THIS ACREEMENT, made this A day of , 1961,
between ROBERTSON & SON BUILDERS, a Michigan co-partnership, and CALVIN A. ROBERTSON
and ANDREW ROBERTSON d/b/a under assumed name of ROBERTSON & SON BUILDERS, with
offices at 2860 Lenox Avenue, Birmingham, Michigan, hereinafter referred to as
"DEVELOPERS", and THE DETROIT EDISON COMPANY, a New York corporation, with offices
at 2000 Second Avenue, Detroit 26, Michigan, hereinafter referred to as "EDISON".

WHEREAS, DEVELOPERS are developing land in the Township of Avon, Oakland County, Michigan, containing two or more acres of land, described as:

Tienken Manor Estates No. 1, a subdivision of part of the northwest 1/4 of Section 9, Town 3 North, Range 11 East, Avon Township, Oakland County, Michigan.

WHEREAS, DEVELOPERS have submitted the plan of subdivision to EDISON for approval of private easements for public utilities described thereon and DEVELOPERS desire that EDISON install its electric distribution lines for electric underground, (except necessary cable poles) single phase, 120/240 volt, three wire, 60 cycle service in said easements, EXECUTATE EXECUTATION AND EXECUTA

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NOW, THEREFORE, in consideration of the mutual promises and covenants herein made between EDISON and the DEVELOPERS, it is hereby agreed:

Responsibility of Developers

- 1. Plat shall contain two (2) or more acres of land.
- 2. Record plat of subdivision with private easements for public utilities and easements for streetlight cables included thereon, acceptable to EDISON, or record separate instrument granting private easements for public utilities and easements for underground streetlight cables, acceptable to EDISON.
- 3. Recording of restriction agreement to include requested language as to utilities marked "Exhibit "A", attached hereto and made a part hereof.
- 4. Install sanitary sewers, when required by governmental authority, and sewer taps made three (3) feet beyond easement limits for each lot prior to installation of electrical underground lines in easements so that sewer connections can be made without undermining electrical system ducts.

| | - 5. | Survey | stakes | indicating | property | lines | must b | e properly | emplaced |
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9; NW14 of, Tienken Manne Estates # 1 Sub.

- 6. Land embraced by plat must be so graded that underground ducts for electrical distribution service can be properly installed in relation to finished grade.
- 7. All trenching, backfilling, and removal of trees or shrubbery required for installation of ducts for electric lines in private easements for public utilities shall be done at expense of DEVELOPERS. Location of trenches in easements and manner of backfilling to be in accordance with specifications furnished by EDISON. The backfill shall be free of rubble and clods of hard or frozen dirt and shall not contain material which can damage emplaced conduit. All backfilling in road crossings to comply with all regulations of public authorities having jurisdiction over roads.
- 8. When electric service to residences is to be furnished by DEVELOPERS, furnish and install between the residence and the transformer enclosure, located in the private easements for public utilities, three (3) service conductors, at least #1/0 copper in size, with insulation of a type approved by National Electric Code for direct burial and installed underground in accordance with specifications furnished by EDISON.

Responsibility of Edison

Upon the completion of the above requirements necessary for the installation of underground electric distribution service, EDISON will furnish, install, own and maintain, at its expense, the ducts, high voltage cable, cable poles, transformer mats, transformers, transformer enclosures and secondary connection pedestals located in the private easements for public utilities.

| In the presence of: Navethy Muslouch | ROBERTSON & SON BUILDERS a Michigan co-partnership By Color A. Color |
|---------------------------------------|---|
| | By andrew Robertson |
| | Calvin A. Robertson |
| | Verginia Robertson |
| | Andrew Robertson |
| | Jessie Robertson. |
| | |

DOING BUSINESS UNDER ASSUMED NAME OF ROBERTSON & SON BUILDERS Harriel M. Jones

THE DETROIT EDISON COMPANY

By Allanfiel

Juga. Calland Falos Di

UNDERGROUND DISTRIBUTION LINES AND FACILITIES FOR PUBLIC UTILITIES

WHEREAS, it is the intent and purpose of the parties hereto to have electric distribution lines for single phase 120/240 volt three wire 60 cycle service installed underground instead of overhead (except necessary cable poles) as to Lots 1 thru 16 KNOKINTEXPOXIMANCES, and to provide for certain rights and benefits to the public utility furnishing said service underground and to make certain restrictions, rights, conditions, obligations, reservations, powers and charges as hereinafter set forth. **EXEMPLY TOXAGLEMENT TOXAGLEMENT CONTINUES.**

