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COUNTY OF KALAMAZOO

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ALLEN EDWIN HOMES
Timothy A. Snow County Clerk/Register Kalamazoo County, MI

FIFTH AMENDMENT TO THE MASTER DEED OF

APPLEGATE TRAILS
A Site Condominium Community
(Act 59, Public Acts of 1978, as amended)

Westview Capital, L.L.C., a Michigan limited liability company, with offices at 2186 East Center Street, Portage, Michigan 49002 ("Developer"), enters into this Fifth Amendment on this 17th day of October, 2016, as follows:

Background

- A. Developer established Applegate Trails, pursuant to the Master Deed dated June 21, 2011 and recorded on June 22, 2011 as Instrument 2011-020689, Pages 1-59, Kalamazoo County Records (the "Master Deed"), and amended on July 13, 2011 as instrument 2011-022699, and amended on July 22, 2014 as instrument 2014-023600, Kalamazoo County Register of Deeds, and amended on October 9th, 2015 as instrument 2015-034963, and amended on August 8, 2016 as instrument 2016-027944.
- B. Developer desires to amend the Master Deed as set forth below.
- C. In accordance with Article IX, Section 9.2, this Amendment is made by the Developer without consent of any co-owner or mortgagee.

Amendment

1. Article 8 of the Master Deed is amended by deleting and replacing paragraph 8.4 *Easements Reserved for Developer for Contracted or Withdrawn Areas* in its entirety, to read as follows:

- a. **8.4 Easement Reserved for Unexercised Future Development Area.** If any portion of the property described as Future Expansion Area in Article VI, Section 6.1 as amended is not included in the Condominium Project by subsequent amendments to this Master Deed within the time limits set forth in Section 6.2 hereof, the Developer, or any assignee subsequently owning such parcels of undeveloped Future Expansion Area shall be automatically granted easements for utilities, amenities, improvements, and access purposes through the Condominium

Project for the benefit of the undeveloped portions of the Project. Easements shall include all Common Element of the Condominium Project. If expansion occurs that automatically creates these easements, cost sharing shall be established to share equitably and ratably in the direct expenses for utilities, amenities, improvements, and access as described in this section.

2. Article 8 of the Master Deed is amended by adding paragraph 8.5 to read as follows:

- a. **8.5 Easement Reserved for Developer for Contracted or Withdrawn Area.** If any portion of the Condominium Project is contracted or withdrawn by the Developer during the time limits set forth in Section 67 (3) of the Michigan Condominium Act, such withdrawn parcels (whether owned by Developer or a successor or assign) shall be automatically granted easements for utilities, amenities, improvements, and access purposes through the Condominium Project for the benefit of the undeveloped portions of the Project. If expansion occurs that automatically creates easements for utility and access purposes between separate projects, cost sharing shall be established to share equitably and ratably in the direct expenses for utilities, amenities, improvements, and access as described in section 8.4.

3. In all other respects, the provisions of the Master Deed are ratified and confirmed.


This Fifth Amendment to the Master Deed has been signed by the Developer as of the date set forth above.

Westview Capital , L.L.C.,
Michigan limited liability company,

By: 
Thomas M. Larabel, Vice President

STATE OF MICHIGAN)
Kent) ss.
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me this 17th day of Oct, 2016, by Thomas M. Larabel, Vice President of Westview Capital, a Michigan limited liability company, with offices at 2186 East Center Street, Portage, Michigan 49002.

Vicky J. Chapin
Notary Public, Allegan County, MI 
My Commission Expires 11/19/2020 Vicky J. Chapin, Notary Public
Acting in County of Kent

Drafted by and Return to:
James E. Sanderson
Westview Capital, L.L.C.
795 Clyde Ct.
Byron Center, MI 49315