



BUILDING AND USE RESTRICTIONS FOR SUTTON ACRES SUBDIVISION
PHASE II

Root Development, Inc., a Michigan Corporation, (hereinafter referred to as "Owner"), Owner of real estate located in the Township of Raisin, Lenawee County, Michigan of the plat of "Sutton Acres", No. 2, as recorded in Liber 25, of plats, Pages 1 through 3, Lenawee County Records. "Owner", desires to impose certain covenants and restrictions and conditions on said lots for the purposes of insuring the use of the various lots to the users for which those lots are best suited and for the further purpose of preserving and improving the attractive features of the property and community.

Therefore, said Owner, hereby impose the following protective covenants, restrictions and conditions upon the use of all lots in Sutton Acres, No. 2, which covenants, restrictions and conditions shall run with the land and shall be binding upon all the parties and persons claiming by, through, or under the undersigned, and which are hereby imposed as reciprocal negative easements on all lots included in Sutton Acres, No. 2, including any additions thereto.

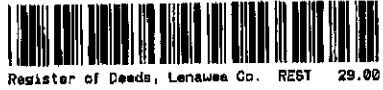
No building, fence, television or radio antenna, mailbox, above ground or utility service, wall or other structure shall be commenced, erected or maintained upon the property, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures or topography by the Owner. At whatever time in the future the Owners deem fit to do so, they may turn over and delegate this authority to an association or committee. In the event, such as the failure, neglect or refusal of the members of the association or committee to act or continue to act, a majority of the existing owners of lots in Sutton Acres, No. 2 shall elect three members to comprise an architectural committee.

The Owner, or the architectural committee, may upon a showing of practical difficulties, grant variances or revise these restrictions from the terms and conditions therein, but only to the extent and in such manner as not to violate the spirit and intent of the restrictions and regulations contained herein.

1. These restrictions shall run with the land and shall be binding upon all of the lot owners and occupants of said lots for a period of fifty (50) years from and after the date hereof after which time said restrictions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots shall be recorded agreeing to change the covenants in whole or in part. Health Department restrictions shall run with the land and shall be binding upon all owners, with no time limitations.
2. It shall be lawful for any person or persons owning any part of the lands and premises included within Sutton Acres, No. 2, to bring an action at law against any person or persons violating or attempting to violate any of the within restrictions, or to recover damages for such violation. Each of these restrictions is enforceable by injunctive proceeding in addition to all other remedies as may be available and the respondent shall be chargeable with all costs and attorney fees incurred in such action. Violation of any of these restrictions regardless of duration or repetition, shall not operate to prevent enforcement of any restrictions.

In the event that any part of these covenants and restrictions are held ineffective or invalid for any reason by waiver, judgment, decree or other court order or otherwise, all other parts and provisions of these restrictions shall nevertheless

29⁰⁰ ✓ Charles H. Gross



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Proprietor's Certificate

GAIL RIGHTER, Personal Representative of The Estate of William E. Righter, personally, has caused the land embraced in this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the streets are for the use of the public; that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

The Estate of William E. Righter

Gail Righter

By: Gail Righter
Personal Representative

STATE OF MICHIGAN)
 ss.
COUNTY OF LENAWEE)

Personally came before me this 11th day of June, 2004, **Gail Righter, Personal Representative of the Estate of William E. Righter**, to me known to be the person who executed the foregoing instrument, and acknowledge that he executed the same as his free act and deed.

Leslie A. Wood

Leslie A. Wood, Notary Public
Lenawee County, Michigan
My Commission Expires: 1-12-07
Acting in the County of Lenawee

RESTRICTIONS APPROVED: Sections 17 & 18 A-G

Lenawee County Health Department
Environmental Health Division

Paul Nelson

PAUL NELSON
JUNE 14, 2004

Prepared by:
✓ Charles H. Gross
Attorney at Law
103 Brown Street
Tecumseh, Mi. 49286
517/423-8344

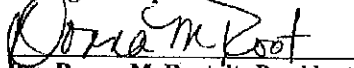
meeting criteria established by the Michigan Department of Environmental Quality for wells in Michigan Subdivisions.

