



Town Hall Attorney Responses

The Bylaw Committee recently hosted a town hall meeting to answer questions and allow voting on the ballot of proposed amendments to our Deeds and Restrictions. There were 4 items that our attendees agreed needed clarity from our attorney.

The Bylaw Committee and HOA Board approved this expenditure, and the attorney provided the following responses.

Article I, Section 6 - page 1

Q: Defining why this says "majority" of the members of the Association.

Section 6. "**Declarant**" shall mean and refer to ~~Emery L. Krampe and Norma J. Krampe and the successors and assigns they (or their designated successor) designate in a written document to be recorded with the Kent county, Michigan Register of Deeds.~~ a majority of the members of the Association.

A: Direct Attorney Response: "We have the "declarant" definition being a majority of the members because to say just the "members" does not give enough clarity as to how many members can be considered an authority to make decisions. The definition of "Properties" references the members collectively (not a majority) because all owners of property are members of the association, whereas the declarant can take (or in the past has taken) action, and we need to note how many property owners (members) are needed to take that action."

Article III, Section 7 - page 5

Q: Clarifying the possibility of adding "and should be posted on the website" without the requirement of a revote.

Section 7. Exempt Property. No lot or land owned by the Declarant or Declarant's successor developer shall be subject to any annual assessment. <u>New Owner Assessment. Each Owner of any lot by acceptance of the deed or executing a land contract as purchaser therefor, whether or not it shall be so expressed in such document, is deemed to covenant and agree to pay a new owner assessment upon closing of the purchase. The New Owner Assessment shall be an amount determined by the Board of Directors annually, to not to exceed more than two times the amount of the annual HOA dues of any current year.</u>	A [[- - - - -
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A: This cannot be added, but the board has committed to adding the amount to the website.

Article V, Section 10 - page 11

Q: Clarifying adding the word "law" where asterisked as a typo without requiring a revote.

<u>Penalty. If an accessory building or shed is erected without approval of the Architectural Control Committee, the Association may issue a fine to the homeowner. If the building does not comply with these guidelines, it must be corrected within 15 days of notice from the Architectural Control Committee. The Association, subject to applicable*, may have the authority to remove any buildings that do not comply.</u>	
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A: This can be corrected on the formal submission as they feel "the sentence doesn't read correctly without it (and it's fairly intuitive)."

Article V, Section 16 - page 14

Q: Clarifying whether striking out "satellite dishes or antennas or" should be corrected as a typo?

Section 16. No ~~satellite dishes or antennas or television, ham radio, or citizen band radio antennas or antennas of any kind shall be permitted outdoors on any lot.~~ solar panel may be installed on any Lot until the type, design, and location of the solar panel has been approved in writing by the Architectural Control Committee via the Architectural Proposal Process described in Article IV and shall adhere to the following guidelines:

A: The Section still allows for satellite dishes and outlines their installation regulations, so the addition of the word "satellite" isn't necessary.

Direct Attorney Response: "As for the antenna question – I think the deletion works in your favor as to the FCC requirements – i.e. the "clean" language of the proposed section just relates to solar panels – and would then presumably allow antennas. The clean language would read: "No solar panel may be installed on any Lot until . . ." and then goes on to list the requirements for the solar panels and the satellite dishes. I agree we could include the antennas in with the solar panels and satellite dishes, but the way the revision is currently worded works because it doesn't outright prohibit antennas."

If there are any additional questions feel free to reach out to a committee member. Your vote should be handed directly to a Board or Committee member to be recorded as soon as possible.

Thank you for your participation in this important voting opportunity!

HOA Board of Directors:

Jackie Barnett, President
Bethany Berry, Vice President
Craig Casler, Secretary,
Chad Morrow, Treasurer

Bylaw / Deeds & Restrictions Committee:

Erik DenBroeder
Christina Vernon
Bethany Berry
Abby VanDyke
Greg Grytza
Errin Wodarski
Shara Vallier