

dm

RECEIVED

2013 APR 12 PM 3: 12

COUNTY OF KALAMAZOO

2013-016929 04/12/2013 03:16:16 PM

Pages: 1 of 2 AMND  
AMERICAN VILLAGE BUILDERS INC  
Timothy A. Snow County Clerk/Register Kalamazoo County, MI



**FIRST AMENDMENT TO MASTER DEED  
OF WALDEN WOODS OF KALAMAZOO**

This First Amendment to Master Deed ("Amendment") is made and executed on the 10<sup>th</sup> day of April, 2013, by AMERICAN VILLAGE DEVELOPMENT, II, L.L.C., a Michigan limited liability company (hereinafter referred to as "Developer"), whose address is 4200 West Centre Avenue, Portage, Michigan 49024, pursuant to the provisions of the Master Deed of Walden Woods of Kalamazoo and the Michigan Condominium Act (being Act 59 of the Public Acts of 1978, as amended, and referred to in this Amendment as the "Act").

**Background**

Walden Woods of Kalamazoo was established as a condominium project (the "Condominium") pursuant to the Master Deed dated February 11, 2013 and recorded on February 12, 2013 at Instrument No. 2013-005868 of the Kalamazoo County Records, and known as Kalamazoo County Condominium Subdivision Plan No. 254 (the "Master Deed").

This Amendment is made by the Developer pursuant to Article XIII of the Master Deed and the applicable provisions of the Act, and is recorded for the following purposes: (i) to clarify the definition of non-material amendments to the Master Deed, Bylaws and Condominium Subdivision Plan, and (ii) to clarify the time within which the Condominium may be converted, expanded or contracted.

In accordance with Article XIII of the Master Deed, and the applicable provisions of the Act, this Amendment is made by the Developer in its capacity as the Developer and the owner of 22 of the 24 Units in the Project, and shall be deemed effective immediately upon recording.

**Amendment**

NOW, THEREFORE, the Developer does, upon recording of this Amendment, make the following amendments to the Master Deed:

1. Non-material Amendments to Facilitate Conventional Mortgages. Article XIII, Section 1 of the Master Deed is deleted in its entirety and replaced and superseded by the following:

Section 1. Non-material Amendments. The Master Deed, Bylaws, Condominium Subdivision Plan and any other document referred to in the Master Deed or Bylaws which affects the rights and obligations of a Co-owner in the Project may be amended by the Developer or the Association, without the consent of Co-owners or mortgagees, if the amendment does not materially alter or change the rights of a Co-owner or mortgagee. An amendment that does not materially change the rights of a Co-owner or mortgagee includes, but is not limited to, a modification of the sizes of unsold Units and their appurtenant limited common elements, and amendments for the purpose of facilitating conventional mortgage loan financing for existing or prospective Co-owners, and enabling the purchase or insurance of such mortgage loans by the Federal Home Loan Mortgage Corporation, the

Federal National Mortgage Association, the Governmental National Mortgage Association, the Veterans Administration, the Department of Housing and Urban Development, and/or by any other agency of the federal government or of the State of Michigan or any other institutional participant in the secondary mortgage market which purchases or insures mortgages.

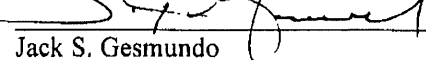
2. Convertible, Expandable and Contractible Condominium. In the event that M.C.L. § 559.131(g), § 559.132(c) and/or § 559.133(c) are amended after the date of this Amendment to increase the time limit within which a master deed may provide for the conversion, expansion and/or contraction of a condominium project beyond the currently applicable 6 year period, the following provisions of the Master Deed shall be automatically deemed amended in like fashion to take advantage of any such increase in such time period: Article VII, Section 2; Article VIII, Section 2; and Article IX, Section 1 and Section 2.

3. Definitions. Except as otherwise defined herein, all of the capitalized terms use herein that are defined in the Master Deed shall have the definitions given to such terms in the Master Deed.

