



Lake LeAnn Property Owners Association

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Dear Membership:

May 2019

As you are aware, from other mailings and the President's letter in the Annual Meeting Newsletter, there were gaps in our successorship paperwork that validated our ownership. The lack of documentation showing successorship between Lake LeAnn Development Company (LLDC), American Central Corporation and Lake LeAnn Property Owners Association has always been a legal issue. These gaps have officially been closed, as we were able to locate several officers of LLDC and they gladly signed Affidavits saying successorship was the full intent of the LLDC!

The next step the LLPOA took was to have all our governing documents reviewed by a HOA attorney. Recommendations for amendments to our Articles of Incorporation and Bylaw updates were suggested. Enclosed you will see 22 Motions for Bylaws changes. These changes are coming as recommended from this Attorney.

At the Annual Meeting, these motions will be moved in a single motion (vote). However, any motion may be removed for discussion and individual vote at the request of a member. Again, please note these Bylaw Motions are coming to you as recommended by the HOA attorney and approved by your current Board of Directors.

Please note that ONLY members in good standing will be allowed to vote at the meeting -
No Exceptions.

All dues and fees must be paid by noon on Friday, June 7th

Your Board of Directors would like to be prepared to address your concerns or issues. Please call the office or your subdivision director prior to the meeting with questions, concerns or issues that you would like addressed at the meeting. The appropriate board member will attempt to address it in their prepared comments at the meeting. Please call no later than the week preceding the meeting.

*Please join us for a hotdog cookout following the conclusion of the meeting.
Your donations from 2018 were used to cover the cost associated with this lunch.
Donations at this year's meeting will fund the cookout in 2020.*

LAKE LEANN PROPERTY OWNERS ASSOCIATION
Annual Meeting Tentative Agenda: June 8, 2019

I. **CALL TO ORDER** – Pledge of Allegiance –President Mike Leonard

II. **Roll Call** and determination of quorum

III. **Announcements**

IV. **Approval** of June 9, 2018 Minutes

V. **NEW BUSINESS**

A. Motions (See page 3)

1. Amending Articles of Incorporation
2. Bylaw changes
3. Dues Increase and Assessment
4. Member phone numbers and emails
5. Property Sale Grand View Lot 65
6. Motions from Membership

B. Items for Discussion

VI. **COMMITTEE REPORTS**

A. Executive Committee – President Michael Leonard

B. Budget and Finance – Chet Cromwell

C. Lake Control – Bob Halstead

D. Maintenance – Chris Henry

E. Rules & Regulations – Maxwell Belknap

F. Mooring – Marie Milbourne

VII. **ELECTION OF DIRECTORS**

The following Director positions are available and will be elected

Maquago Hills	3 year term	Lakeview	2 year term
Indian Hills	3 year term	Crystal Estates	2 year term
Royal Shores	3 year term	Westdale	2 year term
Greenbriar	3 year term		
Laguana Park	3 year term		

VIII. **OLD BUSINESS**

IX. **OPEN FORUM**

X. **ADJOURNMENT**

The Board of Directors will be available to answer additional questions or concerns.

NEW BUSINESS - Motions for the Annual Meeting

AMENDING ARTICLES OF INCORPORATION:

Motion and Seconded by the Board of Directors:

Current: To promote the health, safety and welfare of the residents within Lake LeAnn's Subdivision in Somerset Township, County of Hillsdale, State of Michigan and future additions thereto and for this purpose to: own, acquire, build, operate and maintain parks, streets and recreational facilities in said subdivision or additions thereto: to establish, alter and enforce building and use restrictions for lake LeAnn Subdivisions and additions thereto: to administer and supervise the collection and expenditure of assessments against properties in the subdivision and to do all things necessary and incidental to promote the common benefit and enjoyment of the residents of the subdivisions and additions thereto.

Propose:

ARTICLE II

The purposes for which the Corporation is organized are:

1. Management and Administration. To manage and administer the affairs of the Corporation and, as successor in title and interest to the Lake LeAnn Development Company and the American Central Corporation, to the following platted subdivisions and their associated common areas, all of which are located within Somerset Township, Hillsdale County, Michigan (collectively, the "Subdivisions"):
 - a. Lake LeAnn – Maquago Hills (Plat recorded in Liber 6 of Plats, Pages 9 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 362, Pages 387 et seq., Hillsdale County Records;
 - b. Lake LeAnn – Maquago Hills No. 2 (Plat recorded in Liber 6 of Plats, Page 24, Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 386, Pages 590 et seq., Hillsdale County Records;
 - c. Indian Hills Subdivision No. 1 (Plat recorded in Liber 6 of Plats, Pages 12 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 363, Pages 3 et seq., Hillsdale County Records;
 - d. Indian Hills Subdivision No. 2 (Plat recorded in Liber 6 of Plats, Pages 29 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 365, Pages 337 et seq., Hillsdale County Records;
 - e. Lake LeAnn – Royal Shores (Plat recorded in Liber 6 of Plats, Pages 18 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 363, Pages 5 et seq., Hillsdale County Records;
 - f. Lake LeAnn – Royal Shores Number 1 (Plat recorded in Liber 6 of Plats, Pages 25 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 364, Pages 412 et seq., Hillsdale County Records;

