

Duck Lake Peninsular Shores Association SPRING NEWSLETTER

2008

P. O. Box 344, Grawn, Michigan 49637

DLPSA website: <http://webpages.charter.net/dlpsa/>

DLPSA Board Updated Contact Info

President: Duane Lueck (also on Maintenance Committee) 276-6676 GJLueck@peoplepc.com

Vice President: Dan Bodary (also on Liaison Committee) 276-6592 bbodary@hotmail.com

Secretary: Rod Ross (also on Newsletter Committee) 276-7766 rossro@cherryknoll.tcaps.net

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Director: Scott Hocking (Hospitality Committee) 276-9195 justtrucks2@att.net

Director: Scott Kreta (Maintenance Committee) 276-9887 scottcssewing@yahoo.com

Director: Dan Briggs (Newsletter Committee) 276-0126 (phone for May-Nov) briggs@tera.org

DLPSA Board meetings are scheduled every other month. Association members wishing to submit items for discussion by the Board should contact one of the members listed above.

DLPSA Spring Meeting

The Spring Meeting of the DLPSA membership was held at the Schworm Park pavilion on Sunday, May 18. The complete minutes of the 2008 DLPSA Spring Meeting are available at the DLPSA website <http://webpages.charter.net/dlpsa/> or you may request a copy from Rod Ross. A brief meeting summary is as follows:

DLPSA Finances for FY 2007-2008

Balance as of June 1, 2007:	\$ 1,988
Income from dues:	\$11,250
Expenditures:	\$ 9,885
Balance as of May 15, 2008:	\$ 3,353

(Does not count Pig Roast Fund donations)

Duck Lake Water Quality

Steve Bates reported that his most recent measurements show the water quality to be excellent.

Up-coming 2008 Events

- Peninsula Garage Sale: **Sat., June 14**
- 2008 DLPSA dues deadline: **Sat., June 21**
- DLPSA Board Meeting: **Tues., July 8**
- Pig Roast: **Sat., July 19, 4 p.m.**

- DLPSA Annual Meeting: **Sun., September 14, 4 p.m.**

Pig Roast

Plans are well underway for the Second Annual Peninsula Pig Roast. There will be TWO pigs prepared this year, plus turkey, hamburgers, hot dogs, etc. Everyone is invited, and plans are being made to provide transportation for those peninsula residents who require it. As was the case last year, there will be no charge for this event, but attendees are requested to bring a dish to share, as well as their own folding chairs.

Peninsula Covenants Update: Status Report

As was mentioned in the Fall Newsletter, many of the existing protective covenants for the six separate plats (also called "parks") on the peninsula are outdated, with some of them dating back before 1950. Attendees at the Annual Meeting last September voted to form and to provide funding for an exploratory committee to investigate approaches and costs for updating the covenants and having them apply to all property owners on the peninsula. Doing this work would bring the covenants up to current standards for residential property owner associations, assure they comply with existing federal and state laws and regulations, and help us to maintain and enhance our property values. A committee to address this issue and to seek professional advice has been meeting since last Fall.

Lowell Spence presented a status report on the committee's findings to the attendees at the Spring Meeting. A summary of his presentation is as follows:

- Lou Tocco, an attorney in real estate law, was hired to review the existing covenants and related documents and to make suggestions and recommendations regarding feasibility, timing, and estimated costs.
- Mr. Tocco did not recommend that the plats be combined because such a process would require re-surveying (\$15,000-20,000, plus attorney fees) and *unanimous consent* of all the lot owners in every plat.

- Instead of combining plats, he recommended the existing documents be updated for each plat *individually*. He said the documents for each of the six plats could be updated by the *simple majority agreement* of lot owners in each plat. The lot owners in each plat would vote separately regarding any desired updates to their plat with notarized signatures of the lot owners being required. If approved, the updated documents (including restrictive covenants) would be binding on all lot owners in each respective plat. (The responsibility for enforcement of the updated documents/covenants and the manner in which the enforcement would be achieved was not discussed.) Each plat's decisions for updating its own documents/covenants would be completely independent of the decisions made by any of the other plats.
- As far as what types of changes should be considered for each plat, Mr. Tocco recommended DLPSA improve the old legal language in the existing documents by making several additions. Specifically, these would (1) update building restrictions; (2) indicate formal adoption of DLPSA by conferring its authority in reference to all plats; and (3), importantly, add a stipulation that all lot owners be required to pay DLPSA dues, with lien authority granted to DLPSA if dues payments were not made.
- He also recommended DLPSA obtain liability insurance on the private roads and parks in all six plats, regardless of whether ownership was conveyed by the original developers to the lot owners of each plat, and he said DLPSA should obtain a Taxpayer Identification Number
- Finally, Mr. Tocco estimated that, if DLPSA decides to proceed with the updating of its documents/covenants, the associated legal fees would likely be in the \$5000 to \$10,000 range.

