

Section LIBER - Sample Provision Excerpt (Public Preview)

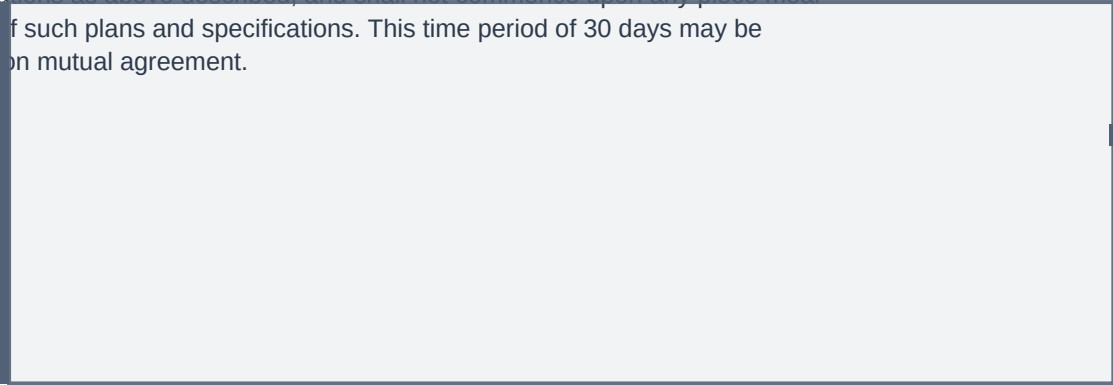
LIBER

1611 PG 747

(d) All such plans and information required by this restriction shall be submitted to Developer or entity acting in its stead within at least 30 days of anticipated start of construction. The 30 day time period shall begin only upon submission of complete plans and specifications as above described, and shall not commence upon any piece meal

ISSUE #1

of such plans and specifications. This time period of 30 days may be extended upon mutual agreement.



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. LIBER (p. 4): [FLAGGED FOR COUNSEL REVIEW - SAFE RESOLUTION GATE] Governing documents omit the mandatory MCL 559.157(2) - (3) requirement that associations with annual revenues over \$20,000 undergo an annual independent CPA audit or review unless opted out annually by majority co-owner vote.

Statutory / Legal Reference: MCL § 450.2304 & § 450.2101 - 450.3192 (Michigan Nonprofit Corporation Act & Common-Law Servitudes)

Statutory Comparison: Under MCL 559.157(2) - (3), an association of co-owners with annual revenues greater than \$20,000 must on an annual basis have its books, records, and financial statements independently audited or reviewed by a certified public accountant, unless the association opts out of that requirement on an annual basis by an affirmative vote of a majority of its members.

CURRENT WORDING IN DOCUMENT:

LIBER 1611 PG 747

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to MCL 559.157(2) - (3), if the Association's annual revenues exceed \$20,000, the Association shall annually have its books, records, and financial statements independently audited or reviewed by a Certified Public Accountant, unless the Co-owners opt out of the requirement for that year by an affirmative vote of a majority of Co-owners at a duly called meeting.