

## **Policy on the Use of Common Property by CSA Lot Owners**

**Revised November 2, 2024**

### **Preamble**

It is the obligation of the CSA Board of Trustees to ensure that all CSA common property (namely, all CSA property other than privately owned lots located within the CSA) is reserved for the common good and for common use. It is recognized that circumstances can arise that cause it to be appropriate to permit CSA property owners to make limited use of common property for certain specific and limited purposes, when such use can be accomplished without detriment to the common good. Examples include driveways, gardens, walkways, stairs down to the beach, and other similar uses of CSA property.

### **POLICY**

In general, CSA common property should not be used when it is feasible to avoid such use by using privately owned property. Any common property that is used for any private purpose is subject to the continuing discretion of the Board of Trustees. Each Lot Owner making use of common property shall be required to terminate such use and restore the common property to its original condition, at his or her own expense, upon any of the following:

- A. The Board of Trustees determines the original need for such use no longer exists;
- B. The Board of Trustees determines such use is no longer consistent with the original use of the common property (e.g. a parking space has been replaced by a garage)
- C. In its sole discretion the Board of Trustees determines that continued use of the common property is detrimental to the interests of the CSA.

### **APPLICATION OF POLICY**

- A. Lot Owners currently making use of common property will not be required to terminate such use unless specifically notified by the CSA Board of Trustees. In such instances Lot Owners will be given the opportunity to make a presentation to the Board of Trustees. The CSA may require Lot Owners to sign an agreement(s) documenting this use and acknowledging CSA sole ownership of the common property.
- B. Lot Owners wishing to sell a lot may request an affirmation from the CSA Board of Trustees that, subject to this Policy, current use of common property may continue.
- C. Lot Owners seeking a new, or modified, use of common property may not do so without the express written permission of the Board of Trustees. When a Lot Owner wishes to use CSA common property, they must make a written request to the Board. If approved, the Legal Committee works with the Lot Owner and our outside legal firm to finalize a Permissive Use Agreement (PUA) or other legal documentation of the use (such as an easement), if either the

CSA or the Lot Owner requests such documentation. The final document will be recorded with the Benzie County Register of Deeds. The Lot Owner shall pay all legal fees and expenses for the development and recording of their PUA or other document.

- D. If a Lot Owner is unwilling to sign a Permissive Use Agreement or other legal document identifying the use, CSA may enforce its rights as the owner of the common property and require the Lot Owner to immediately stop occupying or using the common property. The Lot Owner shall be required to take all necessary actions to vacate the common property including but not limited to, establishing another driveway, and removing their stairs or other improvements and personal property from the CSA common property.