

RECEIVED CHARLEVOIX CO.

2016 JUL 21 AM 9:00

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RECEIVED FOR RECORD

STATE OF MICHIGAN, COUNTY OF CHARLEVOIX  
VIRGINIA M MARME, REGISTER OF DEEDS

07/21/2016 10:21:24 AM PAGES: 5



**FIFTH AMENDMENT TO MASTER DEED**

For

**FOSTER BOAT WORKS CONDOMINIUM**

**FIFTH AMENDMENT TO MASTER DEED**, made this 28th day of June, 2016, by Foster Boat Works Association, a Michigan non-profit corporation, of 206 Ferry Avenue, Charlevoix, Michigan 49720 (hereinafter referred to as "Association").

**WITNESSETH:**

**WHEREAS**, Foster Boat Works, originally known as Marina Shore Condominium, was established pursuant to the Master Deed recorded at Liber 283, Page 516, et seq., Charlevoix County Records and designated as Charlevoix County Condominium Subdivision Plan No. 30, amended by the First Amendment to Master Deed of Marina Shores Condominium recorded at Liber 283, Page 997, et seq., amended by the Second Amendment to Master Deed of Foster Boat Works Condominium recorded at Liber 292, Page 617, et seq., amended by the Third Amended and Restated Master Deed of Foster Boat Works Condominium recorded at Liber 761, Page 686, et seq., and amended by the Fourth Amendment to Master Deed for Foster Boat Works Condominium recorded at Liber 963, Page 214, et seq., Charlevoix County Records ("Master Deed").

**WHEREAS**, the Association wishes to amend the Condominium Bylaws to modify the process for fining Co-owners for violation of the Condominium Documents.

**WHEREAS**, Section 8.3 of the Condominium Bylaws provides that amendment to the Condominium Bylaws shall be proposed for consideration at a meeting of the Association and requires an affirmative vote of not less than sixty-seven percent (67%) of the Co-owners in number and in value.

**WHEREAS**, on May 28, 2016, a meeting of the Association was held for the consideration of the Amendment to the Condominium Bylaws as contained herein and more than sixty-seven percent (67%) of the Co-owners approved this Amendment to the Condominium Bylaws.

**WHEREAS**, Exhibit "B" of the Fourth Amendment to Master Deed ("Exhibit 'B'") does not accurately reflect the Site and Survey Plan at Sheet 2A.

**WHEREAS**, the Association wishes to amend Exhibit "B" to accurately reflect the Site and Survey Plan.

**NOW THEREFORE**, the Association hereby amends the Master Deed and Condominium Bylaws as follows:

1. Amend Section 13.3 of the Condominium Bylaws to read as follows:

13.3 Amounts. Upon violation of any of the provisions of the Condominium Documents and after default of the offending Co-owner or upon the decision of the Board of Directors as recited above, the Board of Directors may levy such fines as it deems appropriate and as adopted by a rule and regulation made by the Board of Directors of the Association in the same manner as provided for in Section 3.4(H) of the Association Bylaws of Foster Boat Works. Such rules and regulations may be amended by the Board of Directors of the Association from time to time and at its sole discretion and shall be effective upon furnishing such rules and regulations to the Co-owners.

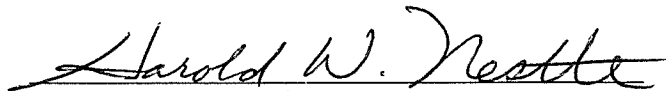
2. Replace Sheet 2A of Exhibit "B" to the Master Deed with the attached Sheet 2A labeled Replat No. 3 of Exhibit "B".

3. In all other respects, the Master Deed, Condominium Bylaws and Condominium Subdivision Plan are hereby reaffirmed and ratified in their entirety except as expressly modified herein.

4. The revisions of this Fifth Amendment to Master Deed shall supersede all provisions of the Master Deed, Condominium Bylaws and Condominium Subdivision Plan for Foster Boat Works Condominium that may be contrary to it and shall govern in the event of any inconsistencies.

**IN WITNESS WHEREOF**, the Association has caused this Fifth Amendment to Master Deed to be executed the day and year first above indicated.

**FOSTER BOAT WORKS ASSOCIATION**



By: Harold W. Nestle

Its: President

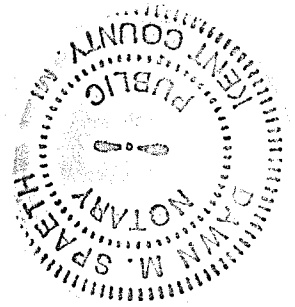
STATE OF MICHIGAN )  
 )SS.  
COUNTY OF Kent )

The foregoing instrument was acknowledged before me, a notary public in and for said county, this 28<sup>th</sup> day of June, 2016, by Harold W. Nestle, President of Foster Boat Works Association.

