1995 MAR -3 PM 4: 33

# THIRD AMENDMENT TO MASTER DEED OF C & O CLUB REGISTER OF DEEDS

OSCAR P. AND MARGARET STROUD, husband and wife, whose address is 08619 N. U.S. 31, Charlevoix, Michigan 49720 (hereinafter referred to as "Stroud"), pursuant to the authority reserved in Article VII(A) of the Master Deed of C & O Club (as amended), as recorded on June 16, 1992 in Liber 338, Pages 277 through 346, both inclusive, Charlevoix County Records, and designated as Charlevoix County Condominium Subdivision Plan No. 64, hereby amends the Master Deed for the purpose of enlarging the Condominium Project from twenty-five (25) units to thirty-six (36) units by the addition of land described in Section 1, below. Upon the recording of this Third Amendment to Master Deed (the "Third Amendment"), the Master Deed, as heretofore amended by the First Amendment to Master Deed, recorded in Liber 340, Pages 686 through 696, both inclusive, Charlevoix County Records (the "First Amendment"), and the Second Amendment to Master Deed, recorded in Liber 355, Pages 365 through 378, both inclusive, Charlevoix County Records (the "Second Amendment"), shall be further amended as follows:

1. The following land shall be added to the Condominium Project by this Third Amendment and shall be referred to as the "Phase II Property":

PART OF GOVERNMENT LOTS 3 AND 4, SECTION 24, TOWNSHIP 34 NORTH, RANGE 8 WEST, CITY OF CHARLEVOIX AND CHARLEVOIX TOWNSHIP, CHARLEVOIX COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT A 1" IRON ROD AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE SOUTH 0° 39' 18" WEST ON THE WEST LINE OF SAID SECTION 24 (AS MONUMENTED) (WEST LINE OF GOVERNMENT LOT 4), A DISTANCE OF 387.66 FEET TO THE TRUE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 74° 01' 52" EAST 174.46 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 58° 47' 51" MONUMENT; A CONCRETE **FEET** TO **EAST** 114.92 NORTHEASTERLY 42.92 FEET AROUND A 30.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 80° 13' 35" EAST 39.35 FEET TO A CONCRETE MONUMENT; THENCE NORTH 39° 14' 25" EAST 75.42 FEET TO A CONCRETE MONUMENT; THENCE NORTH 43° 23' 49" EAST 121.29 FEET TO A CONCRETE MONUMENT; THENCE NORTH 46° 49' 45" EAST 121.84 FEET TO A CONCRETE MONUMENT; THENCE NORTH 52° 02' 29" EAST 135.02 FEET TO A CONCRETE MONUMENT; THENCE NORTH 54° 06' 52" EAST 136.82 FEET TO A CONCRETE MONUMENT; THENCE NORTH 48° 50' 04" EAST 126.44 FEET TO A CONCRETE MONUMENT; THENCE NORTH 57° 10' 47" EAST 157.19 FEET TO A CONCRETE MONUMENT; THENCE NORTH 58° 32' 25" EAST 199.25 FEET TO A CONCRETE MONUMENT; THENCE NORTH 65° 31' 59" EAST 106.03 FEET TO A CONCRETE MONUMENT; THENCE NORTH 32° 04' 07" WEST 49.96 FEET TO A CONCRETE MONUMENT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF HIGHWAY U.S.-31; THENCE NORTH 69° 48'\_16" EAST 162.18 FEET TO A CONCRETE MONUMENT ON THE WEST 1975 I hereby certify that with a real no tax lies are no tax lies held by the State or by incividual that were are no tax lies or titles held by the State or by incividual that were are no tax lies or titles held by the State or by incividual to the within instrument and that

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SECTION 24 (AS MONUMENTED); THENCE SOUTH 2° 28' 06" WEST ON SAID 1/8TH LINE (AS MONUMENTED) 27.49 FEET TO A 3/4" IRON PIPE; THENCE SOUTH 11° 42' 53" EAST 172.86 FEET TO A 1/2" IRON ROD ON THE NORTHWESTERLY BOUNDARY OF THE PRESENT C & O CLUB CONDOMINIUM; THENCE SOUTHWESTERLY ON SAID NORTHWESTERLY BOUNDARY THE FOLLOWING COURSES AND DISTANCES: THENCE SOUTH 57° 59' 22" WEST 714.16 FEET TO A 1/2" IRON ROD; THENCE SOUTHWESTERLY 535.76 FEET AROUND A 1858.36 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 46° 29' 08" WEST 533.91 FEET TO A 1/2" IRON ROD; THENCE LEAVING SAID NORTHWESTERLY BOUNDARY NORTH 58° 51' 51" WEST 38.77 FEET TO A BOAT SPIKE; THENCE NORTH 58° 47' 50" WEST 256.32 FEET TO A T-IRON STAKE; THENCE NORTH 74° 01' 56" WEST 158.15 FEET TO THE WEST LINE OF SECTION 24 AS MONUMENTED, (WEST LINE OF SAID GOVERNMENT LOT 4); THENCE NORTH 0° 39' 18" EAST ON SAID WEST LINE 41.47 FEET TO THE POINT OF BEGINNING. CONTAINING 5.56 ACRES OF LAND MORE OR LESS.

