



*Woodbrook Subdivision* established 1957

Farmington Hills, MI

[www.woodbrooksub.net](http://www.woodbrooksub.net)

*Frank Levanduski, President*

*Daniel Walker, Vice President*

*Yoland Nader, Treasurer*

*Suzanne Brunette, Secretary*

*Directors: Carly Brown*

*Sheryl Ellenstein*

*Sue Levanduski*

*Dave Sommers*

*Erin Stilman*

**Welcome**  
**2018 Annual Membership Meeting**  
**June 5, 2018**

28711 Drake Road Fire station #4, Farmington Hills, MI

## 2017/18 Board of Directors Introduction:

**Frank Levanduski**, President (Board appointed, 7/12/17)

**Dariel Walker**, Vice President (Board Appointed, 7/12/17)

**Yoland Nader**, Treasurer

**Suzanne Brunette**, Secretary

**Dave Somers**, Director

**Sheryl Ellenstein**, Director

**Carly Brown**, Director

**Sue Levanduski**, Director

**Erin Stilman**, Director

**Special Thank** you to Terry & John Klenczar

Farmington Hills Coordination/ Safety

Maintenance of funds/collection of dues

Keeping the records

Architectural Committee Chair

Website & Directory Chair

Facebook coordinator, Architectural Committee &  
Annual Picnic committee

Annual Picnic Chair, Safety Committee

Governance support

Sandwich Boards

# Agenda:

- ❖ Meeting called to order
    - ❖ Quorum established
  - ❖ Minutes Issued & Reviewed
  - ❖ Treasures Report
  - ❖ Old Business
    - ❖ Website/Directory Review
    - ❖ Facebook Review
    - ❖ Restriction Survey Results
  - ❖ New Business
    - ❖ 2018/19 Directors/Officers election
    - ❖ Woodbrook Neighborhood Watch
    - ❖ 2018 Annual Woodbrook Picnic
    - ❖ 14 mile Hospital access road
    - ❖ Annual Woodbrook picnic
    - ❖ Non-profit status
    - ❖ By-Laws /Constitution Discussion
    - ❖ Membership Dues
- Frank Levanduski, President  
Suzanne Brunette, Secretary
- Suzanne Brunette, Secretary
- Yoland Nader, Treasurer
- Sheryl Ellenstein, Director  
Carly Brown, Director  
Architectural Committee  
Dave Somers, Chairman
- Membership Present  
Sue Levanduski, Director  
Sue Levanduski, Director  
Dariel Walker, Vice President  
Sue Levanduski/Carly Brown  
Frank Levanduski, President  
Frank Levanduski, President  
Frank Levanduski, President

# Secretary Report - Suzanne Brunette

## WOODBROOK HOMEOWNERS ASSOCIATION

### ANNUAL BOARD MEETING

HELD: May 24, 2017, Wednesday

Fire Station #5, 31455 Eleven Mile Road, Farmington Hills

### CALL TO ORDER

President Cameron O'Neill called the meeting to order at 7:10 p.m.

### ROLL CALL

Cameron O'Neill (President); Yoland Nader (Treasurer); Maxine Borders (Past Treasurer); Erin Stilman (Secretary); Dave Somers (Member at Large); Sheryl Ellenstein (Member at Large)

### BOARD OF DIRECTORS ELECTION

Ballots were provided for signature by attendants to meeting for election of officers. Single signature ballots were used. Write-in ballots were available for anyone interested in running for a board position; none were filled in, however, at the end of the meeting those interested in holding board positions provided their names. (See below)

### BOARD PRESENTATION

Board members (6 total) and audience members (23 total) introduced themselves. In an attempt to entice homeowner attendance, as advertised, and performed last year, a raffle was held which gave away two envelopes, each containing \$20, that were raffled off during the meeting.

An opening statement was made by President O'Neill stating that he was stepping down due to the recent sale of his house, and was grateful to have served on our board. Also resigning after a 7 year term is Erin Stilman (Secretary) and after a one year term, Mike Cousins (V.P.). Sue Copaccia, who for MANY years has been the creator and distributor of our Woodbrook directory, is also resigning. Thank you to all for their voluntary service to the Board! Thank you as well to the Kleznars for putting out the sandwich boards at various times to inform our subdivision of upcoming events.

Pres. O'Neill passed out two documents (see attached) to homeowners present, both entitled Amendment of Woodbrook Subdivision Restrictions, one concerning proposed change to fence restrictions, and the other proposed change to shed restrictions. (More about this below)

Our subdivision entryways have had new mulch added and greenbelt mowed by Green Impressions. They were asked by Treas. Nader to weed-wack below the evergreens, and half of the job was done, but an employee for Green Impressions was asked by a homeowner to stop, as they wanted the privacy that the overgrowth provided, and so that was discontinued. Treas. Nader inquired about a tree that is currently leaning over as to whether or not it could be saved by staking it. Owner of Green Impressions said no, that it would have to be cut down. Further investigation of this is ongoing.

## TREASURER'S REPORT

Budget Proposal for 2017-2018, as well as the Treasurer's Report submitted by Treasurer Nader was passed out. Dues in 2017 were increased (after obtaining signatures from 30% of households in good standing) from \$30 per year to \$50, the first increase since 1993. Discussion was had regarding the reason for the increase which included that last year more money was spent than taken in, as costs for all expenses have gone up, and there is the addition of Officer's Insurance as well as weed control that was added. To date, 97 out of 112 homeowners are paid up-to-date on their dues. Discussion was had about hiring a lawyer to try to collect on delinquent accounts. Past Treas. Borders asked if anyone who was a lawyer could volunteer for this position, but there was no response. At the time of sale on a house, this delinquency is not always caught before the new homeowner moves in. Member at Large Ellenstein volunteered to write up a form letter regarding legal action to be sent to homeowners who are delinquent. **(Subsequent to our meeting, retired attorney Tom Herrmann agreed to assist us in this matter.)**

## BLOCK PARTY

This year's block party will be held on August 19, Saturday, from 12:00 to 3:00 at the Stilman home located at 31220 Berryhill. There will be an inflatable 35-foot obstacle course, as well as an inflatable Connect Four game, and supervision of both will be required by volunteers! Food and beverages will be included. Sandwich boards will be put out at the entryways to subdivision as a reminder when the date is close! We hope to see a big turn-out for this event! Past Treas. Borders raised the question as to whether we should continue to have the Block Party as in the past every year, or hold it every other year, or even to discontinue it altogether. A majority of those present raised their hands to indicate that we should continue the practice of holding it every year.

## COMMUNICATION

Member at Large Ellenstein has been looking into creating a subdivision website which could contain our bylaws, constitution, city events, garage sales, quick links to services, our Woodbrook Homeowner's Directory, as well as a way to pay dues and vote on Association proposals. She asked those present what their preferred method of communication was from the Board to the homeowners. Majority voted to have correspondence via email, which would save postage costs. At this point there is no website, and the Board has yet to obtain emails of all homeowners.

## FENCE/SHED/STREET LIGHT DISCUSSION

Most of the meeting's discussion was spent regarding opinions related to changing/not changing the current bylaws regarding fence/ shed allowances. Current bylaws restrict the construction of either in our subdivision. Recently it has been noticed that some sheds and fences have been built without board approval. Some complained that the fences that were pre-existing on their property when they moved in cannot be replaced. Currently fences are only permitted when they are surrounding an in-ground pool. One long-time resident added that fences are not permitted due to property restrictions dating back to the origin of the subdivision and require a 100% approval of homeowners to amend this

# Secretary Report - Suzanne Brunette

rule, while sheds are prohibited due to our bylaws which require a 2/3<sup>rd</sup>'s vote of homeowners in good standing to amend.

When Pres. O'Neill asked how many present were interested in allowing fences in our subdivision, one person raised their hand. When he asked how many present were interested in allowing construction of a dog run, 3 people raised their hands. When he asked how many present were interested in allowing sheds in our subdivision, approximately 1/3 of those present raised their hands

Due to the interest in possibly changing our current rules regarding fences and sheds, it was suggested that subcommittees be formed that would be in charge of obtaining signatures for or against this. So at the meeting, Pres. O'Neill made out two sheets, one entitled Fence Committee (which was signed by 5 homeowners) and another entitled Shed Committee (which was signed by 8 homeowners). The people who signed up for this will be contacted in the future by Member at Large Sommers regarding the inception of this.

