

May 21, 2019

To all members,

Attached are the 2019 dues which remain unchanged from 2018.

Please make check out to "Island Hills Condominium Association" and mail to:

Island Hills Condominium Association
P.O. Box 340
Sturgis, Mi. 49091

For those that have been receiving my "IN MY OWN WORDS" e-mail series, you are aware that attempts are being made for a long term solution for maintenance issues regarding Raintree Blvd. If you are not able to receive my e-mail series, and you want to see them, please make that request when you send in your dues payment and I'll make copies and mail them to you. Additionally, if you henceforth want to be notified **by e-mail** for my continuing series, please submit an e-mail address for that purpose.

Notwithstanding discussions in our Dec. 19, 2018 Annual Membership Meeting, we chose to stay with the 2018 dues amount so that we could address a number of unresolved issues such as the Raintree maintenance agreement, the plans by LTPOA to resurface Raintree, and the results of litigation the Board has taken against a non-member resident within our condo. Once it becomes clear what those outcomes will be, I'll inform the members. I want to assure the members that the **number one priority** will be to treat all affected entities **fairly**. There are new laws and precedents now in existence regarding "unjust enrichment" that **our own** Condo members are vulnerable to*. That is why we are in "amicable" negotiation with LTPOA for a permanent solution regarding Raintree maintenance. On the other hand, these *same* laws and subsequent actual case rulings enable our *own* Condo to litigate against anyone in the community who may be benefitting from unjust enrichment. In the above mentioned instance, the Board has elected to utilize this option against the non-member resident within our condo.

**Under Michigan Law a claim for "unjust enrichment" or "quasi contract" may be brought to recover equitable compensation where a benefit is bestowed by one party to another. That rule is summarized as follows:*

The essential elements of such a claim are as follows:

- 1) Receipt of benefit by the defendant from the Plaintiff and,*
- 2) Which benefit it is inequitable that the defendant retain.*

Dumas v. Auto Club Insurance Corporation, 437 Mich. 521 (546) (1991)

For reference, I'm including below the minutes from the Dec. 19, 2018 Annual Membership Meeting **WITH RED TEXT UPDATES HIGHLIGHTED YELLOW.**

If anyone has any questions, please respond with an e-mail or a letter since I don't do "verbal." I have found in my experiences in this community, as I expressed and documented utilizing the "IN MY OWN WORDS" e-mail correspondences, that "verbal" encourages "false rumor" and "gross misrepresentation."

Thank you.

Bob Griffioen

Minutes

Island Hills Condo Association Phase 1 & 2 Annual Membership Meeting held Dec. 10, 2018

Dec. 19, 2018

- Bob Griffioen called the meeting to order at 6:02 pm.

In attendance were: Robert Griffioen, Christian Griffioen, Jason Keller, Dennis Smith, Matt Rehling, Frank and Leslie Bovino, John Allen, Jerry Downing, Lou Scohy, Suzy Garner, and Ron Wilson

Approval of December 11, 2017 annual meeting minutes: Jason Keller read the minutes from the December 11, 2017 annual membership. Leslie Bovino motioned to approve the minutes and Lou Scohy seconded. Motion was approved unanimously.

Treasurer's Report: General Fund Total was \$9,103.83 as of November 5, 2018 and the Road Fund balance was \$85,322.86 as of October 31, 2018. Motion was made to accept the reports by Lou Scohy, and was seconded by John Allen. Motion was approved unanimously.

Budget: Motion was made to approve the proposed budget for 2019 by Lou Scohy and was seconded by Dennis Smith. Motion was approved unanimously.

2019 Dues assessments: 2019 Dues assessments were proposed to remain the same as for 2018. **MAY 21, 2019 UPDATE: They will...as shown on attached invoice.**

Property Owners Concerns:

- The enlarged drain basin adjacent to golf green #7 was discussed. It has been determined that there are no legal grounds to hold Island Hills Golf Course responsible for flooding on adjacent home lots as a result of excessive rainfall. The County Drain Commissioner, the Tri-County Health Department, and the DEQ all concur. They have defined this drainage as "Waters of the State." This enlarged drain basin has been approved to be in 100% compliance with State law by BOTH agencies. It is believed that the enlarged basin will improve the current situation. **MAY 21, 2019 UPDATE: To date, it appears that the renovated drain basin has solved the problem. Island Hills, LLC. is currently litigating under the Michigan "unjust enrichment" laws to recover a "fair share" pro-rata reimbursement from one property owner who has benefitted from this action.**
- Concerns about mowing across from Iron Gate was brought up along with the timing of the brush hog to mow the empty lots in our Condo. The members present stated that two mowings *may* be sufficient as long as the timing is correct on the mowings. Leslie Bovino expressed that the edge mowing along the roads should be done more than the previous years of seven edge mowings for the year. Other concerns from property owners include possibly making the grass strips on the entrance coming into Island Hills Golf Club wider to create a better looking layout. There are also some other cosmetic items that would need to be cleaned up around the neighborhoods.

➤ A proposal was made to look into possibly changing the way that the mowings for the empty lots are done. One suggestion was to invoice back the owners if a mowing was done. Another suggestion was for the owners of the empty lots to be responsible for their *own* mowing. (This is how it is done in the Island IN THE Hills Condo Assn.) This would mean that ALL property owners in BOTH Condominiums would receive a reduction in their dues assessments for 2019. Dennis Smith suggested that members of the board do the math to see if that suggestion would be feasible, or if it would cost more on an administrative level. We will move forward with that. **MAY 21, 2019 UPDATE: We will this table until 2020 since this, the LTPOA Raintree Maintenance Agreement, and our present "unjust enrichment" litigation against a homeowner all have an effect on dues amounts. Add to that the repairs under consideration for our own roads. It makes sense just to wait another year and see where everything settles and THEN address what the dues should be.**

Road repairs:

➤ Chip & seal on Hidden River Drive: After a discussion, it was decided that next year, we will perform needed repairs on Hidden River Drive using the "chip and seal" construction method. It has not yet been determined which options we will choose on the quote Dennis Smith obtained from Excell Paving. We also are looking for competitive quotes from companies that specialize in the "chip & seal" construction method. **MAY 21, 2019 UPDATE: Matt Rehling , our Condo Administrative Assistant, and I met last March with St. Joseph County Road Commission Members Garrett Myland and John Lindsey to obtain their assessments and recommendations regarding our Condo Assn. roads. Below is a "copy and paste" of an e-mail correspondence on this subject. After further review and analysis, we may do something yet this year.**

From: Matthew Rehling <mattr@pse-usa.com>

Sent: Wednesday, March 20, 2019 11:57 AM

To: bob@pse-usa.com

Subject: FW: Raintree Blvd

Bob:

Here is Garretts assessment of the roads and he is willing to meet possibly tomorrow or Friday? I put a call into him to find out where he would be able to meet us? Here PSE or their Centreville office.

Matt

From: Garrett Myland <gmyland@sjcrc.com>

Sent: Friday, March 15, 2019 11:34 AM

To: Matthew Rehling <mattr@pse-usa.com>

Cc: John Lindsey <jlindsey@sjcrc.com>

Subject: Re: Raintree Blvd

Here are my initial thoughts on the roads.

- Island Hills/Stonegate/Windridge off of Shimmel Road - Crack Seal and single chip with a fog seal on top. If it is paved I believe that those large cracks will reflect through and it is not ready for paving yet.
- Raintree Blvd I would suggest working with the LTPOA and split the cost 50% on Raintree to pave it. I would have a contractor give you a quote (it is long enough to where michigan paving, lakeland, rieth riley, or niblock might go for it but there are other small contractors that you could use as well) If that is not an option i would double seal and fog it, but it would not be the best fix.
- Rain Tree Blvd past LTPOA - In the location between the LTPOA end and the 26' wide portion, I would Double Seal with fog. When it got to the 26' wide portion I would single seal with fog and crack seal.
- Rain Tree Blvd going to the island - This portion of the road is only 11' wide, I do not believe that we could fit our equipment back there (I am having my director of operations take a look when he can) Our equipment is made to do wide sections of road and that is very narrow. The fix I would still suggest would be a single seal similar to the 26' wide portion.
- Gales Ct / Weatherstone Ct - This currently has no houses on it. I believe a double seal would work, dont use fog because there is no houses, it will save some money. If there is many houses planned in the future on it, it will need to be paved, but I would not spend that kind of money yet.
- Brookstone Ct - If Raintree Blvd is going to be paved, I would try to include this in the contract. There is enough houses on it, and the edges are starting to fall off. A double seal would not prevent the edge loss on this road. If there is no paving, DBL seal and Fog. It is not the best fix, but by far better than nothing.
- Brandywood - There is no houses on this portion, I would double seal it, no fog to save money.