- G.) Health Department restrictions shall run with the land and shall be binding upon all owners.

IN WITNESS WHEREOF, the Grantor has set their hand and seal on the dates set forth next to their signatures.

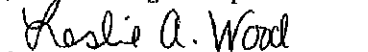
**Root Development, Inc. a
 Michigan Corporation**

Dated: June 9, 2004


 By: Donna M. Root, its President

STATE OF MICHIGAN)
 ss.
 COUNTY OF LENAWEЕ)

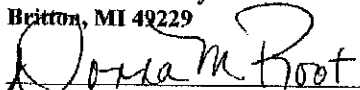
The foregoing instrument was acknowledged before me on this 9th day of June, 2004 by **Donna M. Root, President of Root Development, Inc., a Michigan Corporation.**


 Leslie A. Wood, Notary Public
 Lenawee County, Michigan
 My Commission Expires: 1-12-07
 Acting in the County of Lenawee

Proprietor's Certificate

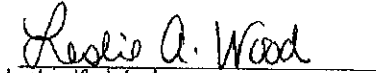
Root Development, Inc., a corporation duly organized and existing under the laws of the State of Michigan, by **Donna M. Root, President** as proprietor, has caused the land embraced in this plat to be surveyed, divided, mapped and dedicated as represented on this plat and that the streets are for the use of the public; that the public utility easements are private easements and that all other easements are for the uses shown on the plat.

**Root Development, Inc. a
 Michigan Corporation
 4655 Blissfield Hwy.
 Britton, MI 49229**


 By: Donna M. Root, its President

STATE OF MICHIGAN)
 ss.
 COUNTY OF LENAWEЕ)

Personally came before me this 9th day of June, 2004, **Donna M. Root, President** of the above named corporation to me known to be the person who executed the foregoing instrument, and to me known to be such President of said corporation, and acknowledge that she executed the foregoing instrument as such officer as the free act and deed of said corporation, by its authority.


 Leslie A. Wood, Notary Public
 Lenawee County, Michigan
 My Commission Expires: 1-12-07
 Acting in the County of Lenawee



Iron is an aesthetic problem, being an objectionable constituent of water supplies. Iron may impart reddish-brown staining of laundry, fountains and plumbing fixtures. Iron may impart a bitter astringent taste to water and can affect the taste of beverages at concentrations in excess of 1.0 mg/l. The amount of iron causing objectionable taste or staining is a small fraction of the amount of iron consumed in the daily diet. Iron can be removed by water filtration treatment processes, such as ion exchange and oxidation, followed by filtering. Iron is naturally occurring or it can be caused by corrosion of iron or steel piping or iron-producing bacteria. Concentrations of 1-5 ppm in ground water are Common.

Results of the arsenic analyses of water from test wells in Phase II of the Preliminary Plat of Sutton Acres, No. 2 for arsenic ranged from 0.0000 to 0.0018 mg/l. The new EPA drinking water standard lowers the concentration of arsenic from 0.05 mg/L to 0.01 mg/L for certain public water supplies. The current Administrative Rule (R 560.414) within the document titled "On-Site Water Supply and Sewage Disposal for Land Divisions and Subdivisions" establishes a maximum contaminant level for arsenic of 0.05 mg/L through reference to EPA's October 1996 publication titled "Drinking Water Regulations and Health Advisories.

Arsenic is widely distributed in the environment and can be found in some foods such as shrimp and other seafood, as well as drinking water. The presence of arsenic in drinking water may be due to natural deposits, extensive use as a pesticide agent, and from phosphate fertilizers containing arsenic. There is no visible color, taste or odor. Health effects of long-term exposures to elevated arsenic levels in drinking water supplies can lead to thickening and discoloration of the skin. Other effects may include irritation of the digestive tract leading to pain, nausea, vomiting and diarrhea. There may also be numbness in the feet and hands. These signs of arsenic toxicity generally do not develop unless levels in drinking water are greater than .3 mg/L parts per million (ppm).

