

THE MANOR HOMES AT ALDINGBROOKE RULES REGARDING COMMON ELEMENT MODIFICATIONS

The Board of Directors of The Manor Homes at Aldingbrooke Condominium Association (the “Association”) adopts these rules on the 23rd day of December, 2022, effective immediately.

BACKGROUND

A. The Association is responsible for governance, maintenance and administration of The Manor Homes at Aldingbrooke (the “Condominium”).

B. The Association exists pursuant to the Michigan Condominium Act and the Michigan Nonprofit Corporation Act, as well as the Association’s Articles of Incorporation, the Amended and Restated Master Deed and the Bylaws for the Condominium (collectively, the “Condominium Documents”).

C. The Michigan Condominium Act and Article VI, Section 11 of the Condominium Bylaws authorize the Association's Board of Directors to adopt and enforce reasonable rules and regulations in the interest of the Condominium.

D. Co-owners from time to time request to modify Common Elements, and the Association's Board of Directors believes it is in the Association’s best interest to adopt a uniform procedure regarding Common Element modifications.

The Association's Board of Directors adopts the following Condominium rules (the “Rules”), which are binding upon all Co-owners and their tenants, occupants, successors and assigns who now or in the future may possess an interest in the Condominium, and which shall supersede any previously adopted rules on the same subject matter:

1. Requirement for Board Approval. No Co-owner may make structural modifications or make changes in the appearance or use of any Common Element without first obtaining the Board’s written approval.

2. Municipal Compliance. The Co-owner is solely responsible for the cost of obtaining all necessary municipal permits and inspections, if applicable, the modification will be performed by contractors licensed in Michigan and fully insured.

3. Modification Request Submission. All requests to modify the Common Elements must be submitted in writing on the Association’s Request for Modification Approval form, which can be obtained from the Association’s management company. The request must describe the nature of the modification and must include appropriate plans and specifications showing the nature, kind, shape, height, materials, color scheme, location and approximate cost of the modification, as applicable. Depending on the type of modification, the Board may also require the submission of construction and architectural plans certified by a licensed engineer or architect. If the Board determines that a submittal to be incomplete, the Co-owner will be informed of this determination and the additional information that will be needed to consider the request.

4. Board Considerations. The Board has the right to refuse to approve any proposed modification that is not suitable or desirable in its opinion for aesthetic or any other reasons. In

making its determination, the Board may inspect the site of the proposed modification and may also take into consideration the following when reviewing the proposal:

A. Whether the modification is expressly prohibited or permitted under the Condominium Documents. If the modification is expressly prohibited, the Board cannot approve the modification. If the modification is expressly permitted, the proposed modification is still subject to this Rule including the considerations contained in this Section;

B. The aesthetic suitability and the degree harmony of the proposed modification with the entire Condominium, including appropriateness of color, material, height and size;

C. The location of the proposed modification including whether the modification will increase the risk of injury or create difficulties for the Association or Co-owners in gaining access to the Common Elements or Units;

D. Whether the modification negatively impacts adjacent Units by way of, among other things, privacy, noise or vibration;

E. Whether the modification will increase maintenance or other Association responsibilities;

F. Whether the modification involves the modification of a load bearing wall or could have the potential to weaken the support of any structure if not performed properly. In those instances, the Board may require the Co-owner to submit a certification from a structural engineer or other appropriate licensed professional indicating that the modification does not compromise the structural integrity of the Unit or Common Elements;

G. Whether the modification complies with any specific guidelines or specifications promulgated by the Association relating to the proposed modification.

5. Modification and Alteration Agreement. If the proposed modification complies with the requirements set forth in this Rule, and as a condition to receiving the Board's written approval, the Co-owner may be required, at the Board's sole discretion, to execute and submit to the Board the Association's form recordable Modification and Alteration Agreement, which sets forth, among other things, that:

A. The Co-owner is solely responsible for the cost of performing the modification, all necessary municipal permits and inspections will be secured and, if applicable, the modification will be performed by contractors licensed in Michigan and fully insured;

B. The Co-owner is solely responsible for insuring, maintaining, repairing and replacing the modification and for any damages or costs resulting from the modification and the costs of any repair, replacement or maintenance of any other Common Elements necessitated or caused by the modification;

C. The Co-owner will indemnify and hold the Association harmless from any liability or damages in any way related to the modification; and

D. All costs incurred by the Association that are in any way related to a Co-owner's modification may be assessed to the Co-owner's Unit and will constitute an assessment

under the Condominium Documents secured by the Association's lien on the Unit, collectible according to the Condominium Documents and the Condominium Act.

6. Approval. A modification request will only be deemed approved if:

A. The Co-owner has complied with this Rule and the modification meets all of the requirements of this Rule;

B. The Co-owner has secured all necessary municipal permits and inspections and, if applicable, the modification will be performed by contractors licensed in Michigan and fully insured;

C. The Co-owner has submitted a signed Request for Modification Approval form and the form has been countersigned by the Association or its designated agent;

D. If required by the Board, the Co-owner has submitted an original signed and notarized recordable Modification and Alteration Agreement along with any applicable fees including, without limitation, County recording fees.

7. Modification Completion. As part of any approval, the Board may require that the modification be completed by a date certain.

8. Inspection. Unless waived by the Board in its discretion, the Board shall conduct an inspection of a completed modification to ensure compliance with the approval given.

9. Approvals Revocable. Any approval granted by the Board is a license. If a Co-owner is not in compliance with the conditions of any Board approval, the Board may revoke the approval upon thirty (30) days written notice.

10. Alternative Fines for Unapproved Alterations and Modifications. Notwithstanding anything to the contrary contained in Article XVI of the Bylaws or any other Association rules and regulations, Co-owners who do not fully comply with this Rule and obtain the Board's prior written approval for: (i) alterations to any Common Element utility systems (ii) structural modifications to a Unit; or (iii) changes in the appearance or use of the Common Elements, as specified in this Rule and in Article VI, Section 3(A) of the Bylaws, are subject to the following alternative fines:

A. Minor Violations. A Co-owner who makes changes to the appearance of a Unit or Common Elements, including by way of example and not limitation, exterior painting, shall be subject to a monetary fine in the amount of Five Hundred Dollars (\$500.00) for a first violation, and additional monetary fines in the amount of One Hundred Dollars (\$100.00) for each week that the violation continues.

B. Major Violations. A Co-owner who makes changes to any Common Element utility system or makes structural modifications to a Unit, shall be subject to a monetary fine in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) for a first violation, and additional monetary fines in the amount of Five Hundred Dollar (\$500.00) for each week that the violation continues.

All fines shall be assessed to the Co-owner and against the Co-owner's Unit, secured by the lien on the Co-owner's Unit, and collected in the manner provided in Article II of the Bylaws.

11. Applicability. This Rule shall be construed in conjunction with, and not in contravention of, the various provisions of the Condominium Documents.

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Respectfully submitted,
Board of Directors
The Manor Homes at Aldingbrooke Condominium
Association