

Cherry Hill Village HOA

c/o Herriman & Associates, Inc.
41486 Wilcox Rd.
Plymouth, MI 48170



To: All Members of CHV II
From: Board of Directors
Date: October 9, 2017
Re: **Amendments to the Governing Documents**

Earlier this year it came to the attention of the Cherry Hill Village Homeowners Association Board that the roadway right of way includes the strip of land adjacent to all streets in Cherry Hill Village. Such right of way area is General Common Elements of Cherry Hill Village I only, and includes the strip of grass between the street and the sidewalk, the sidewalk, the street trees and the driveway apron.

This makes the Association responsible for all costs associated with those items. Historically, the Association has viewed such items as the responsibility of the adjacent property owner, with the Association being responsible for only the road maintenance.

The board believes that most residents would prefer to maintain the strip of grass between the street and the sidewalk, the sidewalk, the street trees and the driveway apron themselves, rather than have the Association undertake such responsibility and the related costs, which costs would then be passed on to all owners.

The Board has proposed an Amendment that you are asked to vote upon to allow this to continue.

Q & A

1. How does this Amendment affect my assessment if it passes?

There would be no effect on your assessment if the Amendment passes. The Association would continue to take care of those areas as it does with your current assessment.

2. How does this affect my assessment if it does not pass?

If this Amendment does not pass, it would result in a significant increase to your assessment. CHV II would be responsible for approximately 24% of the costs of the street trees, grass strip and sidewalks for the entire Village (since such costs would be borne equally on a per-home/per Condo unit basis), rather than only the

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10% in front of the attached Condominium buildings that they are currently responsible to maintain.

Additionally you are being asked to vote upon an Amendment to remove from the Governing Documents provisions that are often referred to as "anti-developer lawsuit" provisions. Since these provisions were inserted strictly to protect the developer from lawsuits by the Association, they should be removed so that the Association does have the right to pursue lawsuits against third parties without an extremely in-depth and costly procedure that, except as a deterrent, would be totally unnecessary.

The proposed Amendments will be discussed at the Informational Meeting of the members of the Association to be held on **October 26, 2017, at 7:00 p.m., at Workman Elementary School**, 250 Denton Rd., Canton, MI 48188. Any questions you have concerning the proposed Amendments will be addressed at this meeting. Your ballot (enclosed) may be submitted before, at or after the meeting.)

Enclosures

CHERRY HILL VILLAGE II
MASTER DEED AMENDMENT
VOTING PACKAGE

CHERRY HILL VILLAGE HOMEOWNERS ASSOCIATION

ENCLOSED WITH THIS PACKAGE YOU WILL FIND:

1. **These Instructions;**
2. **Notice of Vote;**
3. **Written Vote;**
4. **Registration of Mortgagee Information form;**
5. **Designation of Voting Representative form; and**
6. **Copy of Proposed Amendment to the Master Deed.**

INSTRUCTIONS FOR USE:

- Fully read and become familiar with the proposed Amendment.
- If you have any questions please make sure to attend the Informational Meeting of the Co-owners to be held on October 26, 2017.
- Complete the Registration of Mortgagee Information form (if you have no mortgage simply state "no mortgage" on the line requesting the name of the mortgage company).
- Complete the Designation of Voting Representative form (only do so if you have not previously given such a form to the Association).
- Once you are ready to vote, fully complete all requested information on the Written Vote and mark your vote.
- Submit your Written Vote, Registration of Mortgagee Information form, and Designation of Voting Representative form to register your vote. You may do this the following ways:
 - I. Submit the Written Vote, Registration of Mortgagee Information form, and Designation of Voting Representative form to the Association by bringing the same to the Informational Meeting to be held on October 26, 2017; or
 - II. Submit the Written Vote, Registration of Mortgagee Information form, and Designation of Voting Representative form to the Association by giving it to a member of the Board of Directors on or before January 5, 2018 (Voting Deadline); or
 - III. Submit the Written Vote, Registration of Mortgagee Information form, and Designation of Voting Representative form to the Association by delivering them to the Association, c/o Herriman & Associates, Inc., Attn: Dan Herriman (when e-mailing please utilize drorabacher@herriman.net, when mailing please utilize the following address: 41486 Wilcox Road, Plymouth, MI 48170-3104), to arrive on or before January 5, 2018 (Voting Deadline).

