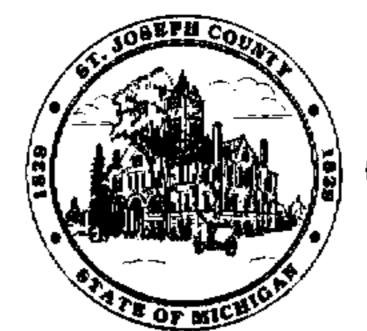
SEC. 135 ACT 206,1893, as Amended - Sec. C.L. 1929) Date Management of the state of the lands I hereby certify that there are no tax liens of titles held by the state on the lands Described below, and that there are No tax liens or titles held by individuals on said lands for five years proceeding 15th day Management and that the taxes for said period of five years are paid.

This certificate does not apply to taxes if any now in process of collection by township, city or Village collecting officers.

ST. Joseph County Treasurer Addies Sumplification Country There were a sumplification of the state of the lands of the state of the state of the state of the lands of the state of the state of the state of the lands of the state of the state of the state of the lands of the state of the state of the lands of the state of the state of the lands of the state of the lands of the state of the state of the lands of the lands of the state of the lands of the lands of the state of the lands of the lan

Cynthia L. Jarratt Register Of Deeds
St. Joseph County, Michigan



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Seceipt # 42650 D16



THIRD AMENDMENT TO MASTER DEED FOR ISLAND HILLS PHASE II CONDOMINIUM

Background

Pheasant Ridge Development Company, Inc., an Indiana corporation, whose address is 54560 County Road 17, Elkhart, Indiana 41516, is the Developer of the Island Hills Phase II Condominium ("Condominium"), a Condominium Project established pursuant to the Master Deed thereof, recorded on January 5, 2006 at Liber 1350, Page 320, in the St. Joseph County Register of Deeds.

The Condominium Master Deed was amended by a First Amendment to Master Deed for Island Hills Phase II Condominium (hereinafter the "First Amendment"), recorded on December 21, 2006, at Liber 1413, Page 482, in the St. Joseph County Register of Deeds.

The Condominium Master Deed was amended by a Second Amendment to Master Deed for Island Hills Phase II Condominium (hereinafter the "Second Amendment"), recorded on March 6, 2007, at Liber 1425, Page 132, in the St. Joseph County Register of Deeds.

As shown on **Exhibit B** to the Master Deed for the Condominium (St. Joseph County Condominium Subdivision Plan No. 27), Unit 75 was not included in the Condominium. Article V of the Master Deed also shows that Unit 75 is not part of the Condominium. The property that makes up what is erroneously labeled as Unit 75 on the Condominium Subdivision Plan is unplatted property that is owned by Todd Stafford and Tina Stafford, husband and wife, whose address is 23695 Hidden River Drive, Sturgis, Michigan 49091. Their home is located on what is labeled as Unit 75 (the "Stafford Property").

As shown on the Condominium Subdivision Plan, the Stafford Property is 99.65 feet in width which is less than the required 100 feet in width which would make the Stafford Property buildable. To remedy this, the Developer of the Condominium has reduced the width of Unit 74 of the Condominium by approximately .35 feet and, after the recording of the Third Amendment, the Developer will convey the former Unit 74 property to the Staffords so that the Stafford Property is 100 feet in width. By conveying the excess Unit 74 property to the Staffords, Unit 74 will become out of compliance with the Nottawa Township zoning ordinance, which requires all of the Units in the Condominium be not less than 80 feet in width. Because of this anticipated violation, the Developer has previously sought a variance from the Nottawa Township officials, which, on April 22, 2008, granted Developer a variance so that Unit 74 could exist as a buildable Unit which was less than 80 feet in width.