I hope this is helpful, if you need us to write you an estimate we can certainly do that, however if this is something you are planning for this year we would need to know right right away as we are starting to build our stone and emulsion order and set up our schedule for the year.

I am available next Tues, Thurs and Friday if you would like to stop in and talk more about it.

Thank you,

Garrett Myland, P.E.
Assistant Manager / Engineer
St. Joseph County Road Commission



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- Further on road repairs: Bob Griffioen read aloud the following excerpt from a letter to him from Bob Ulrich, LTPOA President:

Bob, [Griffioen]

I would like to introduce Cynthia Arnold who lives in Irongate Drive, Hidden River Hills 2. She has lived here part time for about a year with her husband Craig.

At Sunday's annual LTPOA fall membership meeting, discussions were held [concerning] Raintree [Blvd.] where Island Hills [Condo] has a substantial interest.

*Of great importance to HRH property owners is the repaving of the LTPOA section of Raintree Blvd. **and sharing of the expected costs for an alternative plan** to the original 2" inches of asphalt that failed to be accepted this past summer when we did the petition drive.*

*The alternate plan being discussed is to do a double chip & seal followed by a fog coat to hold the chips in place at a cost to the property owners of \$200 for a developed lot and \$100 for an undeveloped lot. This alternate program would not be done on a SAD but through establishing a sinking fund through our annual LTPOA dues billing for a period of about 3 years. **Cynthia would like to explore with you a way for Island Hills to participate in the costs. We are planning to repave the LTPOA section only, but expect you will want to do the same program for the Island Hills Condo section utilizing the same contractor.***

Bob [Ulrich]

There was a discussion and it was asked for the Board to find out what the \$1,650 currently paid by our Condo was used for. There was confusion whether this was for maintenance or for snow removal. Below is Bob Ulrich's response to Bob Griffioen's inquiry:

Bob [Griffioen]

I am the contact for want of a better name. The original agreement at \$1650/year was for snow plowing in the winter including the portion of Raintree owned by Island Hills, at least LaMar Rodgers told me the snowplowing done by Scott Adams was for the entire length of Raintree.

Bob [Ulrich]

- Number 8 cart path at Island Hills Golf Club and the ladies' tee is also experiencing storm water runoff onto some of the properties adjacent to it. The board will look into possible solutions. **MAY 21, 2019 UPDATE: This natural path for "waters of the state" was causing a problem for the golf course, so a diversion was created at Island Hills, LLC. expense. i.e. Island Hills, LLC. will NOT be**

seeking any unjust enrichment reimbursements from property owners who may have benefitted from this action. The drain basin area near Stonegate Drive (behind the maintenance barn) needs to be cleaned up. During the snow removal, salt should be added in the stop sign area at the intersection of Island Hills Drive and Stonegate by Robert Heffner's home [Lot 163].

- Regarding Lot "A", we will have a solution by spring as to how Lot "A" owners will obtain access to the boat docks for the summer. The second gate by the Raintree Cul-de-sac is required by the special use permit to be locked during construction of the Cottages by the pontoon docks. If no construction is going on, we believe the gate can be unlocked.
- **Election of the Board:** Motion to approve current board for the 2019 term was made by Lou Scohy and seconded by Leslie Bovino. Motion was approved unanimously:

Phase 1

Robert Griffioen, Josephine Griffioen, Jason Keller, Christian Griffioen, Jessica Griffioen

Phase 2

Robert Griffioen, Josephine Griffioen, Dennis Smith, Christian Griffioen, Jessica Griffioen

Motion was made to adjourn meeting by Lou Scohy and was seconded by Gerald Downing. Motion was approved unanimously.

Meeting was adjourned at 7:42 pm.

Submitted by:

Christian Griffioen

By Unanimous Written Consent of the Board of Directors for Island Hills Condominium Assns. Phases 1 and 2 elected the following officers for 2019:

12-12-2018 Phase 1

President/Treasurer: Robert Griffioen
Vice-President: Christian Griffioen
Secretary: Jessica Griffioen

12-11-2018 Phase 2

President/Treasurer: Robert Griffioen
Vice-President: Christian Griffioen
Secretary: Jessica Griffioen