

COBMOOSA SHORES ASSOCIATION

Annual Meeting 2021
WELCOME!



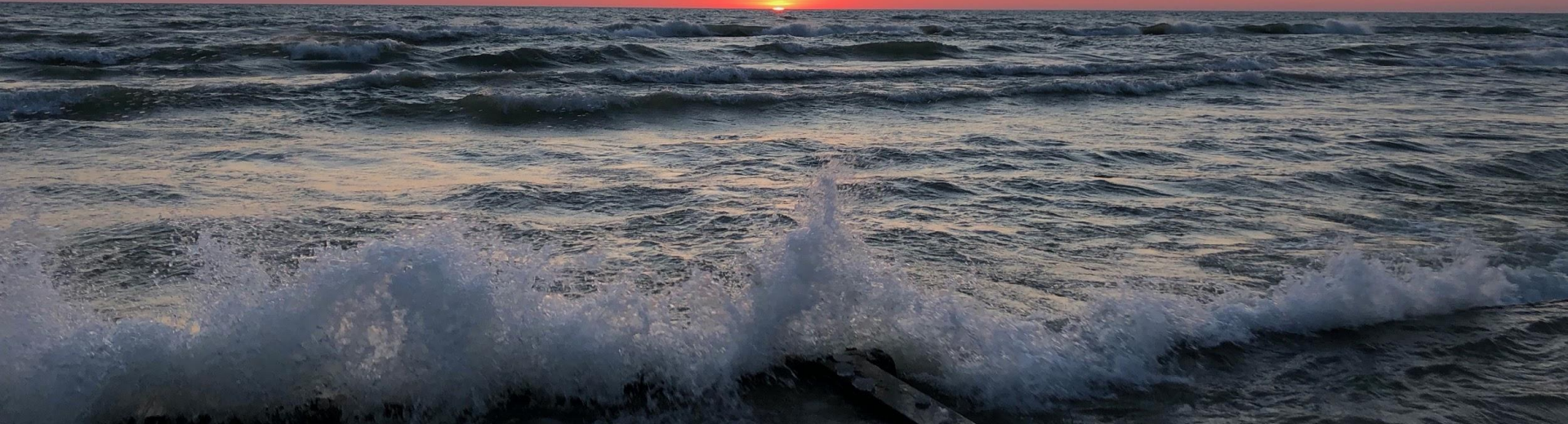
Photo by: Jill Dedic
3/4/2020



SCAN ME

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Photo by: Jill Dedic
3/8/2020





I PLEDGE ALLEGIANCE
TO THE FLAG OF THE
UNITED STATES OF AMERICA.

AND TO THE REPUBLIC FOR WHICH IT STANDS.
ONE NATION, UNDER GOD, INDIVISIBLE
WITH LIBERTY AND JUSTICE FOR ALL.

COBMOOSA SHORES ASSOCIATION ANNUAL MEETING

Benona Twp Hall - In Person - July 10, 2021

- **Call to order** and Pledge of Allegiance
- **Present and Approve Agenda***
- **Approval of minutes from July 11, 2020 annual meeting***
- **Receiving Communications**
- **Reports of Officers**
 - Treasurer
- **Adoption of the budget: Results of the vote**
- **Reports of committee heads**
 - Roads, Trees, Building, Beach, Communications, Entrance and Park, Rentals, History
- **Unfinished Business**
 - **Election of Trustees: Results of the vote**
- **Member Presentations on issues relevant to the Association**
 - Meeting is open for comments from the floor throughout.
 - Please be respectful of others and time limits (3 minutes)
- **New Business**
 - _____: Results of the vote
 - _____: Results of the vote

July Regular Board meeting will immediately follow adjournment of Annual Meeting



Photo by Jill Dedic
7/13/2019

APPROVAL OF MINUTES FROM JULY 11, 2020 ANNUAL MEETING

RECEIVING COMMUNICATIONS



Photo by: Jill Dedic
7/27/2019

A wide-angle photograph of a sunset over the ocean. The sun is a bright orange orb on the horizon, partially obscured by a large, dark, textured cloud that stretches across the upper half of the sky. The sky is filled with various shades of orange, yellow, and grey. The ocean is dark with white-capped waves rolling in towards the shore. The beach in the foreground is sandy and wet, reflecting the light from the sky. The overall mood is serene and dramatic.

TREASURER'S REPORT

Rick Emerson, Acting Treasurer

Photo by: Jill Dedic
1/2/2020

2020/2021 Treasurer's Report COBMOOSA SHORES ASSOCIATION
 Annual Meeting Jul 10, 2021
 Prepared by [Rick Emerson](#) for [Sara Collins](#)

Item	Orig. Budget	Spent	Variance
Roads	\$18,000.00	\$12,252.79	\$5,747.21
Trees	\$ 2,600.00	\$ 320.00	\$2,280.00
Beach and Parks	\$ 2,750.00	\$ 6,400.04	(\$3,650.04)
Insurance	\$ 3,700.00	\$ 4,007.00	(\$ 307.00)
Accounts Receivable Clerk	\$ 900.00	\$ 900.00	\$ 0
Communications	\$ 1,110.00	\$ 595.50	\$ 514.50
Postage and Supplies	\$ 800.00	\$ 425.40	\$ 374.60
Miscellaneous Admin	\$ 800.00	\$ 1,504.79	(\$ 704.79)
Legal and Professional	\$ 75.00	\$ 4,603.00	(\$4,528.00)
Taxes	\$ 775.00	\$ 737.73	\$ 37.27
Contingencies	\$ 60.00	\$ 0	\$ 60.00
Total	\$31,570.00	\$31,746.25	(\$ 176.25)

Assets on hand as of 6/30/2021: Checking: \$24,468.06
 Money Market: \$21,331.71

Accumulated Surplus: \$34,140.88 (Included in total assets above)

Note: The Board passed a resolution at the June 2021 meeting to bring each line into balance

Major Expenses:
 Gravel/salt: \$5146.02
 Snow Removal: \$2640.00
 Brining: \$3840
 Taxes: \$737.73
 Park/Entrance maint:
 \$1710.00
 Porta-jons: \$568.00
 Insurance: \$4007.00
 Google Suite: \$792.00

Unanticipated Expenses:
 Legal: \$4603.00
 N. Access Stairs:
 \$3279.74

Accounts Receivable:
 \$397.73 (4 owners)

Ballot Proposal: 2021-22 Budget

Proposed budget is based on : ½ Lot \$32.50 | Lot \$65.00 | Lot with Cottage \$175.00

COBMOOSA SHORES ASSOCIATION, INC. — PROPOSED BUDGET, 2021 - 2022

Roads	\$24,000.00
Trees	\$2,400.00
Beach and Parks	\$3,000.00
Insurance	\$3,750.00
Accounts Receivable Clerk	\$1,000.00
Communication	\$2,000.00
Postage and Supplies	\$1,000.00
Miscellaneous Administration	\$725.00
Legal and Professional	\$200.00
Taxes	\$800.00
Social	\$600.00
Contingencies	\$4,000.00
TOTAL	\$43,475.00