PU BEX 535 Brisish IN 46507

gw

St. Joseph County Register of Deeds Delivered <u>5/22/08</u> Time <u>10:41 AM</u> Pursuant to the authority granted in the Michigan Condominium Act and the authority reserved in the Master Deed, Developer hereby amends the Master Deed with this Third Amendment to Master Deed ("Third Amendment"). In accordance with Article IX of the Master Deed, this Third Amendment is made without the consent of any Co-Owner or mortgagee because, among other things, this Third Amendment does not materially alter or change any of the rights of any Co-Owner or mortgagee of any Unit in the Project. The Master Deed for the Island Hills Phase II Condominium is amended as follows:

Amendment

- 1. <u>Condominium Subdivision Plan</u>. The Condominium Subdivision Plan for the Condominium has been amended and is attached as **Exhibit A** hereto. As set forth in the Background section of this Third Amendment, a sliver of Unit 74 (approximately .35 feet) has been taken from Unit 74 of the Condominium and attached to the Stafford Property. Developer, as owner of Unit 74, will thereafter convey that portion of Unit 74 to the Staffords, so that the Stafford Property is 100 feet in width. Because the transfer of the Unit 74 property to the Stafford Property is akin to a shift of the boundary line between Unit 74 and the Stafford property, land division approval is unnecessary.
- 2. <u>Defined Terms</u>. All the capitalized/defined terms set forth in this Third Amendment shall, unless expressly set forth herein, have the same meaning as those in the original Condominium Documents for the Island Hills Phase II Condominium. If there is any conflict between the terms and provisions of this Third Amendment (including the amended Condominium Subdivision Plan) and the Master Deed, the First Amendment, the Second Amendment, or other Condominium Documents for the Island Hills Phase II Condominium, then the terms and provisions of this Third Amendment shall control the rights and obligations of all affected parties, including all Co-Owners and mortgagees of any Units within the Condominium. Otherwise, this Third Amendment shall become part of the Master Deed and the Condominium Documents shall be read together and form one integrated agreement and control the rights and obligations of the affected parties.
- 3. <u>Further Amendments</u>. Except as provided in the Condominium Documents, the Master Deed, Condominium Bylaws, and other Condominium Documents shall not be amended unless a writing which amends the Condominium Documents is recorded in the St. Joseph County Register of Deeds.

IN WITNESS WHEREOF, this Third Amendment to the Master Deed of Island Hills Phase II Condominium has been executed on this day of May, 2008.

Developer:

Pheasant Ridge Development Company, Inc., an Indiana corporation

Jeffrey A. Chupp

Its: President

STATE OF MICHIGAN

SS.

COUNTY OF ST. JOSEPH

Acknowledged before me in St. Joseph County, MI, on May 22, 2008, by Jeffrey A. Chupp, President of Pheasant Ridge Development Company, Inc., an Indiana corporation, by authority of its Board of Directors.

LILA MOSTROM Notary Public

LILA MOSTROM

Notary Public, St. Joseph County, MI Acting In ST. JOSEPH Co., MI My Commission Expires 01/14/2009

Drafted by and when recorded return to:
Jeffrey D. Swenarton
Kreis, Enderle, Callander & Hudgins, P.C.
One Moorsbridge
P.O. Box 4010
Kalamazoo, MI 49003-4010

COVER SHEET REPLAT NO. PROPERTY ω DESCRIPTION

JOSEPH COUNTY CONDOMINIUM PLAN NO.

EXHIBIT Φ 70 MASTER DEED

THE CONDOMINIUM SUBDIVISION PLAN NUMBER MUST BE ASSIGNED IN CONSECUTIVE SEQUENCE WHEN A NUMBER HAS BEEN PROPERLY ASSIGNED TO THIS PROJECT, IT MUST BE PROPERLY SHOWN IN THE TITLE ON THIS SHEET AND IN THE SURVEYOR'S CERTIFICATE ON SHEET 1.

