

Section 1: [Building & Environmental Control Regulations, Section 9.4 (Renewable Energy Systems)] Resolution of the

Solar panels shall only be permitted on rear-facing roof slopes that are not visible from any road, golf course fairway, or lakefront. If a Lot's rear roof slope faces north or is shaded by trees, the Owner may not install solar panels on the front or side roof slopes and must instead forego solar installation.

MARKUP #1 ->

ISSUE #1

Section 2: [SSPOA Rules and Regulations, Section 3.1 (Fining Schedule and Lien Enforcement)] Automatic Assessment

Upon the issuance of a second warning notice by the Operations Manager for any violation of the SSPOA Rules and Regulations, a \$100.00 fine shall be automatically billed to the Member's account, escalating to \$250.00 after fourteen (14) days. Unpaid fines shall bear interest at 18% per annum and shall be collected via small claims suit or property lien.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. SSPOA Rules and Regulations, Section 3.1 (Fining Schedule and Lien Enforcement) (p. 1): [FLAGGED FOR COUNSEL REVIEW - SAFE RESOLUTION GATE] Fining clause authorizes the imposition of fines without prior notice and an opportunity for a hearing before the board of directors.

Statutory / Legal Reference: MCL 559.206(c)

Statutory Comparison: Under MCL 559.206(c), the levying of fines against a co-owner is permissible only "after notice and an opportunity for a hearing" as provided in the condominium documents. Summary or automatic fining without notice and a hearing opportunity violates MCL 559.206(c).

CURRENT WORDING IN DOCUMENT:

[SSPOA Rules and Regulations, Section 3.1 (Fining Schedule and Lien Enforcement)] Automatic Assessment of Fines Upon Second Warning Notice Without Hearing - Upon the issuance of a second warning notice by the Operations Manager for any violation of the SSPOA Rules and Regulations, a \$100.00 fine shall be automatically billed to the Member's account, escalating to \$250.00 after fourteen (14) days. Unpaid fines shall bear interest at 18% per annum and shall be collected via small claims suit or property lien.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to MCL 559.206(c), no fine shall be levied against any Co-owner unless and until the Co-owner has been given prior written notice of the alleged violation and an opportunity to appear and be heard before the Board of Directors.