Reverse osmosis (RO), distillation, and activated alumina water treatment devices may be the most effective and practical arsenic treatment methods for residential water supplies. Reverse osmosis in some cases may remove up to 90 percent of the arsenic. Water softeners and activated carbon filters do not reduce arsenic levels effectively.

18. HEALTH DEPARTMENT RESTRICTIONS for Phase II of the Preliminary Plat of Sutton Acres, No. 2 are as follows:

The restrictions in paragraphs A-G as follows shall continue in perpetuity from the date these restrictions are recorded in the Office of the Register of Deeds for Lenawee County, Michigan, excluded from any time limitations set forth in the declaration, and may not be amended.

- A.) Development shall be limited to construction of single-family homes.
- B.) Each home shall be served by an onsite sewage disposal system located on the home owners property.
- C.) Each home shall be served by an individual well water supply located on the home owners property.
- D.) Each lot utilizing an onsite sewage disposal system and/or well water supply is subject to review by the Lenawee County Health Department. Each property owner shall demonstrate compliance with Lenawee County Health Department requirements before construction permit(s) are issued. Permits for construction of wells and/or onsite sewage disposal systems shall be obtained from the Lenawee County Health Department prior to securing a building permit.
- E.) Wells shall:
 - a.) be finished below a depth of 50';
 - b.) penetrate an impervious clay layer of 10' feet thick; and
 - c.) be isolated 50' or more from sewage disposal systems.
- F.) If a well drilling contractor drills below 250' without obtaining adequate quantities of water and the depth is verified by the Lenawee County Health Department, the department may approve other specifications



homeowners. No kennels will be allowed or raising dogs, cats or other domestic pets for sale.

9. No savage or dangerous animal shall be kept. Such animals as are kept shall have such care and restraint so as not to be obnoxious or offensive on account of noise, odor or unsanitary conditions. No such animal shall be sheltered or kept outside. No animals such as chickens, pigs, cattle, horses, or like kind to be kept on premises.
10. No RV's, boats, trailers of any kind, nor automobiles, trucks, construction equipment, tractors, machinery or other mechanical equipment of any kind shall be stored outdoors.
11. No sign shall be displayed to public view on any lot except for one (1) sign of not more than four (4) square feet advertising the property for sale, or one (1) sign by the builder advertising the property for sale during the construction phase, or one (1) sign endorsing a political candidate of the lot owners preference. Such political sign shall not be erected more than forty-five (45) days prior to an election, nor more than seven (7) days after.
12. All soil to be removed from building sites, either in grading or excavating, shall become the property of the Owner and shall be dumped by any person so removing said soil at the lot owners expense, at such place or places upon the property as the Owner shall designate.
13. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become and annoyance to the neighborhood.
14. All lots with or without dwellings shall be kept mowed. Owner reserves the right to enter upon and mow any lot as needed in the event grass or weeds exceed a height of 6" with the cost of such moving to be paid by the lot owner of record.
15. One live tree must be planted in front of each house between and in line with the front property stake. This tree must be of 2 1/2 caliper. Ash, Maple and Oak are the only type acceptable unless approved by the developer.
16. All ditches and easements, upon completion of construction, are to be returned to the elevation and manor in which they were found prior to construction. If found in default, the developer will repair, seed, etc., at the expense of the lot owner.
17. HEALTH DEPARTMENT-HEALTH ADVISORIES 22 Results of the partial chemical analyses of water from test wells in Phase II of the Preliminary Plat of Sutton Acres, No. 2 for water hardness measured as CaCo³ were between 240 and 457 mg/l. The Secondary Maximum Contaminate Level for hardness is 250 mg/l. A Secondary Maximum Contaminate Level is a suggested non-enforceable limit for parameters found in drinking water that may affect the aesthetic qualities and the public's acceptance of drinking water.