4. Conflicts. In the event of a conflict or inconsistency between the terms of this Amendment and the terms of any of the Condominium Documents, the terms of this Amendment shall govern. In all other respects, other than as indicated in this Amendment, the Master Deed is ratified and affirmed.


This First Amendment to Master Deed has been executed by the Developer as of the date and year set forth above.

AMERICAN VILLAGE DEVELOPMENT, II, L.L.C.,  
a Michigan limited liability company

By:   
Name: Jack S. Gesmundo  
Title: Principal

STATE OF MICHIGAN )  
  ) ss.  
COUNTY OF KALAMAZOO )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of April, 2013, by Jack S. Gesmundo, the Principal of American Village Development, II, L.L.C., a Michigan limited liability company, on behalf of the company.

  
Sarah Doneruse, Notary Public  
Calhoun County, Michigan  
My Commission Expires: 03/02/2016  
Acting in Kalamazoo County

Drafted by and when recorded return to:  
Matthew B. Van Dyk  
Miller, Canfield Paddock & Stone, P.L.C.  
277 South Rose Street, Suite 5000  
Kalamazoo, Michigan 49007  
(269) 381-7030  
21,003,190.2\122426-00050

85

RECEIVED

2014 MAR -7 AM 8:35

COUNTY OF KALAMAZOO

2014-005994 03/07/2014 08:38:10 AM

Pages: 1 of 8 AMND

JACK GESMUNDO

Timothy A. Snow County Clerk/Register Kalamazoo County, MI



Property Tax Certificate # 20526

has been issued for this document and legal description by the Kalamazoo City Treasurer.

*Certs # 256279*

**SECOND AMENDMENT TO MASTER DEED  
OF WALDEN WOODS OF KALAMAZOO**

This Second Amendment to Master Deed ("Amendment") is made and executed on the 4<sup>th</sup> day of February, 2014, by AMERICAN VILLAGE DEVELOPMENT, II, L.L.C., a Michigan limited liability company (hereinafter referred to as "Developer"), whose address is 4200 West Centre Avenue, Portage, Michigan 49024, pursuant to the provisions of the Master Deed of Walden Woods of Kalamazoo and the Michigan Condominium Act (being Act 59 of the Public Acts of 1978, as amended, and referred to in this Amendment as the "Act").

**Background**

Walden Woods of Kalamazoo was established as a condominium project (the "Condominium") pursuant to the Master Deed dated February 11, 2013 and recorded on February 12, 2013 at Instrument No. 2013-005868 of the Kalamazoo County Records, and known as Kalamazoo County Condominium Subdivision Plan No. 254, as amended by the First Amendment to Master Deed dated April 10, 2013 and recorded on April 12, 2013 at Instrument No. 2013-016929 of the Kalamazoo County Records (the "Master Deed").

This Amendment is made and recorded by the Developer pursuant to Article VIII of the Master Deed and the applicable provisions of the Act in order to expand the number of Units in the Condominium Project from twenty-four (24) Units to thirty-eight (38) Units.

In accordance with Article XIII of the Master Deed, and the applicable provisions of the Act, this Amendment is made by the Developer in its capacity as the Developer and the owner of 14 of the 24 Units in the Condominium Project, and shall be deemed effective immediately upon recording.

