

Proposal for Implementation of Fines for Uncorrected Violations of the Restrictions –
Approved at Homeowners’ Association Meeting of March 4th, 2026

As a result of problems encountered by the FLHA Board with respect to enforcement of the Declaration of Restrictions, the Board recommended that a system of fines be implemented in the event a reported violation goes uncorrected. The Board recommended that changes be made in several places:

- 1) the Restrictions,
- 2) the Website, and
- 3) the Complaint form.

Proposals for the first two are shown below **in red** and a proposed new “Process for Handling of Restrictions Violations” was added to the existing Complaint form, also attached. These proposals were approved with some modification (included below) at the March 4th 2026 meeting.

FLHA Board

AMEND THE DECLARATION OF RESTRICTIONS sections 18 and 29 as follows:

- 18) By his acceptance of title, each lot owner shall be held to vest in First Party and/or the Township of Macomb, Michigan, or its successor and they shall be deeded to have the right and power in their own name to take, prosecute, and enforce pursuant to act 288 of P. A. of 1967, all suits-legal, equitable or otherwise, which they may deem necessary or advisable. Upon violation of any restriction or breach of any covenant of the Articles of Incorporation, By-Laws or duly adopted Rules and Regulations of the association including but not limited to the collection of the maintenance charge or any other sums owed to them by a lot owner, First Party or its successor may enforce them by **assessing monetary fines**, a suit for money judgment, by recording an Affidavit of their Lien for Nonpayment of Assessment, Foreclosure of the lien securing payment, or by an action in equity seeking a mandatory injunction, and the exercise of any one or more of them shall not be deemed to constitute an election of remedies. Homeowners are responsible for paying attorney fees, lien fees and any other expenses that are incurred when a lien is placed on their **property or when any other enforcement action is taken against them**. Remedies against any one lot owner which exceed \$500.00 shall require approval of a quorum of the association. In addition to all other remedies, the Association may enter upon the land as to which such violation or breach exists, and summarily abate and remove at the expense of the owner thereof any construction or other violation that may be or exist thereon contrary to the intent and provisions hereof and First Party and/or Township of Shelby, or its successor shall not thereby become liable for trespass, abatement, removal or in any other manner. Failure of First Party and/or Township of Shelby, Michigan, or its successor to complain of any act or omission on the part of a lot owner no matter how long the same may

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continue, shall not be deemed to be a waiver by them of any of their rights hereunder. Any and all rights and remedies which First Party and/or Township of Shelby, Michigan, or its successor may have under the DECLARATION or by operation of law, either at law or in equity, upon any violation or breach, shall be distinct, separate and cumulative and shall not be deemed inconsistent with each other and no one of them, whether exercised by First Party and/or the Township of Shelby, Michigan, or its successor or not, shall be deemed to be in exclusion of any other; and any two or more or all of such rights and remedies may be exercised at the same time. If a lot owner makes any payment of any amount less than that due hereunder, the association without notice may accept, the same payment on account; the Association shall not be deemed bound by any notation on any check involving such payment nor any settlement in any accompanying letter.

29) The Association shall have the right to assess each property owner an amount equal to 10% of their annual maintenance fee, ~~and special assessment,~~ or assessed fines for delinquency of such fees or fines. Delinquency charges shall be 10% per month (maximum 50%) of the maintenance fee, assessed fine, or ~~and special assessment.~~ ~~Maintenance fee charges shall become delinquent and~~ Delinquency charges will be assessed the 16th day following the maintenance fee due date of the maintenance fee, assessed fine, or special assessment.

UPDATE THIS SECTION OF THE WEBSITE on the General Info Page

Complaints & Concerns - Restrictions Violations Process

A Complaint Form was developed for use by residents that observe violations of the Restrictions. This form should be used ONLY for violations of the Restrictions that are linked above as these are the only Restrictions the Homeowners' Association is charged with enforcing. The association will not pursue enforcement unless a written complaint has been received. Lot owners that have been duly notified that they are in violation will be fined \$100.00 if the violation has not been corrected within 72 hours of notification. Requests for additional time may be considered at the discretion of the board. Details of the process and the complaint form are linked below.



FOREST LAKE HOMEOWNERS ASSOCIATION

www.forestlakehoa.org

Process for Handling of Restrictions Violations

- 1) The process is initiated when any lot owner submits a formal complaint using the attached form. If not sent directly, the complaint will be routed to the chairman of the Restrictions and Architectural Control Committee (RACC) for processing.
- 2) The RACC will log the complaint and make a determination as to whether the complaint indeed identifies a violation of the Declaration of Restrictions. The RACC will perform an onsite visit, if necessary, to confirm the violation.
- 3) The RACC will contact, in writing, the owner of the lot that is in violation. The contact method should be chosen to expedite the process, e.g. phone call with email or U.S. mail follow-up, or in-person with written follow-up.
 - a) Explain which restriction has been violated
 - b) Indicate that the violation must be corrected within 72 hours to avoid a \$100 fine and possible legal action.
- 4) The RACC will monitor the situation to determine whether the violation has been corrected within 72 hours.
 - a) If the lot owner in violation requests additional time to correct the violation, that request will be forwarded to the board for their consideration.
 - b) If the violation is corrected, log the result and close the complaint notifying the complainant.
 - c) If not corrected, notify FLHA Board and the complainant.
 - i) The Treasurer will assess the \$100 fine and follow-up with collection in the same manner that dues are collected.
 - ii) The Board will determine what further action is to be taken. This may include securing a lawyer to send a letter demanding that the violation be corrected to avoid further legal action. Should that not result in correction of the violation, the Board may continue to pursue legal injunctive relief.



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COMPLAINT FORM

If you have a complaint regarding a violation of the FLHA Declaration of Restrictions, you may use this form, or provide equivalent information using your own format. The FLHA Board of Directors and Restrictions and Architectural Control Committee will not address complaints unless they are received in writing and signed by the complaining homeowner. Completed, signed forms may be mailed to the FLHA post office box at: **FLHA, PO Box 183513, Shelby Township, MI 48318-3513** or emailed or given to any FLHA officer or to any member of the Restrictions and Architectural Control Committee.

The identity of the complaining homeowner will be kept confidential.

You may print the blank form and fill it out by hand, or you may fill it out online, then save it to your computer to print or electronically sign and email.

Your Name: _____

Your Street Address: _____

Phone number where you can be reached for followup: _____

Alleged Violator's Street Address: _____

Date(s) of the Alleged Violation: _____

Description of the Alleged Violation:

Your Signature: _____ Date: _____