

**FOURTH AMENDMENT TO MASTER DEED  
OF CHUMS VILLAGE COMMERCE PARK**

This Amendment made this 11<sup>th</sup> day of ~~September~~ <sup>NOVEMBER</sup>, 2005 to the Master Deed of Chums Village Commerce Park as recorded in Liber 1469, Page 240, as amended in Liber 1497, Page 850, Liber 1606, Page 310 and Document #2005C-00065.

Pursuant to the provisions of Article VI and IX of the Chums Village Commerce Park Master Deed, such Master Deed is amended as follows:

1. The Master Deed is amended to include new Replat No. 4 which is attached hereto to address certain changes and additions including the following:
  - A) The addition of temporary and permanent sewer easements as shown on Replat #4 affecting Units 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 43, 44, 45, 46, 47, 48, 49 and 50.
  - B) The driveway between Unit 43 and 44 is eliminated.
  - C) The area and location of Unit 51 is changed and enlarged and Unit 52 is added as set forth in the Replat drawings.
  - D) The description of the proposed future development area is redefined as set forth on the Replat drawings.
  
2. Article V, Section 2 is deleted and replaced with new Article V, Section 2 which revises the percentage of value to accommodate the new enlarged area of Unit 51 and the addition of Unit 52.

Section 2. Percentage of Value. The percentage of value assigned to each Unit is set forth on attached Exhibit D. The percentages of value were computed by the Developer based on the following comparative characteristics:

- (a) Market Value
- (b) Size
- (c) Location
- (d) Allowable Expenses of Maintenance

The percentage of value assigned to each Unit shall be determined by each Co-owner's respective share of the General Common Elements of the

Condominium Project, the proportionate share of each respective Co-owner in the proceeds and expenses of administration. For purposes of voting, however, each Unit owner shall receive one vote except as modified by Section 1.2 of the Condominium Bylaws and except for Unit 25, which consists of 22 combined Units, which shall receive 22 votes. The value of each Unit in Phase II of Chums Village Commerce Park shall be similarly computed and new percentages of value shall be assigned to each Unit in each phase by recording an Amendment to the Master Deed.

3. A new Article XI, Road Commission Requirements as follows:

## **ARTICLE XI**

### **COUNTY ROAD COMMISSION REQUIREMENTS**

Section 1. Road Maintenance and Repairs. W. Commerce Dr., Village Park Dr., Stadium Dr. and Chums Village Dr. are public roads and will be maintained by the Grand Traverse County Road Commission. However, the Association is required to maintain and repair any damage to the shoulders of these roads and to the road pavement and edges, over and above normal wear and tear, resulting from construction of less than the normal road width and curve radius standard requirements. The Association is required to repair any damage or provide any maintenance to the road surface and shoulders within 30 days after receiving notice from the County Road Commission stating the need for such maintenance or repair.

Section 2. Outlot/Future Road Reserve. An outlot/future road reserve will be placed at the end of Stadium Dr.

Section 3. Special Assessment Road Improvements. At some time subsequent to the recordation of the Master Deed, it may become necessary to repair or improve some or all of the roads within or adjacent to the Condominium premises. Those improvements or repairs may be financed, in whole or in part, by the creation of a special assessment district or districts which may include the condominium development. Upon approval by an affirmative vote of not less than fifty-one (51%) percent of all Co-owners, the Association shall be vested with the power and authority to sign petitions requesting establishment of a special assessment district pursuant to provisions of applicable Michigan statutes for improvement of roads within or adjacent to the condominium premises.

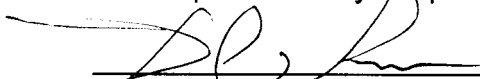
All Land Contracts or Deeds shall contain the following notification: The acceptance of a conveyance or the execution of a land contract by any owner or purchaser of a unit in the Chums Village Commerce Park shall constitute the owner's or purchaser's irrevocable appointment of the Grand Traverse County Road Commission as such owner's or purchaser's proxy to vote for and obligate all co-owners to participate in a special assessment district as set forth in Article XI of the Chums Village Commerce Park Master Deed for the purpose of repairing any damage, or to provide any maintenance to the road surface and shoulders.