EXEMPLICATION DESCRIPTION OF THE PROPERTY OF THE PROPERTY

- 1. Private easements for public utilities have been granted on the plat of Tienken Manor Estates No. 1 Subdivision.
- 2. No structures, apparatus of any kind, except line fences, excavations (except for public utility purposes), or changes of finished grade shall be allowed within public utility easements of the Subdivision. Except as provided herein, the owner shall have the right to make any other use of the land, subject to such easement, which is not inconsistent with the right of the utility. Provided, however, that the owner shall not plant trees or large shrubs within the public utility easement. The public utility shall have the right to trim or remove any tree, bush or other plant of any kind which, in the sole opinion of the utility, interferes with the facilities thereof or is necessary for the installation, reinstallation, repair, maintenance or removal of their facilities in any public utility easement of the Subdivision. The trimming or removal of such tree, shrub or plant of any kind by a public utility for the purposes set forth above shall be without liability to the utility.
- 3. No shrubs or foliage shall be permitted on owners property within five (5) feet of the transformer enclosures or secondary connection pedestals.
- 4. The original or subsequent owners of lots in this Subdivision shall own, install, maintain and replace, at their own expense, the single phase electric service conductors connecting the transformers or secondary connection pedestals located in said easements with the residences erected on said lots.
- 5. The installation of said underground electric service conductors shall comply and conform to the National Electric Code and to the specifications of the public utility concerned.

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"TIENKEN MANOR ESTATES NO. 1"

AGREEMENT AND DECLARATION OF RESTRICTIONS

A Subdivision of part of the Northwest Quarter of Section 9, Town 2 North, Range 11 East, Avon Township, Oakland County, Michigan, according to of Plats, Page 332/34, Oakland County Records.

WHEREAS, the undersigned, ROBERTSON AND SON BUILDERS, a Michigan co-partnership, consisting of Calvin A. Robertson and Andrew Robertson, ETTA CURRAN, CLARABELL KITCHEN, GEORGE J. ROSS, SR. and ANNA ROSS, his wife, CORA SATOW, EMILY TIENKEN, widow of Clarence J. Tienken, Deceased, as Owners have executed a plat for TIENKEN MANOR ESTATES NO. 1, a subdivision of part of the Northwest Quarter of Section 9, Town 2 North, Range 11 East, Avon Township, Oakland County, Michigan, which Plat is recorded in Liber 104 of Plats, Pages 33 \$234, Oakland County Records; and,

WHEREAS, it is the intent and purpose of said parties to subject the said Subdivision to certain building and use restrictions, covenants, conditions, obligations, reservations, rights, powers and charges, as hereinafter set forth.

NOW, THEREFORE, for a valuable consideration and in consideration of the agreements of the others and of the plan and purpose of said Subdivision and to the end that they may be restricted in their use so that they will develop into a residential community of the highest type, and in order to make said building restrictions, covenants, conditions, obligations, reservations, rights, powers, and charges, binding and of full force and effect on all of the above described premises, and upon the present and future owners and occupants of the same, the undersigned hereby certify, declare and agree that all of the above described premises shall, if and when conveyed, be subject to and charged with all of the building and use restrictions, covenants, conditions and obligations, reservations, rights, powers and charges, herein-

LCOLM M. HEBER TORNEY AT LAW OAK, MIQHIGAN

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after set forth in this instrument and the record of this instrument in the Office of the Register of Deeds for Oakland County, Michigan, shall be notice of said restrictions to all purchasers of said premises.

RESTRICTIONS

- 1. All of said lots shall be used only for private residence purposes and no structure shall be erected, altered, or permitted to remain on any residential lot other than one single private family dwelling with attached private garage for not less than two (2) cars. No detached garages shall be permitted, and attached garages, except as herein otherwise provided, shall be designed and constructed so that the garage doors, whenever possible, do not face the street on which the lot fronts. No dwelling shall exceed two stores except that a tri-level may be allowed in the discretion of the Architectural Control Committee.
- 2. Trailers, tents, shacks, barns, or any temporary building of any design whatsoever, are expressly prohibited within this Subdivision and temporary residence shall not be permitted in unfinished residential buildings. This shall not prevent the erection of a temporary storage building for materials and supplies to be used in the construction of a building, and which shall be removed from the premises on completion of the buildings.
- 3. No lot shall be reduced in size by any method whatsoever. Lots may be enlarged by consolidation with one or more adjoining lots under one ownership. In the event one or more lots are developed as a unit, all restrictions herein contained shall apply as to a single lot. In any event, no dwelling shall be erected, altered, placed or permitted to remain on any site smaller than one lot as shown on the recorded plat.