- 2. In connection with the expansion of the Condominium Project and the creation of Units 26 through 36 on the Phase II Property, as defined in Section 1, above, Stroud will create a private road to provide access from the Units to Mercer Boulevard, a public road, as required under Article VII(A) of the Master Deed, as amended. This area has been designated on Replat No. 2 to the Condominium Subdivision Plan of C & O Club (attached hereto and hereinafter referred to as "Replat No. 2") as a general common element. The Co-owners of Units 26 though 36 shall not be permitted to obtain access to their Units via C & O Club Drive. The Co-Owners of Units 1 through 25 shall not be permitted to obtain access to their Units via the private access road to be constructed adjacent to Units 26 through 36. The costs of maintenance, repair and replacement of this private access road, as well as C &O Club Drive, shall be equally divided among all Co-owners in the Project.
- 3. Amended Sheets 1,2,3,4,5 and 6 of the Condominium Subdivision Plan of C & O CLUB, as contained on the attached Replat No. 2 shall replace and supersede all prior Sheets 1,2,3,4,5 and 6 of the original Condominium Subdivision Plan of C & O CLUB as attached to the Master Deed, the First Amendment and the Second Amendment, which prior sheets shall be of no further force or effect. The legal description of the Condominium Project contained on Amended Sheet 1 shall replace and supersede the legal description of the Condominium Project contained in Article II of the Master Deed.
- 4. In connection with the recording of this Third Amendment, Stroud hereby terminates its reserved right, as set forth in Article VIII, Section 8, subparagraph (e) of the Master Deed, to create a pedestrian access easement over a portion of Units 20 and 21. Instead, Stroud hereby reserves an easement along the westerly boundaries of Units 16 and 26 (between Stroud Court and C & O Club Drive) and along the easterly boundaries of Units 25 and 36 for pedestrian use for access to the Beach Area. The location of these pedestrian easements are shown on Replat No. 2, as attached hereto.

- 5. A berm and landscaping have been installed along a portion of the easterly boundary of Unit 25 within the pedestrian easement area referenced in Paragraph 4, above, for the purpose of creating a buffer between the Condominium Project and the adjacent mobile home park located to the east of the Condominium Project. The Co-owner(s) of Unit 25 will not be permitted to alter the berm or landscaping in any manner. The Association will not be permitted to alter the berm or landscaping during the Development and Sales Period without the written prior approval of Stroud and Waterfront.
- 6. The Percentages of Value for all 36 Units in the Project will continue to be equal and shall total 100%.
- 7. For all purposes under the Master Deed, the Michigan Condominium Act or otherwise, Stroud shall be the "Developer" of Units 26 through 36. Waterfront Partners Limited Partnership ("Waterfront"), the Developer of Units 1 through 15, is joining into this Third Amendment solely to evidence its consent to the expansion of the Condominium pursuant to Article VI(A) of the Master Deed, as amended, and Waterfront is not undertaking any responsibilities or liabilities as the "Developer" of Units 26 through 36.
- 8. In all other respects, other than hereinabove indicated, the Master Deed, and heretofore amended by the First Amendment and the Second Amendment, including the By-Laws, are hereby ratified, confirmed and redeclared.

WITNESSES:

GILDA J. MOTTARELLI

LAG.

GILDA J. MOTTARELLI

Oscar P. Shoud

OBO/Ht 51110 0=

MARGARET STROUD

"Stroud"

WATERFRONT PARTNERS LIMITED PARTNERSHIP, a Michigan limited partnership

By: WATERFRONT GROUP CORPORATION, a Michigan corporation, General Partner

By:

STUART M. KALFMAN

Its: President

"Waterfront"

) SS COUNTY OF CHARLEVOIX )	
On this 3rd day of March , 1995, the foregoing Third Amendment to Master Deed was acknowledged before me by OSCAR and MARGARET STROUD , his wife, to me known to be the persons described herein, and acknowledged that they executed the same as their free act and deed.  GILDA J. MOTTARELLI , NOTARY PUBLIC Charlevoix County, Michigan My commission expires: 7/20/96  STATE OF MICHIGAN )  SS COUNTY OF OAKLAND )	>

On this 27th day of FERUREY, 1995, the foregoing Third Amendment to Master Deed was acknowledged before me by Stuart M. Kaufman, President of WATERFRONT GROUP CORPORATION, a Michigan corporation, General Partner of WATERFRONT PARTNERS LIMITED PARTNERSHIP, on behalf of the limited partnership.

