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STATE OF MICHIGAN, COUNTY OF CHARLEVOIX  
SHIRLEY M. COBLENTZ, REGISTER OF DEEDS

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## BOARD RESOLUTION

**THIS BOARD RESOLUTION** is made and executed on this 6th day of July, 2018, by the C&O Club Association, a Michigan non-profit corporation, with offices at 133 C&O Club Drive, Charlevoix, Michigan 49720 (hereinafter referred to as the "Association").

### RECITALS

A. The Association is a non-profit corporation organized under Michigan law, which is comprised of the Co-owners of the C&O Club, Charlevoix Condominium Subdivision Plan No. 64 (the "Condominium").

B. The Association is, pursuant to the Master Deed of the Condominium recorded at Liber 338, Pages 277 through 346, inclusive of Charlevoix County Records, and subsequent amendments thereto, authorized and duty bound to "administer, operate, manage, and maintain the Condominium." In turn, the Board of Directors "shall have the powers and duties necessary for the administration of the affairs of the Association and may do all acts and things as are not prohibited by the Condominium Documents", including the responsibility to "manage and administer the affairs of and to maintain the Condominium Project and the General Common Elements thereof" (Liber 377, at page 328).

C. The Association owns certain beachfront on Lake Charlevoix as a Common Element of the Condominium referred in the Master Deed as the "Beach Area." Pursuant to Article VI-B, Section 16(b) of the Association's By-laws (Liber 338, at page 318):

One boat dock, to be located in the approximately center of the shore line of the Beach Area may be constructed. This boat dock may be constructed in a way to accommodate not more than 22 boats. The boat dock design and material will be subject to the approval of the Review Board.

D. On October 7, 2011, the Board of Directors of the Association adopted the following resolution concerning the boat dock referred to in Paragraph C, duly notified all Co-owners of the resolution, reviewed the resolution at the annual meeting of Co-Owners on July 7, 2012, and thereafter the resolution has been publicly available on the Association's website (<http://www.c-oclub.org>):

**C&O Club Association  
C&O Common Dock & Boat Slip Participants  
Operating Rules and Regulations  
Amended and Restated October 1, 2011**

Adopted by the C&O Club Board of Directors on October 7, 2011  
All previous rules and regulations are superseded

The first 75 feet of the Common Dock from the C&O Club common beach is a common element of the Association as a whole.

The area beyond the first 75 feet of the Common Dock from the C&O Club common beach is maintained as a seasonal boat dock (with finger piers and slips) for the lot owners on the "Terrace" and "Stroud Court" (units 16 thru 36). These owners can elect to pay and participate as a "Boat Slip Participant" and install a boat hoist for use as a boat slip.

By votes of the members of the Association at the annual meetings held in 1998 and 2005, the Association maintains within its financial statements separate Common Dock and Dock Participant Funds. On August 20, 2011, it was agreed to have the Treasurer rename the Dock Fund and the Dock Participant Fund to the COBC Fund. These assets are to be kept separate from the general fund of the Association.

No rights or equity in the Common Dock or Boat Slip (whether of the interest itself or any purported attendant right such as "seniority") will transfer directly from a unit owner (seller) to a new owner (buyer) of the unit. When Boat Slip Participants, units 16 thru 36, sell his or her unit, the buyer is then eligible to buy into a Boat Slip at the fee set at that time and will be placed at the bottom of the boat slip seniority list effective the date the fee is paid to the C&O Boat Club fund. This fee is a non-refundable payment. If and when it is necessary to determine if a unit was not sold, rather is held in a trust, jointly with a spouse or child or other legal entity; they may retain ownership and the position in Boat Slip Seniority List. The Dock Master will follow the guidelines in accordance with the City of Charlevoix Equalization Department to determination if a change in actual deed ownership has occurred.

The following are the operating rules adopted by the Board of Directors of the Association regarding the use of the Common Dock, finger piers and boat slips: October 7, 2011.

1. The Dock Master is appointed by and serves at the pleasure of the Association's Board of Directors. The Dock Master is delegated the authority to make decisions regarding the Common Dock and Boat Slip

Participants not inconsistent with these rules as set forth. It is the responsibility of the Dock Master to maintain a seniority list of slip owners. Decisions of the Dock Master may be appealed first to the to the Dock Committee with final appeal to the Board of Directors, but any such appeal will be subject to the presumption that the Dock Master's decisions are reasonable and in the best interest of the Common Dock, Boat Slip Participants and the Association as a whole.

2. There are annual costs associated with the C&O common dock and finger piers, which are a shared responsibility for seasonal installation and removal, as well as any acquisitions, maintenance, or repair (ordinary or that is required by natural conditions). Costs for the first 75 feet of the common dock will apply to all 36 units in the C&O Association shared on a pro-rata basis. For the Terrace and Stroud Court, units 16 through 36, will share, on a pro rata basis, the additional cost of the finger piers and will be charged whether they have a boat slip or not. The Treasurer will keep all these funds in the COBC Fund and separate from the general fund. The Treasurer is authorized to make operating and special assessments to Common Dock and Boat Slip Participants as approved by the Board.
3. Members are NOT permitted to hire their own contractors for the installation and removal of boat hoists, to minimize cost and damage to the beach or beach lot. No individual additions or modifications to the dock or slip configurations are permitted. However, starting January 1, 2014 (date current contract expires) and thereafter, contract services will be rebid every three years.
4. All boats in individual slips, as well as any other kind of watercraft, are required to be stored on lift stations, unless otherwise permitted by the Dockmaster. (The reason is that un-hoisted boats or watercraft can become a hazard to the dock and other boats under certain lake conditions).
5. There shall be no electrical power provided. Any automatic boat lift must be powered by solar or boat battery that does not require the installation of land-based electrical power.
6. Manufactured hoist canopies in good repair and of reasonable color are permitted. Canopied hoists may not be left unoccupied, except during boat usage. (In windy conditions, a canopy may act as a sail and move a hoist not weighted down by a boat.)
7. Temporary anchorage is permitted in the riparian area of the Beach Lot (excluding the swim area), by owners and guests on a first come basis, with a 24-hour limit, for as many craft as may be safely accommodated. Mooring of boats in the Association's riparian area may continue, but no rights or expectations of future mooring are established by such mooring and the