- g. Highland Hills Subdivision (Plat recorded in Liber 6 of Plats, Pages 21 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 363, Pages 110 et seq., Hillsdale County Records;
- h. Lake LeAnn – Cherry Park (Plat recorded in Liber 6 of Plats, Pages 14 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 363, Pages 178 et seq., Hillsdale County Records;
- i. Lake LeAnn – Cherry Park Plat Two (Plat recorded in Liber 6 of Plats, Pages 33 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 368, Pages 440 et seq., Hillsdale County Records;
- j. Lake LeAnn – Grand Point (Plat recorded in Liber 6 of Plats, Pages 2 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 357, Pages 501 et seq., Hillsdale County Records;
- k. Lake LeAnn – Grand Point No. 2 (Plat recorded in Liber 6 of Plats, Page 10, Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 375, Pages 261 et seq., Hillsdale County Records;
- l. Lake LeAnn – Grand Point No. 3 (Plat recorded in Liber 6 of Plats, Page 23, Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 364, Pages 380 et seq., Hillsdale County Records;
- m. Lake LeAnn – Grand View (Plat recorded in Liber 6 of Plats, Pages 6 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 369, Pages 597 et seq., Hillsdale County Records;
- n. Lake LeAnn – Greenbriar (Plat recorded in Liber 6 of Plats, Pages 36 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 370, Pages 422 et seq., Hillsdale County Records;
- o. Lake LeAnn – Greenbriar Plat Two (Plat recorded in Liber 7 of Plats, Pages 3 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 370, Pages 424 et seq., Hillsdale County Records;
- p. Lake LeAnn – Lakeview (Plat recorded in Liber 7 of Plats, Pages 7 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 372, Pages 566 et seq., Hillsdale County Records;
- q. Lake LeAnn – Lakeview No. 1 (Plat recorded in Liber 7 of Plats, Page 25, Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 384, Pages 500 et seq., Hillsdale County Records;
- r. Lake LeAnn – Westdale (Plat recorded in Liber 7 of Plats, Pages 11 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 375, Pages 263 et seq., Hillsdale County Records;

- s. Lake LeAnn – Fairway Hills (Plat recorded in Liber 7 of Plats, Pages 13 et seq., Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 375, Pages 290 et seq., Hillsdale County Records;
- t. Lake LeAnn – Laguna Park (Plat recorded in Liber 7 of Plats, Page 31, Hillsdale County Records), according to the Declaration of Restrictions recorded in Liber 387, Pages 425 et seq., Hillsdale County Records;
- u. Lake LeAnn Plaza (Plat recorded in Liber 7 of Plats, Page 50, Hillsdale County Records);
- v. Lake LeAnn – Crystal Estates (Plat recorded in Liber 7 of Plats, Page 32, Hillsdale County Records), according to the restrictions recorded in Liber 275, Pages 513 et seq., Hillsdale County Records; and
- w. Highland Green (Plat recorded in Liber 9 of Plats, Page 15, Hillsdale County Records), according to the Declaration of Restrictive Covenants recorded in Liber 422, Pages 272 et seq., Hillsdale County Records.

The foregoing referenced Plats and Declarations, along with the Corporation’s Bylaws, are collectively referred to as the “Subdivision Documents.”

- 2. Collecting Assessments. To collect assessments from the members of the Corporation and to use the proceeds for the purposes of the Corporation.
- 3. Contract and Employ Persons. To contract for and employ persons, firms, corporations or other agents to assist in the management, operation, maintenance and administration of the Subdivisions.
- 4. Real or Personal Property. To acquire, maintain and improve, and to buy, operate, manage, sell, convey, assign, mortgage or lease any real or personal property on behalf of the Corporation in furtherance of any of the purposes of the Corporation.
- 5. Enforce Documents. To enforce the provisions of the Subdivision Documents.
- 6. Administrator. To do anything required of or permitted to the Corporation as administrator of the Subdivisions under the Subdivision Documents.
- 7. General. In general, to promote the health, safety and welfare of the residents residing in the Subdivisions, and to enter into any kind of activity, to make and perform any contract and to exercise all powers necessary, incidental or convenient to the administration, management, repair, replacement and operation of the Subdivisions and the Corporation.

Motion and Seconded by the Board of Directors:

Propose to add to Articles of Incorporation:

ARTICLE X

Claims against Directors and Volunteer Officers; Assumption of Volunteer Liability by the Corporation

1. Claims against Directors and Volunteer Officers. Under all circumstances except those listed immediately below, no person or entity shall bring or maintain a claim for monetary damages against a director or volunteer officer of the Corporation for a director's or volunteer officer's acts or omissions. Any such claim shall be brought and maintained against the Corporation. This provision cannot eliminate liability for:
 - (a) The amount of a financial benefit received by a director or volunteer officer to which he or she is not entitled;
 - (b) Intentional infliction of harm on the Corporation, its shareholders, or members;
 - (c) A violation of section 551;
 - (d) An intentional criminal act;
 - (e) A liability imposed under section 497(a).

