

*BUILDING
MATERIAL*

**THIRD AMENDMENT TO DECLARATION OF RESTRICTIONS
FOR FAIRWAY PINES AT PHEASANT RUN SUBDIVISION NO. 1
and
FAIRWAY PINES AT PHEASANT RUN SUBDIVISION NO. 2**

WHEREAS, Fairway Pines Limited Partnership, a Michigan limited partnership, of 2025 West Long Lake Road, Suite 104, Troy, Michigan 48098, hereinafter referred to as "Declarant", has previously established certain restrictions, hereinafter referred to as the "Original Restrictions", for the benefit of all owners of lots in Fairway Pines at Pheasant Run Subdivision No. 1 ("Subdivision No. 1") located in Canton Township, Wayne County, Michigan, and more particularly described as:

Lots 1 through 123 inclusive, and Fairway Pines Park, Fairway Pines Park North and Fairway Pines Park South, of Fairway Pines at Pheasant Run Subdivision No. 1, according to the plat thereof as recorded in Liber 105, Pages 88 through 94 inclusive, Wayne County Records ;

which Original Restrictions are recorded in Liber 25813, Pages 134 through 154, inclusive, Wayne County Records; and

WHEREAS, the Declarant has previously amended the Original Restrictions and established certain other restrictions pursuant to that certain First Amendment to Declaration of Restrictions for Fairway Pines at Pheasant Run Subdivision No. 1, hereinafter referred to as the "First Amendment", which First Amendment is recorded in Liber 26882, Pages 484 and 485, Wayne County Records; and

WHEREAS, the Declarant has previously further amended the Original Restrictions and established certain other restrictions pursuant to that certain Declaration of Restrictions for Fairway Pines at Pheasant Run No. 2 and Second Amendment to Declaration of Restrictions for Fairway Pines at Pheasant Run Subdivision No. 1, hereinafter referred to as the "Second Amendment", for the benefit of all owners of lots in Subdivision No. 1 and for the benefit of owners of lots in Fairway Pines at Pheasant Run Subdivision No. 2 ("Subdivision No. 2"). Subdivision No. 2 is located in Canton Township, Wayne County, Michigan and is Described as:

Lots 124 through 279 inclusive, and Glenview Park, Fountain Park West and Fountain Park, of Fairway Pines at Pheasant Run Subdivision No. 2, according to the plat thereof as recorded in Liber 109, Pages 26 through 34 of Plats, inclusive, Wayne County Records;

which Second Amendment is recorded in Liber 29338, pages 593 to 598 inclusive, Wayne County Records. The Original Restrictions as amended by the First Amendment and the Second Amendment are hereinafter referred to as the "Restrictions"; and

WHEREAS, Article IX, Section 6 of the Restrictions provides that "... until December 31, 1999, Declarant shall have the right, by written instrument, signed, acknowledged and recorded with the Wayne County Register of Deeds, to modify, amend, restate, waive or repeal any or all of the provisions herein contained with respect to any thing, or any particular lot within the Subdivision," ;

NOW, THEREFORE, in consideration of the premises and the conditions, restrictions, covenants, agreements, easements, charges and liens contained herein, the Restrictions are hereby amended and additional conditions, restrictions, covenants, agreements, easements, charges and liens are hereby established as follows:

1. The Restrictions are hereby amended such that the second sentence of Article VII, Section 5 shall be replaced in its entirety by the following provision: "Stucco, aluminum siding, vinyl siding and/or ledge rock (but not Texture 1-11) may also be used, so long as any of these materials alone, or in combination, do not exceed thirty-five percent (35%) of the total of all visible exterior walls, to the extent that use of these materials does not violate any Canton Township regulations, provided that only as to those lots in Subdivision No. 1 for which a building permit is issued after August 15, 1997, neither vinyl siding nor aluminum siding may be used in any amount."
2. All conditions, restrictions, covenants, agreements, easements, charges and liens in the Restrictions which are not herein specifically amended shall continue in full force and effect.
3. The invalidity of any of the conditions, restrictions, covenants, agreements, easements, charges and liens in the Restrictions or herein shall not affect the remaining portions thereof or hereof, and in such event the Restrictions as amended hereby shall be construed as if such invalid portion had not been contained therein or herein.
4. Terms not defined herein shall have the meaning ascribed to them in the Restrictions.

IN WITNESS WHEREOF, the undersigned have caused these presents to be executed on the 15th day of July, 1997.

FAIRWAY PINES LIMITED PARTNERSHIP a Michigan limited partnership