Installing street lights was discussed. The cost would be approximately \$4,000 to \$5,000 per light, as well as an annual fee for the energy and insurance of approximately \$250. It was said that a total of ten would be needed to light all subdivision corners, but that they could start first by having only two. This would require first a petition to be signed regarding interest in it, then if there were enough votes for that, another petition that would require 51% approval to pass, and would levy an assessment to every homeowner. Five people present in the audience expressed an interest in pursuing this, while the others stated the cost was too high.

## MISCELLANEOUS

Concern was raised regarding speeding cars in subdivision as well as cars parking along the side of the street waiting for the bus pickup, thus blocking vision of cars attempting to drive down the street. Suggestion made to have a children crossing sign/bus stop sign put up. We are not allowed to put speed bumps in the roadway due the subdivision's size and traffic flow per John Tasdimer.

NEXT BOARD MEETING: TBD

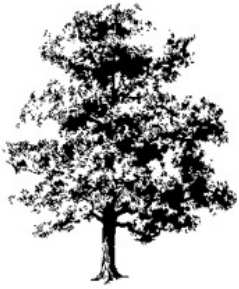
## ADJOURNMENT

Motion to adjourn at 9:10 by Pres. O'Neill, seconded by Treas. Nader. All in favor. Motion carries.

Respectfully submitted,

Erin Stilman, Secretary

Motion to accept report as provided



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Farmington Hills, MI [www.woodbrooksub.net](http://www.woodbrooksub.net)

# Website re-Launch - Sheryl Ellenstein

woodbrooksub.net

[Home](#) [Local Community Info](#) [Sub Restrictions](#) [Schools](#) [Maps](#) [Contacts](#)



Welcome to Woodbrook Subdivision - Farmington Hills, Michigan 48331

## ABOUT US



### Who We Are

Woodbrook subdivision is located in Farmington Hills, Michigan. We are located west of Drake Rd. and south of 14 Mile Rd.



### Welcome!







Welcome to our neighborhood site! Use this site to access information about our subdivision as well as the City of Farmington Hills and Oakland County.



### Get Involved

Interested in getting involved with the neighborhood? Contact us at: [woodbrooksub@gmail.com](mailto:woodbrooksub@gmail.com)

### LOCAL COMMUNITY INFO

<p><b>Rubbish Removal</b></p>  <p>Pickup day is Monday. Pickup times vary so it's recommended your items be at the curb by 7 AM. Do not put items out until after 9 PM on Sunday and bring your cans in as soon as possible.</p> <p><a href="#">FIND OUT MORE</a></p>	<p><b>Curbside Recycling</b></p>  <p>We offer curbside recycling. Items include: Plastics, newspapers, magazines, cardboard, paper, glass bottles/jars, and household metals.</p> <p><a href="#">FIND OUT MORE</a></p>	<p><b>City Website</b></p>  <p>For everything you've ever wanted to know about Farmington Hills, visit their website!</p> <p><a href="#">FIND OUT MORE</a></p>
<p><b>Yard Waste</b></p>  <p>Yard waste collection is offered on Mondays from April until the last week of November.</p> <p><a href="#">FIND OUT MORE</a></p>	<p><b>Snow Removal</b></p>  <p>Click on the link below for information about Farmington Hills winter maintenance policy.</p> <p><a href="#">FIND OUT MORE</a></p>	<p><b>Road Construction</b></p>  <p>Not our favorite subject, it is inevitable that there is going to be road construction. This link provides information you'll need to plan your route.</p> <p><a href="#">FIND OUT MORE</a></p>

### WOODBROOK SUBDIVISION HOME OWNERS ASSOCIATION BOARD

<p><b>President</b></p> <p>Frank Levanduski</p>	<p><b>Vice President</b></p> <p>Daniel Walker</p>	<p><b>Secretary</b></p> <p>Suzanne Brunette</p>
<p><b>Treasurer</b></p> <p>Yoland Nader</p>	<p><b>Members At Large</b></p> <p>Carly Brown Sheryl Ellenstein Sue Levanduski David Somers Erin Stilman</p>	<p><b>Other</b></p> <p>Website &amp; Directory - Sheryl Ellenstein Facebook Group - Carly Brown</p>

Contact us at: woodbrooksub@gmail.com

#### RESTRICTIONS ON WOODBROOK SUBDIVISION

WHEREAS, it is the purpose and intention of this agreement that all of the lots in said subdivision shall be conveyed by the Grantor subject to identical reservations, easements, use and building restrictions in order to establish a general plan of uniform restrictions in respect to said subdivision and to insure the purchasers of lots therein use of the property for residential purposes only, and to secure to each lot owner full benefit and enjoyment of his home, and to preserve the general character of the neighborhood.

IT IS HEREBY DECLARED that the following general restrictions are covenants running with the land, binding upon heirs, personal representatives, successors and assigns of the Grantor, and upon the purchasers of each and every individual lot in said subdivision (except as hereinabove provided) and heirs, personal representatives, successors and assigns of such purchaser for the time limited in this instrument:





1. **USES OF PROPERTY.** Each lot shall be used for providing residence purposes only and no building of any kind whatsoever shall be erected, reconstructed, moved or maintained thereon except a private dwelling house and appurtenant buildings as hereinafter provided. Such dwelling house shall be designed and erected for occupation by a single private family and a private attached garage for the sole use of the respective owner or occupant of the lot upon which such garage is erected. Such garage may have living quarters in connection therewith for use and occupancy by servants of the owner of the respective lot. Other buildings may be erected only if approved by the Grantor in such manner and location as the Grantor may in its sole discretion permit in writing.

2. **CHARACTER AND SIZE OF BUILDINGS.** No building, fence, wall or other structure shall be commenced, erected or maintained, nor shall any addition to or change or alteration to any structure be made except interior alterations, until the plans and specifications, prepared by a competent architect, showing the nature, kind, shape, height and materials, color scheme, location on lot and approximate cost of such structure and the grading plan of the lot to be built upon shall have been submitted to and approved in writing by the Grantor or its authorized agent, and a copy of said plans and specifications as finally approved lodged permanently with said Grantor, and unless all buildings or additions thereto are built by a licensed building contractor.


The Grantor shall have the right to refuse to approve any such plans or specifications or grading plan which are not suitable or desirable in its opinion for aesthetic or other reasons; and in so passing upon such plans, specifications and grading, it shall have the right to take into consideration the suitability of the proposed building or other structure to be built to the site upon which it is proposed to erect the same, and the harmony as planned in view of the outlook from the adjacent or neighboring properties. It is understood and agreed that the purpose of this paragraph is to cause the platted lands to develop into a beautiful, harmonious private residence section and if a disagreement on the points set forth in this paragraph should arise, the decision of the Grantor shall control.

However, in the event the Grantor or its agents have failed to approve or disapprove such plans and locations within thirty (30) days after the same delivered to the Grantor, then such approval will not be required provided the plans and location on the lot conform to or are in harmony with existing structures in the tract and these restrictions.

