

BUILDING AND USE RESTRICTIONS
FOR
GLEN VALLEY ESTATES

KNOW ALL PERSONS BY THESE PRESENT, that GLEN VALLEY ESTATES, L.L.C., a Michigan Limited Liability Company, of 4595 Broadmoor, S.E., Suite 100, Grand Rapids, MI 49512 and AMERIBANK, F.S.B., a Federal Savings Bank, of 190 Monroe, N.W., Grand Rapids, MI 49503, being the owner and mortgagee of the land herein described:

Lots 1 through 64, inclusive, GLEN VALLEY ESTATES, Section 20, T6N,
R10W, Village of Caledonia, Kent County, Michigan, according to the recorded
plat thereof,

desire to impose certain protective covenants, restrictions and conditions on said plat, for the purposes of insuring the use of the stipulated portion of the plat for single family residential purposes only and for the further purpose of preserving and improving the attractive features of the property and the community and securing to each lot owner the full benefit and enjoyment of his home, with no greater restrictions upon the free and undisturbed uses of his property than is necessary to insure the same advantages to other lot owners.

Therefore, the above mentioned owner and mortgagee hereby covenant and agree to impose the following protective covenants, restrictions and upon the use of the lots in said plat, which protective covenants, restrictions and conditions shall be binding for a period of time as hereinafter set forth.

1. (LAND USE AND BUILDING TYPE) No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than a one detached single family dwelling. No houses already constructed, shall be moved onto the plat. No building shall be located nearer to the front lot line than 30 feet. Any side yard must be at least 7' minimum, 15' total, rear yard, not less than 40'.
2. (DWELLING SIZE) Minimum floor area for Lots 1 through 32, inclusive, of ranch, bi-level or tri-level designs, shall not be less than 1100 sq. ft. for the main floor or two (2) levels as in the tri-level. A 1 1/2 or 2 story, shall not be less than 1400 sq. ft. For Lots 33 through 64, a ranch, bi-level or tri-level design shall not be less than 1400 sq. ft. on the main floor area or two (2) levels as in the tri-level. A 1 1/2 or 2 story, shall not be less than 1700 sq. ft. Finished areas do not include unheated porches or garages.
3. (GARAGES) A private 2 stall garage (minimum) is to be constructed at the time of erection of the dwelling.
4. (FENCES) No fence may be placed in front of the home. For corner lots, the fence may not be placed closer to the road than the closest part of the home.
5. (RECREATIONAL VEHICLES) Boats, trailers, campers, motorhomes or other R.V.'s may not be left in the driveway or the street for more than 48 hours in a seven (7) day period. If located on the property for any longer period of time, the above mentioned items must be positioned not less than two (2) feet behind the home or garage.
6. (EXTERIOR MATERIALS) The exterior walls of buildings shall be of wood, brick, aluminum, vinyl, or a combination of these or comparable materials. No exposed cement block or asbestos cement shingles will be permitted. Only new materials shall be used in house construction.

7. (PLAN APPROVAL) Plans and architecture of all buildings to be erected on said property shall be approved in writing, prior to commencement of construction by Robert J. Deppa and Jerry Baker, their designated representative or successors.

8. (SOIL REMOVAL) All soil to be removed from said premises above described, either in grading or excavation, shall, if they desire it, become the property of the Glen Valley, L.L.C. and its heirs and representatives, and when removed shall be dumped by any person so removing said soil, and at his expense, at such place or places upon said plat as the said Glen Valley, L.L.C. shall designate.

9. (ANIMALS ON SAID PROPERTY) No animal shall be kept except household pets. Such pets may not be kept or bred for any commercial purpose and shall have such care and restraint so as not be obnoxious or offensive on account of noise, odor, or unsanitary conditions. No savage or dangerous animal shall be kept without written permission of Glen Valley, L.L.C., its designated representatives or successors.

10. (TERMS OF CONSTRUCTION) Construction, once started on a building site, must be completed within eight (8) months and the landscaping of the site must be completed within twelve (12) months of the completion of the building.

11. (DESIGNATED BUILDER) All construction must be done by a professional builder, approved in writing by Robert J. Deppa.

12. (SIDEWALKS) Must be completed during construction of the dwelling at the buyer's expense.

13. (LANDSCAPING AND MAINTENANCE) One tree, a maple with a minimum one inch caliper will be planted on the parkway by the developer. All lawn areas of lots and landscaping are to be properly maintained.

14. (ENFORCEMENT) Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

15. (SEVERABILITY) Invalidation of any one of these covenants by judgment of court order shall in no way affect any of the other provisions which shall remain in full force and effect.