2. Assumption of Volunteer Liability. The Corporation shall assume, pay for, and undertake all obligations and liability for any and all acts or omissions of its volunteer directors and volunteer officers if all of the following are met:
 - (a) The volunteer was acting or reasonably believed he or she was acting within the scope of his or her authority.
 - (b) The volunteer was acting in good faith.
 - (c) The volunteer's conduct did not amount to gross negligence or willful and wanton misconduct.
 - (d) The volunteer's conduct was not an intentional tort.
 - (e) The volunteer's conduct was not a tort arising out of the ownership, maintenance, or use of a motor vehicle for which tort liability may be imposed as provided in section 3135 of the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being section 500.3135 of the Michigan Compiled Laws.

BYLAW CHANGES:

The LLPOA Bylaws were professionally reviewed by a HOA attorney. The recommended changes are as follows. Motions A-V will be moved in a single motion (vote). However, any motion may be removed for discussion and individual vote at the request of a member.

A. Motion and second from the Board of Directors:

Current: Article IV Section D. Termination of Membership Failure to pay all assessments, fees, fines and dues (financial obligations) or sale of a member's property or interest in a property shall automatically terminate membership in the Association. All terminations of membership shall be recorded in the Association's membership status database. Upon payment of said assessments, fees, fines and dues (financial obligations) both present and delinquent, the member's rights and privileges shall be automatically restored. All assessments, fees, fines and dues (financial obligations), which are in arrears, must be paid in order to regain "good standing".

Proposed: Article IV Section D. Termination of Membership **Membership is terminated upon sale of all Lots. Failure to pay assessments or otherwise comply with the restrictions do not terminate membership; rather, the member instead will simply not be in good standing and will not otherwise have the privileges that attach to good standing status.**

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B. Motion and seconded from the Board of Directors:

Propose to add: Article IV Section E. Expenses of Collection **All expenses incurred in collecting unpaid assessments and dues, including interests, fines, costs, actual attorneys' fees shall be chargeable to the owner in default.**

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C. Motion and seconded from the Board of Directors:

Current: Article V Section F. Enforcement and Restrictions: (2.) This Association shall have full power and authority to bring proceedings in the names of any owner or owners to enforce the restrictions. The expenses of such proceedings will be paid out of the Association's general fund, if such funds are not obtainable from the outcome of the proceedings.

Proposed: Article V Section F. Enforcement of Restrictions: (2) **Failure of an owner or their guests or invitees to comply with the Subdivision Documents shall entitle the Association to recover from such owner all damages, fines, expenses, pre-litigation costs and actual attorneys' fees (including pre-litigation costs and fees) incurred in obtaining their compliance with the Subdivision Documents. This specifically includes actual costs and legal fees incurred by the Association in investigating and seeking legal advice concerning violations. As used in these Bylaws, "Subdivision Documents" means any and all building, use and other restrictions recorded against the lots located within the Lake LeAnn Subdivisions, the Association's Articles of Incorporation, and any Association Rules and Regulations.**

D. Motion and seconded from the Board of Directors:

Propose to Add: Article V Section F. Enforcement of Restrictions (3.) Fines. The violation by any owner or their guests or invitees of any of the provisions of the Subdivision Documents shall be grounds for assessment by the Association, acting through its Board of Directors, of monetary fines against the involved owner. Prior to imposing any fine, the Board will adhere to the following procedures:

- (a) Procedure: Prior to imposing any fine, the Board will adhere to the following procedures:**
 - 1. Notice. Notice of the violation, including the Subdivision Document provision violated, together with a description of the factual nature of the alleged offense set forth with such reasonable specificity as will place the owner on notice as to the violation, shall be sent by first class mail, electronic transmission, or personally delivered to the owner.**
 - 2. Hearing and Decision. The offending owner shall be provided with an opportunity to be heard by the Board at which hearing the owner may offer evidence in defense of the alleged violation. Except as otherwise determined by the Board, the hearing before the Board may be at its next scheduled meeting. Upon appearance by the owner before the Board and presentation of evidence of defense, or in the event the owner fails to appear at the scheduled hearing, the Board shall, by majority vote of a quorum of the Board, decide whether a violation has occurred. The Board's decision is final.**
- (b) Fines. Upon violation of any of the provisions of the Subdivision Documents and the decision of the Board as recited above, the following fines may be levied:**

FIRST VIOLATION No fine will be levied unless the Board determines that the nature of the violation is such as to be best deterred if a fine is imposed for a first violation
SECOND VIOLATION \$25.00 Fine
THIRD VIOLATION \$50.00 Fine
FOURTH VIOLATION \$100.00 Fine
AND ALL SUBSEQUENT VIOLATIONS

In the case of continuing violations, a new violation will be deemed to occur each successive week during which a violation continues or in such other intervals as the Board may adopt; however, no hearings other than the first hearing shall be required for continuing violations if a violation has been found to exist. Nothing in this Section shall be construed as to prevent the Association from pursuing any other remedy under the Subdivision Documents for such violations, or from combining a fine with any other remedy or requirement to redress any violation. The fines levied pursuant this Section shall be assessed against the owner and shall be immediately due and payable.