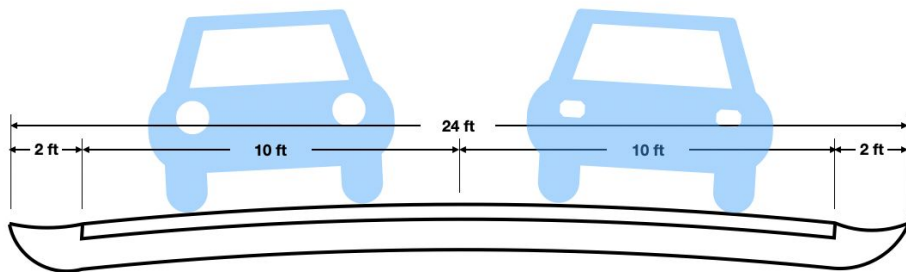
TRUSTEE REPORTS

Roads
Trees
Building
Beach
Communications
Entrance and Park
History



ROADS

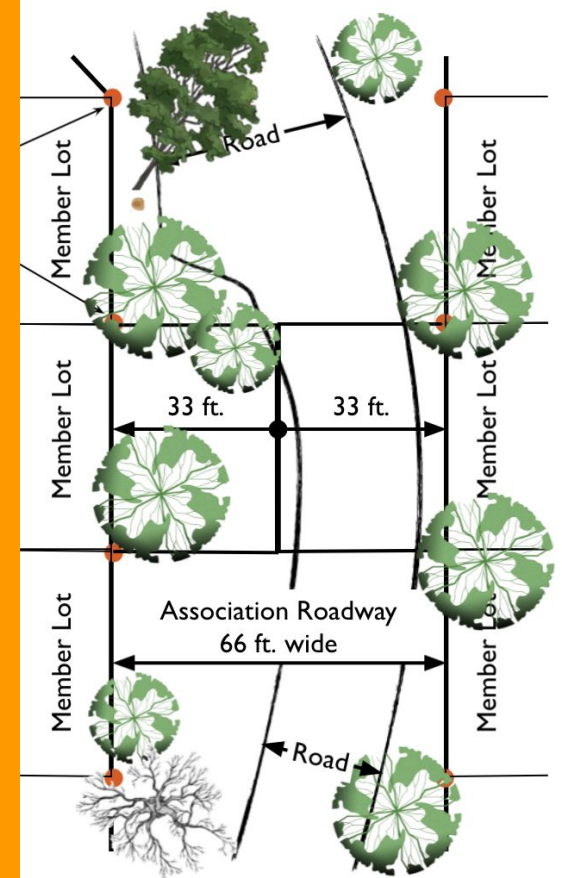
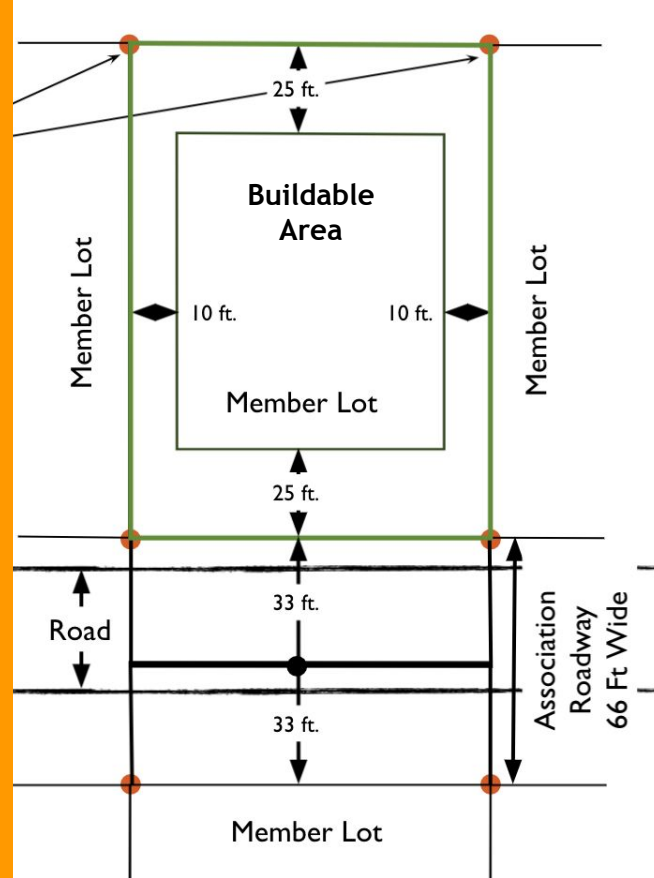
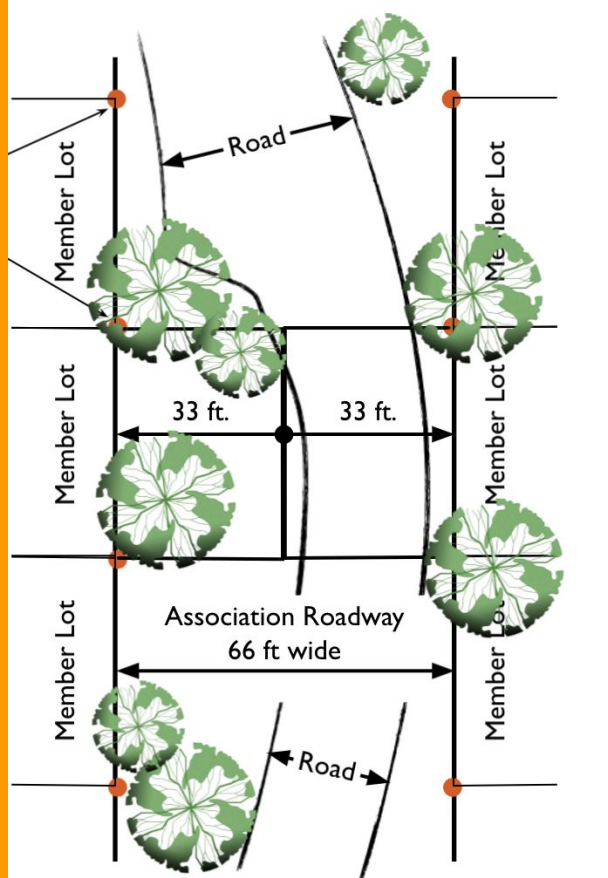
Ed Dedic



ROAD EXPENDITURES 2020-21

Summer	Brining	Marvin Deur	Mineral Brine on roadways in Cobmoosa	\$1,920.00
Summer	Fuel	Ed Dedic	Fuel for Tractor	\$25.40
Summer	Material	Hallack Contracting	Asphalt Millings	\$326.40
Fall	Fuel	Ed Dedic	Fuel for Tractor	\$24.37
Winter	Salt Barrels	Hallack Contracting	Fill barrels with Salt/Sand Mix	\$489.26
Winter	Plowing	Pete Roskam	Plowing for 2020-21 Winter (12 times)	\$2,640.00
Spring	Erosion	Oceana Builders Supply	Rental of Leaf Blower	\$53.00
Spring	Fuel	Ed Dedic	Fuel for Tractor	\$34.74
Spring	Brining	Marvin Deur	Mineral Brine on roadways in Cobmoosa	\$1,920.00
Spring	Material	Hallack Contracting	22a Dolomite (crushed limestone)	\$4,800.00

Roads and Lot Lines, a refresher course



SPEED LIMIT

MAX

15 MPH

No Exceptions!





PROPANE

Our central propane for the 2021-22 Season has been negotiated down to **\$1.42⁹** per gallon, from \$1.49 last season. This should be reflected in your Amerigas bill from August 2021 until July 2022.

The fence is repaired and the pipeline markers with caps have been installed.

TREES

Rick Emerson, Bill Rafai

The association is dealing with 2 primary tree issues.

First, tree damage causing road blockages and power outages

Second, tree diseases with the primary being oak wilt



STORM TREE DAMAGE

An area of ongoing concern is blockage of roads caused by downed trees and branches, and power outages caused by trees falling on wires.

We have had some success with Great Lakes Energy assisting with removal of dead or threatening trees. Please call Rick Emerson or Bill Rafai ll if you have trees that may be problematic.

