L: 1172 P: 771 #2017-0006574 MASAMEN

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10/05/2017 02:37:18 PM PAGES: 8

SECOND AMENDMENT TO MASTER DEED

FOR

THE RESERVE

SECOND AMENDMENT TO MASTER DEED made this 33 day of September, 2017, by THE RESERVE CONDOMINIUM ASSOCIATION, a Michigan non-profit corporation, of 131 Carroll Road, Bay City, Michigan 48708 (hereinafter referred to as the "Association");

WITNESSETH:

WHEREAS, McKeough Land Company, Inc., an Illinois corporation duly qualified to transact business in the State of Michigan, of 104 South Union Street, Suite 212, Traverse City, Michigan 49684, the developer, established THE RESERVE as a condominium project pursuant to that certain Master Deed dated June 27, 2005, and recorded June 28, 2005, in Liber 689, Pages 38 through 117 inclusive, Charlevoix County Records, as amended by the First Amendment to Master Deed for The Reserve dated September 20, 2005 and recorded September 20, 2005 in Liber 705, Pages 489 through 495 inclusive, Charlevoix County Records; and

WHEREAS, the Association, at the request of the Co-Owner of Units 16 and 17, and on behalf of all of the Co-Owners, wishes to amend said Master Deed for the purpose of modifying the size and shape of Units 16 and 17, including the relocation of their respective unit boundaries, eliminating Unit 17, increasing the percentage of value allocated to Unit 16 to that of the sum of the percentages of value previously allocated to Units 16 and 17 (so that the Co-Owner of Units 16 and 17 will be required to continue to pay "two units worth" of condominium assessments), and proportionately reallocating the percentage of value of the remaining units (without modifying the method or formula used to determine the percentage of value of the units in the Project) in order to preserve a total value of one hundred (100%) percent for the entire Project, as set forth in said Master Deed; and

WHEREAS, Article XII authorizes amendment in general to the Master Deed for proper purposes without the consent of Co-Owners, mortgagees and other interested parties, as long as the amendments do not materially alter or change the rights of the Co-Owners, mortgagees, or other interested parties and, pursuant thereto, the Co-Owner of Units 16 and 17 hereby consents to the foregoing modifications to their units; and

WHEREAS, pursuant to Section 90(1) of the Condominium Act, the Board of Directors of the Association believes in good faith that the amendment does not materially alter or change the rights of a Co-Owner, mortgagee or other interested parties, and the Co-Owner of Units 16 and 17 hereby consents to the conversion of their units.

NOW, THEREFORE, in consideration of the premises and the rights reserved in the above-referenced Master Deed, said Master Deed is hereby amended in the following manner:

- 1. Article V, Subparagraph D of the Master Deed is amended and restated in its entirety to provide as follows:
- D. The percentage of value assigned to each unit other than Unit 16 shall be one-one hundred and forty-thirds (1/143ths) and the percentage of value assigned to Unit 16 shall be two-one hundred and forty-thirds (2/143ths).
- 2. The Condominium Subdivision Plans attached as Exhibit "B" to the Master Deed of THE RESERVE are hereby amended in part with the Exhibit "B" attached hereto to this Amendment. Upon recordation in the Office of the Charlevoix County Register of Deeds, said amended and revised sheets shall replace and be incorporated into the Condominium Subdivision Plan of THE RESERVE.
- 3. In all other respects the provisions of the Master Deed of **THE RESERVE** dated June 27, 2005, as amended by the First Amendment to Master Deed for The Reserve dated September 20, 2005, as recorded in the Office of the Register of Deeds for Charlevoix County, Michigan as Condominium Subdivision Plan No. 152, are hereby ratified and reaffirmed.

THIS SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Association has duly executed this Second Amendment to Master Deed as of the day and year first above written.

ASSOCIATION:

THE RESERVE CONDOMINIUM ASSOCIATION

By:__

CarrieShiels

Its: President and Director

STATE OF MICHIGAN County of Genesce }ss

On this 20 day of September, 2017, before me, a Notary Public in and for said County and State, personally appeared CARRIE SNIELS, the President and a Member of the Board of Directors of THE RESERVE CONDOMINIUM ASSOCIATION, a Michigan non-profit corporation, to me personally known, who, being by me duly sworn, did say that he/she is the President and a Director of said corporation, the Association of said Condominium Project, and he/she acknowledged that he/she has executed said instrument as his/her free and voluntary act and deed on behalf of said corporation.

