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DECLARATION OF RESTRICTIONS

HAMMOND LAKE ESTATES, a subdivision of part of the Southeast 1/4 of Section 1, Town 2 North, Range 9 East, West Bloomfield Township, and part of the Southwest 1/4 of Section 6, Town 2 North, Range 10 East, Bloomfield Township, all in Oakland County, Michigan, according to the plat thereof as recorded in Liber 71 of Plats, at Pages 10 and 11, Oakland County Records.

I - GENERAL

(a) The following restrictions upon the use and occupation of Hammond Lake Estates are imposed for the benefit of all who may from time to time become owners of land therein, and all sales of land within said subdivision are made subject to such restrictions whether the same shall be expressly set forth in the conveyance thereof or not.

(b) These restrictions, being part of the general plan for the development of the subdivision are covenants which shall run with the land and shall be binding upon the undersigned, being the owner of all the land in said subdivision, and shall also be binding upon all persons claiming under or through the undersigned until January 1st, 1985, at which time said covenants shall be automatically extended for successive periods of ten years each, unless on that date or at the end of any such ten year period it shall be agreed by the vote of a majority of the owners of lots included in the subdivision to alter such covenants or to cancel them. In taking such vote the owner or owners of each lot shall be entitled to cast one vote.

(c) If any person shall violate or commence to violate any of these restrictions, any person having any claim to or right or interest in any real property situated in this subdivision shall have all of the rights provided by law, at law, or in equity, or in any other manner whatsoever against the persons so violating or commencing to violate.

(d) Invalidation of any one of these covenants by any court shall in no wise affect any of the provisions which are not so invalidated, but such other provisions shall remain in full force and effect.

(e) The zoning ordinance of any municipality in which each respective lot in this subdivision shall be situated, including townships, as the same now exist or as they may from time to time hereafter be amended, shall be complied with by all persons, and failure to comply therewith shall constitute a violation of these restrictions. The standards established by these restrictions shall govern over any such ordinance, except that if in any instance compliance with these restrictions shall permit violation of such ordinance, the ordinance shall govern over these restrictions.

II.  
RESTRICTIONS RELATING TO LOCATION OF STRUCTURES  
ON LOTS

(a) All plot plans must show accurately the location of all structures to be placed thereon and must be approved by a duly authorized officer of Houseman-Spitzley Corporation, 406 Washington Boulevard Building, Detroit 26, Michigan, or its successors or assigns or by such person or Corporation as it may designate, which approval must be obtained before construction is commenced.

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(b) No structure of any sort, excluding fences and hedges, shall be constructed on lots abutting on Hammond Lake which shall be less than 40 feet from the road lot line or which shall be less than 40 feet from the high water line of the Lake. This restriction shall not apply to lot 34, as to which any structure shall be not less than 20 feet from the road lot line and 40 feet from the high water line. For the purposes of this paragraph, the term "structure" shall include all garages attached to residences but shall not include garages separate from the residences located on the same lot. No structure of any sort, excluding fences and hedges, shall be constructed on lots which do not abut on Hammond Lake less than 40 feet from any road lot line, not less than 40 feet from any rear lot line except as to lots 1, 12 and 23 as to which no structure shall be constructed which shall be less than 40 feet from one road lot line nor less than 20 feet from the other road lot line.

(c) Except as herein provided, no structure, including but not by way of limitation, residences and garages, but excluding fences and hedges, shall be erected on any lot any portion of which lies within West Bloomfield Township, any portion of which structure shall be closer to the side lot line than 12 feet. Except as herein provided, no structure, including, but not by way of limitation, residences and garages, shall be erected on any lot any portion of which lies within Bloomfield Township, any portion of which shall be closer to the side lot line than 16 feet.

(d) Garages which are attached to residences shall comply with the provisions of paragraph II(b) and (c) hereto. Garages which are not attached to a residence shall be not less than 40 feet and not more than 65 feet from any road lot line. The restriction established by this paragraph shall not apply to lot 34, as to which a separate garage shall not be permitted. As to lots which have two road lot lines, a separate garage shall be not less than 40 feet nor more than 65 feet from either road lot line at the option of the owner.

(e) Fences which comply in all other respects with the requirements hereto shall be permitted upon any side lot line, any road lot line or elsewhere on any lot except that no fence of any type or character shall be permitted on lots fronting on Hammond Lake, other than fences on the side lot lines, which shall be nearer than 40 feet to the high water line.