Following this report by Lowell, the attending members raised numerous questions, and the recommendations from Mr. Tocco were discussed extensively.

The attending members agreed that the decision whether or not to proceed with this project should not be made without first providing information

and education about the project to *all* of the DLPSA membership (the great majority of whom were not in attendance at the May 18 meeting.)

As a first action step in providing this information and education to the entire DLPSA membership, the DLPSA Board announced that the Peninsula Covenants Update: Status Report presentation made by Lowell during the meeting would be described in the Spring 2008 DLPSA Newsletter. This action step has now been completed by including the above text in this newsletter.

Readers of this newsletter are requested to contact any of the DLPSA Board members with comments they have about whether or not to continue with the Peninsula Covenants Update project. All comments from the members will be compiled, discussed by the DLPSA Board, and then presented to the entire attending membership for further discussion during the Annual DLPSA Meeting on September 14 (see events schedule above.)

Updating the existing covenants and bylaws will require considerable time, money, and volunteers to be successful. Therefore, as the Board considers whether to proceed with this project, it is imperative that the residents on the peninsula make their concerns, feelings, and ideas known to the Board.

Here are some pro-and-con issues for you to consider about this project as you decide what input you wish to provide to the Board:

- some or all of the existing covenants would be updated
- DLPSA would have authority to enforce the updated covenants, but details of covenant enforcement would need to be determined (who will do the policing, how will it be done, what penalties will be assessed for covenant violations, etc.)
- all accesses would be under the authority of DLPSA
- all property owners would be required to pay yearly dues to DLPSA
- considerable money for attorney fees, time, and volunteer effort would be required. This will take a lot more people than just the Board members!

A LETTER FROM THE DLPSA PRESIDENT

WHERE HAS YOUR DUES MONEY GONE?

During the past four years, DLPSA dues have maintained and improved the peninsula by

1. Work on the accesses, canal, and park mowing and leaf removal (contracted)
2. Installing a play station in the park and adding new sand (paid by dues; done by volunteers)
3. Power-washing the tennis court (contracted)
4. Installing/upgrading the pavilion electricity and lighting (contracted)
5. Pavilion painting and roofing (contracted)
6. Rebuilding the boat launch dock (paid by dues; done by volunteers)
7. Realigning the boat launch pads (contracted)
8. Seasonal installations and removals of the boat dock (contracted)
9. New boat launch keys (paid by dues; distributed by volunteers)
10. Investigating the work needed to update the DLPSA covenants and by-laws (contracted)

These are only the largest expenditures – many smaller projects were completed with funding from the DLPSA dues plus plenty of volunteer help.

WHO BENEFITS FROM THESE EXPENDITURES?

EVERYONE!

All areas and structures need to be regularly maintained in order to keep their value, and, over time, to increase their value. Would your personal property hold its value if you failed to maintain it? Of course not! The same is true of all the accesses and facilities on the peninsula.

By taking pride in what we have and properly maintaining all of our areas and facilities we are showing our neighbors, visitors, and anyone interested in living on the peninsula that WE CARE!

WHO IS CURRENTLY PAYING DUES?

At the present time (as of the last year) 61% of all lot owners were paying DLPSA dues.

The Board has heard many excuses as to why dues were not paid:

1. Too expensive
2. The Board has huge amounts of money (\$10,000-\$25,000) in reserve (This is certainly NOT true!)
3. Dues used to be only \$5
4. We don't use the facilities
5. I'm having surgery and having to pay dues is too stressful
6. It's not mandatory
7. The Board lies to us
8. I don't like being told that I have to pay
9. I don't live on the peninsula for the entire year

These are just some of the excuses we have heard – and that is just what they are “EXCUSES” -- NOT VALID REASONS.

When you decided to purchase on the peninsula, wasn't it because you liked what you saw here and decided this might be a nice place to live? This was (and still is) how I feel. I like what I see, I like what it might become, and, as a Board member, I like the work my DLPSA dues are supporting to make this peninsula a better place to live, both today and tomorrow.

Your support of DLPSA through your dues payment would be appreciated!

Thank you,

Duane Lueck, DLPSA Board President