

FIRST AMENDMENT TO
DECLARATION OF CONSERVATION RESTRICTIONS

THIS FIRST AMENDMENT TO DECLARATION OF CONSERVATION RESTRICTIONS (the "Amendment") is dated as of November 6, 2019, and is made by the BOARD OF TRUSTEES OF WESTERN MICHIGAN UNIVERSITY, a Michigan constitutional body corporate ("WMU").

Background

WMU is the declarant of that certain Declaration of Conservation Restrictions, dated April 16, 2004, and recorded on July 23, 2004, at Instrument No. 2004-037010, Kalamazoo County Records (the "Declaration").

WMU now desires to amend the Declaration in the manner provided herein.

Amendment

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Replacement of Framework. The Asylum Lake Preserve Management Framework [FG Final February 2, 2004] attached to the Declaration as pages 7-11 is hereby deleted, superseded and replaced in its entirety with The Asylum Lake Preserve Management Framework [Revised November 2019] attached hereto as Exhibit "A", and incorporated hereby into the Declaration.

2. Restrictions on Use. The Restrictions on Use set forth in Section 3 of the Declaration are amended as follows:

(a) Roads, paths and parking lots may be paved as approved by the Policy and Management Council or as otherwise required by any federal, state or local law, regulation, ordinance or order, or to protect the health, safety and well-being of the public users of the Preserve.

(b) Boats may be used on the Preserve as needed for any research or education activities approved by the Policy and Management Council.

3. Miscellaneous. In the event of a conflict or inconsistency between this Amendment and any other terms of the Declaration, the terms of this Amendment shall govern. Except as amended herein, all other terms of the Declaration shall continue in full force and effect. The terms of this Amendment may only be modified by a writing executed by WMU. The Background set forth above is, by this reference, incorporated into the text of this Amendment as if fully set forth herein. Initially capitalized terms used but not defined in this Amendment, but defined in the Declaration, shall have the meanings given to them in the Declaration.

[SIGNATURES AND NOTARIAL ACKNOWLEDGEMENT ON FOLLOWING PAGE]

IN WITNESS WHEREOF, WMU has executed this instrument as of the date set forth above.

THE BOARD OF TRUSTEES OF WESTERN
MICHIGAN UNIVERSITY, a Michigan
constitutional body corporate

By: Jan Van Der Kley
Jan Van Der Kley
Treasurer

STATE OF MICHIGAN)
)
COUNTY OF KALAMAZOO)

The foregoing instrument was acknowledged before me this 6 day of November, 2019, by Jan Van Der Kley the Treasurer of the Board of Trustees of Western Michigan University, a Michigan constitutional body corporate, on behalf of the University.

Ann Mari Cox, Notary Public
Kalamazoo County, Michigan
Acting in Kalamazoo County, Michigan
My Commission expires: 07-26-25

THIS INSTRUMENT DRAFTED BY AND
WHEN RECORDED RETURN TO:
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