LIZ HATCH Notary Public Dakland County, Mich. My Commission Expires Aug. 26, 1999

, NOTARY PUBLIC County,

Michigan

My commission expires:

THIRD AMENDMENT TO MASTER DEED DRAFTED BY AND WHEN RECORDED RETURN TO:

Dean J. Gould, Esq.
Silver, Gould, Eizelman, Zoller,
Upfal, Bean & Jackier
1533 North Woodward Avenue, Suite 250
Bloomfield Hills, Michigan 48304
(810) 642-0500

# LIBER 359 PAGE 0623

REPLAT NO. 2 TO

## CHARLEVOIX COUNTY

CONDOMINIUM SUBDIVISION PLAN

DEED OF TO THE MASTER **EXHIBIT** В

## C & O CLUB

CHARLEVOIX & CHARLEVOIX TOWNSHIP. CHARLEVOIX COUNTY, MICHIGAN. CITY OF

### DEVELOPER

WATERFRONT PARTNERS LIMITED PARTNERSHIP 1533 N. WOODWARD, SUITE 240 BLOOMFIELD HILLS, MICHIGAN 48304

#### LEGAL DESCRIPTION

PART OF GOVERNMENT LOTS 3 AND 4, SECTION 24, TOWNSHIP 34 NORTH, RANGE 8 WEST, CITY OF CHARLEVOIX AND CHARLEVOIX TOWNSHIP, CHARLEVOIX COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT A 1" IRON ROD AT THE WEST QUARTER CORNER OF SAID SECTION 24; THENCE SOUTH 0"39"18" WEST ON THE WEST LINE OF SAID SECTION 24 (AS MONUMENTED) (WEST LINE OF GOVERNMENT LOT 4), A DISTANCE OF 1506,14 FEET TO A CONCRETE MONUMENT RECORDED AS BEING 80,00 FEET NORTH-WESTERLY OF MEASURED AT RIGHT ANGLES TO THE CENTERLINE OF THE FORMER CHESAPEAKE AND OHIO RAILROAD; THENCE CONTINUING ON SAID WEST SECTION LINE (WEST LINE OF GOVERNMENT LOT 4) SOUTH 0° 38"06" WEST 56.45 FEET TO A 5/8" ROD ON THE NORTH-WESTERLY RIGHT-OF-WAY LINE OF THE FORMER CHESAPEAKE AND OHIO RAILROAD; THENCE NORTH 32"26"12" EAST ON SAID RIGHT-OF-WAY LINE 17.36 FEET TO THE TRUE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING ON SAID RIGHT-OF-WAY LINE 17.36 FEET TO THE TRUE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING ON SAID RIGHT-OF-WAY LINE 17.36 FEET TO THE TRUE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING ON SAID RIGHT-OF-WAY LINE 17.36 FEET TO THE TRUE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING ON SAID RIGHT-OF-WAY LINE 17.36 FEET TO THE TRUE POINT OF SAD STATES. THE SAST 211.72 FEET; THENCE NORTH 35"25" WEST 256.32 FEET AROUND A 1959.89 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 35"31"55" EAST 211.72 FEET; THENCE NORTH 58"5"15" WEST 256.32 FEET TO A T-IRON STAKE; THENCE NORTH 74"01"52" WEST 158.15 FEET TO THE WEST LINE OF SAID SECTION 24, (WEST LINE OF SAID GOVERNMENT LOT 4); THENCE NORTH 40"152" EAST 174.46 FEET; THENCE SOUTH 74"01"52" EAST 174.46 FEET; THENCE SOUTH 58"0"33"35" EAST 10.50.2 FEET; THENCE NORTH 58"0"33"25" EAST 10.50.2 FEET; THENCE NORTH 58"0"33"25" EAST 10.50.2 FEET; THENCE NORTH 58"0"33"25" EAST 10.50.2 FEET; THENCE NORTH 58"0"33"55" EAST 10.50.3 FEET; THENCE NORTH 58"0"32"25" EAST 10.50.3 FEET; THENCE NORTH 58"0"31"59" EAST 10.60.3 FEET; THENCE NORTH 58"0"31"5

RIGHT-OF-WAY LINE OF THE FORMER CHESAL THENCE NORTH 63°04'53° EAST 359.56 FEET THENCE SOUTH 31°51'32' EAST 200.50 FEET SHORE OF LAKE CHARLEVOIX; THENCE ON A SHORE THE FOLLOWING COURSES AND DISTAN 163.99 FEET TO A MEANDER POINT; THENCE 132.39 FEET TO A MEANDER POINT; THENCE 134.39 FEET TO A MEANDER POINT; THENCE 153.47 FEET TO A MEANDER POINT; THENCE 1570.28 FEET TO A MEANDER POINT; THENCE 170.28 FEET TO A MEANDER POINT; THENCE 163.58 FEET TO A MEANDER POINT; THENCE 171.71 FEET TO A MEANDER POINT; THENCE 171.71 FEET TO A MEANDER POINT; THENCE 171.71 FEET TO A MEANDER POINT; THENCE 171.72 FEET TO A MEANDER POINT; THENCE 171.73 FEET TO A MEANDER POINT; THENCE 171.74 FEET TO A MEANDER POINT; THENCE 171.75 FEET TO A MEANDER POINT; THENCE 313.82 FEET TO A MEANDER POINT; THENCE 313.82 FEET TO A MEANDER POINT; THENCE 162.81 FEET TO A MEANDER POINT; THENCE 162.81 FEET TO A MEANDER POINT; THENCE 142.26 FEET TO A MEANDER POINT; THENCE 135.76 FEET TO A MEANDER POINT; THENCE 151.10 FEET TO A MEANDER POINT; THENCE 153.49 FEET TO A MEANDER POINT; THENCE WYLER PROPERTY; THENCE LEAVING SAID SHC SAID NORTHEASTERLY LINE 15.51 FEET TO A SOUTHEASTERLY LINE 15.51 FEET TO A SOUTHEASTERLY LINE 07 THE FORMER CHESA SUITHER COURT 20.251.46" WEST ON SAID SOU THENCE SOUTH 32°25'46" WEST ON SAID SO THENCE NORTH 57°45'07" WEST 99.98 FEET ALSO ALL THE LAND LYING BETWEEN SAID ME CHARLEVOIX, ALL CONTAINING 19.78 ACRES 0

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BEARINGS ARE RELATIVE TO SURVEYS IN THE.