Association's permission to moor boats may be withdrawn at any time, with or without notice, and without recourse against the Association. (Board Meeting, December 29, 1997 and Annual Meeting, May 27, 2000)

8. Use of the Common Dock, the slip areas, the boat hoists and any other equipment is at the individual risk of the user. Docks, slips, boats and other watercraft are inherently dangerous, and the Association, the Common Dock Participants and Boat Slip participants hereby disclaim any responsibility or liability for injury or property damage caused by any individual's use of the area. Each Common Dock and Boat Slip participant is individually responsible for any damage to person, property or otherwise caused by the negligence or intentional conduct of himself, herself or his or her family or guests.
9. Each unit owner on the Terrace lots and Stroud Court lots, (units 16 thru 36), are entitled to purchase not more than 1 boat slip per each lot and the total number of slips will not exceed 21. The purchase price may be changed from time to time by the Dock Committee and approval of the Board. All funds collected are deposited in the C&O Boat Fund.
10. Assignment of slip locations shall be made by the Dock Master on an annual basis. Factors in the assignment of slip locations shall include dock configuration, type of watercraft and seniority based on the date of purchase of an interest as a Boat Slip Participant. It is acknowledged that to date all Boat Slip Participants for placement of craft have been accommodated without resort to seniority. Rental of unused slips is available to Boat Slip Participants who desire an additional slip, by paying a rental fee to the Treasurer and they will applied this fee to the COBC Fund.
11. Once a slip has been assigned by the Dock Master to a Boat Slip Participant, they cannot transfer the use of the slip to anyone else. Only the Dock Master is authorized to assign slips to be used or rented.
12. The available space for a hoist is 12 feet wide and 28 feet in length, with any exception to be approved by the Dock Master. No boats shall be permitted that require a hoist exceeding these dimensions, except as approved by the Dock Master.
13. Personal watercraft shall be subject to these general rules and must be stored on a hoist or moored as permitted by the Dock Master.
14. Effective May 28 2011 a Consent Resolution was adopted by the Board stating, Unit owners may place small, non-powered craft on the south end of the common beach under the following conditions. This rule is subject to change at the discretion of the Dock Master or the Board. One boat per unit, boats shall not have motors of any kind or exceed 15' in length or 5' in

width, boats must be pulled up fully onto the beach when not in use. (may not be hanging over or be partially in the water), shall be stored perpendicular to the shore and may be hand carried or moved with a dolly, but not launched using any powered vehicle.

15. Cars may not be parked at the Beach lot or left unattended. Loading and unloading is permitted, not to exceed 30 minutes. Cars may be towed by order of the Dock Master, officer of the Association or other authorized agent of the Board.
16. The right to be a Boat Slip Participant and to dock a boat in the finger pier slip is reserved exclusively to unit owners on "Terrace" and "Stroud Court" (units 16 thru 36) who pay Association fees. Leasing, subletting, or transferring the right to use the Boat Dock, or granting access, licenses, or right of way, in any case whether or not for consideration, to others is expressly prohibited and all such purported transactions shall not be recognized as valid or binding on the Association or the COBC Fund.
17. The intention of these rules is to keep the Beach area and dock as enjoyable as possible for all members of the Association. It is assumed all members will obey the rules, abide by the decisions of the Dock Master or the Board, and settle any disputes or conflicts in a reasonable, amicable and neighborly way.
18. The Board, on its own initiative or on the recommendation of the Dock Master, may issue fines or penalties for violations of these rules as permitted by the Master Deed, as amended, and the Bylaws of the Association. Any practice that is an attempt to avoid or circumvent any of the foregoing rules is equally prohibited.

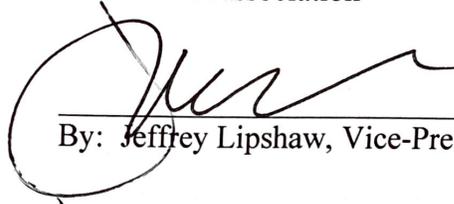
E. The Board of Directors has determined that, for avoidance of doubt and in the general interest of present and future Co-owners, the foregoing long-standing resolutions should be recorded in the Charlevoix County Records.

**NOW, THEREFORE, TAKE NOTICE** that:

1. The Board of Directors hereby authorizes the recording of the foregoing matters.
2. Any officer of the Association is authorized to cause this document to be recorded in the Charlevoix County Register of Deeds.

IN WITNESS WHEREOF this Board Resolution has been made and executed as of the date set forth above.

“Association”  
C&O Club Association



By: Jeffrey Lipshaw, Vice-President

STATE OF MICHIGAN

) ss

COUNTY OF CHARLEVOIX )

On this 6th day of July, 2018, the foregoing Board Resolution was executed and acknowledged before me by Jeffrey Lipshaw, Vice-President for and on behalf of the Association.

*Sharon M. Selissen-Kallman*  
Sharon M. Selissen-Kallman, Notary Public  
Charlevoix County, Michigan  
My commission expires: *June 24, 2023*

Drafted by/Return to:

Jeffrey M. Lipshaw, Esq.  
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