III.  
RESTRICTIONS RELATING TO SIZE AND CONSTRUCTION OF  
STRUCTURES

(a) All residences constructed in this subdivision shall be limited to two stories in height and shall be constructed for occupancy by one family.

(b) Garages whether attached to a residence or not shall not exceed a size reasonably necessary to house three automobiles and shall not exceed two stories in height.

(c) The exterior construction of residences shall be of new materials, except that select reclaimed brick may be used, and shall be of brick, stone or finished, painted or stained wood, and no yellow brick shall be permitted. Foundations of residences to grade line may be of cinder or concrete construction.

(d) Every two story residence constructed on lots abutting on Hammond Lake shall have a ground floor square foot area of not less than 850 square feet and shall have also a cubic content of not less than 16,000 cubic feet. Every one story or one and one-half story residence constructed on lots abutting on Hammond Lake shall have a ground floor square foot area of not less than 1400 square feet and shall have a cubic content of at least 16,000 cubic feet.

Every two story residence constructed on lots which do not abut on Hammond Lake shall have a ground floor square foot area of not less than 800 square feet and shall have also a cubic content of not less than 15,000 cubic feet. Every one story or one and one-half story residence constructed on lots which do not abut on Hammond Lake shall have a ground floor square foot area of not less than 1300 square feet and shall have a cubic content of at least 15,000 cubic feet.

(e) In computing ground floor area, the method of computation shall be that established by the zoning ordinance which may from time to time govern this subdivision. In the absence of a computation so established, ground floor area shall include all bays, vestibules, or any other room permanently enclosed but shall not include garages, open porches or terraces.

(f) The exterior construction of all garages shall comply with the provisions of paragraph III(c).

(g) The maximum roof pitch of all structures shall be one-half pitch, and no flat roofs shall be permitted except with the express approval provided for, in paragraph III(j) hereto. All roofs shall be of asphalt shingle, weighing not less than 210 lbs per square, or of wood, tile or slate construction and no other type of roofing, including, but not by way of limitation, rolled or diamond shaped roofing, shall be permitted. A 3-ply built-up roof with a minimum pitch of 3/12, with topping approved as provided in paragraph III(j) hereto shall be permitted.

(h) The height of finished first floor in all structures shall be sufficient to ensure a dry floor regardless of weather or drainage conditions.

(i) All chimneys shall be of stone, brick or concrete provided however, that at the time of submission of plans for approval another type of construction may be approved.

(j) Before construction shall be commenced or ground broken, building plans and specifications for all structures including docks, must be approved in writing by a duly authorized officer of the Houseman-Spitzley Corporation or its successors or assigns, or by such person or corporation as it may designate.

(k) All exterior masonry walls of cement block or cinder block shall be painted with two coats of Peerless Cement Paint or its equivalent and the color thereof shall be limited to white, ivory, cream, grey, stone or brown tones which match stained wood. Preparation of surface, mixing and application of the paint shall comply strictly with the manufacturer's recommendations.

(l) All fences shall be of woven wire, painted wood, rail, or colonial type construction. Solid fences are prohibited.

(m) No docks shall be permitted in this subdivision unless approved as to size and location in writing by a duly authorized officer of Houseman-Spitzley Corporation or its successors or assigns or by such person or Corporation as it may designate.

IV.

RESTRICTIONS RELATING TO THE USE OF THE PROPERTY

(a) All lots in this subdivision shall be used for residential purposes only and not more than one residence and one garage shall be placed on each lot.

(b) No outbuildings, with the sole exception of a garage, shall be permitted on any lot.

(c) No structure of any sort shall be moved into any lot, and no unfinished garage or residence shall be used as a residence temporarily or permanently. The second story only of two story garages may be used for living quarters of persons employed by the owner of the residence located on the same lot and members of the immediate family of such employees.

(d) No trailer, basement, tent, or other movable or temporary type of housing shall at any time be used as a residence.

(e) No animals, birds or reptiles shall be kept on any lot in this subdivision except that dogs, cats, and small birds generally kept in cages, kept as domestic pets shall be permitted in this subdivision.

(f) Hedges and fences shall be permitted in this subdivision provided the same do not exceed 4 feet in height measured from the ground level, provided however, that such hedges and fences shall be subject to the limitations on extent hereinabove established in paragraph II(e).

(g) All sewage shall be disposed of through a septic tank or sewage disposal system, but such tank or system must comply in all respects with the requirements of the State of Michigan and every department thereof, and the rules and regulations of any municipality having jurisdiction as the same may now be in effect or hereafter amended.

