RULING UPHELD EXPIRATION OF HOMEOWNERS ASSOCIATION MEMBERSHIP REQUIREMENT

Many subdivisions in Michigan have a nonprofit homeowners association that takes responsibility for such things as plowing the roads, maintaining the common areas and planting flowers at the entrances to the subdivision. The homeowners elect officers and a board of directors that make the decisions about these issues. In a recent case handled by Couzens Lansky, a group of neighbors challenged their homeowners association's edict that membership in the association was mandatory for all homeowners in the subdivision. The neighbors believed that the subdivision restrictions requiring mandatory membership had expired by their terms. They retained Couzens Lansky to seek a ruling from the Oakland County Circuit Court that they did not have to pay mandatory dues to the association. The Circuit Court agreed with the neighbors that the recorded restrictions had expired and were not properly renewed. On June 22, 2017, the Michigan Court of Appeals issued a decision affirming the ruling of the Oakland County Circuit Court. The Court of Appeals agreed that the recorded restrictions expired and that various corporate documents identified by the association did not properly renew them. Therefore, none of the plaintiffs in the suit are subject to the covenant to be fee-paying members of the association going forward.

Phillip J. Neuman, a partner at Couzens Lansky, represented the plaintiffs in the case. Contact **Mr. Neuman** for any help regarding subdivision association issues.