E. Motion and Seconded from the Board of Directors:

Current: Article V Section J. Audit An annual review or compilation of the Association’s financial records by a certified public accountant, approved by the Board, shall be completed by May 15 of each year and the findings of said review/compilation shall be presented to the Board of Directors.

Proposed: Article V Section J. Audit An annual **audit**, review or compilation of the Association’s financial records by an **outside firm**, approved by the Board, shall be completed by May 15th of each year and the findings of said audit/review/compilation shall be presented to the Board of Directors. **The majority of the Board of Directors has the ability to opt-out of the audit, review or compilation on an annual basis.**

F. Motion and Second from the Board of Directors:

Current: Article VI The Board of Directors Section A. Powers & Duties (2.) At the next regularly scheduled Board of Directors meeting following the Annual Meeting of the membership, select a President, one or more Vice Presidents, a Secretary, and a Treasurer.

Proposed: Article VI The Board of Directors Section A. Powers & Duties (2.) At the next regularly scheduled Board of Directors meeting following the Annual Meeting of the membership, **after review of the Annual Meeting in New Business the directors shall** select a President, one or more Vice Presidents, a Secretary, and a Treasurer.

G. Motion and Seconded from the Board of Directors:

Current: Article VI The Board of Directors Section C. Requirements of Directorship (3) Members on the Board shall be restricted to only one member of an immediate family;

Proposed: Article VI The Board of Directors Section C. Requirements of Directorship (3) **No two (2) owners or occupants of the same residence may serve on the Board of Directors at the same time;**

H. Motion and Seconded from the Board of Directors:

Current: Article VI The Board of Directors Section E. Resignation or Vacancy (1) A Director may resign at any time subject to his or her continuance in office until a successor not only is elected and qualified but shall actually undertake the duties of his or her office. The resignation shall be in writing.

Proposed: Article VI The Board of Directors Section E. Resignation or Vacancy (1) A Director may **resign by written notice to the Association. A Director resignation is effective when it is received by the Association or at a later time if a later time is stated in the notice of resignation.**

I. Motion and second from the Board of Directors:

Current: Article VI The Board of Directors Section F. Removal of a Director (1) Misfeasance, malfeasance, non-feasance, neglect or other inattention to or incompetence in the performance of duty on the part of a Director, shall be grounds for his or her removal as such. Charges shall be entertained in writing to the Board of Directors and signed by not less than eight (8) members in good standing of the Association. The Board shall then, upon due notice to the person against whom the charges are preferred, conduct a Special Board Meeting duly called for the purpose of disposing of the charges. At such meeting, accused shall have full and ample opportunity to be heard, and the final status of the accused determined by a vote of the Board of Directors; whereby, a two-thirds (2/3) vote of the Directors is necessary for removal of the Director.

Proposed: Article VI The Board of Directors Section F. Removal of a Director (1) Misfeasance, malfeasance, non-feasance, neglect or other inattention to or incompetence in the performance of duty on the part of a Director, shall be grounds for his or her removal as such. Charges shall be entertained in writing to the Board of Directors and signed by not less than **ten (10)** members in good standing of the Association. The Board shall then, upon due notice to the person against whom the charges are preferred, conduct a Special Board Meeting duly called for the purpose of disposing of the charges. At such meeting, accused shall have full and ample opportunity to be heard, and the final status of the accused determined by a vote of the Board of Directors; whereby, a two-thirds (2/3) vote of the Directors is necessary for removal of the Director.

J. Motion and second from the Board of Directors:

Current: Article VI The Board of Directors Section I. Undertaking the Duties of Directorship All newly elected Directors are considered as effective Directors at the time of election at the Annual Meeting. Hence, the newly elected directors will be seated at the dais and their presence counted toward establishment of a quorum of nine at the next Board of Directors meeting. Outgoing Directors remain on the board until the beginning of the next scheduled board meeting and will continue with all assignments and facilitate a smooth transition to the new board.

Proposed: Article VI The Board of Directors Section I. Undertaking the Duties of Directorship All newly elected Directors are considered as effective Directors at the time of election at the Annual Meeting. Hence, the newly elected directors will be seated at the dais **(as Directors)** and their presence counted toward establishment of a quorum of nine at the next Board of Directors meeting. **Outgoing Directors are no longer able to vote. However, to facilitate a smooth transition to the new board, the outgoing Directors shall** continue with all assignments through the next Board of Directors Meeting.

K. Motion and Seconded from the Board of Directors:

Proposed to Add: Article VI Conduct of Business Section G. Remote Communication Participation Board members may participate in any meeting by means of conference telephone or other means of remote communication through which all persons participating in the meeting can communicate with the other participants. Participation in a meeting by such means constitutes presence in person at the meeting.

L. Motion and Seconded from the Board of Directors:

Current: Article VII Section A. Annual Meeting (1) The regular Annual Meeting of the Association shall be in June on a date to be set annually by the Board of Directors, at such time and place as the Directors may determine.

