



2013C-00006
STATE OF MICHIGAN
GRAND TRAVERSE COUNTY
RECORDED
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PEGGY HAINES REGISTER OF DEEDS

FOURTH AMENDMENT TO MASTER DEED

For

PORT OF OLD MISSION CONDOMINIUMS NO. III

This Fourth Amendment to the Master Deed of Port of Old Mission Condominiums No. III is made this 13th day of February, 2013 by P.O.M. Associates, Inc., a Michigan corporation ("Developer") of 6660 Mission Ridge, Traverse City, Michigan 49686.

RECITALS:

A. Developer caused a Master Deed for Port of Old Mission Condominiums No. III to be recorded on April 16, 1999, in Liber 1317, Pages 82 et seq., and designated as Grand Traverse County Condominium Subdivision Plan No. 110 ("Master Deed"), amended by the First Amendment to Master Deed recorded June 4, 2004, at Document No. 2004C-00010, Second Amendment to Master Deed of Port of Old Mission Condominiums No. III recorded October 29, 2012, at Document No. 2012C-00028, and Third Amendment to Master Deed of Port of Old Mission Condominiums No. III recorded November 26, 2012 at Document No. 2012C-00032 in the records of Grand Traverse County Register of Deeds.

B. Article X of the Master Deed grants Developer the right to amend the Condominium Documents without the consent of co-owners or mortgagees for any purpose if the amendment does not materially alter or change the rights of a co-owner or mortgagee.

C. Developer hereby makes this Fourth Amendment to the Master Deed of Port of Old Mission Condominiums No. III for the sole purpose of revising the eligibility requirements for membership in East Beach Association.

NOW THEREFORE, the Developer, upon recording of this Fourth Amendment to Master Deed of Port of Old Mission Condominiums No. III hereby amends the Master Deed as follows:

1. **Article IV “Definitions,” (O) “East Beach” of the Master Deed is amended in its entirety to read as follows:**

“O. “East Beach” means the area designated on Sheet 2-A of the Condominium Subdivision Plan as “East Beach (Limited Common Element)” which shall be reserved to the exclusive use and control of twenty one (21) members.”

2. **Article IV “Definitions” (P) “East Beach Association” of the Master Deed is amended in its entirety to read as follows:**

“P. “East Beach Association” means the not-for-profit corporation organized under the laws of the State of Michigan of which up to twenty-one (21) co-owners and owners of certain designated adjacent properties shall be members, and which shall insure, administer, operate, manage and maintain East Beach. Any action required of or permitted to the East Beach Association shall be exercisable by its Board of Directors unless explicitly reserved to co-owners by the Condominium Documents or the laws of the State of Michigan, and any reference to the East Beach Association shall, where appropriate, also constitute a reference to its Board of Directors.

3. **Article V “Common Elements” (B) “Limited Common Elements” of the Master Deed is amended to add the following Section:**

“(9) A portion of the common areas, facilities and riparian rights as designated on Sheet 2-A of the Condominium Subdivision Plan is hereby set aside and allocated for the exclusive use and control of up to twenty-one (21) members. This beach access area and its related facilities shall be known as “East Beach.”

4. **Article I, Section 1, of the Condominium Bylaws (Exhibit “A” to the Master Deed) is deleted and a new Section 1 of Article I is hereby substituted in its place, which paragraph shall read in its entirety as follows:**

Section 1. Organization. PORT OF OLD MISSION CONDOMINIUMS NO. III, a residential condominium located in

the Township of Peninsula, Grand Traverse County, Michigan (the "Condominium") shall be administered by an association of co-owners (the "Association"), which shall be organized as a nonprofit corporation under the laws of the State of Michigan. With the exception of area designated "East Beach" on Sheet 2-A of the Condominium Subdivision Plan, the Association will be responsible for the management, maintenance, operation and administration of the common elements, easements and, generally, the affairs of the Condominium in accordance with the Master Deed, these By-Laws, the Articles of Incorporation, By-Laws, Rules and Regulations of the Association, and the laws of the State of Michigan. The East Beach area shall be administered by an association of owners of up to twenty-one (21) properties (the "East Beach Association") which shall be organized as a non-profit corporation under the laws of the State of Michigan. The East Beach Association shall be responsible for the insurance, management, maintenance, operation and administration of East Beach in accordance with the Master Deed, these By-Laws, and the Articles of Incorporation, By-Laws, Rules and Regulations of the East Beach Association and the laws of the State of Michigan.