Hemlock Woolly Adelgid (HWA)

These tiny insects secrete white wax as they feed on sap from hemlock shoots and branches. [Hemlock woolly adelgid \(HWA\)](#) feeding can kill needles, shoots, and branches. Infested hemlocks, especially large, old trees, are often killed when other stress factors, such as drought, affect trees. If this pest becomes established, most of these trees will be killed. **Moving green Hemlock wood and brush in Michigan is illegal.**

Oak Wilt

Oak wilt is a disease affecting oak trees caused by the fungus *Bretziella fagacearum* (previously known as *Ceratocystis fagacearum*). Symptoms vary by tree species but generally consist of leaf discoloration, wilt, defoliation, and death. Mature leaves develop dark green **water** soaking symptoms or turn pale green or bronze, starting at the leaf margins and progressing inward. This can begin on one branch and quickly engulf the entire tree. Red oaks generally die within 4 to 6 weeks. Fungal mats are reliable indicators for **diagnosis** of oak wilt.

Moving infested, untreated oak wood can infect other areas.

Firewood

Please do not bring firewood into Cobmoosa unless you know the source and that it is clean and dry. All downed trees after cleanup are left by the road and available for members on a first come first serve basis. We are asking that all of the wood stay in Cobmoosa for the use of our members.



Bugs and disease found in Cobmoosa:

[Emerald Ash Borer](#)

[Beech Bark Disease](#)

[Oak-Leaf Skeletonizers](#)

[Dutch elm disease](#)

[Oak Wilt](#)

[Hemlock woolly adelgid \(HWA\)](#)

HOW OAK WILT SPREADS

Root Contagion

The fungus that causes oak wilt can be spread from tree to tree through communicating roots.

One method of containing wilt is to trench around an infected tree preventing this communication

Insect Vector

The fungus is also carried from tree to tree by insects. They are drawn to wounds on the infected tree and then carry it to wounds in a disease free tree

TWO KEYS TO CONTAINMENT

Avoid pruning or trimming oak trees from April through August.

Treat storm damage or areas of necessary pruning with approved fungicide immediately

Assume all oak firewood purchased is infected.

Purchase firewood after August and purchase only an amount that can be completely consumed prior to April.

TREATMENT FOR INFECTED FIREWOOD

If firewood is infected, stack it and completely cover it with an insect resistant tarp. The edges of the tarp must be buried on all sides to prevent invasion of fungus carrying insects. After one year, the fungus will effectively be killed and the wood may be uncovered and used safely

DO-IT-YOURSELF OAK WILT TREATMENT

The association has recently purchased a set of injectors which can be borrowed by members. The member is responsible for the fungicide and plugs for the injector holes.

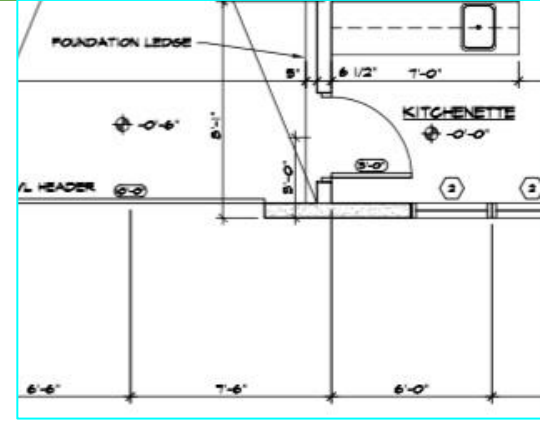
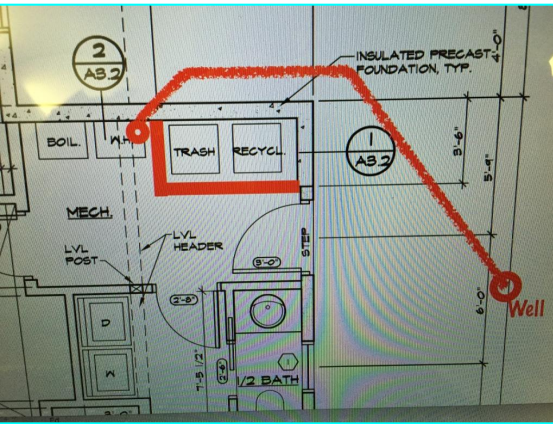


- Enough reusable injectors to treat a 2' diameter tree
- Cost for 4 trees = \$50
- More info on [CSA website](#)
- Contact Paul Jordan

paul.jordan@cobmoosashores.com

BUILDING COMMITTEE REPORT

RICH CAMPBELL, ED DEDIC



Lot#	Street	Family	Project	Started	Complete
2	Ottawa	Courts	Remodel Cottage	10/1/20	In progress
190	Chippewa	Zvoch	New Cottage	3/1/21	In progress
342	Erie	Vander Werp	Rebuild Cottage	4/1/21	In Progress
121	Ottawattamie	Jones	New Home	5/1/21	In Progress

THE BEACH

Dennis McKelley, Tom Boersma,
Tim Pieri

- **PARKING STICKERS!!**
 - Fire rings
 - Beach is clean
 - Repurposed extension at North Access
 - Book Library
Get-A-Book/Give-A-Book
-

Winter and Spring of 2020/2021. The lake has dropped nearly 12 inches from last year. We have significant beach recovery and the North Access stairs have been rebuilt. In addition the sandbags at the North Access are beginning to get covered.

SUNNY BEACHES REPORT

The BEACH is back baby. It is due to the minimal snowfall and dry spring and summer. Plenty of beach for the entire family.

LATE SUMMER 2020 SOUTH ACCESS - REBUILDING THE STAIRS

Volunteers rebuilding the
South Access Stairs after
the “Big Water” receded.



SPRING 2021 NORTH ACCESS REBUILDING THE STAIRS

We used nearly all of our reclaimed deck and stairs from last year for the North Access. Dean Gentel and Mark Buchek completed the rebuild at minimum cost to the membership.



This May/June the beach was very clean and needed little attention. There was really no mass clean up after the Memorial doughnut morning. We have provided a plastic bin that contains small bags for picking up trash on the beach. Please use them to clean up after yourselves.

2021 BEACH CLEAN UP

Please continue to keep our beach clean by taking your trash with you when you leave. Everyone thanks you for doing your part.



FIRE RINGS



KEEP BEACH CLEAN

COMMUNICATIONS REPORT

Trustees: William Rafail
and Ed Dedic
CSA Member: Rick Zane



Photo by: Jill Dedic
1/27/2020

COMMUNICATIONS GOAL

*To provide several avenues
of communication between the
membership and the board*





WELCOME TO COBMOOSA SHORES ASSOCIATION

**BEACH EROSION
CONTROL**

Shelby, MI		Sat Jun 19	Sun Jun 20	Mon Jun 21	Tue Jun 22	Wed Jun 23
NOW	71.8 °F	66 °F 76 °F Mostly Sunny	61 °F 80 °F Thunderstorms	48 °F 70 °F Slight Chance Th...	52 °F 66 °F Mostly Sunny	58 °F 73 °F Partly Sunny
Humidity	67%					
Dew Point	60.2 °F					
Pressure	1008.5 ...					