Proposed: Article VII Section A. Annual Meeting (1) The regular Annual Meeting of the Association shall be in June on a date to be set annually by the Board of Directors, at such time and place as the Directors may determine. **The Board may change the date of the annual meeting in any given year, provided that at least one such meeting is held in each calendar year.**

M. Motion and Seconded from the Board of Directors:

Remove: Article VII Section A. Annual Meeting (3) If, for any reason, the Annual Meeting of the members shall not be held on the day hereinbefore designated, for lack of a quorum or otherwise, such meeting may be called and held as a Special Meeting and proceedings may be held thereat as an Annual Meeting, provided; however, that the notice of such meeting shall be the same as required for the Annual Meeting, mailed no less than thirty (30) days prior to the meeting.

N. Motion and second from the Board of Directors:

Current: Article VII Section B. Notice (2) It shall further be the duty of the Secretary to include with the notice of any regular or special meetings such suggestions or requests as may be properly presented in writing and endorsed by fifty (50) or more members in good standing, providing such requests are received at least forty-five (45) days prior to the meeting date.

Proposed: Article VII Section B. Notice (2) It shall further be the duty of the Secretary to include with the notice of any regular or special meetings such suggestions or requests as may be properly presented in writing and endorsed by fifty (50) or more members in good standing, providing such requests are received at least **sixty (60)** days prior to the meeting date.

O. Motion and second from the Board of Directors:

Remove: Article VII Section D. Order of Business

(1) The order of business at the Annual Meeting of the members shall be as follows provided and that this order of business may not be changed by the Chairperson or by a majority vote of the members present:

- (a) Roll Call
 - (b) Reading Consideration of the minutes of the previous meeting and approval thereof
 - (c) Stated New Business (business as called for by due notice to the membership)
 - (d) Reports of the Officers
 - (e) Reports of the Committees
 - (f) Election of Directors
 - (g) Unfinished business
 - (h) Suggestions and/or resolutions by the general assembly
- (2) Only at the Annual Meeting or a Special Meeting will the agenda be changed to move the discussion and voting of proposed motions (that require a vote to be taken) to the start of the meeting right after Approval of previous minutes. Voting on motions brought to the Annual Meeting or Special Meeting must start to take place in the first 15 minutes of the meeting. In addition, no other motions may be made by the Board or other attendees, which were not properly noticed, prior to this meeting.

P. Motion and Seconded from the Board of Directors:

Current: Article VIII Association Officers Section C. Term The term of all officers shall be for one year. The Officers shall be installed as the last order of business of the first regular meeting of the Board following the annual meeting.

Proposed: Article VIII Association Officers Section C. Term The term of all officers shall be for one year, **except if the Officer's position as a Director expires earlier as defined in Article VI, Section (i). In such case the Officer's term shall expire on a COTERMINOUS basis with his/her Director's position as defined in Article VI, Section (i). Election of officers shall be new business right after Annual Meeting review at which time the elected officers will assume their duties and oversee the balance of the meeting.**

Q. Motion and Seconded from the Board of Directors:

Current: Article VIII Association Officers Section D. Resignation An Officer may resign at any time subject to his or her continuance in office until a successor is elected and installed. The resignation shall be in writing. The Board of Directors may elect a successor to fill any vacancy for the remaining term of office.

Proposed: Article VIII Association Officers Section D. Resignation An Officer may resign **by written notice to the Association. A Director resignation is effective when it is received by the Association or at a later time if a later time is stated in the notice of resignation.** The Board of Directors may elect a successor to fill any vacancy for the remaining term of office

R. Motion and Seconded from the Board of Directors:

Current: Article IX Committees Section E. Duration Standing Committees shall exist from the end of the June Regular meeting of one year to the end of the June Annual meeting of the next year.

Proposed: Article IX Committees Section E. Duration Standing Committees exist **until the Board ratifies the next committee after the Annual Meeting and not later than second board meeting after the Annual Meeting.**

S. Motion and Seconded from the Board of Directors:

Current: Article IX Section H. Lake Control (1) The duties and responsibilities of this Committee shall be, but are not limited to the following:

- (a) To establish and implement a weed control program approved by the Board, for both lakes.
- (b) To recommend for Board approval and maintain a program for boat usage on the lakes and to prevent persons not belonging to the Association from using the lake and its properties.

Proposed: Article IX Section H. Lake Control (1) The duties and responsibilities of this Committee shall be, but are not limited to the following:

- (a) To establish and implement a weed control program approved by the Board, for both lakes.
 - (b) To recommend for Board approval and maintain a program for boat usage on the lakes and to prevent persons not belonging to the Association from using the lake and its properties.
 - (c) To develop a comprehensive lake and watershed management plan to be implemented for the short-term improvements and long-term improvements and sustainability of the Lake LeAnn ecosystem and its community.**
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T. Motion and Seconded from the Board of Directors:

Current: Article X Indemnification Section A. No Liability to Association (1) No director, officer, employee or other agent of the Association and no person serving at the request of the Association as a director, officer, employee or other agent shall be liable to the Association for any loss or damage suffered by it on account of an action or omission by such person as a director, officer, employee or other agent if such person acted in good faith and in a manner reasonably believed to be in, or not opposed to, the best interests of this Association; unless with respect to an action or suit by or in the right of the Association to procure a judgment in its favor, such person shall have been adjudged to be liable for negligence or misconduct in the performance of his or her duty to this Association.

