

Jim Schumaker / Sge
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FD

LIBER 1497 PAGE 850

307483

STATE OF MICHIGAN
DEPT. OF LAND
AND NATURAL RESOURCES
DIVISION OF RECORDS
AND DOCUMENTS
TREASURY DEPT.
LANSING, MICHIGAN 48224

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**FIRST AMENDMENT TO CONDOMINIUM BYLAWS
CHUM'S VILLAGE COMMERCE PARK**

This Amendment made this 2nd day of MAY, 2001.

Pursuant to the provisions of Article X of the Bylaws of Chum's Village Commerce Park, by unanimous consent of Developer and all Unit owners, such Bylaws as originally recorded in Liber 1469, Page 252 through Liber 1496, Page 275 are amended as follows:

1) A new Section 14 shall be added to Article VIII which shall read as follows:

Section 14 Health Department Requirements.

1. Permits for the installation of sewage disposal system shall be obtained from the Grand Traverse County Health Department prior to any construction of the above named site condominium.
2. All dwellings must be served by the Blair Township Municipal Water System, which service shall be constructed in compliance with the regulations promulgated by the Michigan Department of Environmental Quality.
3. Development on individual units shall be limited to businesses which have low wastewater flows similar to a single family residence. Initial and reserve sewage system areas shall be provided and used for no other purpose.
4. Food service establishments may be prohibited on individual units due to their conservative sewage system design requirements for high strength waste.
5. All initial and reserve sewage system areas in this development shall maintain a 50 foot setback from stormwater retention basins.
6. Only sanitary waste shall be disposed of through the on-site waste disposal system.
7. On-site waste disposal systems shall be designed by an engineer licensed in Michigan.
8. Design and construction shall be in accordance with Michigan Criteria for Subsurface Sewage Disposal and Grand Traverse County Health Department regulations.

9. Prospective buyers of all units in this site condominium shall be advised to consult with the Health Department to review whether proposed site development plans showing buildings, driveways, parking areas, and initial and reserve sewage systems areas are possible.
 10. Should a change in ownership occur, the new owners must meet with the Grand Traverse County Health Department prior to closing to review sewage disposal conditions.
 11. The on-site waste disposal area shall be protected from the vehicle traffic by means acceptable with the Grand Traverse County Health Department.
 12. Surface Drainage shall be directed away from the on-site wastewater treatment and disposal area.
 13. Snow removal shall be completed in such a manner as to avoid piling it on the area of the on-site wastewater treatment and disposal system.
 14. Unit #66 is restricted for use as a reserve sewage system area for the Burger King restaurant at 920 U.S. 31 South. This restriction will terminate at such time as this establishment is connected to a municipal sewer system, or a suitable substitute reserve sewage system area is required.
 15. Any business involved in the use, storage, or manufacture of polluting materials is hereby advised of the necessity to comply with requirements under Part 5 of the general rules of the Michigan Department of Environmental Quality, Water Management Division, titled, "Spillage of Oil and Polluting Materials." Polluting materials means salt and any materials listed on the critical materials registered as prepared by the Water Resources Commission in solid form. Where a pollution incident prevention plan is required, a copy of this plan also must be submitted to the Health Department.
 16. Site development plans are available at the Grand Traverse County Health Department for review.
 17. As leveling of the site condominium property has occurred since initial soil testing resulting in filled and cut areas, additional backhoe tests in sewage disposal areas may be required when sewage permits are applied for.
 18. At such time that units in this site condominium may be served by municipal sewers, restrictions number 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, and 17 may be terminated.
- 2) Section 2.3 (b) is eliminated in its entirety and replaced with new Section 2.3 (b) as follows:
- (b) Until January 1 of the year immediately following the conveyance of the first Lot to an Owner, the annual assessment per lot for Chum's Village Commerce Park Association shall be \$200.00 except for Lots 45, 47 and 51 for which the annual assessment is \$300.00 per lot. Until January 1 of the year immediately following the conveyance of the first Lot to an Owner, the annual assessment per lot for Chum's Village Park Association shall be \$95.00.

Seventy Five and 00/100 (\$75.00) Dollars of each lot's annual assessment from Chum's Village Park Association shall be segregated into an account for the specific purpose of the maintenance, upkeep and repair of Chum's Village Park. At such time as this segregated fund reaches and is maintained at a level of \$5,000.00 or more, this portion of the annual assessment may be suspended or reduced as determined by the Board of Directors.

(1) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased each year not more than three (3%) percent above the maximum assessment for the previous year without a vote of the membership.

(2) From and after January 1 of the year immediately following the conveyance of the first Lot to an Owner, the maximum annual assessment may be increased above three (3%) percent only by a majority vote of each class of Members who are voting in person or by proxy, as weighted pursuant to section 1.2, at a meeting duly called for this purpose.

(3) The Board of Directors may fix the annual assessment at an amount not in excess of the maximum.

Signed in the presence of:

Developer: Family Properties, LLC

Kim M. Schmerheim
KIM M. SCHMERHEIM

David L. Prevo
By: David L. Prevo, its Member

Susan M. Fall
SUSAN M. FALL

Lingo Limited, LLC

Kim M. Schmerheim
KIM M. SCHMERHEIM

David M. Goes
By: DAVID M. GOES, its Member

Susan M. Fall
SUSAN M. FALL

STATE OF MICHIGAN)
)SS
GRAND TRAVERSE COUNTY)

On the 2nd day of MAY, 2001, before me appeared David L. Prevo, Member on behalf of Family Properties, LLC to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

Susan M. Fall

Notary Public
County of
My Commission Expires:

SUSAN M FALL
Notary Public, Grand Traverse County, MI
My Commission Expires Apr 10, 2004

STATE OF MICHIGAN)
)SS
GRAND TRAVERSE COUNTY)

On the 2nd day of MAY, 2001, before me appeared DAVID M. BOSS, Member of Lingo Limited, LLC to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

Susan M. Fall

Notary Public
County of
My Commission Expires:

SUSAN M FALL
Notary Public, Grand Traverse County, MI
My Commission Expires Apr 10, 2004

Prepared by:

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C7:Chums Village-Bylaws Amendment 1