LAKE MICHIGAN WAVE REPORT

LAKE MICHIGAN WATER TEMPS

FIRE DANGER INFORMATION

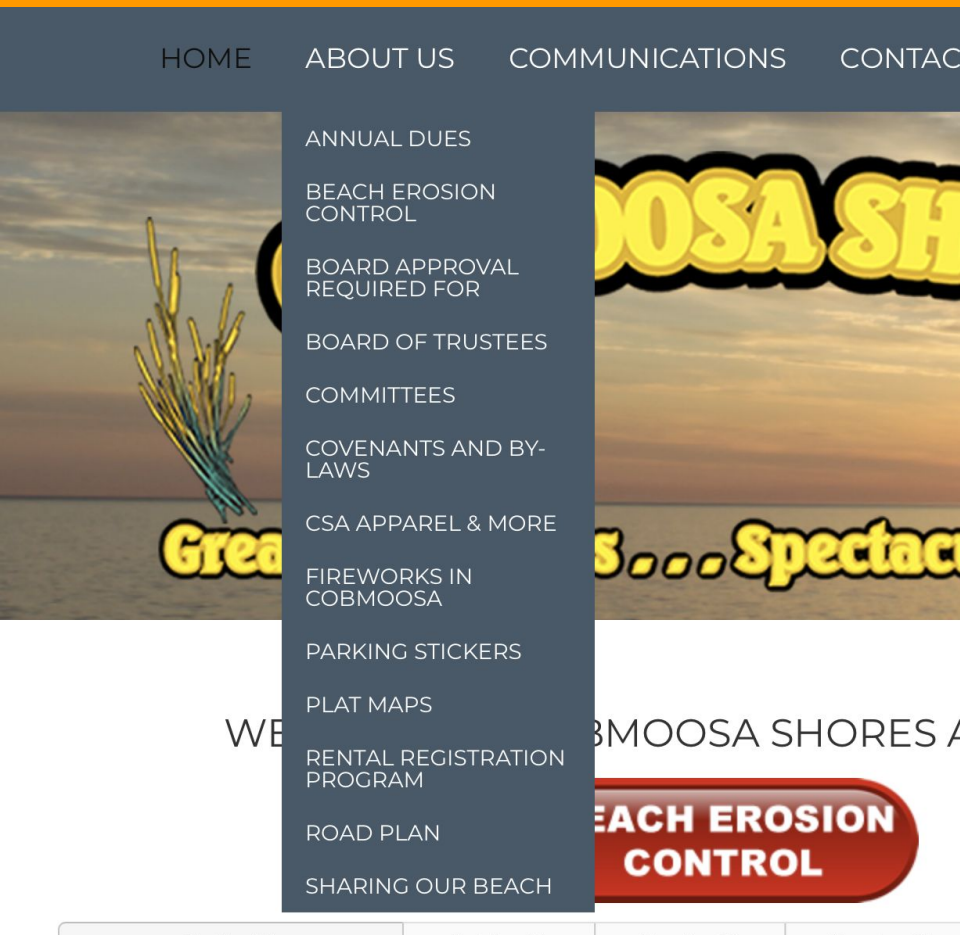


The Main page of the CSA Website.
Note the “quick access” buttons.

CSA WEBSITE

Visit www.cobmoosashores.com

- Nearly everything that a member needs to know may be found on the website
- If we find information that is lacking it is sent via the eNewsletter and then added to the website
- ***If YOU find information that is lacking contact me***



CSA WEBSITE

Visit www.cobmoosashores.com

- **About Us Menu:** explore this menu, it contains information about how CSA operates
 - Need a directory of the board?
 - Want a copy of the Covenants or By-Laws?
 - What actions require board approval
 - What is the purpose of each committee and who serves on those committees?
 - And more ...

ABOUT US

COMMUNICATIONS

ANNUAL MEETING
MINUTES

ANNUAL
NEWSLETTERS

BOARD OF TRUSTEES
MINUTES

BURN PERMIT
UPDATES

CALENDAR OF EVENTS

FALL/SPRING
NEWSLETTERS

NEWS & NOTES

CSA WEBSITE

Visit www.cobmoosashores.com

- **Communications Menu:**
explore this menu, it contains a record of CSA communications
 - Minutes of all Annual Meetings and all Board Meetings since 2009
 - Calendar of Events includes not only CSA events but also area events
 - News & Notes: Items of interest to the membership
 - And more ...

CSA WEBSITE

CONTACT US

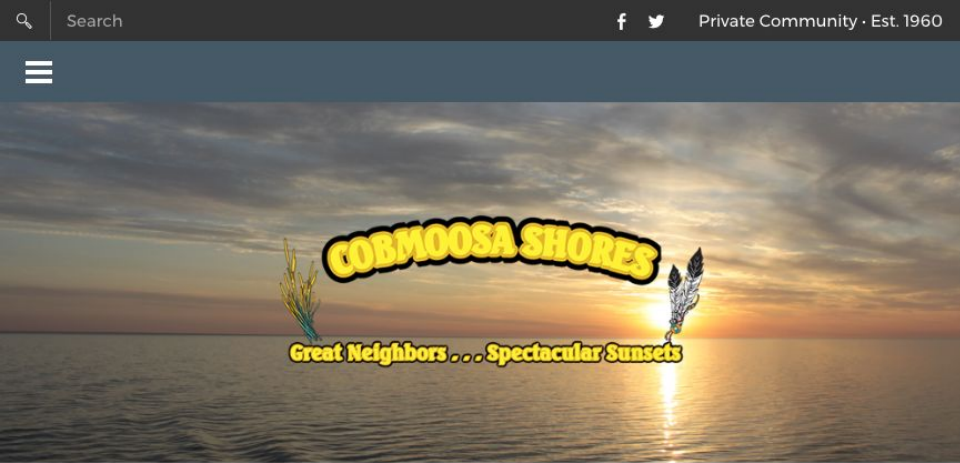
PHO

QUESTION/COMMENT
FOR THE BOARD

UPDATE MY CONTACT
INFORMATION

Visit www.cobmoosashores.com

- Questions, Comments, or Suggestions? Use the first CONTACT US page
- Update Your Contact Information? Use the second CONTACT US page



WELCOME TO COBMOOSA SHORES ASSOCIATION

LAKE MICHIGAN WAVE REPORT

LAKE MICHIGAN WATER TEMPS

FIRE DANGER INFORMATION



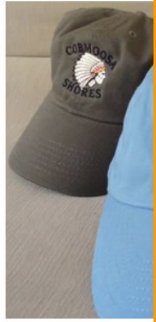
COBMOOSA SHORES ASSOCIATION, INC

PO BOX 186

New Era, Michigan 49446-0186

CSA ENEWSLETTER

- OPT-OUT: sent to all members for which we have a valid email address
 - OPT-OUT using the CONTACT US page of the website
- Used to communicate items of interest to our community in a timely manner
- In most cases the same information is also posted on the NEWS & NOTES page of the website