ATTENTION COUNTY REGISTER OF DEEDS

SITUATED IN D IN SECTIONS TOWNSHIP, ND JOSEPH TO\N 6 SOUTH, MICHIGAN RANGE <u></u> WEST,

DEVELOPMENT CO.,

MOSTROM & ASSOC. 610 W. BURR OAK ST P.O. BOX 85 CENTREVILLE, MI. 49 PH. (269) 467-6348 ASSOC., INC. OAK ST. (M-86)

32, TOWN 6 SOUTH, RANGE 10 WEST, DESCRIBED AS FOLLOWS:

SAID SECTION 32 AND RUNNING THENCE
NUMENTED, 379.53 FEET; THENCE SOUTHERLY,
ULEVARD, ALONG A 628.27 FOOT RADIUS CURVE
'15'09" AND AN ARC LENGTH OF 450.91 FEET
INT OF BEGINNING OF THIS DESCRIPTION; THENCE
RD, ALONG THE FOLLOWING THREE COURSES;
RADIUS CURVE TO THE LEFT, HAVING A DELTA
94.43 FEET (CHORD=S20*12'14"E 94.34 FEET);
87*43'15"W 200.00 FEET; THENCE N30*17'18"E
T; THENCE N59*31'31"W, ALONG THE SOUTH
10.00 FEET; THENCE S00*28'29"W 150.87 FEET;
1*21'08"W 246.80 FEET; THENCE S70*46'38"W
T; THENCE N40*57'58"W 203.15 FEET; THENCE
TERLY, ALONG THE WESTERLY RIGHT-OF-WAY
0 FOOT RADIUS CURVE TO THE RIGHT, HAVING A
37H OF 43.29 FEET (CHORD=N44*32'44"W 43.28
DEN RIVER DRIVE, 56.83 FEET; THENCE
W 403.76 FEET; THENCE N50*22'44"E 200.07
WESTERLY RIGHT-OF-WAY LINE OF HIDDEN RIVER
TO THE RIGHT, HAVING A DELTA ANGLE OF
T (CHORD=N37*46'26"W 94.18 FEET); THENCE
W 126.15 FEET; THENCE N27*35'04"W 154.30 FEET;
G*06'12"E 180.81 FEET; THENCE N83*33'02"E
T; THENCE S89*31'31"E 900.00 FEET; THENCE
THENCE S89*31'31"E 900.00 FEET; THENCE
S89*31'31"E 20.00
THE RIGHT-OF-WAY LINE OF
THENCE S89*31'31"E 20.00
THE RIGHT-OF-WAY LINE OF
THENCE S89*31'31"E 20.00
THE RIGHT-OF-WAY LINE OF
THENCE S89*31'31"E 20.00
THE RIGHT-OF-WAY LINE OF
THENCE S89*31'31"E 20.00
THE POINT OF

AID SECTION 32 AND RUNNING THENCE
E, 330.80 FEET; THENCE S89*40'33"E, AT RIGHT
E N49*08'12"E 189.81 FEET; THENCE
S04.45 FEET; THENCE \$89*31'31"E 285.54 FEET;
OF BEGINNING OF THIS EXCEPTION; THENCE
STONE DRIVE, 100.00 FEET; THENCE
ALONG THE NORTH LINE OF HIDDEN RIVER
ALONG THE NORTH LINE OF BEGINNING.

SURVEYOR'S CERTIFICATE

I. WAYNE HEREBY C CERTIFY, LICENSED LAND SURVEYOR OF THE STATE OF MICHIGAN,

THAT THE SUBDIVISION PLAN KNOWN AS ST. JOSEPH COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 27 REPLAT NO. 3, AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LANDS AND THE PROPERTY HEREIN DESCRIBED.

THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED IN THE GROUND AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT NO. 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 NO. 59 OF THE PUBLIC ACTS OF 1978.

THAT THE BEARINGS, AS SHOWN, ARE NOTED ON THE SURVEY PLAN AS REQUIRED BY RULES AS PROMULGATED UNDER SECTION 142 OF ACT NO. 59 OF THE PUBLIC ACTS OF 1

18/08

DATE

WAYNE A. MOSTROM
PROFESSIONAL LAND SURVEYOR NO. 14100
MOSTROM & ASSOC., INC.
810 W. BURR DAK ST.
CENTREVILLE, M. 48032

NOTE: ONLY REDUCES UNIT 74
PRIL 22, 2008 MEETING OF
TOWNSHIP BOARD OF APPEALS

COVER SHEET A SURVEY PLAN SITE PLAN UTILITY PLAN

2008

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