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4. No residence shall be erected on any lot which has a livable floor space exclusive of basement, garage and porches of less than the following:

(a) 1-Story Ranch

1,400 sq. ft.

(b) 2-Story

800 sq. ft. on first floor total of 1,500 sq. ft.

(c) 1-1/2 Story

1,100 sq. ft. on first floor total of 1,500 sq. ft.

(d) Tri-Level

1,200 sq. ft. on the two upper floors, total of 1,800 sq. ft.

- 5. No dwelling shall be located less than forty (40) feet from the front lot line. On any lot having a curved front lot line, the dwelling shall be located not less than forty (40) feet from the middle point of the front lot line. Location of dwellings in regard to side yards from side streets and lot lines shall be as required by Avon Township. All projections shall be construed as part of the dwelling and must be constructed within the building lines.
- 6. All residence buildings shall front on the roadway which said lot abuts.
- 7. No old buildings may be moved onto any lot or lots in this Subdivision.
- 8. The erection of any new building, or repair of any building damaged by fire or otherwise, shall be completed as rapidly as possible and should the owner leave such building in an incomplete condition for a period of more than six (6) months, then the Architectural Control Committee, or its authorized representative, is authorized and empowered either to tear down and clear from the premises the uncompleted portion of such structure, or to complete the same at its discretion, and in either event, the expense incurred shall be charged against the owner's interest therein and shall be a lien upon said lands and premises.

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- . 9. No outbuildings of any nature whatsoever shall be permitted, other than the main residence building itself. This outbuilding restriction may be waived by prior consent of the Architectural Control Committee if the building is considered necessary, such as buildings appurtenant to swimming pools.
- 10. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers properly concealed from public view. Outdoor burning of trash shall be restricted to the rear twenty (20) feet of any lot.
- ll. No fences shall be erected in front of front building line as herein established. Fences erected on rear or side lot lines shall not be more than four (4) feet in height and shall not be constructed of plain boards (latticed fences, or the like, or brick or stone fences of not to exceed three (3) feet in height, shall be permitted) but shall be of such a character as to permit a clear, unobstructed view. Such proposed fences must be approved by the Architectural Control Committee or its duly authorized representative.
- 12. Swimming pools shall not be constructed without submission of plans therefor showing dimensions, grade elevation, location on lot, etc., to the Architectural Control Committee for approval. Plans shall include proposed safety fencing. The said Committee in passing on such plans shall be governed by the same principles as set forth in Paragraph 18 herein.
- 13. (a) No trailers or commercial vehicles, other than those present on business, may be parked in the Subdivision.
- and the like, is strictly prohibited, except that dogs, cats, or pets of like character can be kept or maintained as such on the premises, when such keeping or maintaining does not constitute a neighborhood nuisance. Dogs are not permitted to run at large. Location and construction of kennels, runways, etc. must be approved by the Architectural Control Committee.

 The Committee in passing on such plans shall be governed by the same principals as set forth in Paragraph 18 herein.

VALCOLM M. HEBER
ATTORNEY AT LAW
ASHINGTON SQUARE SLDG.
ROYAL OAK. MICHIGAN

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- on any lot except one sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period. Such signs as are allowed must be maintained in good condition at all times and must be removed on the termination of their use.
- 16. No noxious or offensive activity shall be carried on upon any lot, nor shall antyhing be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
- 17. The Owners, Robertson and Son Builders, a Michigan co-partner-ship composed of Calvin A. Robertson and Andrew Robertson, shall constitute the Architectural Control Committee. The Architectural Control Committee shall have authority to pass on plans and specifications and otherwise guide the development of the Subdivision as planned and restricted herein. The Architectural Control Committee shall prepare rules and regulations for the conduct of its duties and shall provide for removal, replacement and resignation of its members.