**THANK YOU FOR YOUR PARTICIPATION
CHERRY HILL VILLAGE HOMEOWNERS ASSOCIATION**

CHERRY HILL VILLAGE HOMEOWNERS ASSOCIATION

NOTICE OF VOTE ON PROPOSED AMENDMENT TO THE MASTER DEED FOR THE PURPOSES OF REASSIGNING RESPONSIBILITY FOR THE REPAIR, REPLACEMENT, AND MAINTENANCE OF THE STRIP OF LAND, INCLUDING ALL IMPROVEMENTS, BETWEEN THE GENERAL COMMON ELEMENT YARD AREAS AND THE EDGE OF THE ROADWAY WITHIN CHERRY HILL VILLAGE AND REMOVING RESTRICTIONS ON THE ASSOCIATION'S RIGHTS RELATIVE TO JUDICIAL ACTIONS AND CLAIMS

To: All Members of Cherry Hill Village Homeowners Association

The Board of Directors is submitting to the membership for their vote and approval a proposal to amend the Master Deed for the purposes of reassigning responsibility for the repair, replacement and maintenance of the strip of land, including all improvements, between the General Common Element yard areas and the edge of the roadways within Cherry Hill Village and removing restrictions on the Association's rights relative to judicial actions and claims.

It has come to the Board's attention that the maintenance, repair and replacement of the strip of land, and certain improvements within the strip of land, from a Unit boundary to the edge of the Condominium roadways is, under the current governing documents, the responsibility of the Association and not of the individual Co-owners. It has been the Association's long-standing interpretation and practice that such areas are the responsibility of the individual owners. If the Association were to undertake the maintenance, repair, and replacement of these items and areas, the expenses to do so would be borne by the Association and passed on to the owners in the form of a substantial increase in monthly assessments. The Board of Directors assumes that most owners would prefer to control such maintenance, repairs and replacements themselves and to avoid an increase in Association assessments. The impact of the costs upon Cherry Hill Village II Co-owners (the owners of the attached units) would be much greater than upon Cherry Hill Village I Co-owners in that the costs for all such areas would be borne equally, despite the fact that the Cherry Hill Village II Co-owners represent approximately 24% of all Co-owners while the subject area appurtenant to Cherry Hill Village II Condominium buildings represents only approximately 10% of all such areas.

Article III of the Bylaws and Article IX of the Articles of Incorporation contain what is often referred to as "anti-developer lawsuit" provisions. Since these provisions were inserted strictly to protect the developer from lawsuits by the Association, they should be removed so that the Association does have the right to pursue lawsuits against third parties without an extremely in-depth and costly procedure that, except as a deterrent, would be totally unnecessary.

Two-thirds of all Co-owners eligible to vote, as well as two-thirds of all mortgagees, must approve the proposed Amendment. The proposed Amendment is included with this communication. This Amendment will only be approved if the corresponding Amendment is also approved by the requisite number of Co-owners of Cherry Hill Village.

The proposed Amendment will be discussed at the Informational Meeting of the members of the Association to be held on October 26, 2017, at 7:00 p.m., at Workman Elementary School, 250 Denton Rd., Canton, MI 48188. Any questions you may have concerning the proposed Amendment will be addressed at this meeting.

In order to make voting easier and to facilitate Co-owner responses, you can simply mail your Written Vote to the Association or give it to a Board member by the stated voting deadline, which is the close of business on January 5, 2018 (Voting Deadline).

After consideration of the proposed Amendment, please complete the attached Written Vote to register your vote and return it to the Association by (1) submitting it at the Informational Meeting being held on October 26, 2017, (2) handing it to any Board member on or before January 5, 2018 (Voting Deadline), or (3) delivering it to the Association c/o Herriman & Associates, Inc., Attn: Dan Herriman (when e-mailing please utilize drorabacher@herriman.net, when mailing please utilize the following address: 41486 Wilcox Road, Plymouth, MI 48170-3104), to arrive on or before January 5, 2018 (Voting Deadline).