16. (RESTRICTIONS IMPOSED PURSUANT to the REQUIREMENTS of the MICHIGAN DEPARTMENT of NATURAL RESOURCES, (M.D.N.R.)) The flood plain of the Emmons Lake Drain encroaches on Lots 18 through 39, inclusive, and Lot 64, as shown on the final plat drawing. The 100 year flood plain limits for said Emmons Lake Drain vary from Elevation 767.0 (N.G.V. Datum) at the upstream plat limit (Lot 18) to Elevation 766.0 (N.G.V. Datum) at the downstream plat limit (Lot 64), as shown on the recorded plat drawing. No filling or occupation of the floodplain area will be allowed without prior written approval of the Department of Natural Resources. To insure that no encroachments occur, and to protect future construction from flood damage, the following restrictions are imposed on building construction on any building used or capable of being used for residential purposes and occupancy within, or effected by, the floodplain. Each such building must:

(A) Have lower floors, excluding basements, higher than the elevation of the contour defining the floodplain limits.

(B) Have openings into the basement not lower than the elevation of the contour defining the floodplain limits.

(C) Have basement walls and floors, below the elevation of the contour defining the floodplain limits, watertight and designed to withstand hydro-static pressures from a water level equal to the elevation of the contour defining the floodplain limits following methods and procedures outlined in Chapter 5, Type A construction and Chapter 6 for Class 1 loads found in "Flood Proofing Regulations" EP 1165 2 314 prepared by the Office of the Chief of Engineers, U.S. Army, Washington, D.C., June 1972. Figure 5, Page 14.5 of the regulation shows typical foundations, drainage and waterproofing details. This document is available at no cost from the Department of Natural Resources' Land & Water Management Division, Stevens T. Mason Building, P.O. Box 30028, Lansing, Michigan, 48909, or Department of the Army, Corps of Engineers, Publications Depot, 890 South Pickett, Alexandria, Virginia, 22304.

- (D) Be equipped with a positive means of preventing sewer backup from sewer lines and drains which serve the building.
- (E) Be properly anchored to prevent flotation.

17. (RESTRICTIONS IMPOSED PURSUANT TO THE REQUIREMENTS OF THE KENT COUNTY DRAIN COMMISSION)

- (A) A storm water drainage district, which includes a number of lots in this subdivision, has been established by the Kent County Drain Commissioner. At some point in the future, the lots within the drain district may become subject to a special assessment for the improvements and maintenance of the drain serving the drainage district. The drainage district boundary is shown on Exhibit "A" attached hereto.

- (B) Most of the lots in the subdivision are subject to private easements for drainage, and said easements shall be protected and maintained by the adjoining lot owners and shall not be the responsibility of the Kent County Drain Commission. These easements are for the benefit of all lots, and no construction development or grading may occur within these easements which will interfere with the drainage rights of all lots within the subdivision. The easements are for the continuous passage of surface drainage water across said lots and are for the benefit of all adjacent lots. The imposition of such easements shall not, however, prevent the alteration, development and improvement of said lots, or the construction of permanent buildings and structures, provided that no such alteration, development, improvement or construction unreasonably interferes with the continuous passage of surface drainage across said lots. Care shall be taken when final yard grading and landscaping is performed to insure that no major plantings, earthmoving, structures, swimming pools, fences or shrubs be installed which will jeopardize the effectiveness of the drainage course or storm sewer system. Each lot owner shall be responsible to maintain that portion of the drainage system or easement on his property. The direction of surface water drainage is shown on the block grading plan, EXHIBIT "B" attached hereto.

- (C) To eliminate the potential of flooding from backyard surface drainage of storm water from adjacent higher lots and the Emmons Lake Drain, the following lots shall maintain the minimum building opening elevations listed for each lot. The elevations listed below are shown on the block grading plan, Exhibit "B", and are based on N.G.V. Datum; a bench mark is available in the plat.

<u>Lot Number</u>	<u>Minimum Opening Elevation</u>
1-16	769.5
17-39	768.5
40-43	772.3
58-62	770.8
63	771.0
64	768.5

- 18. (INCONSISTENCIES) In the event of any inconsistencies among the foregoing restrictions, the more stringent restrictions shall govern.

- 19. (DURATION) The foregoing restrictions imposed by the Michigan Department of Natural Resources and the Kent County Drain Commission are perpetual and shall run with the land. They may not be amended or modified without the prior written approval from the Michigan Department of Natural Resources and the Kent County Drain Commission. All other covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years, from the date these covenants and restrictions are recorded, after which time said covenants and restrictions shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then lot owners of the lots recorded agree to change said covenants and restrictions in the whole or part.