COBMOOSA SHORES APPAREL & MORE

Call Jill Dedic at (231) 527-9454,

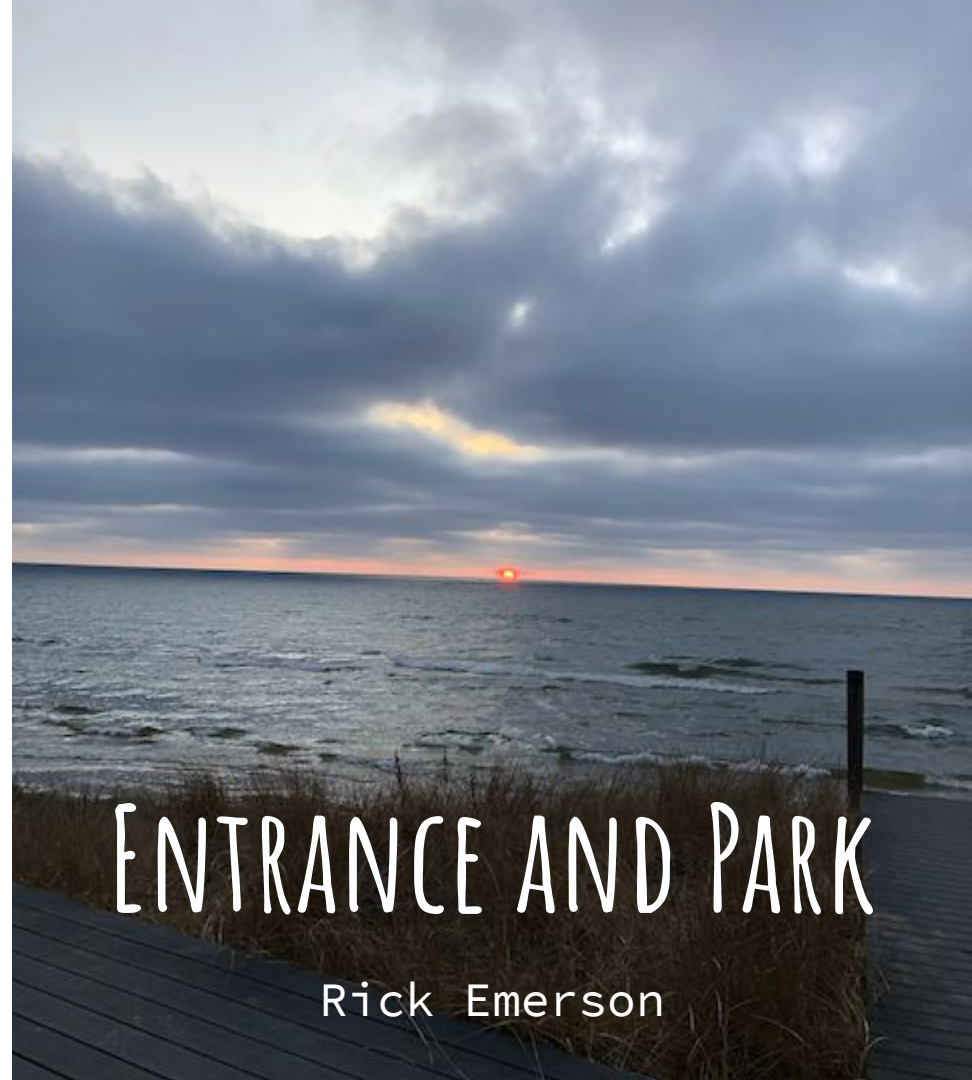
send a message:

jill.dedic.csa@gmail.com

or use the [online form](#).

A HUGE Thank you!
To all of the Volunteers
who help keep the
Entrance, Park, Beach and
Accesses, mowed,
weeded, swept, and picked
up.

We appreciate your hard
work.





- Wet Paint - Painted all the toys and Shuffleboard Court
- If you got it out, please put it away!
- Pack it in - pack it out
- Please, Supervise your children
- Please don't leave a fire unattended
- Please be considerate of others
- If something is broken or missing, Please tell a board member

RENTAL COMMITTEE REPORT

**Paul Jordan,
Ed Dedic**

Photo by: Jill Dedic
1/8/20

2020 THE TIPPING POINT

- As many as 32 Properties in Cobmoosa being rented
- Over 20 are VRBO and AirB&B
- A number of members expressed concerns about:
 - Excessive trash, traffic, noise
 - Crowded beaches and parking
 - Altered walking and social patterns



Petition for No Cottage Rentals in Cobmoosa Shores Association

We know it is a time honored tradition that properties in Cobmoosa have been offered to friends and guests of the owners for many years. We know that many people who are now owners here found Cobmoosa through these relationships. Over the years this has expanded to owners investing in multiple cottages with the intent of profiting through advertising on a world scale. This is no longer the word of mouth, friends of friends and "known" guests that this association has coveted and remarks about in the story of their personal journey to find Cobmoosa. It is simply a great place to spend a quiet couple of days or a week with a clean private beach, great roads, nice small parks and a safe environment away from the city. We work hard as members to honor all those amenities for our members and guests, however, it has become increasingly difficult to maintain this for a high turnover summer rental community. The covenants below have been in effect since Cobmoosa became an association in 1960. We wish to honor these covenants and our heritage.

COBMOOSA SHORES ASSOCIATION PROTECTIVE COVENANTS

1. USE

- a) **Residential Use:** Any dwelling shall be a private, single-family residence for use by the owner and their guests.
- d) **Commercial Business Use:** The operation of private commercial businesses within dwellings will be permitted with the approval of the Board as long as the operations of such businesses do not result in excessive noise, traffic, or parking. No signs advertising such businesses shall be permitted.
- e) **Temporary Housing:** Living in house trailers, motor homes or tents, regardless of size or facilities, is prohibited. The Board may grant a request for an exception to this covenant on a temporary basis and subject to such conditions as the Board may impose.

7. ROADS

- a) **Private Use:** All roads within the Association are private and are maintained by the Association for the exclusive use of owners and their guests.

9. BEACHES

- c) **Use:** The beach area is for the common use of all owners of the Association, their families and guests.
- e) **Special Events:** Overnight sleeping, camping, and special events involving large groups of guests (e.g., weddings and reunions) are not permitted on the beach except with the prior written permission of the Board.

I am signing this petition in support of these covenants and wish the board to enforce these covenants. I understand and support these covenants to mean public advertising for rentals constitutes a commercial entity and therefore if not approved by the Board, shall NOT be allowed.

#	Date	Printed Name	Address	Signature
1				
2				
3				

Pledge to NOT Advertise Rentals in Cobmoosa Shores Association

I am signing this petition in support of these covenants. I pledge to honor the tradition of friends of friends and known guests using my property and support the board in enforcing these covenants. I understand and support these covenants to mean public advertising for rentals constitutes a commercial entity and therefore our property will no longer be publicly advertised as a commercial business.

#	Date	Printed Name	Address	Signature
1				
2				
3				

COMMUNITY PETITION

Over 88 Signatures collected
on petition asking the board
to develop a process to
regulate short-term rentals.

MINUTES
COBMOOSA SHORES ASSOCIATION BOARD
September 12, 2020

(This was a virtual meeting due to the coronavirus pandemic)

CALL TO ORDER: 9:01 a.m.

MEMBERS PRESENT: Campbell, Emerson, Boersma, Dedic, Huls, Jordan, McKelley, W. Rafail

MEMBERS ABSENT: Collins (indisposed)

GUESTS: T. Jeltrema, J. Dedic, C.J. Lowing, L. Richardson, T. Durden, L. Van Sprange, A. Campbell, M. Overbeek, J. Nelson, B. Bloom, S. Nelson, D. Law, T. Nelson, R. Zane, R. Holz, D. Oelsch, J. Morrison, B. Rafail, and D. Pieri

BOARD TO FORM COMMITTEE

September 12, 2020

- **Rental:** To date, 13 rental businesses have registered with the board, 2 of whose registrations have expired. Capacities range from 5 to 14 tenants, with parking for 2 to 8 cars.

- *Discussion of Issues Regarding Rentals*

A member has shared with some board members a legal decision supporting associations' ability to enforce deed restrictions of the sort that are included in our Protective Covenants. The registration of members' advertised rental business was used as the basis of a discussion regarding various aspects of commercial rental businesses. (This discussion included contributions from six Association members, including one landlord.)

MOTION by Tim Huls with a second by Rick Emerson: "to table the rental discussion, and to form a committee to develop a proposal to bring back to the board". It passed unanimously. Paul Jordan will coordinate the committee.

COMMITTEE FORMED

September 24, 2020

- Committee was made up of:
 - (3) Board Members
 - (4) members who did not rent
 - (3) members who did rent
 - Committee members met (7) times over the course of (8) months.
 - Committee made two recommendations
-

Committee Recommendation 1

Recommendation from the Rental Policy and Procedure Committee To the CSA Board

November 7, 2020

At its last meeting, the members of the Rental Policy and Procedure Committee in attendance unanimously supported the following recommendation to the CSA Board:

“The Board should seek the advice of independent legal counsel with regard both to the rights of property owners in the Association and to the extent and nature of the powers of the Board to adopt regulations that may affect existing property rights.”

