
104	70	2

Street trees for Tollgate Woods Subdivision, No. 2, will be planted by the Declarant, and not by the City of Novi.

**EXHIBIT "B"****SCHEDULE OF  
REQUIRED STREET TREES**

LOT #	LOT FRONTAGE	NUMBER OF REQUIRED STREET TREES
105	70	2
106	70	2
107	70	2
108	70	2
109	110	3
110	111	3
111	125	3
	132	3

Street trees for Tollgate Woods Subdivision, No. 2, will be planted by the Declarant, and not by the City of Novi.

**EXHIBIT "C"****TOLLGATE WOODS SUBDIVISION****Tree Planting Schedule**

As provided for in Article V, Section 33, of this Declaration, a total of four (4) trees shall be installed by the Owner on each Lot and shall include a minimum of two (2) large deciduous trees and two (2) evergreen trees selected from the following list of tree species.

<b>LARGE DECIDUOUS TREES</b>		<b>EVERGREEN TREES</b>	
<b>Species</b>	<b>Minimum Caliper</b>	<b>Species</b>	<b>Minimum Size</b>
Red Maple	2 ½"	Black Spruce	8'
Sugar Maple	2 ½"	Hemlock	8'
London Plane	2 ½"	White Spruce	8'
Oak*	2 ½"	White Pine	8'
Sweet Gum	2 ½"		
Tulip Tree	2 ½"		
Hackberry	2 ½"		
Male Gingko	2 ½"		
<b>SIZE:</b> Height, measured from the tree base at grade to the top of the tree.			
<b>CALIPER:</b> Measured as the diameter of the tree trunk at twelve (12") inches above the base at grade.			

\*No Pin Oak allowed.