

# FOREST BAY SUBDIVISION

June 12, 2006

Dear Neighbors:

Last year through negotiations with the Waterford Township Board, we received approval to expand the number of boats allowed on the canal lots. At that time we did receive 2/3's vote from the subdivision for this change. However by doing this change we also need to approve a new Amendment to the Master Deed. We will need to record with the court this document to amend the Master Deed to conform to the Township approval already given and make the necessary changes to the marina permit controlled by the DEQ, to allow multiple watercraft at the canal lots.

The sole purpose of the Amendment is to change the classification of the docks appurtant to the waterfront lots along the canal from Limited Common Elements to personal property. As limited Common Elements, the structures themselves are owned in undivided percentages by all co-owners of the condominium, but the exclusive use of the docks is assigned and reserved to a single unit/lot. Unfortunately, any docking facility which is designed as a Common Element must be regulated by the DEQ under a marina permit. By changing the docks to personal property of the unit/lot owners removes them from Association responsibility, and makes it unnecessary to have a marina permit or any permit for these docks unless they are rebuilt or altered. In essence, we will be removing the canal lots from the Marina Operating permit and with that the waterfront owners are responsible for their own docks.

This Third Amendment to the Consent Judgment increasing the number of watercraft has been approved by the Township and their attorney and should remove the concerns of the DEQ. Two Thirds of all eligible Co-owners must approve the amendment along with the approval of each and everyone of the canal lot owners. This will complete the approval process and we would hope to have the necessary approvals/recordings completed by the end of the summer. Please do not hesitate to call or contact any member of the Board if you have questions or concerns.

Sincerely,

**FOREST BAY BOARD OF DIRECTORS**

<b>Jeff Johnson</b>	<b>Dennis Miller</b>	<b>Jim Templer</b>	<b>Linda Anderson</b>	<b>Carol Townsend</b>	<b>248-681-2544</b>
<b>248-681-3629</b>	<b>248-738-8863</b>	<b>248-683-8867</b>	<b>248-682-0365</b>		

**THIRD AMENDMENT TO THE MASTER DEED OF  
FOREST BAY**

THIS THRID AMENDMENT TO THE MASTER DEED is made and executed on the \_\_\_\_ day of July, 2006, by the Forest Bay Association, a Michigan Nonprofit Corporation, c/o 44670 Ann Arbor Rd., Ste. 170 Plymouth, MI 48170, hereinafter referred to as "Association", represented herein by its Board of Directors, fully empowered and qualified to act on behalf of said Corporation in pursuance of the provisions of the Michigan Condominium Act (being Act 59 of the Public Acts of 1978, as amended).

**WITNESSETH:**

WHEREAS, the Association, of Forest Bay Condominium, a condominium project established pursuant to the Master Deed thereof recorded in Liber 11407, Pages 176-256, together with the First Amendment thereto recorded in Liber 12475, Pages 444-456, and Second Amendment thereto recorded in Liber 14953, Page 82, Oakland County Records, and known as Oakland County Condominium Subdivision Plan No. 672, desires to amend said Master Deed, Condominium Bylaws, and Condominium Subdivision Plan pursuant to the authority granted by Article XI of the Master Deed and Section 90 of the Michigan Condominium Act, as amended, (MCL 559.190 and 559.139), for the purpose of deleting the designation of waterfront unit docks and boat slips as Limited Common Elements (instead making them personally owned) and changing the restrictions related to the use of said waterfront unit docks and boat slips.

This Amendment shall not enlarge the common elements of the existing condominium project.

The Master Deed, Condominium Bylaws and Condominium Subdivision Plan shall be amended upon recording with the Register of Deeds for Oakland County, as required by Section 73 of the Michigan Condominium Act (MDL 559.173).

NOW THEREFORE, the following changes are hereby made in the Forest Bay Condominium Master Deed, Condominium Bylaws and Condominium Subdivision Plan:

**ARTICLE 1 OF AMENDMENT**

Article IV, Section 2.(b) of the Master Deed of Forest Bay Condominium, shall upon recording of this Amendment with the Office of the Register of Deeds for Oakland County, be amended to read as follows:

*(b) Private Docks and Boat Slips. The private boat slips and docks shown on Sheet 19 of Replat No. 1 of the Condominium Subdivision Plan shall be Limited Common Elements appurtenant to the Units specified on the Plan and restricted in use to the Co-owner of such Units. The private docks and boat slips shown on Sheet 20 of Replat No. 2 of the Condominium Subdivision Plan (attached hereto) shall no longer be Limited Common Elements, but instead shall be solely owned by the Co-owners of the Units from which they originate, shall be insured, maintained, repaired and replaced by and at the sole expense of such co-owners and shall be used solely for dockage of permitted watercraft belonging to the occupants of the subject Unit.*

**ARTICLE II OF AMENDMENT**

Article IV, Section 3.(a)(iii) of the Master Deed of Forest Bay Condominium, shall upon recording of this Amendment with the Office of the Register of Deeds for Oakland County, be deleted:

**ARTICLE III OF AMENDMENT**

Article IV, Section 3.(c) of the Master Deed of Forest Bay Condominium, shall upon recording of this Amendment with the Office of the Register of Deeds for Oakland County, be amended to read as follows:

*(c) Boat Docks. The Association shall be responsible for ordinary repair, maintenance and replacement of the boat docks shown on Sheet 19 of Replat No. 1 of the Condominium Subdivision Plan. Costs incurred for any damage caused to a boat dock by a Co-owner or other person permitted to be on the Condominium Premises by a Co-owner shall be charged to the responsible Co-Owner, and such charge shall constitute an assessment against the Unit subject to collection by the Association as any other assessment under Article II of the Condominium Bylaws.*



# FREQUENTLY ASKED QUESTIONS ABOUT MULTIPLE WATERCRAFT

**Q: Why are we voting on this now/again?**

A: This vote is to gain approval for a new Amendment to the Master Deed to conform to the Township approval already given and to change the marina permit, which is controlled by the DEQ.

**Q: How is the marina permit being changed and why?**

A: The marina permit has always been for 127 slips, which combined the marina and the canal. The permit is being changed to separate the 94 marina slips from the 33 canal docks. This will enable the canal lots to be allowed multiple watercrafts. Separating the canal from marina does not impact canal owner's inclusion in the association.

**Q: Are there any legal / consultant fees, and who will pay them? Will dues go up because of this change?**

A: To date there have been no charges. Any charges associated with this action will be paid for by the canal owners, split equally among the 33 owners, with no impact to dues.

**Q: How many watercraft and what type will be allowed per lot?**

A: Details are in Article V Section 16 of the attached Amendment; in summary it will allow up to 3 powered and 1 non-powered watercrafts:

- 1 non-powered watercraft (canoe, rowboat, etc)
- 1 powered watercraft (boat or pontoon)
- 2 personal watercraft (jet skis)

Or,

- 1 non-powered watercraft (canoe, rowboat, etc)
- 2 powered watercraft (boat or pontoon)
- 1 personal watercraft (jet skis)

**Q: What are the restrictions on docks, if any? What about other existing rules, like canopies?**

A: Canal owners are limited to 1 watercraft dock, at the shore of the water adjacent to their lot, and the dock cannot result in an obstruction to navigation by watercraft within the canal. All existing marina rules, with the exception of only a single watercraft allowed on the canal, are unchanged and still in effect.

**Q: Who is responsible for maintaining / repairing the docks on the canal?**

A: No change to current rules. Any original dock or seawall (at the marina or on the canal) shall be maintained by the association, as it is a common element. Once a canal owner installs a custom dock and / or seawall, all maintenance becomes the responsibility of the owner.