Proposed: Article X Indemnification Section A. No Liability to Association (1) No director, officer, employee or other agent of the Association and no person serving at the request of the Association as a director, officer, employee or other agent shall be liable to the Association for any loss or

damage suffered by it on account of an action or omission by such person as a director, officer, employee or other agent if such person acted in good faith and in a manner reasonably believed to be in, or not opposed to, the best interests of this Association; unless with respect to an action or suit by or in the right of the Association to procure a judgment in its favor, such person shall have been adjudged to be liable for **gross** negligence or misconduct in the performance of his or her duty to this Association. **The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such Director or officer may be entitled, including rights contained within the Association's Articles of Incorporation.**

U. Motion and Seconded from the Board of Directors:

Current: Article X Indemnification Section B. Indemnity (2) The Association shall indemnify each person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suitor proceeding by or in the right of the Association by reason of the fact that such person is or was a director, officer, employee or agent of the Association or is or was serving in such capacity at the request of the Association in any other Association, partnership, joint venture, trust or other enterprise against expenses and attorneys' fee actually and reasonably incurred by such person in the defense or settlement of such action or suit if such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the Association; provided, that no indemnification shall be made in respect of any claim, issue, or matter as to which such person is adjudged to be liable for Committees negligence or misconduct in the performance of his or her duty to the Association unless and only to the extent that the court in which such action or suit was brought determines upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses and attorneys' fees which such court deems proper.

Proposed: Article X Indemnification Section B. Indemnity (2) The Association shall indemnify each person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suitor proceeding by or in the right of the Association by reason of the fact that such person is or was a director, officer, employee or agent of the Association or is or was serving in such capacity at the request of the Association in any other Association, partnership, joint venture, trust or other enterprise against expenses and attorneys' fee actually and reasonably incurred by such person in the defense or settlement of such action or suit if such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the Association; provided, that no indemnification shall be made in respect of any claim, issue, or matter as to which such person is adjudged to be liable for Committees **gross** negligence or misconduct in the performance of his or her duty to the Association unless and only to the extent that the court in which such action or suit was brought determines upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses and attorneys' fees which such court deems proper. **The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such Director or officer may be entitled, including rights contained within the Association's Articles of Incorporation.**

V. Motion and Seconded from the Board of Directors:

Current: Article XI Miscellaneous Articles Section D. Vehicle Parking Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one ton shall be permitted per dwelling unit. The parking of other type of commercial vehicles is prohibited in a residential zone

Proposed: Article XI Miscellaneous Articles Section D. Vehicle Parking Parking of motor vehicles in residential districts shall be limited to passenger vehicles and **one personal “commercial vehicle” per residence so long as the personal commercial vehicle is the Owner’s or occupant’s primary means of transportation and so long as any the personal commercial vehicle has a gross vehicle weight rating of 12,000 lbs or higher (box, cube, semi, and stake trucks are expressly prohibited).** Otherwise, “commercial vehicles” are prohibited. As used in this Section, commercial vehicles shall include vehicles with a curb weight of more than 12,000 pounds, overall length in excess of 21 feet or with more than two axles, vehicles with commercial license plates, vehicles with any commercial markings or advertising appearing on the exterior, vehicles not designed or intended for personal transportation, or any vehicle either modified or equipped with attachments, equipment or implements of a commercial trade, including, but not limited to, ladder or material racks, snow blades, tanks, spreaders, storage bins or containers, commercial towing equipment or similar items. For purposes of this Section, passenger vans, SUVs and pickup trucks shall not be considered commercial vehicles provided they do not meet the definition of a commercial vehicle contained in this Section.

DUES INCREASE AND ASSESSMENTS:

Motion and second from the Board of Directors: that they be allowed to assess a \$70 one-time assessment per member and to raise LLPOA Dues by \$25 per lot starting in 2020.

RULES AND REGULATIONS:

Motion and second from the Board of Directors: to allow phone numbers and emails to be available to members except for those members that opt out.

PROPERTY SALE:

Motion and second from the Board of Directors: that they shall be allowed to consider the sale of the LLPOA property on Grandview Dr., known as Lot 65 in Grandview Subdivision.

MOTIONS FROM MEMBERSHIP:

The Motion below conflicts with the current Bylaws as it relates to the Water Quality Subcommittee becoming a separate entity. This motion does not ask for a Bylaw change (and it does not ask that they be an advisory body to the standing Lake Control Committee). The working relationship between the LCC, WQSC and Board of Directors is working very well and is important in the continuance of their work. The members of the WQSC and its chair believe the existing relationship should be maintained and not changed. The Board of Directors, LCC and the WQSC is not in agreement with the motion below:

Move that the Lake Control Committee (LCC) be split into two Standing Committees, with the scope and role of both to be as follows: The existing Lake Control Committee (LCC) would be responsible for all activities on the surface of our lakes such as: mooring, permits, fees, security, etc. and the new Lake Water Quality Committee (LWQC) be responsible for all lake ecology and biology or (i.e. the chemistry of the lake water,) everything under the surface, including: water quality, weed control, fish stocking, water sheds and managing the Lake Management companies.