### SCHOOLS

<p>Farmington Public Schools</p>  <p>District Website</p> <p><a href="#">WEBSITE</a></p>	<p>Forest Elementary</p>  <p>PHONE: (248) 785-2058</p> <p><a href="#">WEBSITE</a></p>
<p>Warner Middle School</p>  <p>PHONE: (248) 785-2053</p> <p><a href="#">WEBSITE</a></p>	<p>North Farmington High School</p>  <p>PHONE: (248) 785-2053</p> <p><a href="#">WEBSITE</a></p>

### MAPS



**Woodbrook**

Woodbrook Subdivision by Lot #



*Woodbrook Subdivision* established 1957

Farmington Hills, MI [www.woodbrooksub.net](http://www.woodbrooksub.net)

*Frank Levanduski, President*  
*Daniel Walker, Vice President*  
*Yoland Nader, Treasurer*  
*Suzanne Brunette, Secretary*

*Directors: Carly Brown*  
*Sheryl Ellenstein*  
*Sue Levanduski*  
*Dave Sommers*  
*Erin Stilman*

## Carly Brown



Find us on:  
**facebook®**



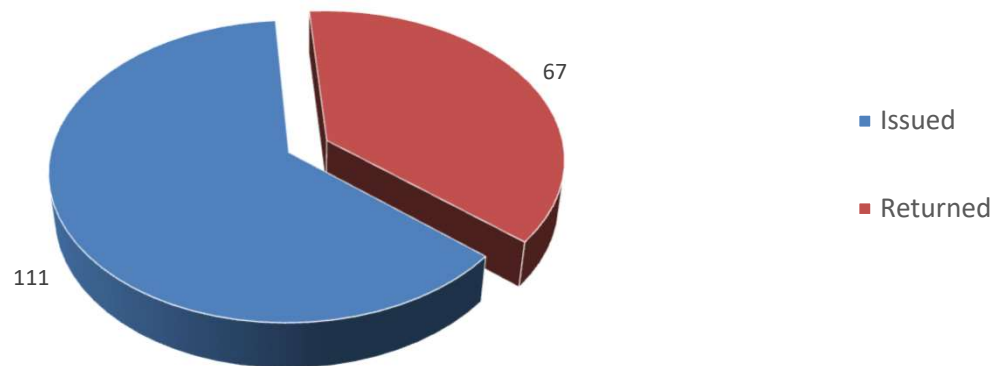


# *Woodbrook Subdivision* established 1957

## **Residential Survey Results**

On March 8 2018, a survey was mailed to the residents of Woodbrook subdivision asking for their input on updating the current subdivision restrictions.

**Surveys**  
**Participation Rate 60%**





# *Woodbrook Subdivision* established 1957

## **Residential Survey Results**

The survey covered suggested changes on the following :

1. Auxiliary Buildings
2. Recreational Vehicles
3. Fencing
4. Pools
5. Gazebos

Based on survey feedback the findings will focus on the three most voted for changes to the current restrictions. Those are **Auxiliary Buildings, Fencing, and Gazebo**

**Note:** **No preference responses were counted as “Yes” for purposes of the survey summaries.**

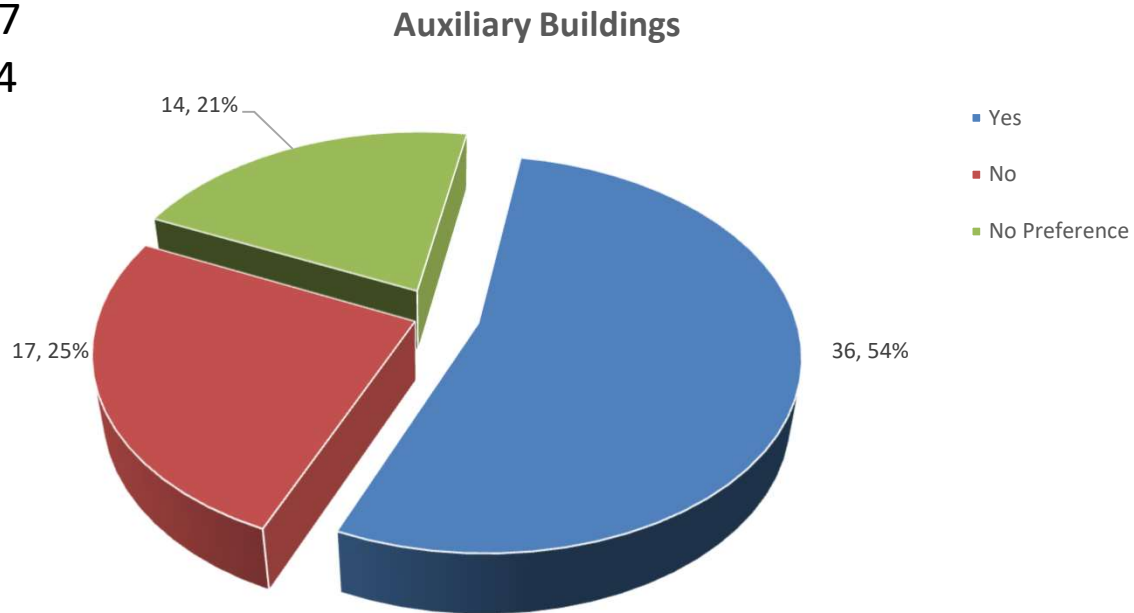


# Woodbrook Subdivision established 1957

## Residential Survey Results

### Auxiliary Buildings - Findings

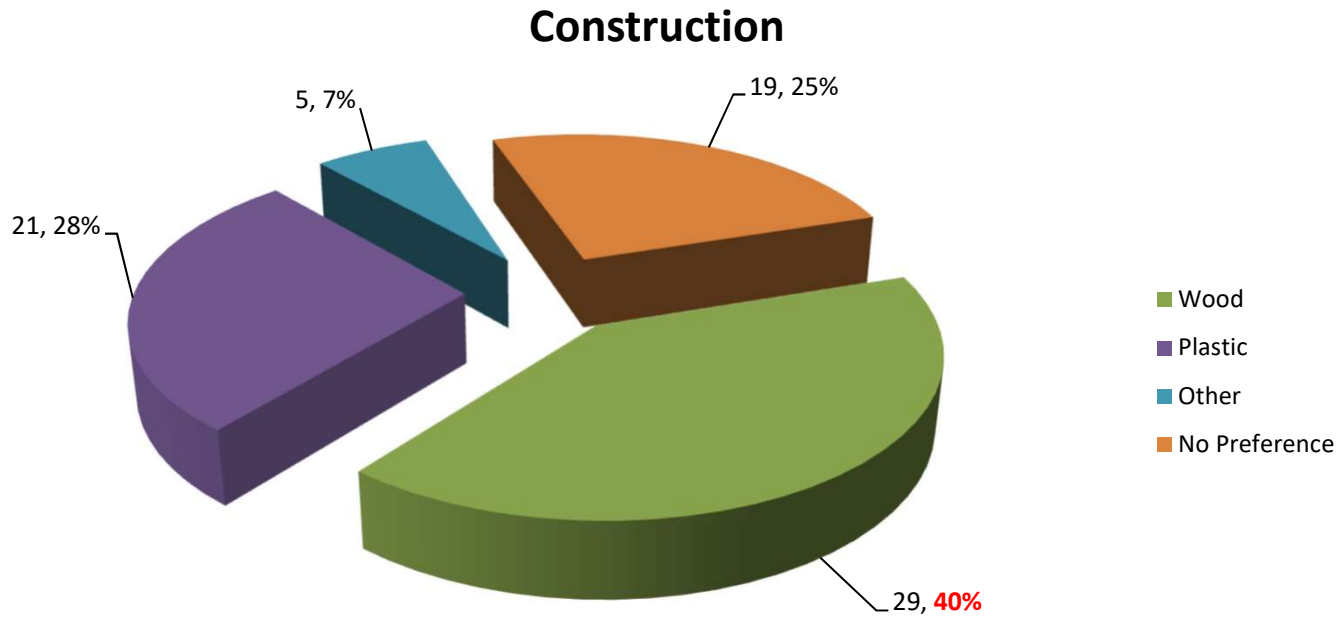
Interested – 36  
Not Interested – 17  
No Preference – 14





# Woodbrook Subdivision established 1957

## Residential Survey Results





# *Woodbrook Subdivision* established 1957

## **Residential Survey Results**

### Auxiliary Building Summary:

- 75% of respondents favored a change to the restrictions to allow for Auxiliary Buildings
- 41% Wood, 28 % Plastic, 25% No Preference, 7% Other
- 72% Back Yard, 28% Adjacent to the home