Dawn M Spaeth  
Dawn M. Spaeth, Notary Public  
Kent County, Michigan  
Acting in Kent County, MI  
My Commission Expires: 2-8-2020

Prepared by/ When Recorded Return to:  
DAVID H. ROWE, ESQ.  
Alward, Fisher, Rice, Rowe & Graf, PLC  
202 E. State Street, Suite 100  
Traverse City, MI 49684  
(231) 346-5400

W:\0 BFAR Directory\David\Foster Boat Work\General\Condo Revisions\Fifth Amendment to Master Deed 6-20-16.doc



CHARLEVOIX COUNTY CONDOMINIUM  
 SUBDIVISION PLAN NO. 30  
 REPLAT NO. 3 OF EXHIBIT "B"  
 TO THE AMENDED MASTER DEED OF:  
**FOSTER BOAT WORKS CONDOMINIUM**

CITY OF CHARLEVOIX  
 CHARLEVOIX COUNTY, MICHIGAN

**PROPERTY DESCRIPTION**

"FOSTER BOAT WORKS CONDOMINIUM"  
 IN THE CITY OF CHARLEVOIX, CHARLEVOIX COUNTY, MICHIGAN, BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF THE PLAT OF J. MILO EATON'S ADDITION TO THE VILLAGE (NOW CITY) OF CHARLEVOIX, AS RECORDED IN LIBER 1 OF PLATS, PAGE 54, CHARLEVOIX COUNTY RECORDS; THENCE SOUTH 89°14'58" EAST 166.80 FEET ALONG THE NORTH LINE OF SAID LOT 1; THENCE SOUTH 08°31'22" WEST 123.86 FEET; THENCE SOUTH 83°53'03" EAST 104.76 FEET ALONG THE SOUTHERLY WALL OF AN EXISTING BATH HOUSE; THENCE SOUTH 01°02'17" WEST 312.31 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89°50'12" WEST 260.40 FEET TO THE EASTERLY LINE OF FERRY AVENUE; THENCE NORTH 01°10'47" EAST 443.47 FEET ALONG THE EASTERLY LINE OF SAID FERRY AVENUE TO THE POINT OF BEGINNING, BEING A PART OF LOT 1 OF J. MILO EATON'S ADDITION TO THE VILLAGE OF CHARLEVOIX, AND CONTAINING 2.36 ACRES, MORE OR LESS, WITHIN THE BOUNDARIES OF THE COURSES HEREBY DESCRIBED.

**DEVELOPER**

FBW DEVELOPMENT CO.,  
 A MICHIGAN CORPORATION  
 US - 31 NORTH  
 PETOSKEY, MICHIGAN 49770

**PREPARED BY:**

FERGUSON & CHAMBERLAIN ASSOCIATES, INC.  
 103 WEST UPRIGHT  
 CHARLEVOIX, MICHIGAN 49720  
 Phone (231) 547-6882

NOTE:  
 THE ASTERISKS (\*) AS SHOWN IN THE SHEET INDEX INDICATES AMENDED SHEETS WHICH ARE REVISED DATED JULY 11, 2016. THESE SHEETS WITH THIS SUBMISSION ARE TO REPLACE OR BE SUPPLEMENTAL SHEETS TO THOSE PREVIOUSLY RECORDED.

**SHEET INDEX**

* 1	COVER SHEET
2	SURVEY PLAN
* 2A	SUPPLEMENTARY SITE AND SURVEY PLAN
3	UTILITY AND SITE PLAN
3A	SUPPLEMENTARY UTILITY PLAN
4	FLOOR AND SECTION PLANS (UNITS 1 - 12, & UNIT 37)
5	FLOOR AND SECTION PLANS (UNITS 13 - 24)
6	FLOOR AND SECTION PLANS (UNITS 25 - 36)
7	FLOOR PLANS (UNITS 36 - 43)
8	FLOOR PLANS (UNITS 44 - 50)
9	FLOOR PLANS (UNITS 51 - 57)
10	LOFT PLANS (UNITS 51 - 57)
11	SECTIONS (UNITS 38 - 57)



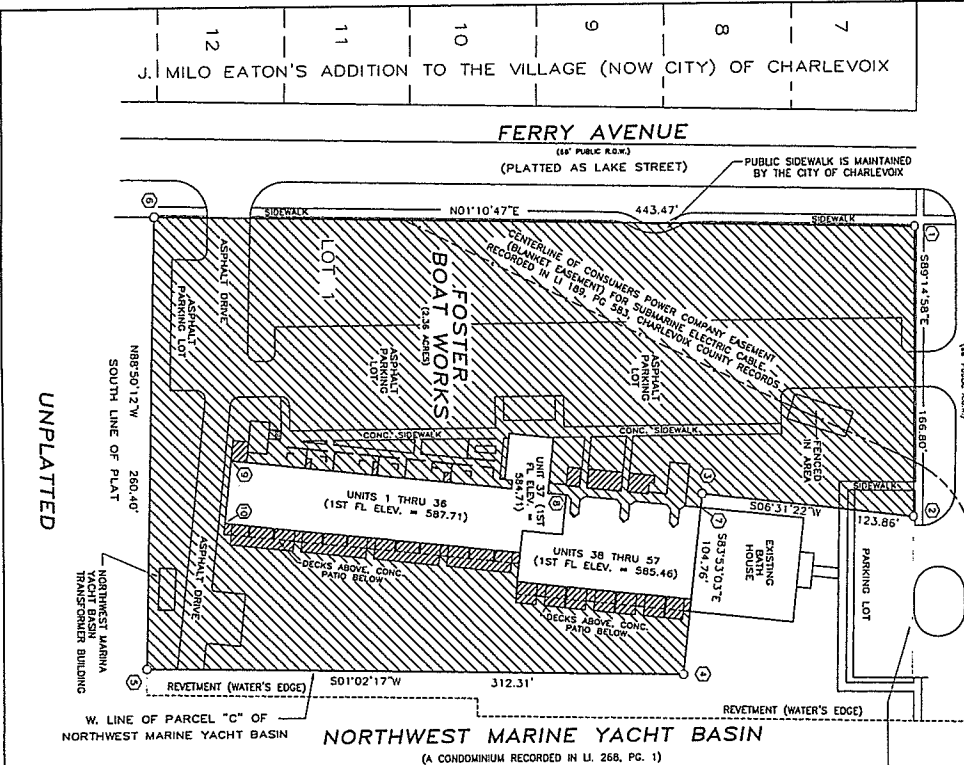
JOHN E. FERGUSON  
 PROFESSIONAL SURVEYOR NO. 24595  
 DATE 7-11-16

