

To all Woodside Village Co-Owners
Common Element Update – June 2020

This communication serves as an update to the Common Elements communication published in May 2020, bringing attention to encroachment issues the Woodside Village Condominium Association (WVCA) Board is addressing. We attach this communication again for your reference.

Since May 2020, the Board has sought additional legal counsel related to cases of encroachment brought to this Boards attention, both new and previous. The Board wants to ensure it is not exposing the Association to liabilities and is adhering to our bylaws. As a result of this legal review, the following steps were identified for action:

1. Previous approvals granted for Co-Owners property in Commons Elements/ Wetlands rescinded

- Neither the Board nor the Architectural Control Committee (ACC) reporting to the Board can approve any use of Common Elements/ Wetlands exclusively to a private Co-owner.
- The Association is responsible for the Common Elements/Wetlands and as such has liability for the use of that space.
- It does not matter how long personal use of the Common Elements/ Wetlands has been allowed nor does it matter which Board or ACC granted approval. This practice is no longer supported and will be enforced according to our bylaws.

2. The Board immediately requests the following of each Co-owner:

- Assess your property dimensions and its relationship to the Common Elements/Wetlands. If you need help to do this assessment please contact Mark Heppner of Herriman and Associates at (734) 459-5440 or email at mheppner@herriman.net.
- If you have personal property, decorations, etc. that you have placed in the Common Elements/Wetlands, the Board requests that you make plans to remove all items no later than August 31, 2020. As of September 1, if property is still present within the Commons Elements/Wetlands, the Board may take legal action to compel you to remove the items from the General Common Elements pursuant to Bylaws, Article X, Section 10.1 (A) and (C). The Association will also seek recovery of its attorney's fees and costs from the Co-owner if legal action becomes necessary in accordance with the Bylaws, Art. X, Sec. 10.1 (B).
- If you have extended your property line at the back of your property by landscaping into the Common Elements/Wetlands, all landscaping encroachment should immediately stop. The Board may take legal action according to our bylaws if any further maintenance or landscaping occurs.

- If you feel that the Commons Elements/Wetlands has overgrown to encroach into your property, please contact Mark Heppner of Herriman and Associates at (734) 459-5440 or email at mheppner@herriman.net. Herriman can help assess the situation.

Additional References

Site Map

WVCA has been incorporated since 1991. Over the years, several site maps were filed by the developer. Attached you will find the most current site map filed outlining private property boundaries, common elements and an additional wetlands map. Your title survey which you receive at your property closing would provide you the most accurate dimensions of your personal property.

Governance Guidance

The Master Deed and Bylaws contain the following governance which is enforceable currently as they relate to our Common areas and Wetlands. These can be referenced in the Master Deed and Bylaws posted on our Woodside Village website at <https://woodsidevillageassoc.com/bylaws>.

- Master Deed – Article IV, Section 4.3 (B) – Common Elements - Association Responsibilities
- Master Deed – Article IV, Section 4.4 – Use of Units and Common Elements
- Bylaws - Article VI, Section 6.23 (D) - Landscaping
- Bylaws - Article VI, Section 6.26 - Alterations

The Board