Provided the Amendment is approved by the requisite number of Co-owners and mortgagees, each Co-owner will be furnished a copy after the Amendment is recorded. Again, this Amendment will not be approved if the corresponding Amendment is not also approved by the requisite number of Co-owners of Cherry Hill Village I.

**YOUR VOTE ON THESE PROPOSED CHANGES IS NEEDED
CHERRY HILL VILLAGE HOMEOWNERS ASSOCIATION**

CHERRY HILL VILLAGE HOMEOWNERS ASSOCIATION

OFFICIAL BALLOT

To Approve Proposed Changes to the Association's Governing Documents

(To Be Completed By Designated Voting Representative)

IT IS HEREBY PROPOSED that the below-referenced Amendment be approved. Such proposed action, in order to be implemented, must first be approved by 66.667% (2/3) of all Cherry Hill Village II Co-owners eligible to vote.

1. Attached Seventh Amendment for the purposes of reassigning responsibility for the repair, replacement and maintenance of the strip of land, including all improvements, between the General Common Element yard areas and the edge of the roadways within Cherry Hill Village and removing restrictions on the Association's rights relative to judicial actions and claims.
2. Certificate of Amendment to the Articles of Incorporation to remove Article IX which includes restrictions on the Association's rights relative to judicial actions and claims.

The Board of Directors recommends your affirmative vote.



Check One:

YES, I hereby **vote in favor** of the proposed Seventh Amendment, as described above.

NO, I hereby **vote against** the proposed Seventh Amendment, as described above.

I voted "no" because:

--

(DO NOT CUT—Tellers of Election will separate Ballot.)

CHERRY HILL VILLAGE HOMEOWNERS ASSOCIATION

Ballot to Approve Proposed Changes to the Association's Governing Documents

(To Be Completed By Designated Voting Representative)

Print Name of Designated Voting Representative	
Address	Unit #
Signature of Designated Voting Representative	

Please place this entire ballot in the enclosed envelope.

YOU MAY SUBMIT IT AT THE INFORMATIONAL MEETING, HAND IT TO ANY BOARD MEMBER,

SCAN AND EMAIL IT TO drorabacher@herriman.net

or fax it to 734-459-0690,

OR YOU MAY MAIL IT TO:

Cherry Hill Village Homeowners Association

c/o Herriman & Associates, Inc.

41486 Wilcox Rd.

Plymouth, MI 48170-3104

Please submit your ballot as soon as possible, but not later than January 5, 2018.

CHERRY HILL VILLAGE HOMEOWNERS ASSOCIATION

REGISTRATION OF MORTGAGEE INFORMATION

In accordance with Article VII of the Condominium Bylaws, each Co-owner is responsible for providing the Association with current information on the name and address of each person or entity holding a mortgage on a Unit in Cherry Hill Village II. The Association has the responsibility of keeping this information on file so that it may notify mortgagees in certain instances as required by the Condominium Act. The Association is updating this information at this time. **Your voluntary compliance in completing and returning this form will save the Association the expense of obtaining this information from the Register of Deeds – there will be a charge of \$50 per Unit posted to the account of any Co-owner who does not return this information on or before January 5, 2018 (Voting Deadline).**

NAME OF MORTGAGE COMPANY OR INDIVIDUAL HOLDING MORTGAGE

ADDRESS TO WHICH PAYMENTS ARE SENT

HOMEOWNER NAME(S)

UNIT NUMBER

STREET ADDRESS

LOAN NUMBER

Please complete this form and return it to the Association by (1) submitting it at the Informational Meeting being held on October 26, 2017, (2) handing it to any Board member on or before January 5, 2018 (Voting Deadline), or (3) delivering it to the Association c/o Herriman & Associates, Inc., Attn: Dan Herriman (when e-mailing please utilize drorabacher@herriman.net, when mailing please utilize the following address: 41486 Wilcox Road, Plymouth, MI 48170-3104), to arrive on or before January 5, 2018 (Voting Deadline).