The rights, powers and obligations of said Committee may be assigned to any non-profit corporation or informal association composed of owners of property in said plat, which shall agree to assume said rights, powers, duties and obligations and carry out and perform the same. Any such assignment or transfer shall be made by an appropriate instrument in writing in which the assignee or transferee shall thereupon have the same rights and powers and be subject to the same obligations and duties as are herein given to and assumed by the parties hereto, and the parties hereto shall thereupon be released therefrom; said assignment, however, shall not be compulsory on the Committee until all their interest in said property has been conveyed by deed. At such time as said Committee has conveyed all its interest in said platted property by deed, upon demand by the Committee, a non-profit

MALCOLM M. HEBER
ATTORNEY AT LAW
ASHINGTON SQUARE BLDG
ROYAL OAK, MICHIGAN

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corporation or informal association of the owners of lots in said plat shall be formed which shall assume said rights, powers, duties and obligations and carry out and perform the same, and the parties hereto thereupon shall be released.

Said Architectural Control Committee, or its members, shall not be subject to any liability for damages in the exercise of its rights, powers and duties hereunder.

No building, fence, wall or other structure shall be commenced, erected or maintained on any lot nor shall any addition to or change or alteration therein be made, except interior alterations, until the plans and specifications showing the nature, kind, shape, height, materials, color scheme, location on lot and approximate cost of such structure and the grading plan on the lot, including grade elevations of buildings to be built upon shall have been submitted to and approved in writing by the Architectural Control Committee or its authorized agent, and a copy thereof as finally approved, lodged permanently with the Committee. The Committee shall have the right to refuse to approve any such plans or specifications or grading plans which are not suitable or desirable in its opinion for aesthetic or other reasons. In so passing upon such plans, specifications and grading plans, it shall have the right to take into consideration suitability of the proposed buildings or other structure to be built on the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect of the building or other structure as planned on the outlook from adjacent or neighboring property.

It is understood that the purpose of this paragraph is to cause the Subdivision to develop into a beautiful, harmonious, private residence section. These restrictions are intended to be a minimum restriction, and all lots in said subdivision must be used in full conformance with the zoning ordinances of the Township of Avon, Oakland County, Michigan or any other applicable zoning ordinance and with the Ordinances of the Township of Avon, County of Oakland, and State of Michigan.

MALCOLM M. HEBER
ATTORNEY AT LAW
'ASHINGTON SQUARE BLDG.
ROYAL OAK, MICHIGAN

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UNDERGROUND DISTRIBUTION LINES AND FACILITIES FOR PUBLIC UTILITIES

- 19. WHEREAS, it is the intention and purpose of the parties hereto to have electric distribution lines for single phase 120/240 volt three wire 60 cycle service installed underground instead of overhead (except necessary cable poles) as to Lots 1 through 16, and to provide for certain rights and benefits to the public utility furnishing said service underground and to make certain restrictions, rights, conditions, obligations, reservations, powers and charges as hereinafter set forth.
- (a) Private easements for public utilities have been granted on the plat of Tienken Manor Estates No. 1 Subdivision.
- (b) No structures, apparatus of any kind, except line fences, excavations (except for public utility purposes), or changes of finished grade shall be allowed within public utility easements of the Subdivision. Except as provided herein, the owner shall have the right to make any other use of the land, subject to such easement, which is not inconsistent with the right of the utility. Provided, however, that the owner shall not plant trees or large shrubs within the public utility easement. The public utility shall have the right to trim or remove any tree, bush or other plant of any kind which, in the sole opinion of the utility, interferes with the facilities thereof or is necessary for the installation, reinstallation, repair or maintenance or removal of their facilities in any public utility easement of the Subdivision. The trimming or removal of such tree, shrub or plant of any kind by a public utility for the purposes set forth above shall be without liability to the utility.
- (c) No shrubs or foliage shall be permitted on owners property within five (5) feet of the transformer enclosures or secondary connection pedestals.
- (d) The original or subsequent owners of lots in this Subdivision shall own, install, maintain and replace, at their own expense, the single phase electric service conductors connecting the transformers or secondary connection pedestals located in said easements with the residences erected on said lots.
- (e) The installation of said underground electric service conductors shall comply and conform to the National Electric Code and to the specifications of the public utility concerned.