Water Hardness is primarily due to calcium and magnesium carbonates and bicarbonates, calcium sulfate, calcium chloride, magnesium sulfate and magnesium chlorides. Generally, water softer than 50 mg/l is corrosive, whereas water harder than 80 mg/l leads to use of more soap. Excessive hardness leads to boiler scale deposits in pipes, heaters, boilers, reducing thermal efficiency and eventually plugging piping. Hardness may be treated by installation of a water softener.

Results of the partial chemical analyses of water from test wells in Phase II of the Preliminary Plat of Sutton Acres, No. 2 for iron ranged from .05 to 1.7 mg/l. The Secondary Maximum Contaminate Level for iron is 0.3 mg/l. A Secondary Maximum Contaminate Level is a suggested non-enforceable limit for parameters found in drinking water that may affect the aesthetic qualities and the public's acceptance of drinking water.



remain in full force and effect.

3. Development shall be limited to construction of single-family homes. One story, single-family residence to have a minimum of 1,700 finished square feet exclusive of garages, breeze ways, screened and open porches. One and a half or two story dwellings to have a minimum of 1,900 finished square feet with the first floor minimum at 1,300 finished square feet exclusive of garages, breeze ways, screened and open porches. Bi-level homes shall be considered one and a half story homes and have a minimum of 1,800 finished square feet total with the upper level to have at least 1,300 finished square feet, exclusive of garages, breeze ways, screened and open porches. Minimum main roof pitch to have a pitch of 8/12. Each home shall have a minimum of 180 square feet of stone or brick.
 - A. Square footage does not include basement, finished basement areas or "walk out" levels, garages, porches or appurtenances.
 - B. Each dwelling to have an attached private garage for not less than two (2) nor more than four (4) automobiles. Carports are prohibited.
 - C. Each dwelling to have a concrete or paved driveway 16' or wider, from street to garage, unless the driveway is on the side of the house, where the drive can go down to 12' at the road.
 - D. Landscaping of dwelling shall be completed and lawn installed within 6 months of occupancy of dwelling.
 - E. Not lots shall be used except for residential purposes.
 - F. No dwelling shall be more than two (2) stories tall, nor less than one (1).
 - G. Basements are defined as any part of the residence, which is two-thirds or more below finished grade.
4. No building shall be occupied prior to full completion and issuance of certificate of occupancy by Raisin Township or appropriate governing body.
5. One detached building shall be allowed per lot, with a minimum square footage of 12' x 15' and a maximum of 24' x 24' with a maximum eave height of 10'. Any such detached building shall be of the same architectural design and constructed of new materials matching siding, color and shingles of existing home. Construction once begun, shall be completed within 12 months of the commencement of construction. Landscaping of areas disturbed by such outbuildings construction must be completed within (6) months of completion of such building. No other outside construction of any kind, such as metal storage sheds or enclosures of any kind shall be permitted.
6. At this time, there is no cable television available in Sutton Acres, No. 2, small DSS satellite dishes are acceptable and recommended as long as they are attached to the primary dwelling and below the crest of the roofline. Satellite dishes larger than 4' in diameter are not allowed. No external television towers (40' or higher) are to be erected.
7. There shall be no fences erected except from rear corner of homes to lot lines thence across rear of lot, returning to the opposite corner of the residence, or a security fence to protect any swimming pool. No privacy fences shall be allowed unless it is around a swimming pool, and then it can only be twice the size of the pool. Such fences shall be submitted to and approved by the Owner or Architectural Committee.
8. Pets shall not be kept if they become an annoyance or nuisance to the neighborhood. Such animals shall not be of the breed commonly called "Pit Bull" the purpose of this restriction being to prevent in Sutton Acres, No. 2 animals, which are either in fact a risk or a perceived threat to the safety of children and