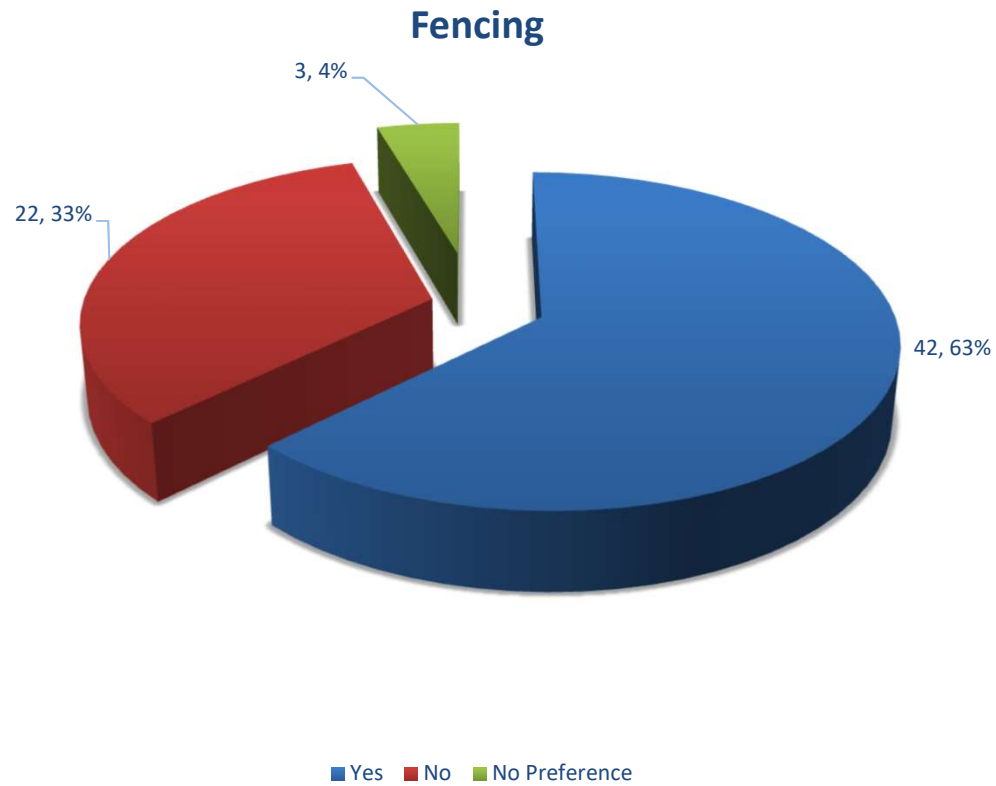


# Woodbrook Subdivision established 1957

## Residential Survey Results

### Fencing Findings:

Interested – 42  
Not Interested – 22  
No Preference - 3

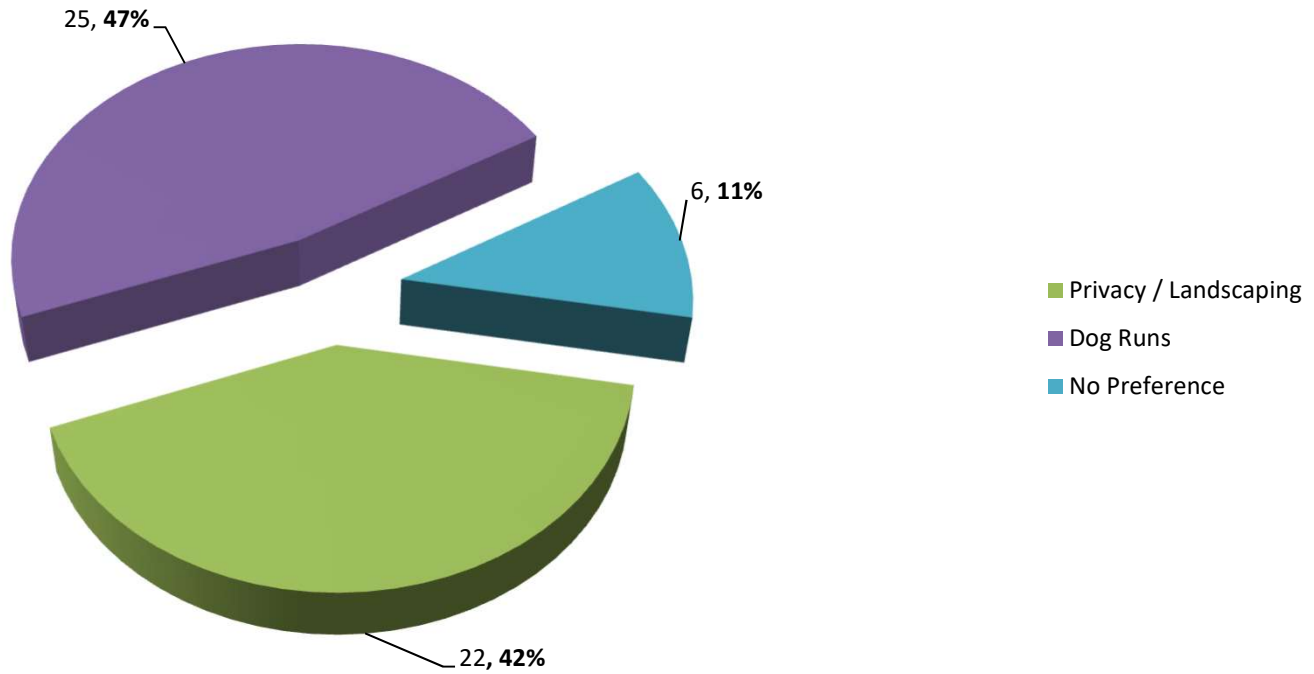




*Woodbrook Subdivision* established 1957

**Residential Survey Results**

**Fencing Type**





# *Woodbrook Subdivision* established 1957

## **Residential Survey Results**

### Fencing Summary:

- 67% of respondents favored a change to the restrictions to allow for fencing.
- 47 % Dog Runs, 42% Privacy/Landscaping, 11% No Preference