Cherry Hill Village Homeowners Association DESIGNATED VOTING REPRESENTATIVE

Each condominium unit has ONE VOTE.

You must SELECT ONE (1) CO-OWNER TO VOTE, receive communications, sign proxies and/or receive ballots at meetings of the Association.

ALL CO-OWNERS of your unit MUST SIGN this form.

CHECK ONE BOX

Print Name of Co-owner 1		<input type="checkbox"/>
Address	Unit #	
Sign Here	Date Signed	
Print Name of Co-owner 2		<input type="checkbox"/>
Address	Unit #	
Sign Here	Date Signed	

We, the co-owners of a condominium unit, understand that we must designate one of us to cast votes on behalf of our unit, according to the Condominium Bylaws, Article VIII, Section 3. We hereby designate the person selected above as the Designated Voting Representative for our condominium unit.

To ascertain the current DVR for your unit, please examine the mailing label on the envelope in which these documents were mailed: 1) If a single name appears, and there are multiple owners, and you have submitted a DVR form in the past, then the addressee is the DVR, 2) If more than one name appears, we have not received a DVR form from you. 3) If only one name appears, and there is a single owner of your unit, the mailing label will not be useful in ascertaining whether or not a DVR form has already been submitted.

If there are more than two (2) co-owners of a unit, the additional co-owners may sign and date the back of this form.

DVR forms may be turned in at the meeting. However, we prefer that you mail, fax or email them in advance of the meeting to the Association. Please allow enough time for delivery by the date of the meeting.

If the co-owners wish to change their designated voter at any other time, a new DVR form can be submitted anytime during the year.

Return to:

Cherry Hill Village II Homeowners Association
c/o Herriman & Associates, Inc.
41486 Wilcox Road
Plymouth, MI 48170-3104
734-459-5440 ♦ fax 734-459-0690
Email: info@herriman.net

**SEVENTH AMENDMENT TO THE MASTER DEED OF
CHERRY HILL VILLAGE II**

This Seventh Amendment to the Master Deed of Cherry Hill Village II (“Amendment”) is made and executed this ____ day of _____, 2017, by Cherry Hill Village Homeowners Association, a Michigan nonprofit corporation (the “Association”), in pursuance of the provisions of the Michigan Condominium Act, being Act 59 of the Public Acts of 1978, as amended (the “Condominium Act”).

RECITALS:

A. The Association, the nonprofit corporation organized for the administration and management of Cherry Hill Village II (the “Condominium”), a condominium project established pursuant to the Master Deed recorded in Liber 33044, Pages 1355 et seq., as amended by the First Amendment recorded in Liber 35377, Pages 24 et seq., the Second Amendment recorded in Liber 37212, Pages 545 et seq., the Third Amendment recorded in Liber 41403, Pages 83 et seq., the Fourth Amendment recorded in Liber 49517, Pages 1424 et seq., the Fifth Amendment recorded in Liber 51627, Pages 540 et seq., and the Sixth Amendment recorded in Liber 51788, Pages 556 et seq., Wayne County Records (as amended, the “Master Deed”), and known as Wayne County Condominium Subdivision Plan No. 591, desires to amend the Master Deed and Condominium Bylaws, Exhibit A to the Master Deed (the “Condominium Bylaws”), pursuant to the authority granted by Sections 90 and 90a of the Condominium Act (MCL §§559.190 and 559.190a), for the purposes of reassigning responsibility for the repair, replacement and maintenance of the strip of land, including all improvements, between the General Common Element yard areas and the edge of the roadways within Cherry Hill Village and removing restrictions on the Association’s rights relative to judicial actions and claims.

B. The Master Deed shall be amended upon recording with Wayne County Register of Deeds, as required by Section 73 of the Condominium Act (MCL §559.173).

