

**BARDEN WOODS CONDOMINIUM
RULES REGARDING COMMON ELEMENT LANDSCAPING AND PATIO
INSTALLATIONS AND MODIFICATIONS**

The Board of Directors of Barden Woods Condominium Association I (the “Association”) adopts these rules on the 1st day of June, 2024, effective immediately.

BACKGROUND

A. The Association is responsible for governance, maintenance and administration of Barden Woods Condominium (the “Condominium”).

B. The Association exists pursuant to the Michigan Condominium Act and the Michigan Nonprofit Corporation Act, as well as the Association’s Articles of Incorporation, the Amended and Restated Master Deed and the Bylaws for the Condominium (collectively, the “Condominium Documents”).

C. The Michigan Condominium Act authorizes and Article VI, Section 11 of the Condominium Bylaws authorize the Association's Board of Directors to adopt and enforce reasonable rules and regulations in the interest of the Condominium.

D. Co-owners from time-to-time request to modify or install Common Element landscaping and patios, and the Association's Board of Directors believes it is in the Association’s best interest to adopt a uniform procedure regarding landscaping and patio modification and installations.

The Association's Board of Directors adopts the following Condominium rules (the “Rules”), which are binding upon all Co-owners and their tenants, occupants, successors and assigns who now or in the future may possess an interest in the Condominium, and which shall supersede any previously adopted rules on the same subject matter:

1. Requirement for Board Approval. No Co-owner may make modifications or make changes in the appearance or use of any Common Elements, including installation or modification of landscaping and patios, without first obtaining the Board’s written approval.

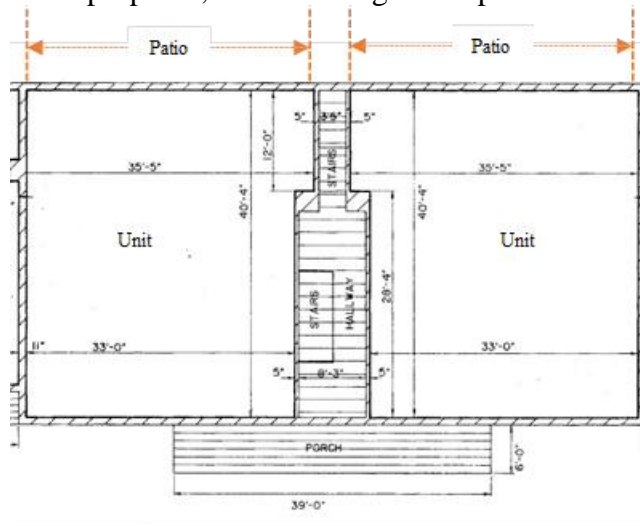
2. Modification Request Submission. All requests to install or modify Common Element landscaping and patios must be submitted in writing on the Association’s Modification Agreement form, which can be obtained from the Association’s management company. The request must describe the nature of the modification and must include appropriate plans and specifications showing the nature, kind, shape, height, materials, color scheme, and location of the installation or modification, as applicable. Depending on the type of landscaping and patio installation or modification, the Board may also require the submission of construction and architectural plans certified by a licensed engineer or architect. If the Board determines that a submittal to be incomplete, the Co-owner will be informed of this determination and the additional information that will be needed to consider the request.

3. Board Considerations. The Board has the right to refuse to approve any proposed landscaping and patio installation or modification that is not suitable or desirable in its opinion for

aesthetic or any other reasons. In making its determination, the Board may inspect the site of the proposed installation or modification and may also take into consideration the following when reviewing the proposal:

A. The aesthetic suitability and the degree of harmony of the proposed installation or modification with the entire Condominium, including appropriateness of color, material, height and size;

B. The location of the proposed installation or modification, including whether the installation or modification will increase the risk of injury or create difficulties for the Association or Co-owners in gaining access to the Common Elements or Units. Landscaping and patio installations or modifications may only be located within the area immediately adjacent to the exterior door-wall side of the Unit and must not extend beyond the width of the Unit's footprint. If the modification is immediately adjacent to another Co-owner's exterior Common Element space, as defined below, the adjacent Co-owner shall be given notice of the installation or modification. For illustration purposes, the following is a depiction of the width restriction:



C. Whether the installation or modification will increase maintenance or other Association responsibilities;

D. Whether the landscaping and patio installation or modification complies with any additional specific guidelines or specifications promulgated by the Association relating to the proposed installation or modification.

4. Modification and Alteration Agreement. If the proposed landscaping and patio installation or modification complies with the requirements set forth in this Rule, and as a condition to receiving the Board's written approval, the Co-owner may be required, at the Board's sole discretion, to execute and submit to the Board the Association's form recordable Modification and Alteration Agreement which sets forth, among other things, that:

A. The Co-owner is solely responsible for the cost of performing the landscaping and patio installation or modification, all necessary municipal permits and inspections will be secured and, if applicable, the installation or modification will be performed by contractors licensed in Michigan and fully insured;

B. The Co-owner is solely responsible for insuring, maintaining, repairing and replacing the landscaping and patio installation or modification and for any damages or costs resulting from the installation or modification and the costs of any repair, replacement or maintenance of any other Common Elements necessitated or caused by the installation or modification;

C. The Co-owner will indemnify and hold the Association harmless from any liability or damages in any way related to the landscaping and patio installation or modification; and

D. All costs incurred by the Association that are in any way related to a Co-owner's landscaping and patio installation or modification may be assessed to the Co-owner's Unit and will constitute an assessment under the Condominium Documents secured by the Association's lien on the Unit, collectible according to the Condominium Documents and the Condominium Act.

5. Board Approval. An installation or modification request will only be deemed approved if:

A. The Co-owner has complied with this Rule and the landscaping and patio installation or modification meets all of the requirements of this Rule;

B. The Co-owner has submitted a signed Modification Agreement form and the form has been countersigned by the Association or its designated agent;

C. If required by the Board, the Co-owner has submitted an original signed and notarized recordable Modification and Alteration Agreement along with any applicable fees including, without limitation, County recording fees.

6. Modification Completion. As part of any approval, the Board may require that the landscaping and patio installation or modification be completed by a date certain.

7. Inspection. Unless waived by the Board in its discretion, the Board shall conduct an inspection of a completed landscaping and patio installation or modification to ensure compliance with the approval given.

8. Approvals Revocable. Any approval granted by the Board is a license. If a Co-owner is not in compliance with the conditions of any Board approval, the Board may revoke the approval upon thirty (30) days written notice.

9. Applicability. This Rule shall be construed in conjunction with, and not in contravention of, the various provisions of the Condominium Documents.

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Respectfully submitted,
Board of Directors
Barden Woods Condominium Association I