We made this recommendation after realizing that there may be uncertainty regarding the legal authority provided to the Board by the Protective Covenants, and that any policy or procedural recommendations that we might make depend upon the authority of the Association to formulate regulations that could affect members’ right to use their properties as they wish.

Respectfully Submitted,

Paul Jordan

BOARD APPROVES COMMITTEE RECOMMENDATIONS

November 14, 2020

1

MINUTES
COBMOOSA SHORES ASSOCIATION BOARD
November 14, 2020
(Virtual meeting due to the coronavirus pandemic)

CALL TO ORDER: 9:01 a.m.

MEMBERS PRESENT: Tom Boersma; Rich Campbell (president); Sara Collins (treasurer); Ed Dedic; Rick Emerson (vice president); Paul Jordan (secretary); Dennis McKelley; Tim Pieri; and Bill Rafaili;.

GUESTS PRESENT: Jill Dedic; Lyn Richardson; Janis Morrison; David Law; Barb Rafaili; and Elaine Severson.

Rental:

- o Update from the Rental P & P Committee -- recommendation re legal consultation

Paul Jordan discussed a recommendation to the board, and moved the adoption of the following motion, with a second from Rick Emerson: ***"To authorize an expert in homeowner association law to advise the board with regard to both the rights of property owners in the Association and to the extent and nature of the powers of the Board to adopt regulations that may affect existing property rights."*** The motion passed unanimously. Rick Emerson will lead this effort, and Paul Jordan will forward the names of several attorneys with expertise in this area.



Bridgewater Place | Post Office Box 352
Grand Rapids, Michigan 49501-0352
Telephone 616 / 336-6000 | Fax 616 / 336-7000 | www.varnumlaw.com

Stacey A. George

Direct 616 / 336-6237
sageorge@varnumlaw.com

February 19, 2021

Via e-mail: rick.emerson@cobmoosashores.com

Cobmoosa Shores Association
Attn: Mr. Rick Emerson
9316 Erie Trail
Shelby, Michigan 49455

Re: Cobmoosa Shores Association

Dear Rick:

We have had an opportunity to review the documents you provided us concerning the Cobmoosa Shores Association (the "Association") and the Cobmoosa Shores development, specifically:

- The June 2020 title insurance policy for your unit, which reflects the following specific title exception documents which we have also reviewed:
 - Cobmoosa Shores Protective Covenants recorded in 2009 and 2017; and
 - Restrictions and easements in warranty deed recorded in Instrument No. 791763
- Neil Kimball's title search issued by Advanced Land Title Agency in 2009, which identifies the following title documents which we have reviewed pertaining to the Cobmoosa Shores (original) plat and the Association:
 - Deeds representing the original conveyance of some Cobmoosa Shores lots subject to certain deed restrictions;
 - Cobmoosa Shores Protective Covenants recorded in 1995, substantially similar to those reflected in the title policy noted above; and
 - Bylaws of the Association recorded in 1995 at Instrument Number 957176
- Correspondence dated October 29, 2015 and November 30, 2015 from Attorney James M. Rose to the Association on behalf of Cobmoosa Shores lot owner Bosco Construction, Inc.; and

VARNUM OPINION RECEIVED

Feb, 19, 2021

(Available on line attached
to the April Board Meeting
minutes)

COMMITTEE REVIEWED OPINION

March, 2021

Paul will review what the committee discussed and considered before making recommendations.

Committee Recommendation 2

Recommendations to the Board

In light of Stacey George's opinion, the Rental Policy and Procedure Committee believes that the Board should act as soon as possible to eliminate any contradiction between the Protective Covenants and Board programs and the deed restrictions concerning commercial activity, and to rapidly provide the critical information contained in Ms. George's letter to particularly interested parties.

The Board's actual authority is based on members' belief that it acts in a straightforward fashion

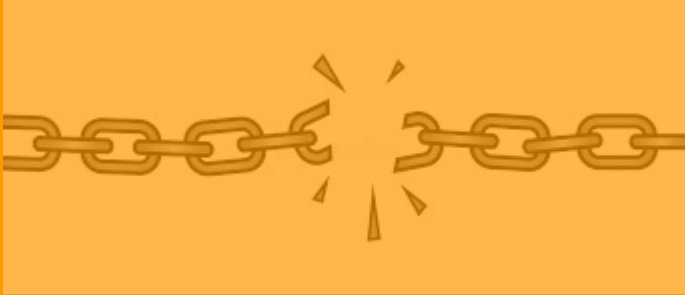
Motion: Because to the best of the Board's knowledge and belief Section 1d of the Protective Covenants is inconsistent with original deed restrictions against commercial businesses in Cobmoosa Shores, in accordance with Section 10a of its Protective Covenants the Board of the Cobmoosa Shores Association on its own authority hereby deletes Section 1d in its entirety, and rennumbers the subsequent subsection.

Motion: The Board of the Cobmoosa Shores Association hereby ends its Rental Registration Program, and directs that a letter accompanying a copy of Ms. George's opinion should be sent to every registrant explaining that it has recently come to the Board's attention that the original deeds for properties within Cobmoosa Shores contain restrictions to the effect that, "No part of said [Cobmoosa Shores] premises shall be used for commercial or manufacturing purposes" and that, as a result, the continued existence of the program is inappropriate.

Motion: The Board of the Cobmoosa Shores Association hereby ends its Rental Registration Program, and directs that a letter accompanying a copy of Ms. George's opinion should be sent to every registrant explaining that it has recently come to the Board's attention that the original deeds for properties within Cobmoosa Shores contain restrictions to the effect that, "No part of said [Cobmoosa Shores] premises shall be used for commercial or manufacturing purposes" and that, as a result, the continued existence of the program is inappropriate.

Paul Jordan and Ed Dedic, for the Rental P & P Committee

SIGNIFICANT POINTS FROM THE ATTORNEY'S OPINION



(The attorney's opinion is an attachment to the April minutes)

POINT 1:

- **The original deed restrictions do not require membership in the Cobmoosa Shores Association**
(or in any association, for that matter)

The Association was not formed until 1968 under the Summer Resort Owners Act of 1929, after the sales of most of the lots in the subdivisions in the early 1960s

DEED RESTRICTIONS

THEY ARE BINDING ON OWNERS

(ANYONE CAN SUE TO ENFORCE
THEM)

11 restrictions in all

- Many concerned with building requirements
- Many reflected in PCs

TWO CRUCIAL RESTRICTIONS:

- **“No building shall be erected...on any lot in Cobmoosa Shores other than a private residence...for the sole use of the owner of occupant”**
- **“No part of said premises shall be used for commercial or manufacturing purposes”**

Significant Points from the Attorney's Opinion

(continued)

POINT 2:

- **Key language on which the CSA's regulatory authority depends** (in the Summer Resort Owners Act of 1929 under which we were incorporated) **was judged unconstitutional in 2006** (Whitman v. Lake Diane Corporation)

The original **1929** language of the SROA granted associations like the CSA the power to:

- **Compel membership without an owners' individual agreement** and:
- To **allow majority approval to place additional conditions on owners' uses of property without their individual consent.**
- The Bylaws and original Protective Covenants were adopted in **1995** in accordance with SROA's then-current language

Significant Points from the Attorney's Opinion

(continued)

POINT 3:

- **CSA lacked records that:**
 1. Show that the owners of every lot voted to grant jurisdictional authority over their private property to the Association, or:
 2. Affirm Protective Covenants that would place limitations on their use of our individual private properties that go beyond the deed restrictions

CONCLUSIONS

(BUT NO DOUBT MUCH ELSE TO
BE DISCUSSED IN THE FUTURE)

1. **The Association is incorporated under state law, and is therefore a legal entity**
2. **All lot owners are members of the CSA (Bylaws)**
3. **Board's authority flows from the membership**
4. **Payment of dues is necessary to maintain property deeded to Cobmoosa Shores Association, Inc. (i.e., the roads, accesses, park, and beach)**
5. **The Board does not have the authority to approve any commercial business**
6. **The Association has the right to regulate use of property owned by Cobmoosa Shores Association, Inc.**

BOARD APPROVES COMMITTEE RECOMMENDATIONS

April 10, 2021

MINUTES
COBMOOSA SHORES ASSOCIATION BOARD
April 10, 2021 9:00 a.m.