NOW THEREFORE, the following changes are made to the Master Deed and the Condominium Bylaws:

1. Article III, Section (d) of the Master Deed shall, upon recording of this Amendment with the Wayne County Register of Deeds, be deleted in its entirety and replaced with the following new Section (d):

*(d) “Association” means the Cherry Hill Village Homeowners Association,
a Michigan nonprofit corporation. Pursuant to the Cherry Hill*

Village Master Deed, the Association is responsible, among other things, to administer, operate, manage, and maintain: (i) portions of the Common Areas and Facilities; and (2) the architectural and building specifications of this Condominium. Any action required or permitted to the Association shall be exercisable by its Board of Directors (or, as the case may be, the Design Review Committee), unless specifically reserved to its members by the Cherry Hill Village Master Deed, this Master Deed or the laws of the State of Michigan. All Co-owners shall be members of the Association and, except as otherwise specified in this Master Deed or the Cherry Hill Village Master Deed, shall share, on a pro rata, per dwelling unit basis, in the costs of maintaining, repairing, operating, insuring and replacing the Common Areas and Facilities.

2. Article III, Section (i) of the Master Deed shall, upon recording of this Amendment with the Wayne County Register of Deeds, be deleted in its entirety and replaced with the following new Section (i):

(i) "Common Areas and Facilities" means the General Common Elements established and described in the Cherry Hill Village Master Deed, in which all Co-owners have an easement for use and enjoyment.

3. Article IV, Section (c)(5) of the Master Deed shall, upon recording of this Amendment with the Wayne County Register of Deeds, be deleted in its entirety and replaced with the following new Section (c)(5):

(5) Except for the driveway aprons, sidewalks, irrigation, lawns or trees located within the General Common Element road rights-of-way located adjacent to the units located within the Adjacent Condominium (i.e. the strip of land between the boundary of a unit located within the Adjacent Condominium and the curb of the roadway), the Association is responsible for maintaining, repairing, insuring and replacing the Community Areas and Facilities.

4. Article VII, Section (c) of the Master Deed shall, upon recording of this Amendment with the Wayne County Register of Deeds, be deleted in its entirety and replaced with the following new Section (c):

(c) The Common Areas and Facilities are subject to the permanent, nonexclusive easements for use and agreement for maintenance described in this Section. In a Declaration of Easements and Agreement for Maintenance (the "Declaration") recorded with the Wayne County Register of Deeds, Developer declared, for the benefit of the Condominium and all Unit Co-owners, permanent, non-exclusive easements for ingress and egress over the roads and walks in the Adjacent Condominium and permanent easements for use of the Common Areas and Facilities. These easements run with the Condominium property and each Unit in perpetuity for the benefit of the Condominium and all Unit Co-owners. Except as otherwise provided, the expenses incurred by the Association for the maintenance, repair, insurance and replacement of the Common Areas and

Facilities shall be assessed equally to all Units in this Condominium and the Adjacent Condominium. Notwithstanding the foregoing or anything to the contrary, the expenses for the maintenance, repair, insurance and replacement of any driveway aprons, sidewalks, irrigation, lawns or trees located within the Cherry Hill Village general common element road rights-of-way that are adjacent to the Cherry Hill Village II General Common Elements shall be assessed equally only to the Co-owners of Units in this Condominium. Each Co-owner's use of the Community Areas and Facilities is subject to the reasonable rules and regulations of the Association.

5. Article III of the Bylaws shall, upon recording of this Amendment with the Wayne County Register of Deeds, be deleted in its entirety.

6. In all other respects, the Master Deed, including the Condominium Bylaws and the Condominium Subdivision Plan, as previously recorded, are ratified and confirmed.

[SIGNATURE AND ACKNOWLEDGMENT ON FOLLOWING PAGE]

The Association has caused this Instrument to be executed the day and year first above written.

Cherry Hill Village Homeowners Association, a Michigan
Nonprofit Corporation

By: _____
Name: _____
Title: President

STATE OF MICHIGAN)

) SS:

COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this __ day of _____, 2017 by _____, the President of Cherry Hill Village Homeowners Association, a Michigan Nonprofit Corporation, on behalf of the Corporation.

, Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires:

Document drafted by and when recorded return to:
Evan M. Alexander, Esq.
Makower Abbate Guerra Wegner Vollmer PLLC
30140 Orchard Lake Rd.
Farmington Hills, MI 48334