ARTHUR RARANGER, P.S. 31 PREPARED BY:

ATTENTION: COUNTY REGISTER OF DEEDS THE CONDOMINIUM PLAN NUMBER MUST BE ASSIGNED IN CONSECUTIVE SEQUENCE. WHEN A NUMBER HAS BEEN ASSIGNED TO THIS PROJECT IT MUST BE PROPERLY SHOWN IN THE TITLE ON THIS SHEET AND IN THE SURVEYOR'S CERTIFICATE ON SHEET NO.2.

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#### SHEET\_INDEX

- COVER SHEET
- SURVEY PLAN
  SITE PLAN
  UTILITY & FLOODPLAIN PLAN
  DETAIL SHEET "A"
  DETAIL SHEET "B"

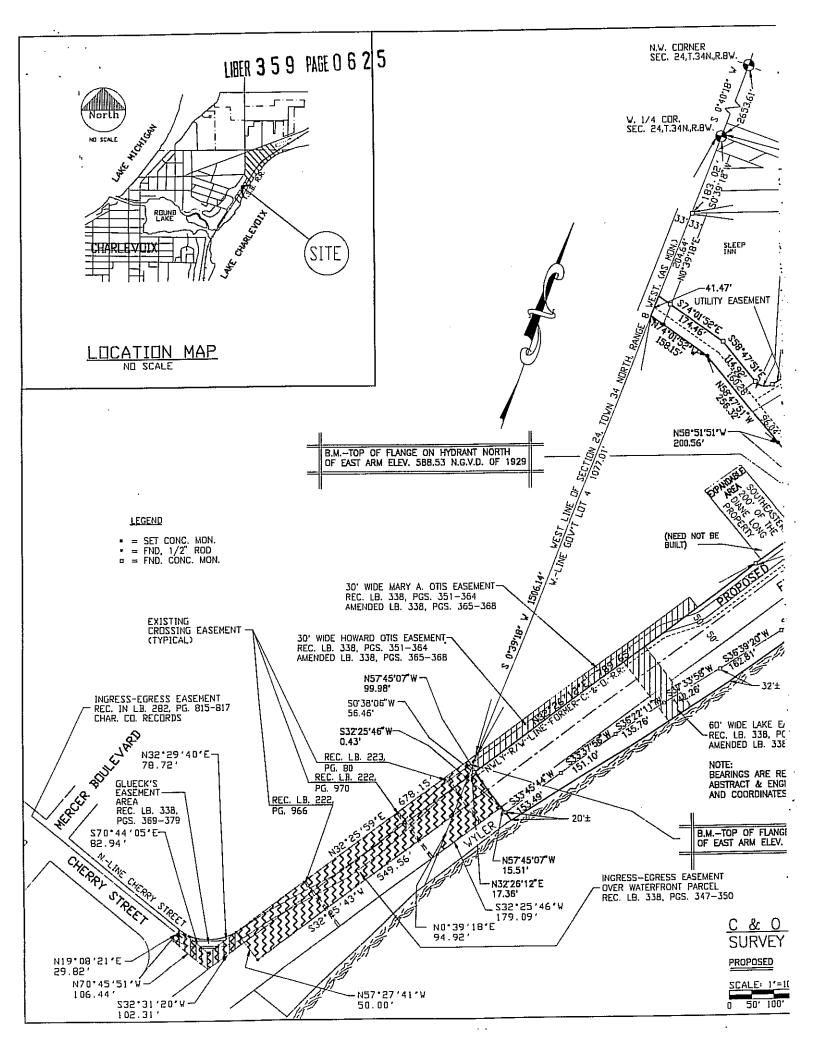
- \* REVISED SHEETS



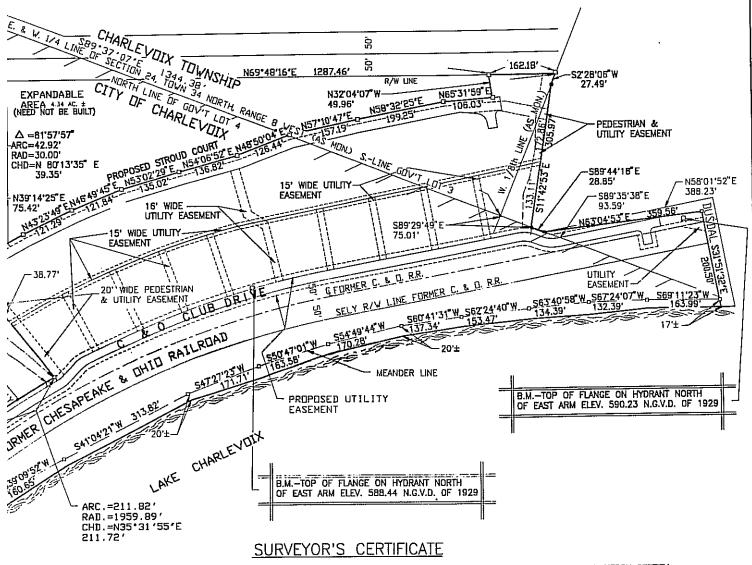
THIS SHEET PREPARED BY:

31601

RANGER ENGINEERING COMPANY 100 MICHIGAN AVE., SUITE 68 CHARLEVOIX, MICHIGAN 49720 01/26/95



## LIBER 359 PAGE 0626



SEMENT IS. 351-364 I, PGS. 365-368

LATIVE TO A SURVEY BY CHARLEVOIX NEERING COMPANY DATED 08/19/1991., ARE ON AN ASSUMED BASE.

ON HYDRANT NORTH 591.27 N.G.V.D. OF 1929 I ARTHUR R. RANGER, LICENSED LAND SURVEYOR OF THE STATE OF MICHIGAN, HERBY CERTIFY: THAT THE SUBDIVISION PLAN KNOWN AS THE CHARLEVOIX COUNTY CONDOMINIUM PLAN NO......., AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A BOUNDARY SURVEY ON THE GROUND MADE UNDER MY DIRECTION, (THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN DESCRIBED, EXCEPT AS NOTED). THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED IN THE GROUND AS REQUIRED BY RULES PROMULGATED UNDER SECTION 145 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978. THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978. THAT THE BEARINGS AS SHOWN, ARE NOTED ON SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978.

01/46/95

ATTHUR R. RANGER, P.S. 31601

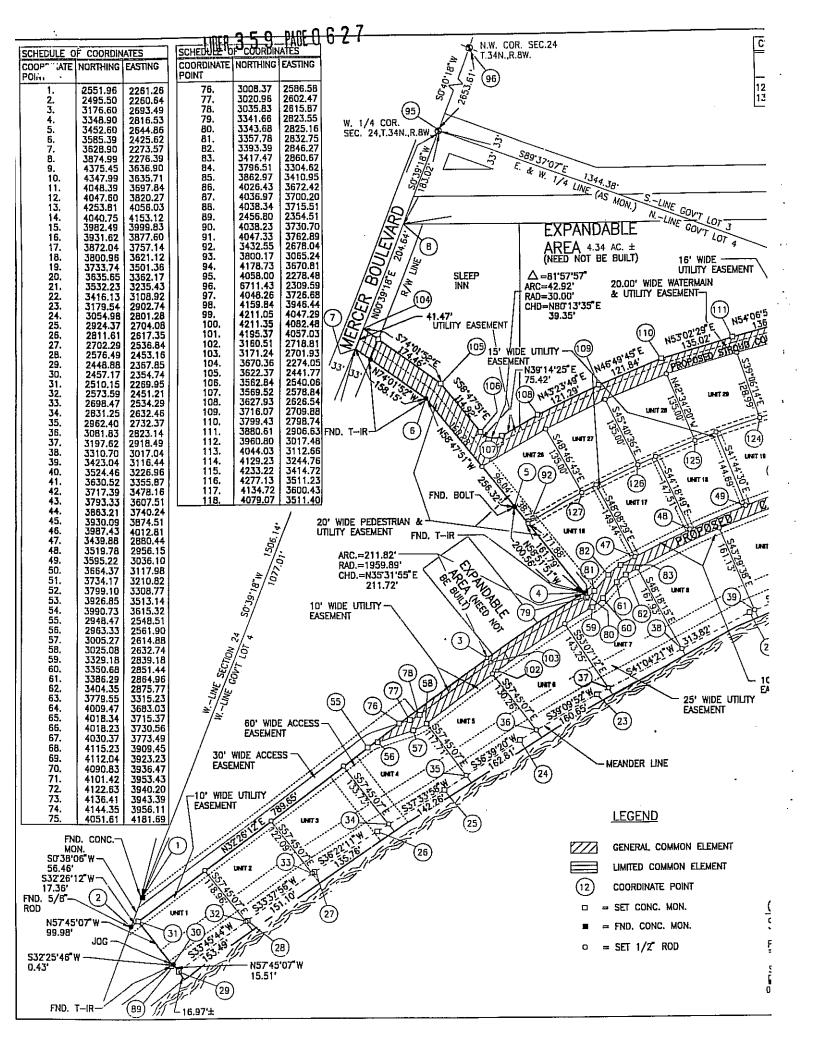
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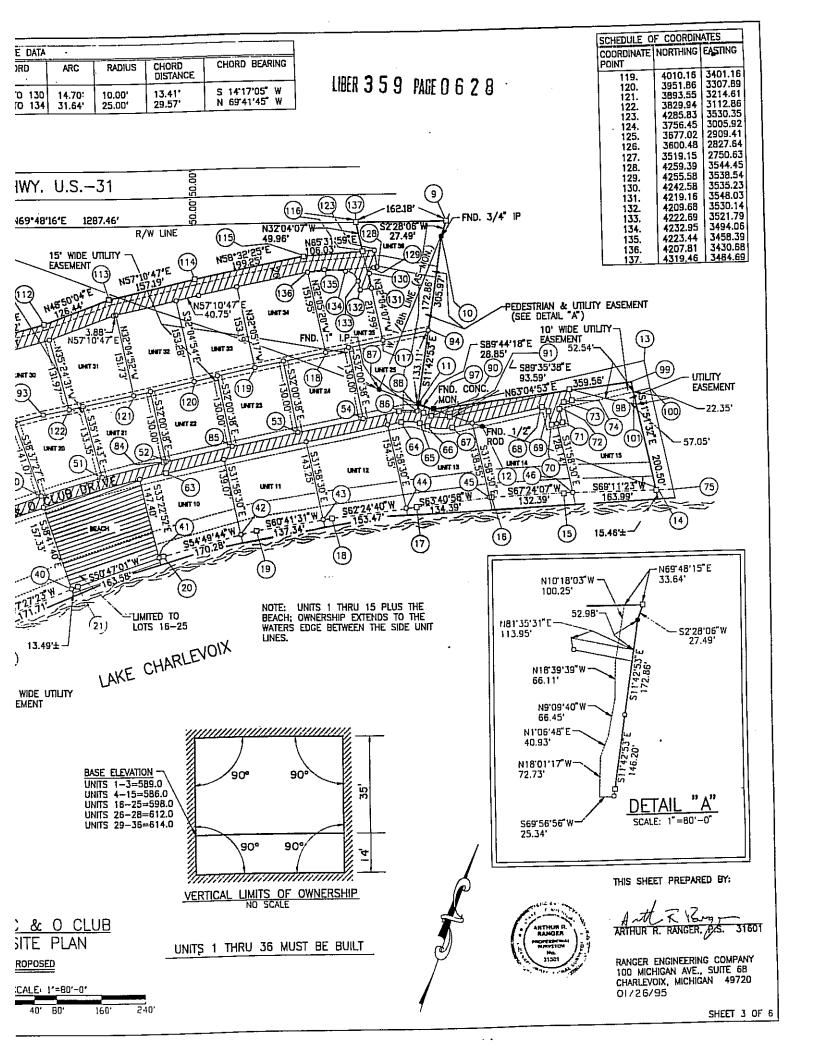
CLUB PLAN