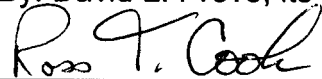
In the event that a special assessment road improvement project is established pursuant to applicable Michigan law, the collective cost assessable to the condominium premises as a whole shall be borne equally by all Co-owners.

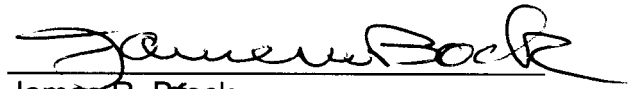
All road improvement special assessments levied by any public taxing authority shall be assessed in accordance with Section 131 of 1978 P.A. 59, as amended (MCLA 559.231).

Section 4. Amendment. The provisions of this Article may only be amended with the written consent of the Grand Traverse County Road Commission


Developer: Family Properties, LLC

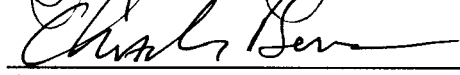
  
By: David L. Prevo, its Member

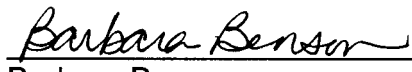
  
Ross T. Cook

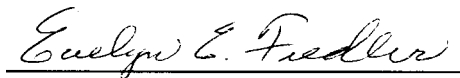
  
James R. Bock

Wuerfel Sports Development, LCL

  
By: Leslie A. Wuerfel, its Member

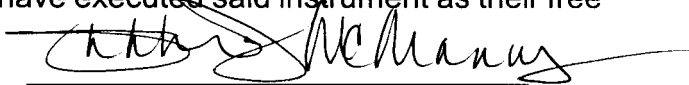
  
Charles Benson

  
Barbara Benson


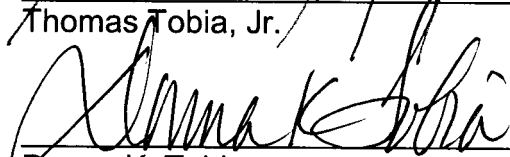
  
Evelyn E Fiedler

STATE OF MICHIGAN )  
 )SS  
COUNTY OF GRAND TRAVERSE )

On this 11<sup>th</sup> day of ~~September~~ <sup>NOVEMBER</sup>, 2005, before me, a Notary Public in and for said County and state, personally appeared David L. Prevo, Member of Family Properties, LLC, Ross T. Cook, James R. Bock, LESLYE A. WUERFEL, Member of Wuerfel Sports Development, LLC, Charles Benson, Barbara Benson and Evelyn E. Fiedler, and acknowledge that they have executed said instrument as their free and voluntary act and deed.


  
Jeffrey J. McManus Notary Public  
Grand Traverse County, Michigan  
My commission expires: 5-23-07  
Acting in Grand Traverse County  
Michigan

Prepared by:  
Jeffrey J. McManus, Attorney  
Land & Estate Planning Services, PC  
3335 South Airport Road West  
Suite 5B  
Traverse City, MI 49684  
231-947-0550

  
\_\_\_\_\_  
Thomas Tobia, Jr.  
  
\_\_\_\_\_  
Donna K. Tobia

STATE OF MICHIGAN )  
 )SS  
COUNTY OF GRAND TRAVERSE )

On this 11<sup>th</sup> day of November, 2005, before me, a Notary Public in and for said County and state, personally appeared Thomas Tobia, Jr. and Donna K. Tobia, and acknowledge that they have executed said instrument as their free and voluntary act and deed.

  
\_\_\_\_\_  
Jeffrey J. McManus Notary Public  
Grand Traverse County, Michigan  
My commission expires: ~~5-23-07~~  
Acting in Grand Traverse County  
Michigan

REPLAT NO. 4  
 GRAND TRAVERSE COUNTY CONDOMINIUM  
 SUBDIVISION PLAN NO. 149  
 EXHIBIT B TO MASTER DEED OF

CHUM'S VILLAGE COMMERCE PARK  
 BLAIR TOWNSHIP  
 GRAND TRAVERSE COUNTY, MICHIGAN

DEVELOPER  
 FAMILY PROPERTIES, LLC  
 9572 BINGHAM ROAD  
 TRAVERSE CITY, MI 49684

PROPERTY DESCRIPTION

Part of Section 5, Town 26 North, Range 11 West, Blair Township, Grand Traverse County, Michigan, more fully described as follows:

Commencing at the East 1/4 corner of said Section 5; thence S 00°01'42" E, 427.80 feet along the East line of said Section 5 to the POINT OF BEGINNING; thence N 89°37'33" W, 700.46 feet; thence S 00°01'14" W, 248.41 feet; thence S 53°27'56" W, 333.00 feet; thence along a 416.00 foot radius curve to the left for a distance of 45.92 feet (Central angle = 6°19'28", chord bearing = N 03°09'44" E, chord dist. = 45.89 feet); thence North, 198.59 feet; thence West, 382.45 feet; thence N 00°26'14" E, 395.62 feet; thence along a 25.00 foot radius curve to the left for a distance of 39.42 feet (Central angle = 90°20'29", chord bearing = N 44°44'01" W, chord dist. = 35.46 feet); thence N 89°54'16" W, 524.36 feet; thence along a 25.00 foot radius curve to the left for a distance of 39.32 feet (Central angle = 90°06'54", chord bearing = S 45°02'17" W, chord dist. = 35.39 feet); thence S 00°01'07" E, 30.02 feet; thence N 89°57'42" W, 240.23 feet; thence along a 232.00 foot radius curve to the left for a distance of 28.63 feet (Central angle = 71°00'07" chord bearing = S 14°28'27" E, chord dist. = 28.61 feet); thence S 18°05'57" E, 140.37 feet; thence along a 328.00 foot radius curve to the right for a distance of 102.84 feet (Central angle = 17°57'53", chord bearing = S 08°07'00" E, chord dist. = 102.42 feet); thence S 00°00'04" E, 152.22 feet; thence along a 232.00 foot radius curve to the left for a distance of 258.05 feet (Central angle = 63°58'51", chord bearing = S 32°07'19" E, chord dist. = 245.80 feet); thence S 64°08'55" E, 195.83 feet; thence along a 316.00 foot radius curve to the right for a distance of 355.68 feet (Central angle = 64°05'08", chord bearing = S 32°04'01" E, chord dist. = 337.43 feet); thence S 00°01'27" E, 54.82 feet to a point on the monumented South 1/8 line of said Section 5 and the North line of South Traverse Commerce Park as recorded in Liber 013, Page 116; thence N 89°56'31" W, 570.58 feet along said North 1/8 line and said North line of South Traverse Commerce Park; thence N 00°00'04" W, 782.37 feet; thence along a 242.00 foot radius curve to the left for a distance of 75.88 feet (Central angle = 17°57'53", chord bearing = N 00°07'00" W, chord dist. = 75.87 feet); thence N 18°05'57" W, 110.20 feet; thence along a 308.00 foot radius curve to the right for a distance of 30.09 feet (Central angle = 51°55'24", chord bearing = N 13°10'01" W, chord dist. = 30.08 feet); thence N 89°39'24" W, 491.32 feet to a point on the North and South 1/4 line of said Section 5; thence N 00°00'05" W, 448.34 feet along said North and South 1/4 line; thence S 89°34'58" E, 108.90 feet; thence N 89°34'58" W, 108.90 feet to a point on said North and South 1/4 line; thence N 00°00'05" W, 1002.19 feet along said North and South 1/4 line to a point on the North 1/8 line of said Section 5; thence S 89°25'18" E, 1978.22 feet along said North 1/8 line; thence S 00°01'29" E, 1316.32 feet; thence N 89°34'23" W, 412.22 feet; thence S 00°01'14" W, 362.44 feet; thence S 89°37'33" E, 700.35 feet to a point on said East Section line; thence S 00°01'42" E, 68.00 feet along said East Section line to the POINT OF BEGINNING.

Containing 84.68 acres more or less.

Subject to the right-of-way of U.S. 31/A-37 over a portion thereof.

Subject to a 100' wide utility easement as shown in Liber 430, Page 972.