After consultation with our attorney, the following Bylaw Motion brought by the Membership goes against the Subdivision Deeds of Restrictions. In order for this Bylaw Motion to be valid, each Subdivision Deed of Restriction would need to be amended to the same wording. Therefore, this Bylaw Motion is invalid, and the Board of Directors is not in agreement as it violates the Subdivisions Declarations. Subdivision Declarations can only be changed with signatures from 50% plus 1 residents of each Subdivision.

Motion: Move to add the bolded & underlined words to Article V, Section G. Rules and Regulations section of our Bylaws (see following)

Article V Association Powers and Duties Section G Rules and Regulations: The Board of Directors shall establish reasonable rules and regulations, **(i.e. collectively owned property only)** concerning the use of the lakes and of properties and facilities of the Association and shall enforce these rules and regulations.

Call to order by President Lori Coyle at 10:00 am.

Roll Call: Jo Ann Colton/Grand Point, Brad Bjorling/Grand View, Pam Spence/Maquago Hills, Marie Milbourne/Indian Hills, Tony Ciaramitaro/Royal Shores, Scott Pickard/Highland Hills, Chris Hemry/Cherry Park, Ray York/Greenbriar, Lori Coyle/Lakeview, Joe Esterly/Westdale, Chet Cromwell/Plaza, Maureen Butrico/Laguana Park, Mike Leonard/Crystal Estates, Deb Pelmeur/Highland Green

The audience consisted of 98 registered voters.

Ray York/Greenbriar moved to approve the June 10, 2017 Annual Meeting Minutes as presented. Chet Cromwell/Plaza supported, and the **motion carried**.

NEW BUSINESS

Motion and second from the LLPOA Board that they shall be allowed to consider the sale of the residential LLPOA property on Baker Rd., known as Lots 177, 178 and 179 in Greenbriar Subdivision. These are waterfront lots not used by LLPOA; however, the mooring committee was looking at adding mooring slips here. Member comments included: LLPOA does not need the money, this property was deeded to us in 1971, neighbors next to the lots stated there is a lot of erosion to these properties and that land can't be reclaimed, if permission is given would they be sold immediately, neighbors want to purchase. **Motion failed** with 37-ayes and 54-nays.

Motion and second from the Board to give authority to assess fines with or without proper LLPOA registration stickers.

1. For Watercraft without a valid LLPOA Sticker: Fines will be assessed ten (10) days after notification to any member of an unregistered watercraft and is unresolved \$25.00, an additional \$25.00 fine for each (7) days until violation is resolved or the end of the current year boating season (November 15th).
2. For watercraft with valid LLPOA Registration Sticker: Fines will be assessed ten (10) days after notification to any member with a valid LLPOA Watercraft Registration sticker who has been made a "member not in good standing" because the registered watercraft is moored illegally as defined by LLPOA Rules and Regulations, Membership Guide, Appendix – mooring sites: The initial fine will be \$25.00; plus an additional \$25.00 fine for each (7) days until the violation is resolved or the end of the current year boating season (November 15th). **Motion carried** with 89-ayes and 0 nays.

Motion and second from the Board that 3) Damage to any LLPOA property including illegal removal of launch gate boards and/or tampering with gate equipment or security cameras. Authority to assess fines to any member or authorized agent using the North or South Lake launch areas or other LLPOA properties, at which time, the member, authorized person or servicing company deliberately damages LLPOA property, including but not limited to the removal of the gate board or tampering with the gate mechanism and/or security cameras. Ten (10) days after notification, a \$50 fine will be assessed to the member/boat owner after confirmation of the incident and positive identification of the person committing the violation. If a second violation is documented for the same or similar actions involving the same member or authorized agent an additional \$50 fine will be assessed and the BOD may elect to make the member a "member not in good standing".

Comments included that the gates aren't always working, and no one is at the office to help, so only alternative is to remove the board. **Motion carried** unanimously.

Motion and second from the Board to approve the revised LLPOA-BCC Agreement (attached). **Motion carried.**

Motion and second from the Board to remove retaining walls from the Building Guidelines. **Motion carried.**

Motion and second from the Board that a structure larger than a 10x20 that is used to store car/truck(s) is considered a garage.

Clarification that if a structure is 10x20, but without an overhead door than it is not a garage. **Motion carried.**

Motion and second from the Board that any deed restriction authorized accessory structure that is not a residence cannot exceed 24x36. Comments included that currently there is no size limit, does the Township have a building code of square footage. Member came forward who had put up a 30x40 pole barn and believed this motion was regarding his structure. **Motion carried** with 54-ayes and 26-nays.

Motion and second from the Board to change the structure guidelines for needing BCC approval from 4x4x4 to 6x6x4H.

Member comments: why 4-foot-high, BCC is open to changes and is willing to look at suggestions, over 4-foot-high could possibly block the view to the lake. **Motion carried.**

COMMITTEE REPORTS

Executive Committee: President Coyle stated that the committees are the work horse of the organization. This has been a very productive Board. Coyle introduced each Director and outlines their contributions.