CALL TO ORDER: 9:01 a.m.

MEMBERS PRESENT: Tom Boersma, Rich Campbell, Ed Dedic, Rick Emerson, Paul Jordan, Tim Pieri, Bill Rafail

MEMBERS ABSENT: Sara Collins, Dennis McKelley

GUESTS PRESENT: Jill Dedic, Kevin Kelly, Rick Schlagter, Tom Spees, Bob Van Liew, Rick Zane

- **Rental:**

- Recommendations from the Rental P & P Committee

A legal opinion (see attachment) on the Board's authority to regulate short-term rentals was received in February. It revealed that the original Cobmoosa Shores deeds contain a prohibition against operating businesses within Cobmoosa Shores. These restrictions cannot be altered by the Association, nor do the original deeds give the Association the legal obligation to enforce any prohibitions. The committee recommended that (1) language in the Protective Covenants that seemed to contradict the prohibition should be deleted, and (2) that the Rental Registration Program should be discontinued because, under the circumstances, it could give the impression that registered rentals are approved--which the Association has no power to do. Two motions were offered:

MOTION: Because to the best of the Board's knowledge and belief Section 1d of the Protective Covenants is inconsistent with original deed restrictions against commercial businesses within Cobmoosa Shores, in accordance with Section 10a of its Protective Covenants the Board of the Cobmoosa Shores Association on its own authority hereby deletes Section 1d in its entirety, and renumbers the subsequent subsection. It was moved by Paul Jordan with a second from Tim Pieri, and passed unanimously.

MOTION: The Board of the Cobmoosa Shores Association hereby ends its Rental Registration Program, and directs that a letter accompanying a copy of Ms. George's opinion should be sent to every registrant explaining that it has recently come to the Board's attention that the original deeds for properties within Cobmoosa Shores contain restrictions to the effect that, "No part of said [Cobmoosa Shores] premises shall be used for commercial or manufacturing purposes", and that, as a result, the continued of the program is inappropriate. It was moved by Paul Jordan with a second from Tim Pieri. Six trustees voted in favor, and Bill Rafail abstained.

1960

Cobmoosa Shores is platted

Cobmoosa Shores is created into 256 platted private lots for sale or shared use of the owners with the intention of being a resort and cottage community with 11 deed restrictions

1963

Cobmoosa Shores 1 and 2 are platted

Cobmoosa Shores No.1 adding lots 257-298 and Cobmoosa Shores No. 2 adding lots 299-376 for sale or shared use of the owners with 11 deed restrictions

1968

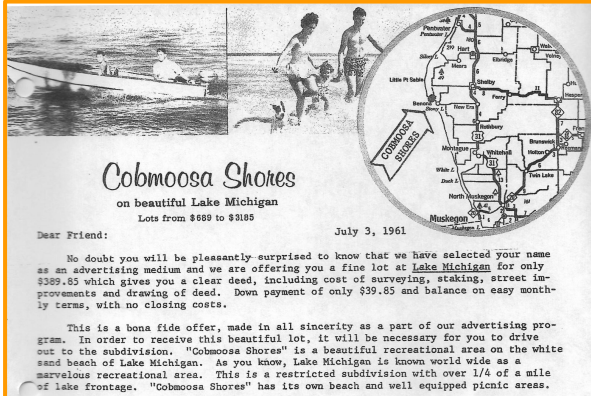
CSA, Inc files Articles for Incorporation

A small group of incorporators required to incorporate sign the articles of incorporation. A board of trustees is formed to govern the corporation until the first annual meeting for the two years prior to the official vote.

1969

By-Laws established under corporation

By-laws are established under corporation for the governing of the association.



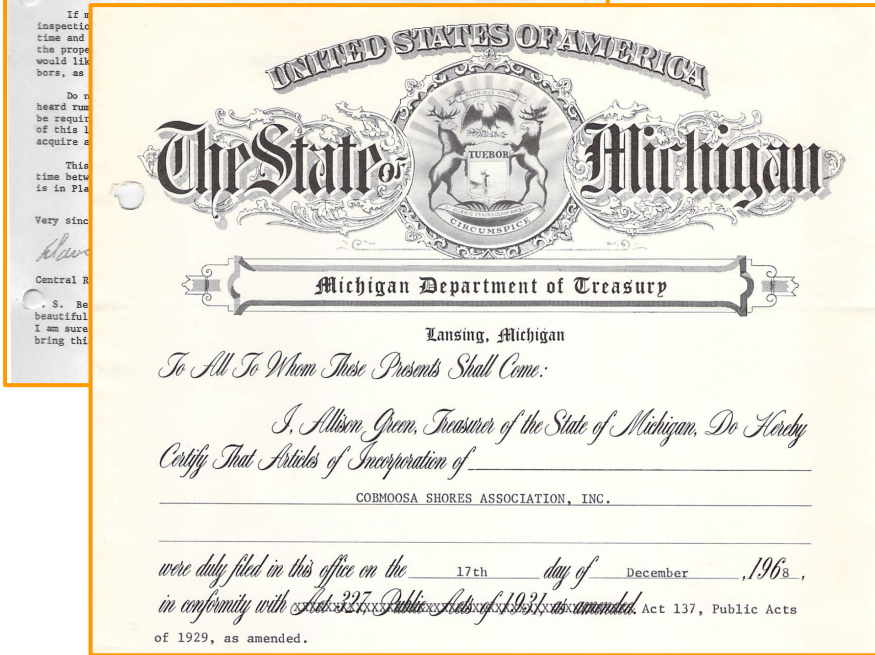
Cobmoosa Shores
on beautiful Lake Michigan
Lots from \$689 to \$3185

Dear Friend:

July 3, 1961

No doubt you will be pleasantly surprised to know that we have selected your name as an advertising medium and we are offering you a fine lot at Lake Michigan for only \$389.85 which gives you a clear deed, including cost of surveying, staking, street improvements and drawing of deed. Down payment of only \$39.85 and balance on easy monthly terms, with no closing costs.

This is a bona fide offer, made in all sincerity as a part of our advertising program. In order to receive this beautiful lot, it will be necessary for you to drive out to the subdivision. "Cobmoosa Shores" is a beautiful recreational area on the white sand beach of Lake Michigan. As you know, Lake Michigan is known world wide as a marvelous recreational area. This is a restricted subdivision with over 1/4 of a mile of lake frontage. "Cobmoosa Shores" has its own beach and well equipped picnic areas.



UNITED STATES OF AMERICA

The State of Michigan

Michigan Department of Treasury

Lansing, Michigan

To All To Whom These Presents Shall Come:

I, Allison Green, Treasurer of the State of Michigan, Do Herby
Certify That Articles of Incorporation of
COBMOOSA SHORES ASSOCIATION, INC.

were duly filed in this office on the 17th day of December, 1968,
in conformity with Act 137, Public Acts
of 1929, as amended.

Jun 1970

Lots and Shared spaced deeded to CSA

Lots 285, 293, 294, all roads, streets, drives, trails, easements and private parks are recorded as deeded to Cobmoosa Shores Association, Inc. with 11 deed restrictions

May 1971

Registration to Vote: Sat, May 29, 1971

Those who are eligible to register own property within the plat and can show proof of such. A board of registration was formed to oversee the registration.