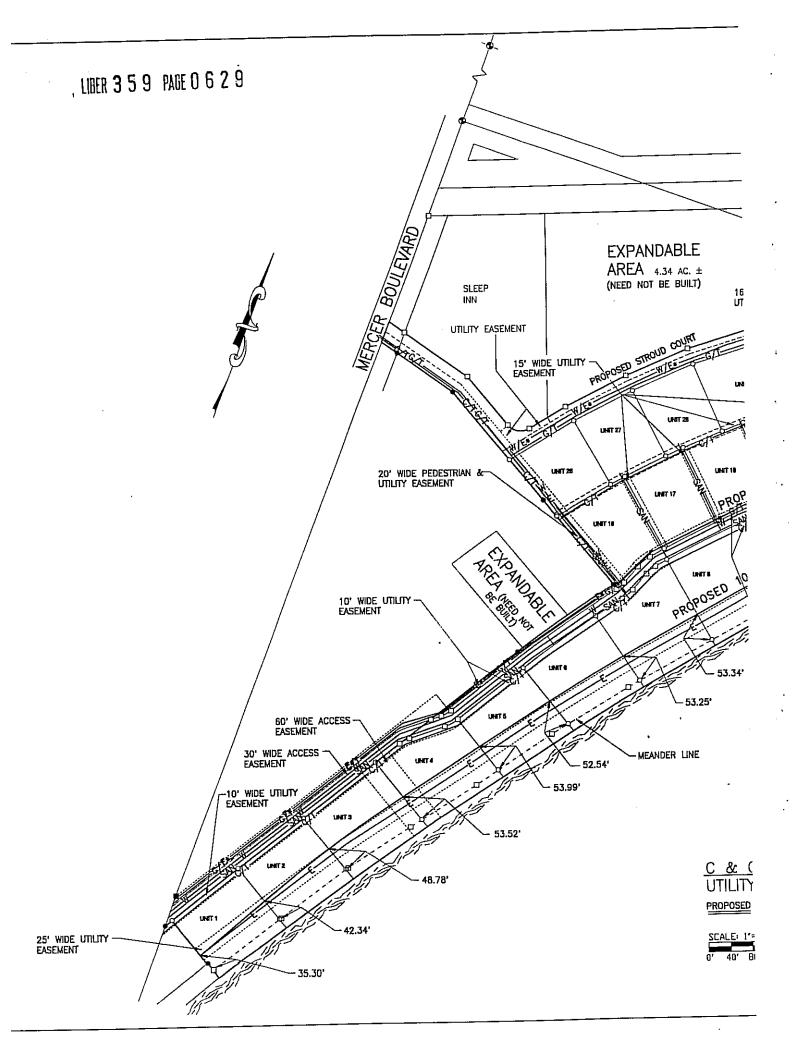
RANGER ENGINEERING COMPANY 100 MICHIGAN AVE., SUITE 68 CHARLEVOIX, MICHIGAN 49720