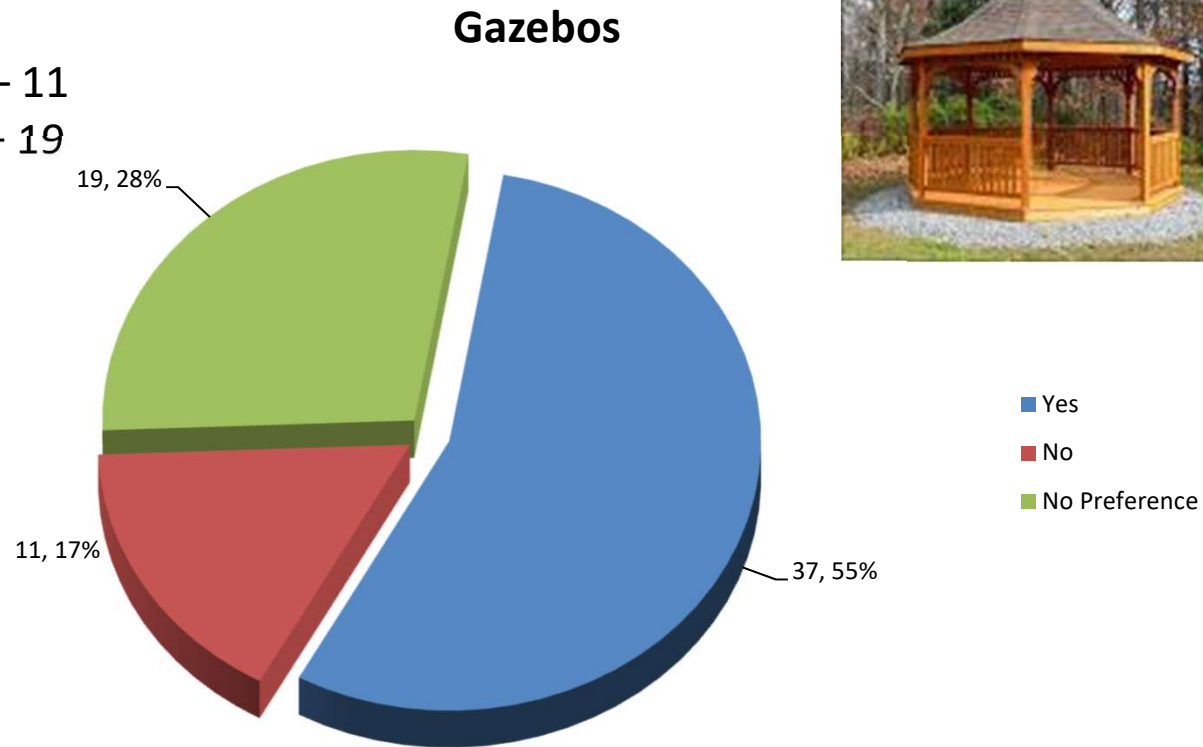


# Woodbrooke Subdivision established 1957

## Residential Survey Results

### Gazebo Findings

Interested – 37  
Not Interested – 11  
No Preference – 19

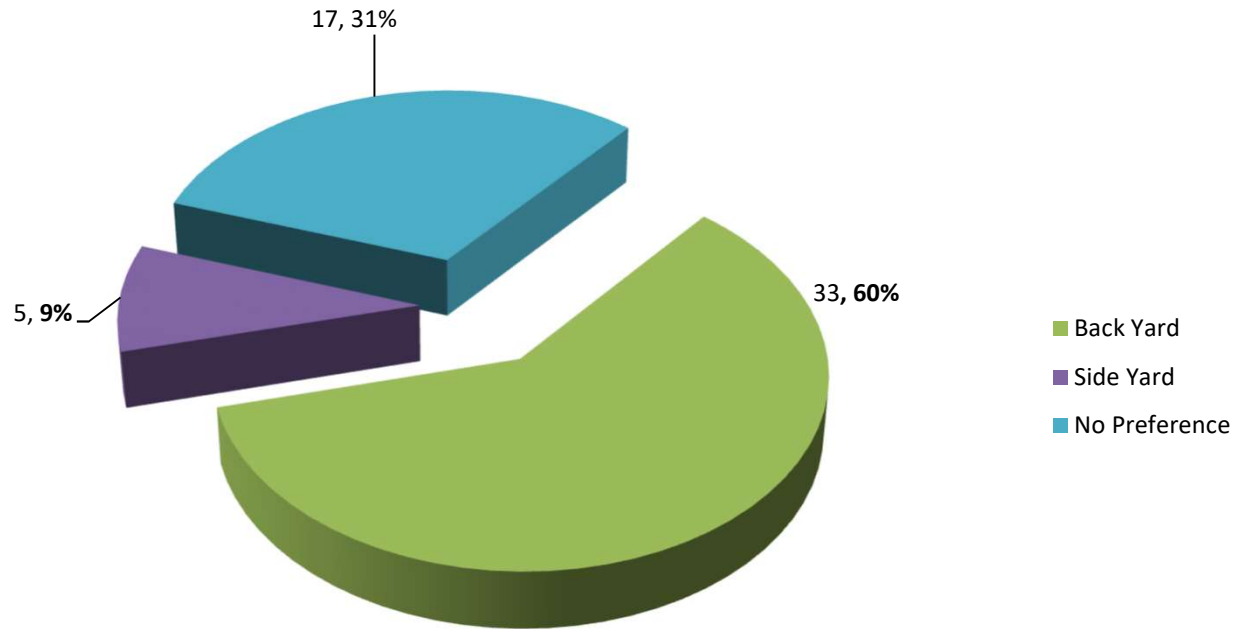




# Woodbrook Subdivision established 1957

## Residential Survey Results

### Gazebo Location





# *Woodbrook Subdivision* established 1957

## **Residential Survey Results**

### **Gazebo Summary:**

- 84% of respondents favored a change to the restrictions to allow for gazebos
- 60% Back Yard, 31% No Preference, 9 % Side Yard





# *Woodbrook Subdivision* established 1957

## **Residential Survey Results**

The survey committee has determined that based on the results of the survey a recommendation to the board is made to allow for the following:

1. Auxiliary Buildings (74% favored)
2. Fencing (67% favored)
3. Gazebo's (84% favored)

The role of the Architectural Committee would be to establish and set standards for Auxiliary Buildings, Fences and Gazebos.

Current committee members are: David Somers, Nick Nelson, Shel Rader and Carly Brown. We are open to more participants should any residents wish to participate.




# 2018/19 Officer and Director Election

Suzanne Brunette  
John Schiappasse Certification

## The process:

- 1) Each lot receives 1 vote
  - 1) Each vote can be split in half
- 2) Vote for the officer listed or feel free to enter a write in candidate
- 3) **Choose five** of the six Directors listed.
  - 1) Write in candidates are welcome to be entered here as well.
- 4) Enter your name/names in the appropriate line
- 5) Enter your address or lot number on the appropriate line
- 6) All ballots will be collected and tabulated as we continue with the program and announced at the end of the night.

**Woodbrook Subdivision** established 1957  
Farmington Hills, MI [www.woodbrooksub.net](http://www.woodbrooksub.net)

## Election Ballot

*Note: each lot gets 1 vote, or two (2) half votes*

President	<input checked="" type="checkbox"/>	Frank Levanduski, <i>seeking second term</i>
		<i>x John Doe</i> _____ write in candidate
Vice-President	<input type="checkbox"/>	Dariel Walker, <i>seeking second term</i>
		_____ write in candidate
Treasurer	<input type="checkbox"/>	Yoland Nader, <i>seeking second term</i>
		_____ write in candidate
Secretary	<input type="checkbox"/>	Suzanne Brunette, <i>seeking second term</i>
		_____ write in candidate

Directors: (choose <sup>3</sup> 5 Directors, non-elected director will serve as alternate)

_____	Carly Brown, currently serving
_____	Sheryl Markel-Ellenstein, currently serving
_____	<del>Sue Levanduski, currently serving</del>
_____	Dave Somers, currently serving
_____	<del>Erin Stilman, currently serving</del>
_____	Maxine Borders, previous board member
	<i>x John Doe</i> _____ write-in candidate

Member name/names \_\_\_\_\_ *Frank/Sue Levanduski*

Address or lot number; \_\_\_\_\_ *Lot 54*



*Woodbrook Subdivision* established 1957

**Annual Picnic August 18, 2018  
Drake Sports Park**



**Planning is in the works any volunteers are welcome**

see Sue Levanduski or Carly Brown to help

Dariel Walker

## Hospital gets approval to build private access drive

West Bloomfield Beacon | Published September 29, 2017

WEST BLOOMFIELD — The West Bloomfield Township Planning Commission approved plans for Henry Ford West Bloomfield Hospital to build a private access drive Sept. 26.

The driveway, which is set to be built at 35734 14 Mile Road, will act as a hospital-traffic-only access point for ambulances, emergency vehicles and staff traffic.



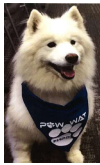
## Farmington Hills Crime Prevention Services

### What Things are Available to Improve our Neighborhood Protection Sue Levanduski

#### 1. Crime Watch Program

- Requires a 50% neighborhood participation to sign up
  - Quarterly meetings
  - Grouping of neighbors who will directly communicated to by Crime Prevention of local activities to heighten our alertness in our Development.

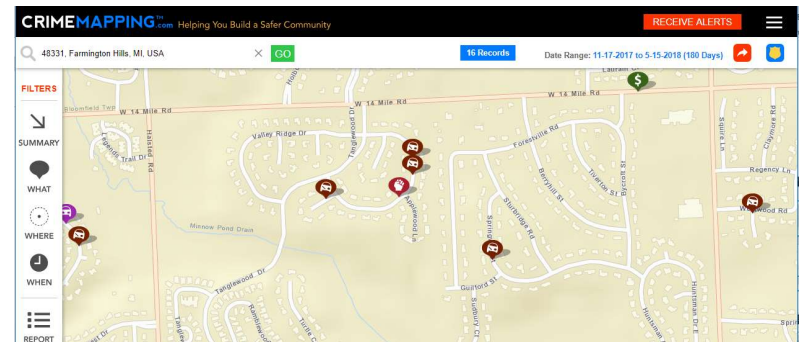
#### 2. Paw Watch



- Dog Walker Training & Certification
  - Residents are provided training in methods to observe & report suspicious criminal activity, which Helps keep our community safe.