AS BUILT PLANS

LOT 2

PROJECT BENCH MARK:  
SPIKE IN UTILITY POLE  
ELEVATION = 570.60 D.M.M.

EATON AVENUE  
(44' Public R.O.W.)

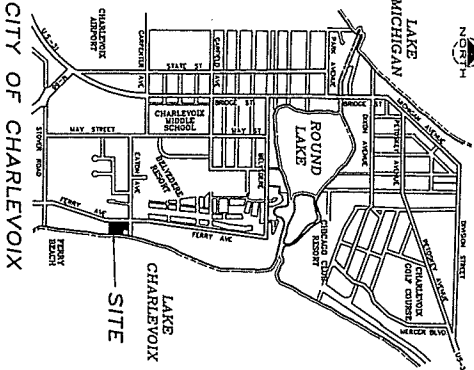


COORDINATE SCHEDULE

COORD. POINT	NORTH	EAST
1	5443.38	5009.13
2	5441.19	5175.92
3	5318.13	5161.93
4	5306.97	5268.01
5	4931.01	5260.02
6	5312.22	5169.95
7	5340.00	5161.67
8	5044.44	5139.22
9	5040.55	5175.51
10		

LAKE CHARLEVOIX

LOCATION MAP  
(NOT TO SCALE)



**FOSTER BOAT WORKS CONDOMINIUM**  
REPLAT NO. 3  
CITY OF CHARLEVOIX  
CHARLEVOIX COUNTY, MICHIGAN

**SUPPLEMENTARY SITE & SURVEY PLAN**

**LEGEND**

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
BEARINGS ARE IN RELATIONSHIP TO THE MICHIGAN COORDINATE SYSTEM, CENTRAL ZONE (2112).  
ELEVATIONS BASED ON I.G.L. DATUM OF 1985.

○ DESIGNATES CONCRETE MONUMENT.

⊕ DESIGNATES NORTHING & EASTING COORDINATE POINT

Ⓜ I.G.L. FLOOD PLAIN ELEVATION IS 582.20. THEREFORE, THE PROPERTY IS NOT DESIGNATED AS A DESIGNATED FLOOD PLAIN GRANT OF EASEMENTS AND RECORDAL GRANT OF EASEMENTS UNDER 202, 1982-1991, MICHIGAN COUNTY RECORDS.

SCALE IN FEET 1" = 30'  
0 10 20 30

**NORTH**



SURVEYOR'S CERTIFICATE

I, JOHN E. FERGUSON, PROFESSIONAL SURVEYOR OF THE STATE OF MICHIGAN, HEREBY CERTIFY:

THAT THE SUBMISSION PLAN KNOWN AS REPEAT NO. 3 OF CHARLEVOIX COUNTY CONDOMINIUM REPLAT NO. 3 SHOWN ON THE ACCOMPANYING DRAWINGS REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LANDS AND PROPERTY HERIN DESCRIBED, EXCEPT AS SHOWN ON THE DRAWINGS, AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL SURVEYORS OF THE STATE OF MICHIGAN, AS REQUIRED BY THE PUBLIC ACTS OF 1978, AS AMENDED. THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL SURVEYORS OF THE STATE OF MICHIGAN, AS REQUIRED BY THE PUBLIC ACTS OF 1978, AS AMENDED. THAT THE SURVEY PLAN, AS REQUIRED BY THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL SURVEYORS OF THE STATE OF MICHIGAN, AS REQUIRED BY THE PUBLIC ACTS OF 1978, AS AMENDED.

*John E. Ferguson*  
JOHN E. FERGUSON  
PROFESSIONAL SURVEYOR NO. 24595

7-11-16  
DATE



PREPARED BY:  
FERGUSON & CHAMBERLAIN ASSOCIATES, INC.  
103 WEST UPRIGHT  
CHARLEVOIX, MICHIGAN 49720  
Phone (231) 547-6892

AS BUILT PLANS

SHEET 2A