

**Howell Point Association
Diamond Lake, Cassopolis, Michigan**

**SUMMARY COMPARISON OF
UPDATED PROPOSED BY-LAWS TO CURRENT BY-LAWS**

In spring 2022, Howell Point membership received a package containing proposed, revised By-Laws for the Association. A vote on these was delayed, and because there was a lack of a Quorum at the Special Meeting held in conjunction with the Annual Picnic, no vote was ever taken on that particular set of revised By-Laws.

However, many members expressed concerns about specific items in the proposed By-Laws and all of those concerns have been taken into consideration in a document entitled “By-Laws of Howell Point Association” dated 2/1/2023. A document is posted on the Association’s website that has the new By-Laws document and the current By-Laws presented side-by-side. Go to www.HowellPoint.org to view this document. Presented below is a summary comparison that highlights the significant differences between the proposed and current By-Laws.

The purpose of this effort is to improve the governance and management of the Association in all respects. While the primary focus of the Association is Howell Point Park, the Association was incorporated in 1955 as a non-profit homeowner’s association:

*To promote the general welfare of the subdivision called Howell Point,
Diamond Lake, Cassopolis, Michigan.*

Thus, the remit of the Association is to oversee the entirety of the subdivision in keeping with the Deed Restrictions, the By-Laws, and our Rules & Regulations. The Board is elected by the Membership to carry out these responsibilities.

The Board is recommending adoption of these update By-Laws. A vote will be taken at the Annual Meeting of Members to be held Saturday, May 27, 2023. Notice of the meeting, a complete copy of the proposed By-Laws, Proxy form, and other materials will be mailed to all members in late April.

Proposed By-Laws

Current By-Laws

Voting Rights

1 vote per house owned. If you own 2 houses on contiguous lots, you have 2 votes. On non-contiguous lots you have One vote per house owned.

One vote per owner regardless of number of properties owned.

Voting by E-Mail & Proxy

Voting by e-mail Proxy is permitted in all cases. This provision allows the Board to act promptly in an emergency without having to make a costly and time-consuming USPS physical mailing.

Notice

Notice is via e-mail (members can opt out of email but must do so in writing and provide a USPS mailing address). Notice must be given not less than 5 days nor more than 60 days prior to the meeting.

Notice is ONLY via USPS mail not less than 30 days prior to the meeting date. This provision results in very expensive postage costs for the Association and delays in taking necessary action.

Annual Dues / Regular Assessment

Set by vote of the Board allowing collection of dues in the current year. Delinquent dues are subject to penalty and interest.

Annual Dues are set by a vote of the membership at the annual meeting. This results in a 12-month delay in collecting needed funds.

(Over, please.)

Special Assessments

Board can impose special assessments only for funds to be spent on Park / owned property projects. Special Assessment for any other matter requires a vote by the membership.

All Special Assessments must be approved by a vote of the membership

Delinquent / Late Payment of Dues

Regular assessments must be paid by May 1st of each year (or 30 days after the date of notice sent to Members). A late payment fee of \$10 per month will be charged. Ongoing delinquent accounts will accrue a 10% per annum interest charge until such member makes the required payment.

Not addressed in the current By-Laws.

Penalties for Refusal to Pay

Members who refuse to pay Regular Dues or Special Assessments may be subject to the following:

- Suspend the right to use the park
- Suspend the right to a pier slip
- Suspend voting privileges
- Record a lien against such member's lots
- Initiate a collection action against the member

Delinquent dues of up to the past 5 years can be collected when the member's property is sold.

Quorum

A quorum for the Annual Meeting and any Special Meetings is 25% of members eligible to vote, either in person or by Proxy. To be eligible to vote a member's dues must be current.

The quorum for Annual Meetings and Special Meetings is 50% + 1 of eligible members present in person or by Proxy.

Board Membership & Officers

The number of Board members is set at 7; 4 members and 3 officers. The members are elected to 4-year terms of office. Officers are elected to 1-year terms of office.

The Board can have from 7 to 9 members. Terms of office are 4-years for members and 1-year terms for officers.

Architectural Review Committee

The Board of Trustees is cited as the Architectural Review Committee that is mentioned in the Deed Restrictions. The Board may appoint additional members to the Committee if necessary.

Not addressed in the current By-Laws and was an issue in the FREI lawsuit.

Contracts

The Board may enter into contracts with vendors as needed to accomplish required work.

Not specifically address in the current By-Laws.

Cost of Enforcement

All costs incurred by the Association in connection with enforcing the By-Laws, Deed Restrictions, and Rules & Regulations against any non-compliant member shall be charged back to the non-complaint member and shall remain as a lien against such Member's lot(s) until paid in full.

Not addressed in the current By-Laws.

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