Jun 1971

Election Day, Sat, June 5, 1971

A time of election was established, an Election Board was formed. The election for incorporation was held June 5, 1971. A positive outcome renders a successful incorporation.

Jul 1971

Special Board Mtg, Sat, July 3, 1971

A resolution was unanimously adopted by the Cobmoosa Board of Trustees of Cobmoosa Shores Association, Inc. at a special meeting there of held on July 3, 1971

Original Property Deed Restrictions

1. No building shall be erected or maintained on any lot in Cobmoosa Shores, other than a private residence and a private garage for the sole use of the owner or occupant.
2. Any garage erected or maintained must conform in appearance and construction to the residence on such lot.
3. No part of said premises shall be used for commercial or manufacturing purposes.
4. No residential building shall be erected or maintained on any lot in Cobmoosa Shores having ground floor area of less than 720 square feet.
5. No building shall be erected or maintained on any lot in Cobmoosa Shores closer than 10 feet from front lot line, nor closer than 5 feet from back or side lot lines.
6. No outside toilet or privy shall be erected or maintained on any lot in Cobmoosa Shores
7. No animals or birds, other than household pets, shall be kept on any lot in Cobmoosa Shores.
8. Building exteriors must be of brick, frame or block construction; and wood exterior or block exterior must be painted.
9. The placing of house trailers regardless of size and facilities, shall be prohibited on any lot in Cobmoosa Shores.
10. Easements are reserved along and within 5 feet of the rear line, front line and side lines of all lots in this subdivision for the construction and perpetual maintenance of conduits, poles, wires, and fixtures for electric lights, tele-phones, water mains, sanitary and storm sewers, road drains and other public and quasi-public utilities and to trim any trees which at any time may interfere or threaten to interfere with the maintenance of such lines, with the right of ingress to and egress from across said premises to employees of said utilities. Said easement to also extend along any owner's side and rear property lines in case of fractional lots.

It is understood and agreed that it shall not be considered a violation of the provisions of the easement if wires or cables carried by such pole lines pass over some portion of said lots not within the 5 foot wide strip as long as such lines do not hinder the construction of buildings on any lots in the subdivision.
11. These conditions and restrictions shall be binding upon all owners of lots in Cobmoosa Shores, their heirs, and assigns.

COBMOOSA HISTORY

Sara Collins

CSA Members: Jill Dedic

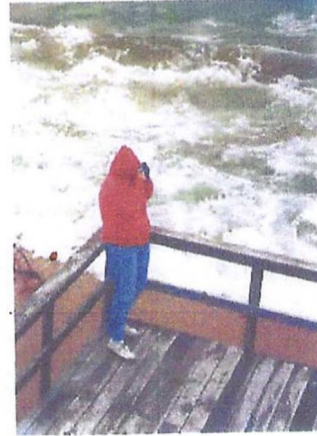
In 1975 the water in Lake MI was higher than it had been in years; cottages were sliding into the lake at an alarming rate. Our cottage was 200' from the water in 1975, now it was just 30'. As we always fought water at Buck Creek, we decided to buy back lots overlooking the surrounding area. We bought two lots, heavily wooded about 2 ½ acres in size. Brian and I would go up there and he would help me plan as he was a 3rd generation builder. He was real knowledgeable and gave me much information.

Grandma (Maxine Maas) snapping green beans with grandchildren Todd & Kelly Troxel at first Lake MI cottage.



Second Lake MI cottage.

Maxine Maas on observation deck on Lake Michigan.



Send your
Cobmoosa
historic
stories and
pictures to:

history@comboosashores.com

MEMBER PRESENTATIONS IN THREE MINUTES OR LESS

Member presentations on issues relevant to the Association.

The meeting is now open for comments from the floor throughout. Please be respectful of others and time limits (3 minutes).

Please state your

- 1. Name**
- 2. Address**
- 3. Topic**

Invasive Plants in Cobmoosa Shores

Barb Raffail,
PHD in Botany, Plant Ecology,
Plant Taxonomy; MA in Botany;
Plant Systematics; BA in Biology

Garlic mustard is one of Michigan's most problematic herbaceous species and will spread extremely rapidly throughout our woodlands and roadsides choking out our native species.



Beach Grasses in Cobmoosa Shores

Barb Raffail,
PHD in Botany, Plant Ecology,
Plant Taxonomy; MA in Botany;
Plant Systematics; BA in Biology

Avoid damaging/killing the beach grasses. This means not walking/playing on the dunes and not placing opaque objects, such as boats, over the grasses.



What may the Board spend 'Dues' on?

Linda VanSprange,
9299 Erie Trail

No description provided



“Pack it in - Pack it out” policy

Tim Grady,
4260 S Paubowme Trl

Members had not had any input to the Pack it policy. I'm sure you had good reason to make this decision without input but I think my view was a good reason not to. I am not upset and hold no ill will. Just disappointed and would hope that future decisions that impact all of us would garner input before a decision is final.



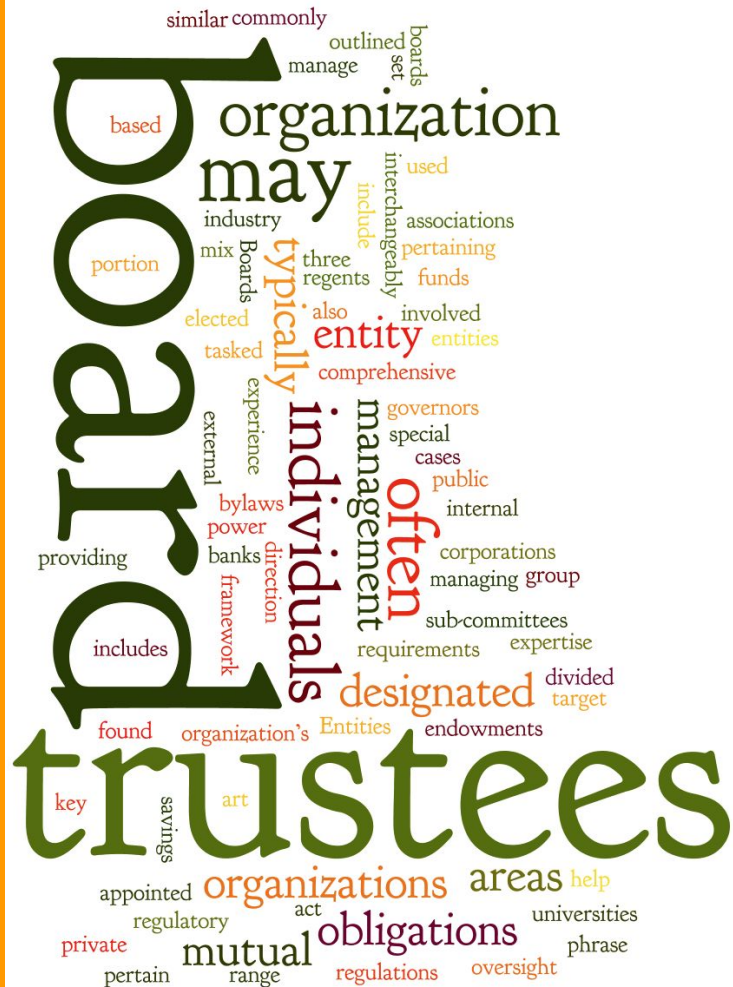
Member presentations on issues relevant to the Association

(Our meeting is open for comments from the floor throughout. Please be respectful of others and time limits (3 minutes).

Please state your

- 1. Name**
- 2. Address**
- 3. Topic**





NEW BUSINESS

- Announcement of Elected Trustees
- Announcement of Ballot Proposal results

ADJOURNMENT

The July Monthly Board
meeting will immediately
follow this meeting

Members are welcome!

THANK YOU!



JULY 2021 MONTHLY CSA BOARD MEETING