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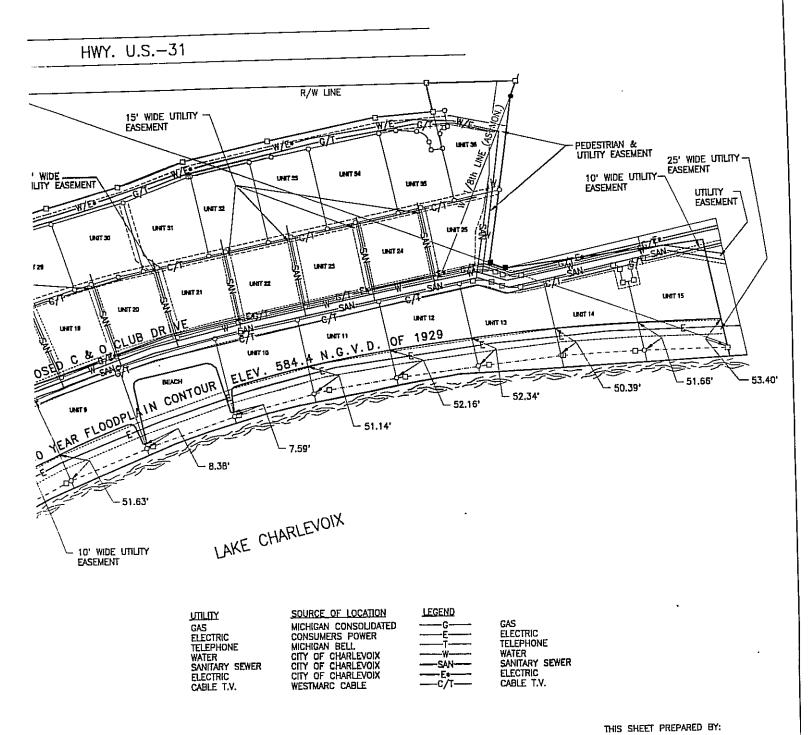
SHEET 2 OF 6