#### 3. crimemapping.com

- Enter your zip code or others you are interested in knowing about
- Enter the timeframe you want to see



#### 4. Home Security Survey

- Discover your home risk, schedule a home risk assessment with the Crime Prevention Services Department 248-871-2750

#### 5. nixle APP for phone (phone) or email

- Receive Farmington hills Police alerts
- Sign up at [www.nixle.com](http://www.nixle.com) or text your zip code to 8887777 to opt-in

#### 6. Operation Medicine Cabinet

- Dispose of expired or no longer used medications at the Police station any time of the day in the lobby.





*Woodbrook Subdivision* established 1957

Farmington Hills, **Governing Documents**

## ***What do we use to govern our sub-division?***

- **1957 Declaration of Restrictions**
- **Constitution (date unknown, prior to 1968)**

## ***What is the difference between a Declaration of Restrictions and Constitution &/or Bylaw document.***

- Declaration of restrictions is a legal document and filed in Oakland County registration of Deeds which dictates what we can do with respect to our property in the way of home size, additions, set backs, outbuildings, fences, etc.
- Constitution &/or Bylaw dictates how we govern with respect to our corporation, i.e., Board elections, usage of funds, etc. it can mirror our restrictions but can not override them.



# *Woodbrook Subdivision* established 1957

Farmington Hills, **Constitution**

The current constitution used in conducting Woodbrook Subdivision business **has no known date of ratification (prior to 1968) and is not filed with the Oakland County record of deeds.** It was considered ratified by payment of the initiation fee by twenty (20) eligible members at the first meeting of the association. Date unknown, no record available.

ARTICLE XV -- RATIFICATION

This Constitution shall be deemed ratified by payment of the initiation fee by twenty (20) eligible members at the first meeting of the Association.

Date of Ratification: \_\_\_\_\_

## **Conflict Resolution**

- After much debate within the Board and by Membership, the 2017/18 Board of Directors reviewed our **current (50 year old) constitution** (to be known going forward as Bylaw) and saw a need to update it better coordinate (remove conflicting policy) with our 1957 declaration of restrictions and provide the Board with a governance to better serve our residents going forward.

# 2018 Bylaw /Constitution Recommended Board Draft:

- Board has drafted an update of the Woodbrook Bylaws utilizing current constitution and surrounding HOA like development documents that;
  - Define subdivision and historical Oakland County Deeds filings
  - Define Woodbrook Subdivision purpose with more specifics
  - Dues and assessment guideline improvements
  - Expansion on membership requirements that specifies transference of membership to trust, etc.
  - Expansion of Dues and assessment section inclusive of use ,budget and litigation.
  - Meeting of membership expanded definition inclusive of specific proxies
  - Expanded allowed number and defined Board of Directors/Officers inclusive of duties, structurers, liabilities & proxies.
  - Added special corporate acts
  - Definition of amendments expansion
  - Added miscellaneous section inclusive of headings, posting of notice and Severability

CONSTITUTION OF WOODBROOK HOMEOWNERS ASSOCIATION

ARTICLE I -- NAME

The name of this organization shall be the

ARTICLE II -- OBJECTIVES

SECTION 1: The objectives of this Association shall be: to promote and preserve the best interests of home owners in the area, both individually and collectively, and to do all those things advisable which will tend to make the area a better place in which to live. This Association shall not be operated for profit or any net income which may result from its operation shall not inure, in whole or in part, to the benefit of any individual. *new Profit STATUS*

SECTION 2: The Association shall be entirely apart from partisan politics, except in matters pertaining to the Association.

ARTICLE III -- MEMBERSHIP

SECTION 1: Membership of this Association shall be open to and limited to

any natural person hold any natural person hold or prospective home own title in fee, or vendee a lot within the area: bership may be secured no person shall be anti

SECTION 2: Membership (above) upon payment of the membership. Payment willingness to accept t

SECTION 3: Members who well as those in violat standing and shall not reinstatement to good s delinquent dues and ass

SECTION 1: Annual dues of Directors upon submit Association expenses, an in good standing present approval and shall be p due date. (Members who year shall only be requ dues.)

SECTION 2: For the pur obligations (not includ recommended by the Board amount necessary to defi two-third (2/3) majority the total membership to

designated in the resolution calling for the assessment. The general membership shall not vote on assessment issues except by ballots provided to all members in good standing. Such ballots shall be mailed by the Secretary, or his designate. Members will be advised in writing of the specific date by which ballots must be returned to a designated address or location. This date shall not be more than fifteen (15) days from the date ballots are mailed by the Secretary or his designate. It shall be the responsibility of each member to see that his ballot is returned to the designated address or location if he desires his vote to be counted. Each ballot distributed must include a written caution that failure to vote has the same effect as voting against the assessment. *CHANGE TO YES*

ARTICLE V -- MEETINGS

SECTION 1: The annual meeting of the Association shall be held in the month of June. *10*

SECTION 2: Special or additional meetings, whenever deemed necessary or advisable, may be called by the President or any three (3) members of the Board of Directors. *11*

SECTION 3: A special meeting shall also be called by the Secretary at the written request of ten (10) members in good standing. *12*

SECTION 4: Written notice of every meeting of the Association stating the time, place and purpose or objectives thereof, shall be given to the membership in good standing by the Secretary at least seven (7) days before the date of the meeting. *REMOVE EVERY WEEKS 14 DAYS 13*

ARTICLE VI -- BOARD OF DIRECTORS

SECTION 1: The Board of Directors shall be the managing body of this Association. *14*

SECTION 2: The Board of Directors, seven (7) in number, shall consist of the Association's four (4) officers and three (3) additional non-officer directors, one of whom shall be the immediate past President. *15*

SECTION 3: The Board of Directors shall hold such meetings as deemed necessary or advisable by the President to conduct business in behalf of the membership of the Association. Five (5) days written notice of each Board meeting shall be given to the members of the Board. *21*

SECTION 4: The President of the Association shall be the presiding officer of the Board of Directors, and the Secretary of the Association shall act as Secretary of the Board. *23*

SECTION 5 -- REGULAR TERM: The full member of said Board of Directors shall be divided at the first meeting of the Association and shall be divided into two classes. The first class shall consist of two (2) directors who shall

- 1) Original Restrictions On Woodbrook Subdivision - (Liber 3641 pg. 335) January 7, 1957
- 2) Agreement - (Liber 3670 pg. 570) February 26, 1957
- 3) Assignment Of Grantor's Rights - (Liber 6293 pg. 224) April 5, 1974
- 4) Amendment of restrictions increase in annual maintenance charges - (Liber 13700 pg.749) June 21, 1993
- 5) Revised By-Laws - (Liber pg. ) July , 2018

By-laws - July 1, 2018

By-Laws  
Of

Woodbrook Home Owners Association

Article I

Identification

Section 1 - The association known as Woodbrook Subdivision Home Owners Association shall be referred to herein as the "Association" a non-profit Michigan Corporation (MI Identification #738268).

Section 2 - The Association is a part of the Northeast one-quarter (NE ¼) of Section 5, Town 1 North Range 9 East, Farmington Township, now known as Farmington Hills, Oakland County, Michigan, as recorded in Liber 89, Page 17, dated January 3, 1957, Oakland County Records. (see top of page references)

Article II

Objectives & Purpose

Section 1 - Specific Purposes. To the extent that funds allow, and either membership requests by majority vote (2/3rds) of members entitled to vote as described in article VIII dues and assessments.

1. The Association shall be responsible to promote and preserve the best interest of the home owners both individually and collectively ensuring the physical beauty and natural resources of common areas inclusive of entranceways along 14 mile road. By way of example, without limitation, this may include contracting for a service to maintain entrance signs, mow, fertilize, or reseed the grass, plant or maintain trees, shrubs, flowers and bushes, or to generally take care of keeping the outlets neat and clean.
2. The Association shall contract for electrical light service at all entranceways of the association at Bycroft and Berryhill roads on a continuous basis.
3. The Association shall enforce building and use restrictions of record.
4. The Association shall represent the members before governmental boards and bodies of matters affecting the Association
5. The Association shall publish a directory with yearly revisions, if necessary, of the residents of the subdivision.