**Amendment**

NOW, THEREFORE, the Developer does, upon recording of this Amendment, make the following amendments to the Master Deed:

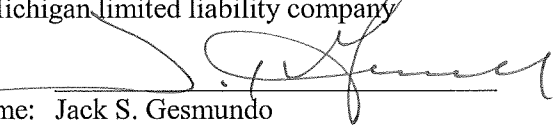
1. Number of Units; Percentage of Value. The number of Units in the Condominium shall be increased from twenty-four (24) Units to thirty-eight (38) Units. The percentages of value as to all of the Condominium Units are equal and the total value of the Condominium Project shall be 100.
2. Legal Description. The legal description attached hereto as Exhibit "A". shall, upon recordation of this Amendment, replace and supersede the Condominium Subdivision prior legal description, as the same has been amended by subsequent amendments to the Master Deed and subsequent replats of the Condominium Subdivision Plan and said prior legal Description shall be of no further force or effect.
3. Replat. Replat No. 1 of the Condominium Subdivision Plan, attached hereto as Exhibit "B", shall, upon recordation of this Amendment, replace and supersede the Condominium Subdivision Plan

(being the Exhibit "B" to the Master Deed), as the same has been amended by subsequent amendments to the Master Deed and subsequent replats of the Condominium Subdivision Plan (as so amended, the "Prior Condominium Subdivision Plan"), and said Prior Condominium Subdivision Plan shall be of no further force or effect. Replat No. 1 is hereby added to the Master Deed upon recordation of this Amendment, which shall include recordation of the said Replat No.1.

- 4. Definitions. Except as otherwise defined herein, all of the capitalized terms use herein that are defined in the Master Deed shall have the definitions given to such terms in the Master Deed.
- 5. Conflicts. In the event of a conflict or inconsistency between the terms of this Amendment and the terms of any of the Condominium Documents, the terms of this Amendment shall govern. In all other respects, other that as indicated in this Amendment, the Master Deed is ratified and affirmed.

This Second Amendment to Master Deed has been executed by the Developer as of the date and year set forth above.

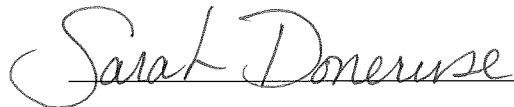
AMERICAN VILLAGE DEVELOPMENT, II, L.L.C.,  
a Michigan limited liability company

By:   
Name: Jack S. Gesmundo  
Title: Principal

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF KALAMAZOO )

Property Tax Certificate # 20526  
has been issued for this document and legal  
description by the Kalamazoo City Treasurer.

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of February, 2014, by Jack S. Gesmundo, a Principal of American Village Development, II, L.L.C., a Michigan limited liability company, on behalf of the company.



Sarah Doneruse, Notary Public  
Calhoun County, Michigan  
My Commission Expires: 03/02/2016  
Acting in Kalamazoo County

**Drafted by:**  
Matthew B. Van Dyk  
Miller, Canfield Paddock & Stone, P.L.C.  
277 South Rose Street, Suite 5000  
Kalamazoo, Michigan 49007  
(269) 381-7030

**When recorded return to:**  
Jack Gesmundo  
AVB  
4200 West Centre Ave  
Portage, MI 49024  
269.323.2022


2014-005994 03/07/2014 08:38:10 AM  
Pages: 2 of 8 AMND  
JACK GESMUNDO  
Timothy A. Snow County Clerk/Register Kalamazoo County, MI  


Exhibit "A"

Legal Description Walden Woods Second Amendment  
(Page 1 of 2)

Property Tax Certificate # 20526  
has been issued for this document and legal  
description by the Kalamazoo City Treasurer.