5. **Article VII of the Condominium Bylaws (Exhibit "A" to the Master Deed) is amended in its entirety and a new Section is hereby substituted in its place, which Section shall read in its entirety as follows:**

Section 3. East Beach Association.

- (a) The Condominium Project includes 157.62 feet of beach frontage on East Bay of Grand Traverse Bay, as shown on Sheet 2-A of the Condominium Subdivision Plan and labeled thereon as East Beach, a limited common element.
- (b) The zoning ordinance of Peninsula Township provides that 21 properties may use and access the beach which is owned by the Condominium Project. Current Peninsula Township rules allow one dock and three shore stations/lifts to be considered by the East Beach Association at a future date.
- (c) East Beach rights must be owned in conjunction with the ownership of a unit at Port of Old Mission Condominium or ownership of properties contiguous to Port of Old Mission identified in Section 3(e).
- (d) East Beach as described, located and shown on Sheet A-2 of the Condominium Subdivision Plan, shall be restricted for the exclusive use by owners of the units and parcels acquiring memberships and identified on a list to be

maintained by East Beach Association in a form as depicted on attached Exhibit "1" to these Bylaws.

- (e) To the extent memberships are available, the owners of units within Port of Old Mission Condominiums No. III may purchase membership rights to the use of East Beach. East Beach membership rights will be offered first to Units 156-173, and thereafter to remaining owners in Port of Old Mission Condominium No. III. In the event owners in Port of Old Mission Condominiums No. III fail to purchase all 21 memberships by December 31, 2012, the remaining memberships shall be made available to owners in Port of Old Mission Condominiums No. II, Port of Old Mission Condominiums No. I, and five additional parcels contiguous to Port of Old Mission identified as follows:

Parcel ID No. 28-11-031-037-01
Parcel ID No. 28-11-031-012-01
Parcel ID No. 28-11-031-012-02
Parcel ID No. 28-11-031-012-03
Parcel ID No. 28-11-031-012-10.

- (f) Property owners who purchase membership rights in East Beach will automatically become members of the East Beach Association and shall be subject to the assessments of the East Beach Association.
- (g) The East Beach Association shall be governed by the East Beach Association Bylaws as required by the Michigan Non-Profit Corporation Act. In carrying out the duties and responsibilities assigned to East Beach Association by the Master Deed and these Bylaws, its Board of Directors shall have the same powers, authority and responsibility granted or permitted under the Condominium Bylaws to the Port of Old Mission Condominiums No. III Association, but restricted to East Beach. In addition, the East Beach Association may enact rules and regulations pertaining to the East Beach which will govern the administration, management, insurance, maintenance, rules of use and other matters pertaining exclusively to the beach area. Boat dockage, mooring, etc., shall be subject to the regulations of Peninsula Township.
- (h) The Board of Directors of the East Beach Association shall be made up of three (3) East Beach members. Directors shall be elected by the Members for two-year terms. Initially one member will serve for three (3) years and future terms will be for two (2) years, establishing continuity within the East Beach Association. Management

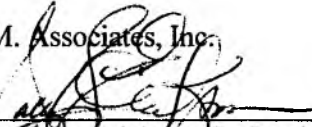
of the beachfront privileges will be the responsibility of this board.

- (i) Developer shall deliver to the Port of Old Mission Condominiums No. III Association customary insurance certificates evidencing that the insurance required to be procured by East Beach Association is in effect on or before the recording of this amendment. Thereafter, all renewal policies or customary insurance certificates shall be provided by East Beach Association to the Port of Old Mission Condominiums No. III Association at least thirty (30) days before expiration of such insurance previously furnished, together with evidence of payment of applicable premiums.

In all other respects, the provisions of the Master Deed of Port of Old Mission Condominiums No. III, as amended, is ratified and confirmed.

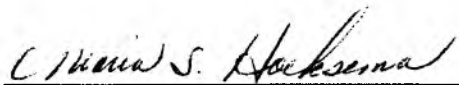
13th The undersigned has executed this Fourth Amendment to Master Deed this day of February, 2013.

P.O.M. Associates, Inc.

By: 
 Sally Erickson, Its President

STATE OF MICHIGAN)
)ss.
 COUNTY OF GRAND TRAVERSE)

On this 13th day of February, 2013, before me personally appeared Sally Erickson, President of P.O.M. Associates, Inc., to me known to be the person described in and who executed the foregoing instrument, and acknowledged it to be the free act and deed of the corporation.


 Maria S. Hoeksema, Notary Public
 Kalkaska County, MI
 My Commission Expires: 09/25/2017
 Acting in Grand Traverse County