## LIBER 359 PAGE 0630



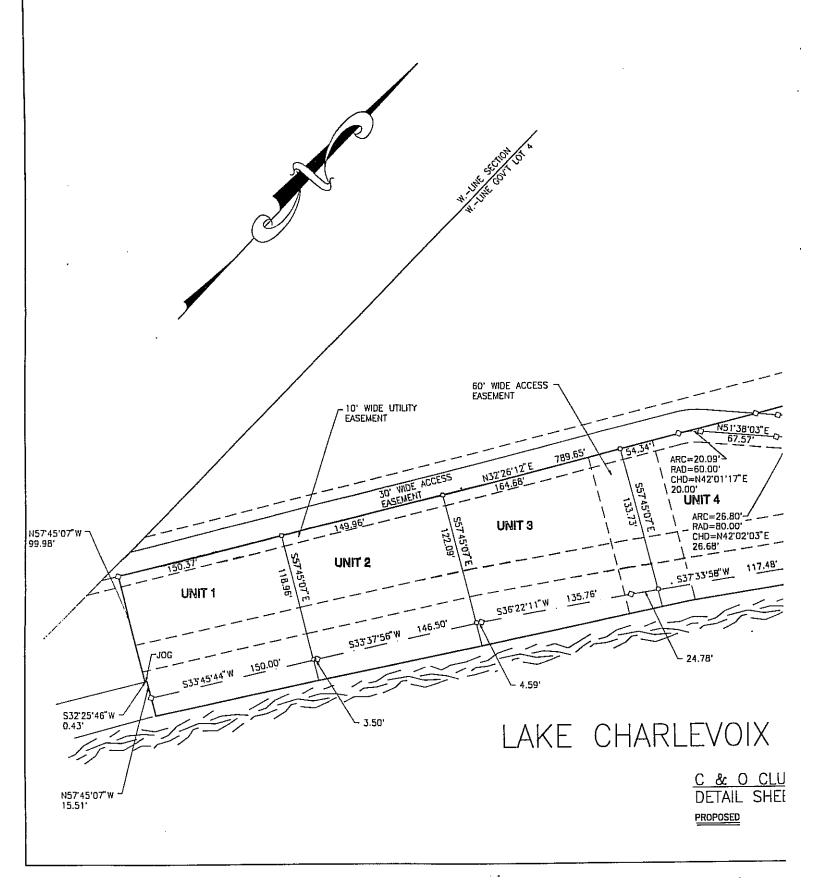
<u>) CLUB</u> & FLOODPLAIN PLAN

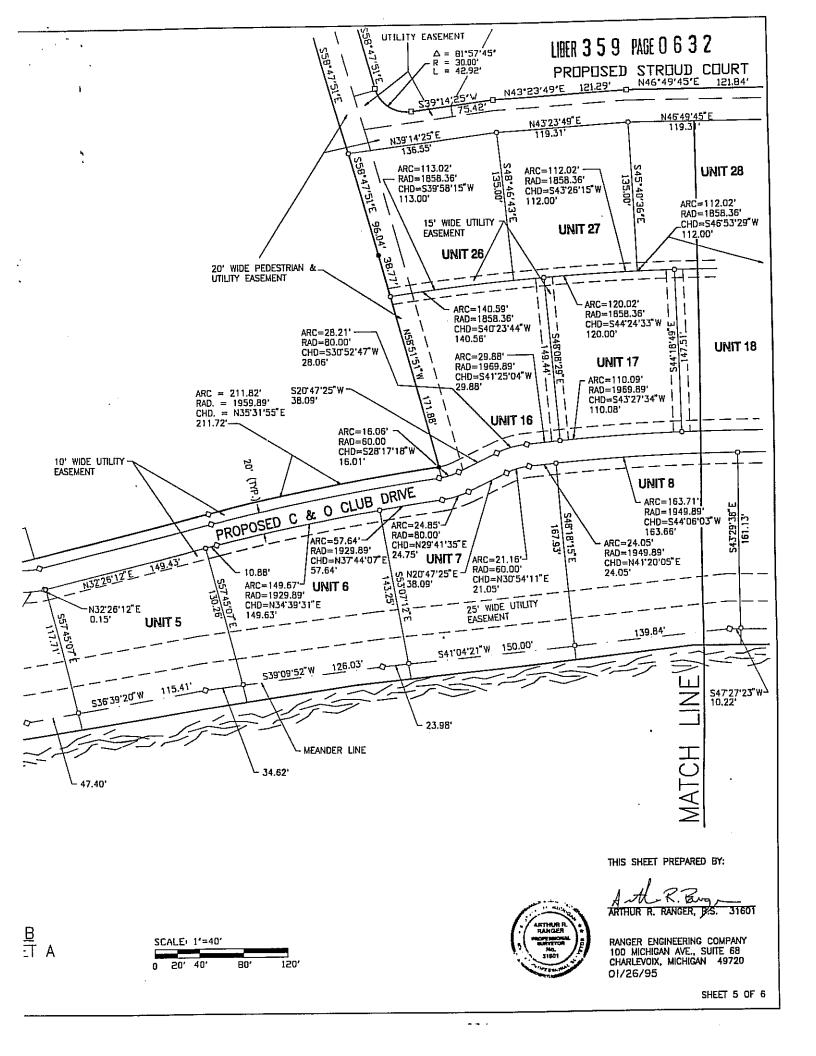
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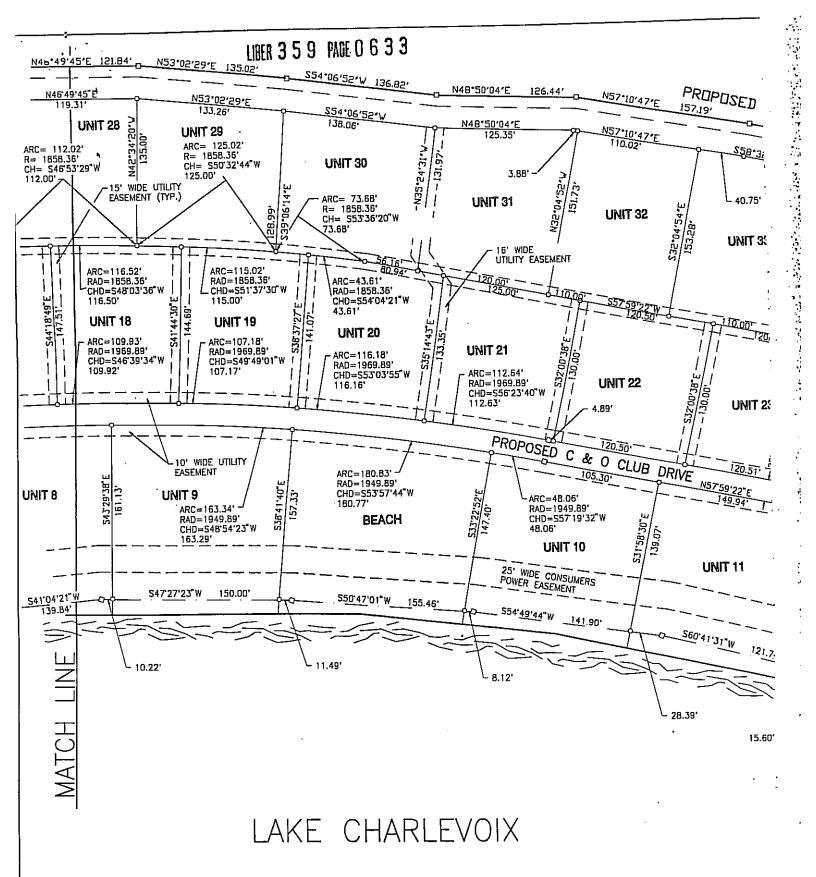
UNITS 1 THRU 36 MUST BE BUILT

ARTHUR R RANGER 11601 ARTHUR R. RANGER, P.S. 31601

RANGER ENGINEERING COMPANY 100 MICHIGAN AVE., SUITE 68 CHARLEVOIX, MICHIGAN 49720 01/26/95







C & O CLI DETAIL SHE PROPOSED