(h) Garbage and rubbish shall be placed in separate sanitary cans or concrete receptacles and must comply with all requirements of the State of Michigan and every department thereof, and of any municipality having jurisdiction. In the event there shall at any time be no system for removing all garbage or rubbish or both, established by a municipality, the same shall be disposed of in a manner to be determined by the owners of a majority of the lots in this subdivision. The cost of disposing of garbage and rubbish in the latter event shall be borne equally by the owners of residences in this subdivision.

(i) The owner of each lot shall keep the weeds cut on his lot or lots, and shall keep such lot or lots in a neat appearance at all times.

(j) The use of a motor boat as hereinafter defined upon Hammond Lake is absolutely prohibited.

(k) Any boats which may be used on Hammond Lake shall be used only by (1) the owner or owners of lots in Hammond Lake Estates; (2) the immediate family of such owner or owners; and (3) the domestic servants and invited guests of such owner or owners and the immediate family of such guests.

(l) Rafts shall be permitted on Hammond Lake but only when approved as to size and location in writing by a duly authorized officer of Houseman-Spitzley Corporation or its successors or assigns or by such person or Corporation as it may designate.

(m) No lot shall be used to provide or permit access to Hammond Lake by any person or persons other than (1) the owner or owners of lots in Hammond Lake Estates; (2) the immediate family of said owner or owners; and (3) the domestic servants and the invited guests of such owner or owners and the immediate family of such guests.

V.  
BASEMENTS AND DEFINITIONS

(a) The term "owner" as used in these restrictions shall mean the person or persons who shall be in possession of any lot at any given time and who shall at the same time be either (1) the holder of record title; (2) the vendee under a land contract from the holder of record title; or (3) a tenant under a lease, written or verbal, from the holder of record title.

(b) As used in these restrictions the term "road lot line" shall mean the common line between a lot and a road; the term "high water line" shall mean the line designated as such on the plat of this subdivision; a "rear lot line" shall be any portion of that line which separates lots 24 to 30 inclusive from lots 13 to 22 inclusive and also that line which separates 32 and 33 from lot 31 but only as to lots 32 and 33; and the term "side lot line" shall mean any line which is not a road lot line, a high water line or a rear lot line. Any lot may have either one or two, but not more than two, road lot lines. When two or more lots are owned and occupied by the same owner, the foregoing definition of side lot line shall include only those lines which otherwise fulfill the definition and which in addition are common with some other person.

(c) The term "motor boat" as used in these restrictions shall mean any boat which contains or has attached to it any motor or engine of any character including both inboard and outboard motors.

(d) An easement has been reserved for public utilities as shown on the plat of this subdivision, and the easement so reserved shall include a right of any public utility to cut and trim from time to time as the same may be in the sole discretion of the utility any and all trees and brush which may interfere with the use of such easement by such utility.

In witness whereof the undersigned, being the owners of all lots contained in said subdivision, have executed this instrument this 22<sup>nd</sup> day of March, 1954.

Sylvia Martin  
Sylvia Martin  
Violet Miles  
Violet Miles

HAMMOND LAKE REALTY CO.  
A Limited Partnership

By Francis H. Phelps  
General Partner

Sylvia Martin  
Sylvia Martin  
Violet Miles  
Violet Miles

Edward A. Skae  
Edward A. Skae

Jean D. Skae, wife of Edward A. Skae, Ellen Skae Phelan, Janet Skae Gallaudet, and Florence Skae Smith

By Edward A. Skae  
Edward A. Skae, their Attorney - in - fact

State of Michigan }  
County of Wayne } SS

On this 22<sup>nd</sup> day of March, 1954, personally appeared, Francis H. Phelps, to me known to be the person described in and who executed the foregoing instrument and acknowledged that executed the same as his free act and deed.

My commission expires April 15, A. D. 1954

Sylvia Martin  
Sylvia Martin

Notary Public, Wayne County, Michigan

State of Michigan }  
County of Wayne } SS

On this 22<sup>nd</sup> day of March, 1954, personally appeared, Edward A. Skae and Jean D. Skae, wife of Edward A. Skae, Ellen Skae Phelan, Janet Skae Gallaudet and Florence Skae Smith, by Edward A. Skae, their attorney in fact, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that executed the same as their free act and deed.

My commission expires April 15, A. D. 1955

Sylvia Martin  
Sylvia Martin

Notary Public, Wayne County, Michigan