Advised that there is an issue of blight within the Association, but we do not have any rules, bylaws regarding blight and the Township does not have an ordinance pertaining to Blight. LLPOA has a petition requesting a blight ordinance from the Township. Members were asked to sign.

Budget & Finance: Cromwell gave an overview of the collections. \$141,000 has been collected, \$23,000 owed but on payment plans and \$78,000 additional to collect. Pelmeur stated that all work is done on QuickBooks, monthly bank reconciliations are done, and the financial reports are on the web site.

Lake Control: Pickard informed the members that the Association had changed lake treatment companies this year. If we treat the same each year, we will get the same results. Comments ensued: the north lake looks bad, it was treated light so as not to have a fish kill, what was wrong with the previous company, the new company gives us a strategy instead of just treating and has up-to-date technology; complaints of weeds to the surface already, never seeing the north lake so bad, need notices posted, need more than a spot treat. Halstead requested for members to keep reporting concerns along with dates and keep sending pictures.

Maintenance: The committee has placed a dog waste station in Cherry Park and if that is successful, they will continue it in other parks. We have a real problem with the portable toilets and people putting

garbage in them. Question was asked as to why we don't have garbage cans in our parks. Member stated that Cedar Court Park has rebar sticking out of the railroad ties.

Rules and Regulations: The initial goals of 2017-18 have been met: recommend change to impose fines, blight control, and impose fines of damage to LLPOA property. Report to the office any damage to LLPOA property. Address Michigan boating laws with members. 2018-19 goals are to continue to work with the members to assure compliance of Bylaws and Rules and Regulations.

Trailer Committee: The committee looked at the deed restrictions, case law and LLPOA policy and concluded that we will continue with the current policy as to continue to address as complaints are brought forward. This has been determined as the best way to control. Watercraft trailers and open trailers are excluded.

Mooring: The committee has performed general maintenance of sites and is currently at a standstill. They are working on a policy to issue refunds if there is a member is on the waiting list. Will issue ½ refund then offer that slip to someone else who will pay full price for the slip.

Building Control: The committee appreciates your input. The BCC works with you.

ELECTION OF DIRECTORS

The following slate was voted in uncontested:

Highland Hills	Pierre Goovaerts	2 years
Plaza	Chet Cromwell	3 years
Highland Green	Namrata Carolan	3 years

The following Directors were elected to 1-year terms, serving in a subdivision they do not own property in.

Westdale	Mike Leonard	
Laguana Park	Maureen Butrico	
Lakeview	Lori Coyle and Maxwell Belknap	Maxwell Belknap won by majority vote
Crystal Estates	Bob Halstead	

There is 1 open position in Fairway Hills that will be voted on at the next regular Board meeting, since notice wasn't given in the annual newsletter (30-day notice required per the Bylaws).

OPEN FORUM

The following comments were made.

Main entrance at LeAnn Boulevard used to have a light on the sign, it is hard to see; Grand Point subdivision sign needs repair, subdivisions take care of their own signs; construction vehicles, state of property is causing property values to decrease, sign the petition for blight.

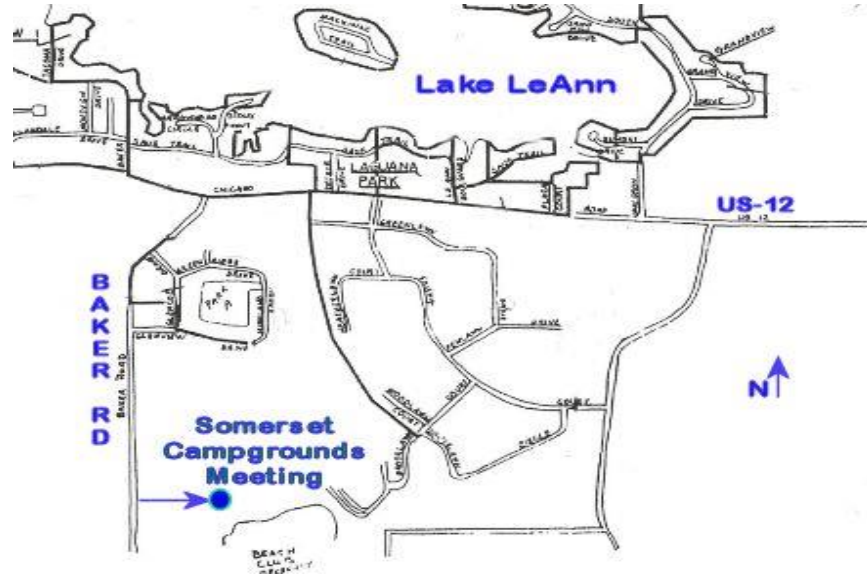
Meeting adjourned at 12:10 pm.

Michelle L. Gramm, LLPOA Office Manager

~ANNUAL MEETING INSERT~

We are pleased to announce that this year's Annual Meeting will once again be held at

SOMERSET BEACH CAMPGROUND : Please use the back entrance to the Campground:
US 12, turn South on Baker Rd., 3/4 mile down on the left. We will have a sign at the gate
entrance.



Lake LeAnn PROPERTY OWNERS ASSOCIATION

LLPOA
P.O. Box 308

Somerset Center, MI 49282

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