MALCOLM M. HEBER
ATTORNEY AT LAW

*ASHINGTON SQUARE BLDG
ROYAL OAK, MICHIGAN

- 19A. WHEREAS, it is the further intention and purpose of the parties hereto to have the telephone facilities installed underground and not overhead, and to provide for certain rights and benefits to the public utility furnishing said service underground, the parties agree to convey the property in the Subdivision subject to the following restrictions:
- (a) "All property in this Subdivision which will receive telephone service by connection with underground telephone facilities located in the easements of the Subdivision shall be subject to the following restrictions:
 - 1. Every owner of property in the Subdivision, for whose property telephone service is requested, shall be responsible for furnishing at no cost to the Utility the trenching and backfilling necessary for the installation, reinstallation, maintenance, or repair of telephone facilities from the public utility easement to the residence, as required by the Utility. The Utility shall not be responsible for injury or damage to persons or property caused by the digging, existence, or backfilling of the trench.
 - 2. No trees, structures, or apparatus of any kind or nature, except fences, shall be allowed within the Utility easement of the Subdivision. Small shrubs shall be allowed within the Utility easement, but the Utility may require the removal of the shrubs by the property owner at any time if in the opinion of the Utility they interfere with the maintenance or repair of Utility facilities or service. If the property owner fails to remove the shrubs when requested, the Utility may remove the shrubs without liability and the property owner shall reimburse the Utility for the cost of removal.
 - 3. No property owner shall make any change in grade in or near easements when the change in grade in the opinion of the Utility interferes with the facilities already installed or which may be installed in the future. "

21. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenent either to restrain violation or to recover damages. Failure to enforce any of the covenants herein contained shall in no event be deemed a waiver of the right to do so hereafter, as to the same breach or as to a breach occurring prior or subsequent thereto.

22. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the above named parties have caused this instrument to be executed and have on the 2nd day of _ A.D., 1961, hereunto set their hands and seals.

IN THE PRESENCE OF:

Roscoe R. Mart

Marguerite

ROBERTSON AND SON BUILDERS, a Michigan co-partnership

Calvin A. Robertson

Etta Curran

arafell Clarabell

husband

ora Cora Satow

MALCOLM M. HEBER ATTORNEY AT LAW SHINGTON EQUARE BLDG. OYAL OAK, MICHIGAN

(Continued next page)

USER 4243 PASE 449

(Continued from Page 8)

Emily Tienken (widow of Clarence J. Tienken, Deceased)

STATE OF MICHIGAN)
:SS
COUNTY OF OAKLAND)

> Notary Public, Oakland County, Michigan Roscoe R. Martin

My commission expires: September 16, 1961

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HINGTON SQUARE BLDG.

TIENKEN MANOR ESTATES Nº 1

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A SUBDIVISION OF PART OF THE N.W. $\frac{1}{4}$ OF SECTION 9, T3N,R.IIE., AVON TOWNSHIP, OAKLAND COUNTY, MICHIGAN