☐ Please remember the Bylaws are not restrictions they only direct how we conduct business and will not conflict with the current 1957 Declaration of Restrictions!

# Legal Review

The Board has contracted with the Law firm of Cummings, McClorey, Davis & Acho who specialize representing community associations to review our 1957 Woodbrook Declaration of Restrictions and the current Constitution to Guide the Board of Directors with respect to the **legal requirements of the restrictions** as written and filed as well as to develop a Bylaw (previously called Constitution) document that is up to date and not in conflict with our legal restriction document.

The Law Firm of Cummings, McClorey, Davis & Acho, P.L.C.

## LEADING THE WAY



Matthew Heron	William Kolobaric	Kevin Hirzel	Brandon Hallaq	Joe Wloszek
AV Rated for Preeminent Legal Knowledge	20 Years Collection Experience	2013-2017 Super Lawyers Rising Star	Graduated from Law School with Honors	2013-2017 Super Lawyers Rising Star

The award-winning attorneys at Cummings, McClorey, Davis & Acho, P.L.C. are responsive to all of your community association's legal needs. We not only take pride in effectively representing community associations throughout Michigan, but also educating community associations to avoid common legal problems.

### What Types of Clients Do We Represent?

Builders	Homeowner Associations
Condominium Associations	Individual Co-Owners and Homeowners
Cooperatives	Property Managers
Developers	Summer Resort Associations

### What Types of Legal Issues Do We Handle?

Assessment Collection	Corporate Governance
Attendance at Association Meetings	Developer/Successor Developer Liability
Bylaw Enforcement	Drafting/Amending Governing Documents
Bylaw Interpretation Issues	Drafting/Amending Rules
Contract Drafting and Review	Fair Housing Act Issues
Condominium Act Violations	Litigation
Construction Defects	Transition Control Issue

View our blog to learn more about the latest news impacting your community association  
[www.micondolaw.com](http://www.micondolaw.com)

Livonia (734) 261-2400	Clinton Township (586) 228-5600	Grand Rapids (616) 975-7470	Traverse City (231) 922-1888
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**Moving community associations forward through...**



### Condominium Law

We routinely represent condominium associations in a variety of matters such as amending master deeds, bylaw enforcement and collections.

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### Business Law

We serve as general counsel to small and medium size businesses in order to help them prosper.

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### Homeowners Association Law

We routinely represent homeowners associations in a variety of matters such as amending deed restrictions, covenant enforcement and collections.

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### Litigation

We zealously advocate for our clients in a wide variety of commercial litigation and real estate litigation matters

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### Fair Housing Compliance

We counsel community associations and landlords on best practices to comply with the Fair Housing Act and defend them in administrative complaints.

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### Real Estate Law

We represent individuals and corporations in various real estate matters such as boundary disputes, commercial leasing, title disputes and zoning issues.

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# Constitution Legal Review

## The Bylaws / Constitution

With respect to the bylaws, you have provided a document entitled "Constitution." The document does not appear to have ever been ratified or adopted as the date of "ratification" is left blank at the bottom and the name of the association is not even filled in as part of Article I. If you have proof that this document was ever formally adopted by the members, the amendment provisions would need to be complied with, which would require a 2/3 majority vote to amend this document of the members in good standing. If you are unsure, it may be good to comply with the 2/3 requirement anyway, but the default provision to adopt bylaws under the Michigan Nonprofit Corporation Act would only be a majority of members, if you are sure that this was never adopted. It is also my opinion that a court would likely conclude that Article IV, Section 2 of the Constitution imposes a new burden on the owners, in addition the declaration, and that it is not enforceable. Any new bylaws could not conflict with the declaration or enlarge the scope of the Declaration.

### ARTICLE XV -- RATIFICATION

This Constitution shall be deemed ratified by payment of the initiation fee by twenty (20) eligible members at the first meeting of the Association.

Date of Ratification: \_\_\_\_\_

## Moving Forward

- Hirzel Law will continue to review the draft Bylaws that the 2017/18 Board of Directors developed, remove any conflicts with our restrictions and present a final draft document to the Board for acceptance.
- The board will issue a copy of the Bylaws to each Member with a ballot and ask for a return vote of acceptance. A Board member will personally deliver the new Bylaw document along with a ballot to return with a vote. We will count the returns, a yes vote of 57 members will be required to accept the new Bylaws.
- Failure to adopt the new Bylaw will require the HOA to continue to utilize an outdated Constitution. The Board will not enforce any content that is in conflict with the 1957 Declaration of Restrictions.

# Declaration of Restrictions Legal Review

## CMDA Opinion

### The Declaration

I have reviewed the 1957 Declaration, dated January 7, 1957. Paragraph 12 states as follows:

All of the restrictions, conditions, covenants charges and agreements contained herein shall be covenants running with the land and shall continue in force and a period of 25 years from the date of recording hereof and shall automatically be continued thereafter for successive periods of 10 years each provided, however, that after 25 years from the date of recording hereof the owners of the fee of 2/3<sup>rd</sup> or more of the lots in said subdivision may *release* all or part of said lots from all or any portion of these restrictions by executing and acknowledging an appropriate agreement or agreements in writing for such purposes and recording the same in the Office of the Register of Deeds of Oakland County, Michigan. (emphasis added).

Based upon this language, it is my opinion that unanimous consent of all of the owners would be required to *amend* the 1957 Declaration if you wanted to do anything other than *release* all or part of the restrictions. In a recent case, the Michigan Court of Appeals held that the term “release” did not include the right to “amend.” Specifically, the Court held as follows:

Conspicuously absent from these provisions is any reference to the Association's power to amend the covenants, or to establish new restrictions or covenants. Indeed, the only reference to such a power in the covenants is in Paragraph 30, which expressly provides that two-thirds of the *owners* of the lots have the power to *release* certain “restrictions, conditions, covenants, charges and agreements” and then only after the passage of 15 years.

By reserving the power to amend the covenants by less than unanimous consent to the owners, and then limiting that power in extent (release of certain specified restrictions) and time (after 15 years), the original landowners plainly expressed their intent that the covenants and restrictions could not be altered by the Association acting on its own initiative, could not be altered until 15 years after the recording of the covenants in January 2001, and could only be altered to “release” certain specified restrictions. The covenants are unambiguous and did not expressly provide the Association with the authority to alter the original covenants and restrictions on its own initiative and did not authorize the owners to add new restrictions or increase the burden of existing restrictions with less than unanimous consent. Accordingly, this Court must enforce the covenants as written.

*Conlin v Upton*, 313 Mich App 243, 264; 881 NW2d 511, 524 (2015). Any “release” of any existing restriction could be accomplished by 2/3 owner approval. However, it would need to be signed by 2/3 of the owners, not just voted on at a meeting, and it would not become effective until 2022, based on the time limitations in your declaration. These time limitations would not apply if you were able to obtain unanimous consent. As such, I don't think it would be feasible to rush a 2/3 vote to immediately change the declaration at the June 5, 2018 meeting. It will take time to collect signatures.



# Declaration of Restrictions Legal Review

1. **The bottom line: Any immediate change to the 1957 Woodbrook Declaration of Restrictions would require 100% of all lot owner approval on a ballot.**
2. **A 2/3rds vote could carry a restriction change but would not be valid until 2022.**

## CMDA Opinion

With respect to the issues of sheds, fencing and gazebos, it is my opinion that the Declaration would not need to be amended to allow these items. A request could be submitted under the process outlined in Article II of the Declaration, which would be approved or disapproved by the grantor. The Association received an assignment of grantor's right, and would have the ability to make these determinations. There is a 30 day time period to respond under this section as well, otherwise a request is deemed approved if it is "in harmony with existing structures in the tract" and the restrictions. Let me know if there are specific issues that you are experiencing as to why you would need these amendments.