ALL THAT PART OF THE NORTH 1/2 OF SECTION 19, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S88°58'04"E ALONG THE NORTH SECTION LINE A DISTANCE OF 2,646.75 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE S00°54'04"W ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 1,319.01 FEET; THENCE N88°48'19"W A DISTANCE OF 770.85 FEET TO THE POINT OF BEGINNING; THENCE N06°34'35"E A DISTANCE OF 160.46 FEET TO THE NORTH LINE OF ARBORETUM ROAD; THENCE S82°40'56"E ALONG THE NORTH LINE OF SAID ARBORETUM ROAD A DISTANCE OF 90.00 FEET; THENCE N06°34'35"E A DISTANCE OF 90.00 FEET; THENCE N38°03'10"W A DISTANCE OF 128.10 FEET; THENCE N06°34'35"E A DISTANCE OF 270.33 FEET; THENCE N02°18'42"E A DISTANCE OF 168.04 FEET; THENCE N14°14'17"W A DISTANCE OF 216.15 FEET; THENCE N15°51'07"W A DISTANCE OF 109.12 FEET; THENCE N33°24'43"W A DISTANCE OF 91.51 FEET; THENCE S52°02'59"W A DISTANCE OF 267.16 FEET; THENCE S45°05'31"W A DISTANCE OF 204.21 FEET; THENCE S52°49'42"W A DISTANCE OF 195.29 FEET; THENCE S75°27'59"W A DISTANCE OF 143.97 FEET; THENCE S72°28'33"W A DISTANCE OF 410.70 FEET; THENCE S00°15'35"W A DISTANCE OF 556.32 FEET; THENCE S88°48'19"E A DISTANCE OF 1101.30 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL CONTAINS 947,202 SQUARE FEET OR 21.745 ACRES.

EXCEPTING THEREFROM 2.312 ACRES FOR ARBORETUM ROAD RIGHT OF WAY. SAID ROAD RIGHT OF WAY DESCRIBED AS: ALL THAT PART OF THE NORTH 1/2 OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 20, TOWN 2 SOUTH, RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION; THENCE S88°58'04"E A DISTANCE OF 2,646.75 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE S00°54'04"W ALONG THE EAST LINE OF SECTION 19 A DISTANCE OF 66.68 FEET TO THE POINT OF BEGINNING; THENCE N39°58'42"E A DISTANCE OF 60.02 FEET TO THE WESTERLY RIGHT OF WAY OF SOLON ROAD; THENCE SOUTHEASTERLY 170.46 FEET ALONG THE WESTERLY RIGHT OF WAY SOLON ROAD AND ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1483.00 FEET, CENTRAL ANGLE OF 06°35'09" AND A LONG CHORD BEARING S54°05'58"E 170.37 FEET; THENCE S62°27'46"W A DISTANCE OF 209.03 FEET; THENCE S39°58'42"W A DISTANCE OF 44.94 FEET; THENCE SOUTHERLY 242.41 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 315.00 FEET, CENTRAL ANGLE OF 44°05'34" AND A LONG CHORD BEARING S17°55'55"W 236.47 FEET; THENCE S04°06'52"E A DISTANCE OF 428.27 FEET; THENCE SOUTHWESTERLY 614.30 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 347.00 FEET, CENTRAL ANGLE OF 101°25'56" AND A LONG CHORD BEARING S46°36'06"W 537.17 FEET; THENCE N82°40'56"W A DISTANCE OF 822.94 FEET; THENCE WESTERLY 251.69 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,355.00 FEET, CENTRAL ANGLE OF 10°38'33" AND A LONG CHORD BEARING N88°00'12"W 251.32 FEET; THENCE S86°40'31"W A DISTANCE OF 399.48 FEET; THENCE WESTERLY 474.73 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 615.00 FEET, CENTRAL ANGLE OF 44°13'40" AND A LONG CHORD BEARING N71°12'39"W 463.03 FEET; THENCE N49°05'48"W A DISTANCE OF 248.23 FEET; THENCE WESTERLY 651.01 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 705.00 FEET, CENTRAL ANGLE OF 52°54'30" AND A LONG CHORD BEARING N75°33'03"W 628.13 FEET; THENCE S77°59'42"W A DISTANCE OF 369.01 FEET; THENCE WESTERLY 535.85 FEET ALONG A CURVE TO THE RIGHT HAVING A