IN WITNESS WHEREOF, the parties hereto have executed this Declaration of Building and Use Restrictions as of the ____ day of _____, 1994.

Witnesses:

GLEN VALLEY L.L.C., a
Limited Liability Company

Mary L. Grasman

Jerry Baker, Member

Neil A. Sharpe

Robert Depppe, Member

AMERIBANK, F.S.B.

Mary L. Grasman

Lee J. Pankratz, Senior Vice President

Neil A. Sharpe

Craig A. Hankinson, Assistant Vice President

ACKNOWLEDGMENT

STATE OF MICHIGAN)
COUNTY OF KENT)ss

Personally came before me this _____ day of _____, 1994, the above named Jerry Baker, Member, and Robert Depppe, Member, of Glen Valley L.L.C., to me known to be the persons who executed the foregoing instrument and to me known to be such members of said limited liability company and acknowledged that they executed the foregoing instrument as such members as the free act and deed of said limited liability company, by its authority.

Mary L. Grasman
Notary Public, Kent County, Michigan
My Commission Expires: 10/26/96

ACKNOWLEDGMENT

STATE OF MICHIGAN)
COUNTY OF KENT)ss

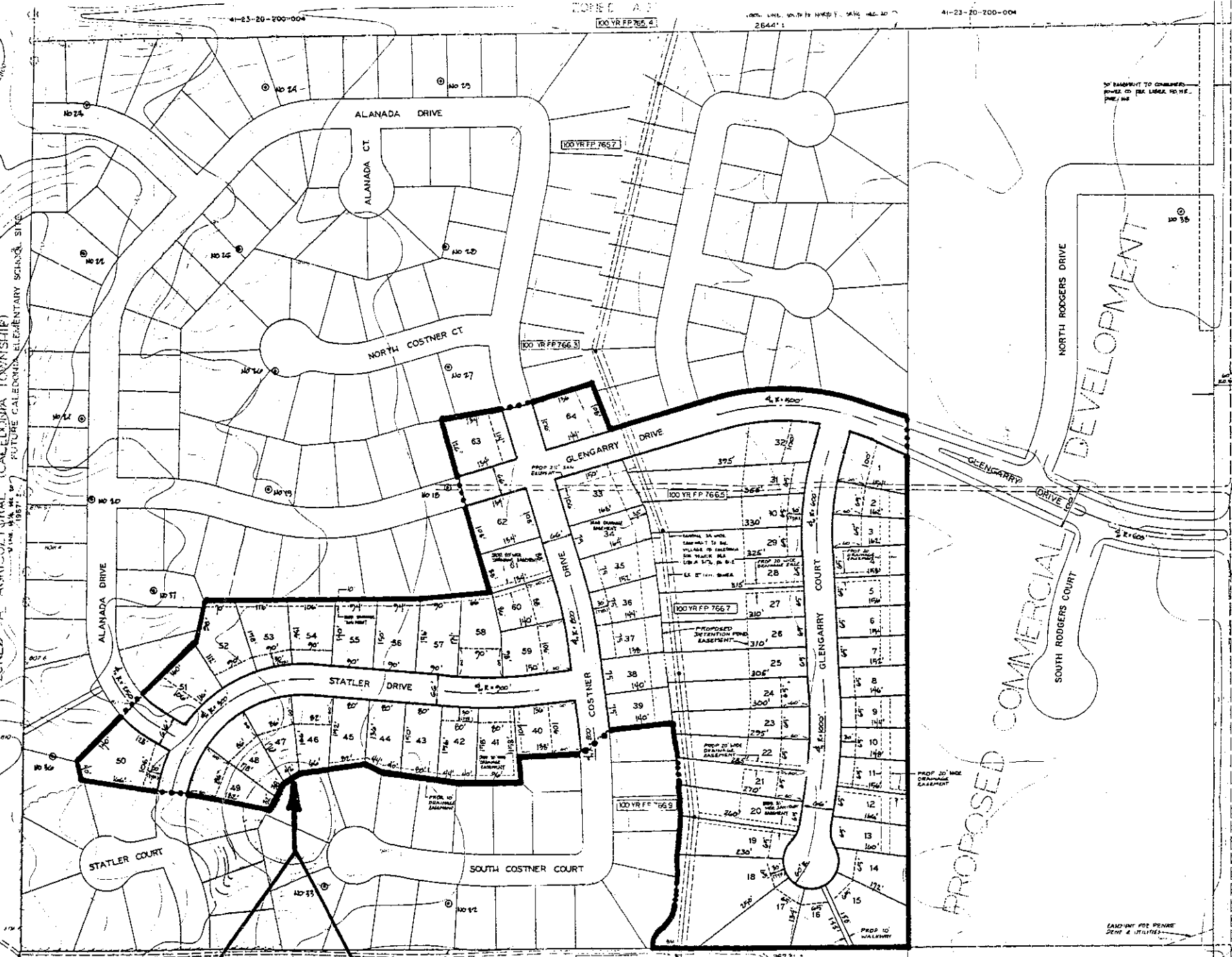
Personally came before me this _____ day of _____, 1994, Lee J. Pankratz, Senior Vice President, and Craig A. Hankinson, Assistant Vice President of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such senior vice president and Assistant Vice President of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the free act and deed of said corporation, by its authority.