**The 2018/ 19 Board of directors has established an architectural committee who will set up a process for Members to request housing and lot modifications, request any information missing from the applicant needed to make a recommendation and then forward those requests to the Board for review and approval or rejection based on a Board majority vote.**

# Membership Dues:

1957 to 1963      \$20/yr.    HOA total operating funds **\$2200/yr.**

June 21, 1993    \$30/yr.    HOA total operating funds **\$3300/yr.**

*This assumes every Member pays their dues, currently we have 102 paid*

**based on Declaration of Restrictions 1957  
77 to 3 vote in favor of increase**

LIBER 13700 PG 749      93 168053

AMENDMENT OF WOODBROOK SUBDIVISION RESTRICTIONS  
AND INCREASE IN ANNUAL MAINTENANCE CHARGE

*Ent Woodbrook sub 23-05-201-000 89017*

Pursuant to Paragraph 12. of the Woodbrook Subdivision Restrictions (Liber 3641, Pg. 335, O.C.R.), the owners of the fee of two-thirds (2/3) or more of the lots in said Subdivision have voted to amend Paragraph 9.(b) of said Restrictions as follows:

**Eliminate the \$20.00 per lot limitation on the annual maintenance charge, balance of Paragraph to remain unchanged.**

Pursuant to Paragraph 9.(b) of said Restrictions, the owners of the fee of seventy-five per cent (75%) of the lots in said Subdivision have voted to increase the annual maintenance charge to \$30.00 per lot, and to make such additional assessment binding upon all lot owners.

*cont.* In a subdivision vote conducted in 1993 by the undersigned officers, seventy-five per cent (75%) or more of the lot owners voted to adopt the abovesaid Amendment of subdivision restrictions and Increase in annual charge. Copies of the ballots of the voting lot owners are attached hereto.

# Membership Dues:

May 24, 2017 annual meeting vote \$50/yr.

HOA total operating funds **\$5500/yr.**

*This assumes every Member pays their dues, currently we have 102 paid*

**1968 Constitution**

## ARTICLE IV -- DUES & ASSESSMENTS

SECTION 1: Annual dues per membership, in an amount recommended by the Board of Directors upon submission of an annual budget to cover ordinary and general Association expenses, and approved by a majority of the Association membership in good standing present at the annual meeting, shall be due immediately upon approval and shall be payable to the Treasurer within thirty (30) days after due date. Members who join the Association after the beginning of the fiscal year shall only be required to pay the monthly prorated share of the yearly dues.

### TREASURER'S REPORT

Budget Proposal for 2017-2018, as well as the Treasurer's Report submitted by Treasurer Nader was passed out. Dues in 2017 were increased (after obtaining signatures from 30% of households in good standing) from \$30 per year to \$50, the first increase since 1993. Discussion was had regarding the reason for the increase which included that last year more money was spent than taken in, as costs for all expenses have gone up, and there is the addition of Officer's Insurance as well as weed control that was added. To date, 97 out of 112 homeowners are paid up-to-date on their dues. Discussion was had

# 2018 Membership Dues:

Based on legal council, Woodbrook annual dues can not exceed \$30/year per the 1993 amendment to the 1957 restrictions (liber# 13700 page 749, Oakland County record of Deeds).



*Woodbrook Subdivision* established 1957

Farmington Hills, MI

[www.woodbrooksub.net](http://www.woodbrooksub.net)

Frank Levanduski, **President**  
Darial Walker, **Vice President**  
Yoland Nader, **Treasurer**  
Suzanne Brunette, **Secretary**

**Directors:** Carly Brown  
Sheryl Ellenstein  
Sue Levanduski  
Dave Sommers  
Erin Stillman

## Annual Membership Dues Notice

Because of Membership dues restriction clarification, this years annual dues will be charged at the **\$30 maximum** allowed per the 6/21/93 amendment of restrictions (liber #13700pc749). If you wish to receive a \$20 credit for last years overcharge please check the box below and apply it to your remittance.

I have applied the \$20 credit to this years Membership payment

LOT Number 54

Name John Doe

Address \_\_\_\_\_

Please return this form with payment to : Treasurer: Yoland Nader, 3112 Sturbridge, Farmington Hills MI 48331  
Checks to be made out to Woodbrook HOA

## What are Normal Cost?

➤ 14 Mile road maintenance (grass mowing, weed control)	\$1650/season
➤ Non-Profit MI permit Cost	\$20/year
➤ Liability Insurance	\$850/year
➤ Utilities (electricity front sign lights)	\$547/year
➤ Operating costs (coping, office supplies, stamps, etc.)	<u>\$250/year</u>
<b>Total Required</b>	<b>\$3317/ fiscal year</b>
<b>Annual Dues Collected</b>	<b>\$1100/ yr. if all pay \$10 fee</b>
	<b>\$2217 loss 2018/19 budget</b>

## 2018/19 Discretionary Spending

➤ Annual Picnic	\$850/estimated
➤ Entrance sign landscaping	\$150/estimated

## 2018/19 Extraordinary Budget Costs:

➤ Legal document review	\$2535 estimated total
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## Board of Directors Review of Known Documents:

**January 8 1957** Declaration of restriction recorded, in which enforcement rights are held by Thompson Brown, the developer

**Oakland County, records of deeds, Woodbrook Subdivision - (Liber 3641 pg. 335)**

**February 26, 1957** Agreement

**Oakland County, records of deeds, Woodbrook Subdivision - (Liber 3670 pg. 570)**

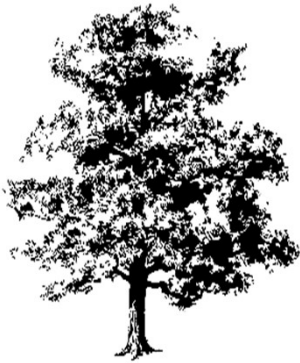
**April 5, 1974** Assignment of Grantor's rights filed, in which the rights held by the developer are assigned to Woodbrook Association. Enforcement rights of restrictions now held by Woodbrook Association Board.

**Oakland County, records of deeds, Woodbrook Subdivision – (Liber 13700 pg.749)**

12. TERM OF RESTRICTIONS. All of the restrictions, conditions, covenants, charges and agreements contained herein shall be covenants running with the land and shall continue in force for a period of 25 years from the date of recording hereof and shall automatically be continued thereafter for successive periods of 10 years each provided, however, that after 25 years from the date of recording hereof the owners of the fee of two-thirds (2/3) or more of the lots in said subdivision may release all or part of said lots from all or any portion of these restrictions by executing and acknowledging an appropriate agreement or agreements in writing for such purposes and recording the same in the Office of the Register of Deeds for Oakland County, Michigan.

13. SEVERABILITY. Each restriction and clause herein is intended to be severable and in the event that any one of such is for any reason held void, it shall not affect the validity of the remaining covenants and restrictions.

Recorded January 10, 1957, in the office of the Register of Deeds for Oakland County in Liber 3641, Pages 335-339.



*Woodbrook Subdivision* established 1957

Farmington Hills, MI      [www.woodbrooksub.net](http://www.woodbrooksub.net)

Frank Levanduski, **President**  
Darial Walker, **Vice President**  
Yoland Nader, **Treasurer**  
Suzanne Brunette, **Secretary**

**Directors:** Carly Brown  
Sheryl Ellenstein  
Sue Levanduski  
Dave Sommers  
Erin Stilman

## **Election Results: Suzanne Brunette**

### **Goals for 2018/19**

- 1. Completion of Architectural Committee Procedures.**
- 2. Continue to improve website**
- 3. Continue to improve Facebook capability**
- 4. Bylaw completion and approval from Membership**
- 5. Repair of front entrance signs.**
- 6. Restriction enforcement (legal fees may be required)**
- 7. Obtain dues increase to be determined by board with 75% of Member approval**
- 8. Restriction amendment approval for 2022 to ease dues & ability to modify.**

*Thank you ....Please let us know if you would like to help with a committee or project*

*Adjournment: Do we have a motion*