Together with an easement located in part of Section 5, Town 26 North, Range 11 West, Blair Township, Grand Traverse County, Michigan, more fully described as follows:

Commencing at the East 1/4 corner of said Section 5; thence S 00°01'42" E, 427.80 feet along the East line of said Section 5; thence N 89°37'33" W, 43.00 feet to a point on the right-of-way of U.S. 31/A-37 and the POINT OF BEGINNING; thence S 00°01'42" E, 45.00 feet along said right-of-way; thence N 89°37'33" W, 44.83 feet; thence N 00°01'29" W, 25.00 feet; thence N 89°37'33" W, 612.65 feet; thence N 00°01'14" E, 20.00 feet; thence S 89°37'33" E, 657.46 feet to a point on said right-of-way and the POINT OF BEGINNING.

Together with a drainage easement located in part of the Southeast 1/4 of Section 5, Town 26 North, Range 11 West, Blair Township, Grand Traverse County, Michigan, more fully described as follows:

Commencing at the East 1/4 corner of said Section 5; thence S 00°01'42" E, 427.80 feet along the East line of said Section 5; thence N 89°37'33" W, 700.46 feet; thence S 00°01'14" W, 248.41 feet; thence S 53°27'56" W, 333.00 feet; thence along a 416.00 foot radius curve to the right for a distance of 45.92 feet (Central angle = 6°19'28", chord bearing = N 03°09'44" E, chord dist. = 45.89 feet); thence N 00°26'14" E, 395.62 feet; thence along a 25.00 foot radius curve to the left for a distance of 39.42 feet (Central angle = 90°20'29", chord bearing = N 44°44'01" W, chord dist. = 35.46 feet); thence N 89°54'16" W, 524.36 feet; thence along a 25.00 foot radius curve to the left for a distance of 39.32 feet (Central angle = 90°06'54", chord bearing = S 45°02'17" W, chord dist. = 35.39 feet); thence S 00°01'07" E, 30.02 feet; thence N 89°57'42" W, 30.00 feet to the POINT OF BEGINNING; thence S 00°02'18" W, 91.84 feet; thence N 89°37'42" W, 182.24 feet; thence N 18°05'57" W, 68.15 feet; thence along a 232.00 foot radius curve to the right for a distance of 28.63 feet (Central angle = 71°00'07" chord bearing = N 14°28'25" W, chord dist. = 28.61 feet); thence S 89°37'42" E, 210.23 feet to the POINT OF BEGINNING.

Subject to and together with agreements, covenants, easements and restrictions of record.

NOTE:  
 CHUM'S VILLAGE COMMERCE PARK CONDOMINIUM IS A CONDOMINIUM PROJECT. THE ASTERISK (\*) INDICATES AMENDED OR NEW SHEETS WHICH ARE REVISED DATED SEPT. 12, 2005. THESE PROPOSED SHEETS WITH THIS SUBMISSION ARE TO REPLACE OR BE SUPPLEMENTAL SHEETS TO THOSE PREVIOUSLY RECORDED.

SHEET NO.	SHEET TITLE
*1	COVER SHEET
*2	SURVEY PLAN 1
*3	SURVEY PLAN 2
*3A	SURVEY PLAN 2A
*4	SURVEY PLAN 3
*5	SITE PLAN 1
*5A	SITE PLAN 2
*6	SITE PLAN 1
*7	UTILITY PLAN
*8	SURVEY PLAN 25
*9	SITE/UTILITY PLAN UNIT 25
*10	SANITARY SEWER EASEMENTS

SURVEYOR

STEVEN P. BITE  
 PROFESSIONAL LAND SURVEYOR  
 ELLEN'S CONSULTING ENGINEERING, INC.  
 3600 RENNIE SCHOOL ROAD  
 P.O. BOX 6150  
 TRAVERSE CITY, MICHIGAN 49685-6150



**Emoris**  
 CONSTRUCTION ENGINEERING, INC.

3600 RENNIE SCHOOL ROAD  
 P.O. BOX 6150  
 TRAVERSE CITY, MI 49685-6150  
 TEL: (231) 943-3443  
 FAX: (231) 943-5875

AMENDED 9-12-05

PROPOSED 02-08-01  
 FILED 290320  
 DocuCompliance