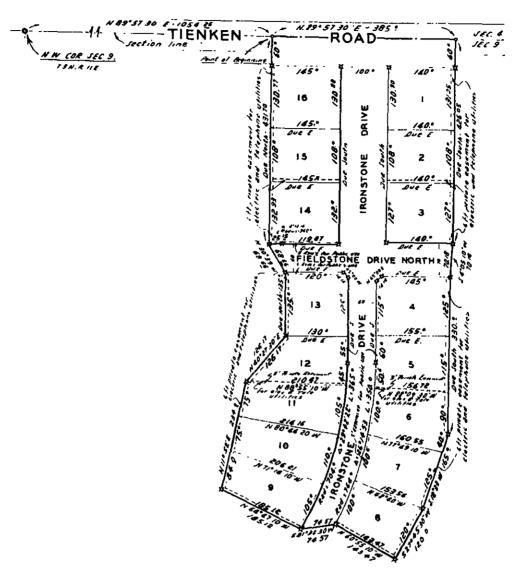
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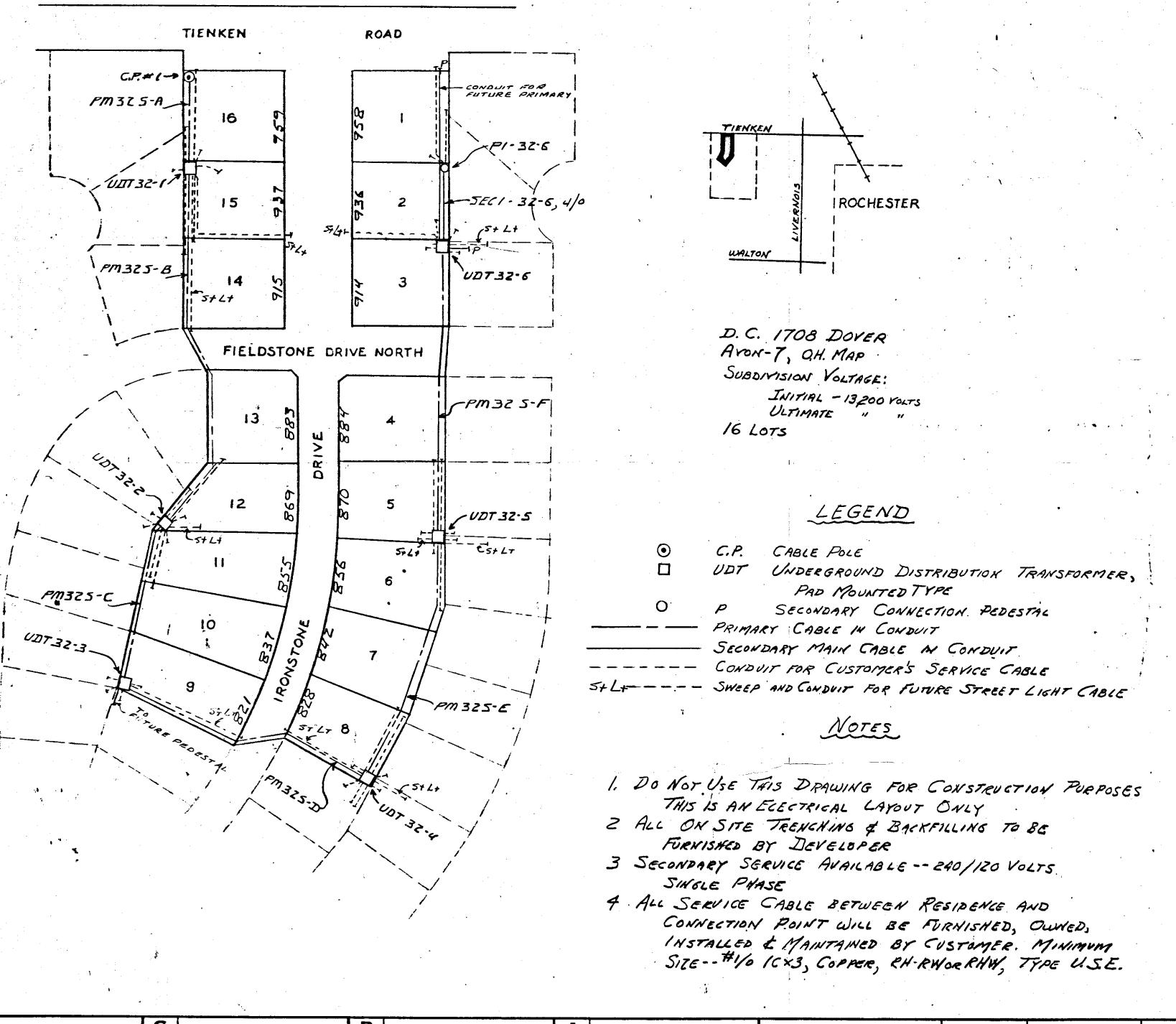
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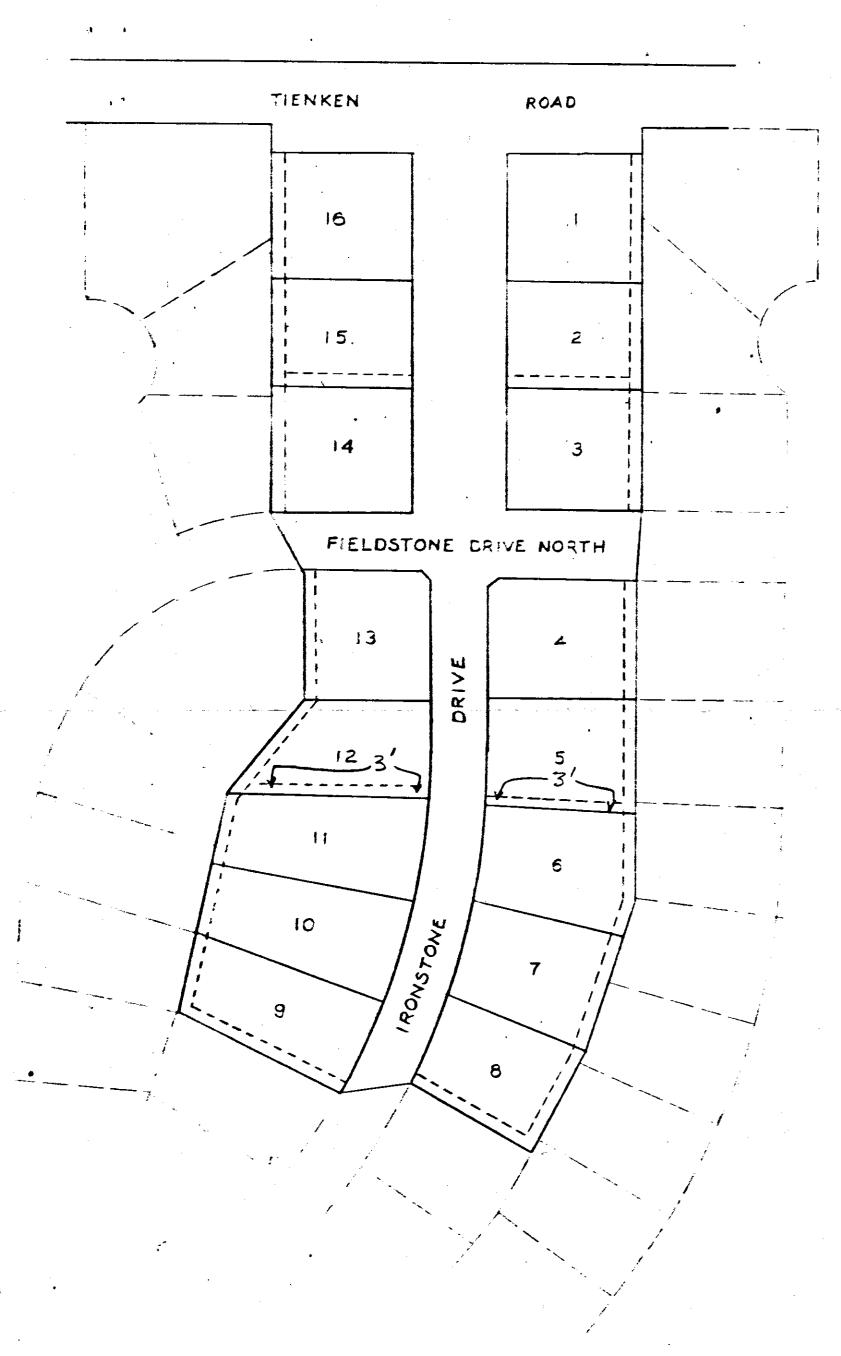
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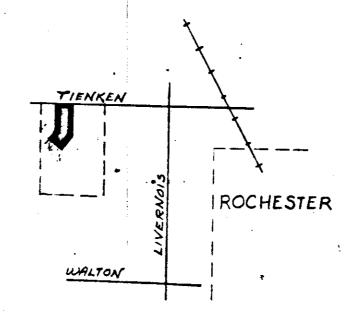
MCALPINE ENGINEERS, INC. BIRMINGHAM, MICHIGAN



UNDERGROUND SERVICE

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D. C. 1708 DOVER
AVON-7, OH. MAP
SUBDIVISION VOLTAGE:

INITIAL - 13200 YOLTS
ULTIMATE ""
16 LOTS

NOTE: ALL EASEMENTS ARE 6' WIDE WITH RESPECT TO ADJACENT LOT LINE UNLESS OTHERWISE NOTED

RECOMMENDED UTILITY EASEMENTS

Petroit Edison Co. By A.W. Huard Date 8/17/6/

Michigan Bell Tel. Co. By G. 3. Paternas/ Date 8/17/6/

REFER TO DE CO ELECTRICAL DRUG. TD 173 REV B

UNDERGROUND SERVICE

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