Mary L. Grasman
Notary Public, Kent County, Michigan
My Commission Expires: 10/26/96

Prepared by:

Jerry Baker
Glen Valley, L.L.C.
4595 Broadmoor, S.E.
Grand Rapids, MI 49512

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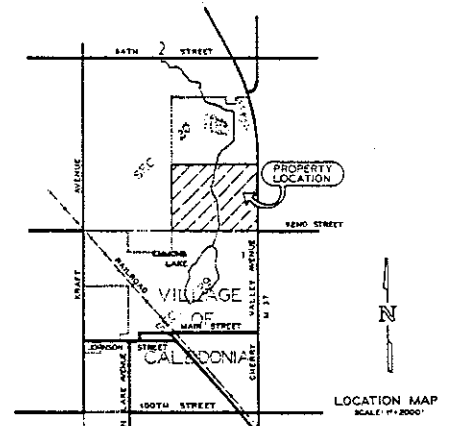
SCALE 1"=100'

LEGEND

○ NO. 2 SOIL BORING TEST HOLE NUMBER

100 YR F.F. 766.2 DENOTES EXISTING 100 YEAR FLOODPLAIN

- GENERAL NOTES**
- Local Description: W 1/2 of the S 1/2 of the SE 1/4 and S 1/2 of the SE 1/4 of Section 20, T5N, R10W, Caledonia Township, Kent County, Michigan.
 - Mapping: Topographical features and 2" interval ground contours are based on an 80-acre aerial Survey Map - Date of photography is April, 1978.
 - Zoning:
 - Present zoning: AG (Agricultural)
 - Proposed zoning: P.U.D. Residential
 - Proposed P.U.D. Residential regulations:
 - Front setback - 30' (corner lots - 20' from both sides)
 - Side yard - 27' minimum, 15' total
 - Rear yard - 40' minimum
 - Lot size - 65' wide minimum (measured at building setback line) 125' deep + 8125 sq. ft. minimum lot area
 - Proposed Land Use: This plat is intended for construction of one single-family home on each lot.
 - Proposed Improvements:
 - Sanitary Sewer: This plat will be serviced by a public sanitary sewer system connected to the existing 12" sanitary sewer along the creek.
 - Water: This plat will be serviced by a Type I community water system. The well field and electric line are to be located on adjacent school property.
 - Street Construction: Including enclosed storm sewer, will conform to current Caledonia Village and Kent County Drain Commission Standards for Subdivision. Construction will not begin prior to securing all necessary approvals, including a Kent County Soil Erosion Control Permit.
 - The front 10' of each lot will be reserved for installation of four-wire power, CATV, and telephone cables to service each lot.



PLAT BOUNDARY (SOLID LINE)

DRAIN DISTRICT BOUNDARY (SOLID LINE)

BENCH MARK ELEV. 764.92
 1"=1" OF 50' MAP
 20' S. 24' FROM ON SEC. 20

DRAIN DISTRICT MAP EXHIBIT "A"

GLEN VALLEY ESTATES
 FOR: MR. JERRY BAKER 698-5000
 4585 BROADMOOR AVENUE SE
 GRAND RAPIDS, MICHIGAN 49512

IN: PART OF THE SE 1/4, SEC. 20, T5N, R10W
 VILLAGE OF CALEDONIA, KENT COUNTY, MICHIGAN

Revision: 3.24.78 *ADDED BENCH MARK
 3.24.78 *REV. DRAIN DISTRICT BOUNDARY
 6.28.78 *ADDED EASEMENT & ELEVATIONS
 10/10/79 *PUBLIC UTILITY EASEMENT ADDED
 2.14.81 *REV. DRAINAGE PLAN
 7.14.81 *REV. DRAINAGE PLAN *ADDED
 1.14.82 *REV. PLAT BOUNDARY

Drawn by: RSD
 Approved by: BAK
 Date: DEC. 14, 1992

File Number: 922807E
 Sheet Number: 1 of 1

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