2014-005994 03/07/2014 08:38:10 AM

Pages: 3 of 8 AMND

JACK GESMUNDO

Timothy A. Snow County Clerk/Register Kalamazoo County, MI



RADIUS OF 1,495.00 FEET, CENTRAL ANGLE OF 20°32'12" AND A LONG CHORD BEARING S88°15'48"W 532.99 FEET; THENCE N81°28'07"W A DISTANCE OF 227.02 FEET; THENCE WESTERLY 458.95 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 520.00 FEET, CENTRAL ANGLE OF 50°34'09" AND A LONG CHORD BEARING S73°14'49"W 444.20 FEET; THENCE S47°57'45"W A DISTANCE OF 113.66 FEET; THENCE WESTERLY 255.69 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 339.50 FEET, CENTRAL ANGLE OF 43°09'05" AND A LONG CHORD BEARING S69°32'17"W 249.69 FEET; THENCE N88°53'10"W A DISTANCE OF 186.59 FEET; THENCE S46°07'14"W A DISTANCE OF 45.26 FEET TO THE EASTERLY RIGHT OF WAY OF DRAKE ROAD; THENCE N01°07'38"E ALONG SAID RIGHT OF WAY A DISTANCE OF 164.00 FEET; THENCE S43°52'46"E A DISTANCE OF 45.25 FEET THENCE S88°53'10"E A DISTANCE OF 201.18 FEET; THENCE EASTERLY 180.38 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 239.50 FEET, CENTRAL ANGLE OF 43°09'05" AND A LONG CHORD BEARING N69°32'17"E 176.14 FEET; THENCE N47°57'45"E A DISTANCE OF 103.00 FEET; THENCE NORTHEASTERLY 538.38 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 610.00 FEET, CENTRAL ANGLE OF 50°34'09" AND A LONG CHORD BEARING N73°14'49"E 521.08 FEET; THENCE S81°28'07"E A DISTANCE OF 227.02 FEET; THENCE EASTERLY 503.59 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,405.00 FEET, CENTRAL ANGLE OF 20°32'12" AND A LONG CHORD BEARING N88°15'48"E 500.90 FEET; THENCE N77°59'42"E A DISTANCE OF 369.01 FEET; THENCE EASTERLY 734.12 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 795.00 FEET, CENTRAL ANGLE OF 52°54'30" AND A LONG CHORD BEARING S75°33'03"E 708.32 FEET; THENCE S49°05'48"E A DISTANCE OF 248.23 FEET; THENCE EASTERLY 405.26 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 525.00 FEET, CENTRAL ANGLE OF 44°13'40" AND A LONG CHORD BEARING S71°12'39"E 395.27 FEET; THENCE N86°40'31"E A DISTANCE OF 399.48 FEET; THENCE EASTERLY 268.40 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,445.00 FEET, CENTRAL ANGLE OF 10°38'33" AND A LONG CHORD BEARING S88°00'12"E 268.02 FEET; THENCE S82°40'56"E A DISTANCE OF 604.81 FEET; THENCE NORTHEASTERLY 748.79 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 433.00 FEET, CENTRAL ANGLE OF 99°04'56" AND A LONG CHORD BEARING N47°46'36"E 658.92 FEET; THENCE N01°45'52"W A DISTANCE OF 80.16 FEET; THENCE N04°06'52"W A DISTANCE OF 150.18 FEET; THENCE NORTHERLY 311.67 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 405.00 FEET, CENTRAL ANGLE OF 44°05'34" AND A LONG CHORD BEARING N17°55'55"E 304.04 FEET; THENCE N39°58'42"E A DISTANCE OF 165.94 FEET TO THE POINT OF BEGINNING. DESCRIBED RIGHT OF WAY CONTAINS 636,535 SQUARE FEET OR 14.623 ACRES.

SUBJECT TO ANY RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS OF RECORD, IF ANY.

Property Tax Certificate # 20526

has been issued for this document and legal description by the Kalamazoo City Treasurer.

2014-005994 03/07/2014 08:38:10 AM  
Pages: 4 of 8 AMND  
JACK GESMUNDO  
Timothy A. Snow County Clerk/Register Kalamazoo County, MI