(print name of notary public below signature)

Notary Public, County of: My commission expires: Acting in County of: SUSAN SLACK
NOTARY PUBLIC, STATE OF MI
COUNTY OF GENESEE
MY COMMISSION EXPIRES Jan 5, 2022
ACTING IN COUNTY OF HELLER

Prepared in the Law Office of: When Recorded, Return to:

LOUIS P. TOCCO, ESQ. LOUIS P. TOCCO, P.L.C. 13709 S. West Bayshore Drive Traverse City, Michigan 49684 TOCCO@VIEWOFTHEBAYLAWYER.COM (231) 995-9100

CONSENT OF CO-OWNER(S)

THE UNDERSIGNED, being the non-Developer Co-owner(s) of the lot(s) indicated below, hereby consent to the above Second Amendment to Master Deed and consent to its recordation:

CO-OWNER: LOTS NO.: 16 & 17

THE KEN & SHEKRY HARPIGEET RUST

DATE 11/14/2006

Kenneth J. Hardigree, Co-Trustee

*AKA K. J. Hardigree

ADDRESS:

936 Howell Drive

Newark, Ohio 43055

STATE OF OHIO
County of Chelling

}ss

The foregoing instrument was acknowledged before me this <u>23</u> day of September, 2017, by Kenneth J. Hardigree, Co-Trustee of the The Ken and Sherry Hardigree Trust dated November 14, 2006.



ASHTON HALL Notary Public, State of Ohio My Commission Expires December 11, 2019

Notary Public, County of: UCKING

My commission expires: |20|10|0 Acting in the County of: LICKING

CHARLEVOIX COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 152 EXHIBIT "B" TO THE MASTER DEED OF REPLAT #1

THE RESERVE HAS BEEN DESIGNATED AS CHARLEVOIX COUNTY CONDOMINIUM SUBDIVISION PLAN NUMBER 152. THE ASTERISK (*) INDICATES AMENDED OR NEW SHEETS WHICH ARE REVISED DATED; SEPT. 11, 2017. THESE PROPOSED SHEETS WITH THIS SUBMISSION ARE TO REPLACE OR BE SUPPLEMENTAL SHEETS TO THOSE PREMOUSLY RECORDED.

THE RESERVE

BOYNE VALLEY TOWNSHIP, CHARLEVOIX COUNTY, MICHIGAN

PROPERTY DESCRIPTION:

48.71 feet along a curve to the right, said curve having a radius of 17.79 feet, thence N 64°09'39" W, 210.87 feet, thence N 29°14'36" E, 233.06 feet, thence N 63°35'09" E, 108.29 feet; thence N 85°36'28" E, 128.88 feet; thence N 35°53'33" E, N 63°35'09" E, 108.29 feet; thence N 85°36'28" E, 128.88 feet; thence N 35°53'33" E, N 88°46'03" E, 229.66 feet; thence N 85°36'28" E, 128.85 feet; thence N 35°56'19" W, A88.02 feet; thence N 45°43'19" E, 304.26 feet; thence N 61°49'06" E, 200.69 feet; thence N 85°45'03" E, 229.66 feet; thence N 85°35'33" E, N 888.85 feet; thence N 89°56'19" W, M 888.85 feet; thence S 93.11 feet olong a curve to the right; said curve having a radius of 52°44", a chord of 13°1.36 feet; thence S 18°44'04" E, 137.13 feet; thence S 26°33'21" E, 133.84 feet; thence S 18°44'04" E, 137.13 feet; thence S 18°44'16", a chord of 126.79 feet bearing S 14°30'24" W, 197.06 feet; thence N 89°49'35" E; thence S 26°10'14" E, 86.42 feet; thence N 89°40'20" E, thence S 26°10'14" E, 86.42 feet; thence N 83°49'46" E, 55.04 feet; thence N 89°06'20" E, 27.05 feet; thence S 17°43'45" E, 13.86 feet; thence N 89°06'20" E, 27.05 feet; thence S 17°43'45" E, 13.86 feet; thence N 89°06'20" E, 27.05 feet; thence S 18°56'35" E, 148.36 feet; thence N 89°05'05" E, 148. A parcel of land in part of the NW ¼ of Section 21 and part of Section 20, T32N-R5W, Boyne Valley Township, Charlevoix County, Michigan, described as:

Commencing at the Southeast corner of said Section 20; thence N 01*03'12" W, 811.25 feet along the East line of said Section 20 to the POINT OF BEGINNING; thence S 85'58'59" W, 741.12 feet; thence N 38'50'33"W, 716.52 feet; thence S 69'38'22" W, 145.25 feet to the South 1/8 line of the SE ¼ of said Section 20; thence along said 1/8 line S 89'06'20" W, 1317.59 feet to the North-South ¼ line of said Section 20; thence along said North-South ¼ line S 01'23'46" E, 664.45 feet; thence S 89'06'20" W, 556.60 feet; thence S 01'20'33" E, 171.81 feet hearing N 62'00'453" W, 87.46 feet; thence 264.33 feet along a Curve to the left, said curve having a radius of 280.00 feet, a Delta Angle of 54'05'21" and a Chord of 254.62 feet bearing N 89'07'33" W; thence S 63'49'45" W, 105.04 feet; thence N 26'10'14" W, 126.42 feet; thence 156.19 feet along a curve to the left, said curve having a radius of 280.00 feet, a long chord of 152.93 feet bearing N 05'49'55" W; thence N 14'30'24" E, 197.06 feet; thence 113.08 feet along a curve to the left, said curve having a radius of 480.00 feet, a delta angle of 13'29'59", a chord of 112.83 feet bearing N 07'45'25" E; thence N 01'00'25" E, 42.51 feet; thence N 67'26'59" W, 361.89 feet; thence N 39'11'37" W, 99.38 feet; thence N 46'55'56" W, 257.57 feet; thence N N 67'25'11" W, 53.86 feet; thence

> MCKEOUGH LAND CONPANY, INC 104 S UNION STREET SUITE 212 DEVELOPER:

(RAVERSE CITY, MI 49684

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feet; thence S 19*56'03" E, 253.77 feet; thence S 47*38'18" E, 202.55 feet; thence S 86*08'08" E, 85.84 feet; thence N 68*43'58" E, 106.23 feet; thence N 38*55'25" E, 104.20 feet; thence N 08*34'30" E, 385.77 feet; thence N 58*07'26" E, 151.67 feet; thence N 20*58'17" E, 143.61 feet; thence N 87*38'26" E, 177.59 feet; thence N 25*07'05" E, 411.71 feet; thence N 25*07'00" E, 821.13 feet; thence N 58*20'31" E, 72.36 feet; thence S 81*52'56" E, 590.57 feet; thence N 86*04'34" E, 126.16 feet; thence N 81*35'10" E, 123.30 feet; thence S 82*06'55" E, 163.83 feet; thence S 67*44'07" E, 266.90 feet; thence S 82*06'55" E, 163.83 feet; thence S 67*44'07" E, 266.90 feet; thence S 03*07'27" E, 258.60 feet; thence S 66*18'09" W, 240.72 feet; thence S 03*30'25" E, 286.00 feet; thence S 66*18'09" W, 248.03 feet; thence S 03*07'25" E, 258.66 feet; thence S 67*44'07" E, 193.45 feet; thence S 36*30'25" E, 38.85 feet; thence S 23*13'07" E, 173.50 feet; thence 49.68 feet along a curve to the right, said curve having a radius of 115.00 feet, a delta angle of 24*45'07", a chord of 49.29 feet thence S 11*49'28" E, 205.99 feet; thence S 01*03'12" E, 1842.11 feet to the Point of Beginning. Containing 160.49 acres.

Together with (access easements #2 & #3) 66 foot wide easements as recorded in Liber 661, Page 173. Tagether with (access easement #1) a 66 foot wide easement as recorded in Liber 661, Page 157, as amended and recorded in Liber £32..., Page £27...



CL Andersen, LLC Surveying and Consulting 16943 Fewine Road Interfection, M. 48943 Phone: (231) 882-4288



PROPOSED DATED: AMENDED DATED:

6-23-05 9-11-17

JOB NUMBER:

¥ Fi 40421



