



THE BIRCH BARK

WHITE BIRCH RECREATIONAL ASSOCIATION

4730 Lake Rd, Farwell MI 48622

Office: 989-588-2853 Fax: 989-588-4924

Emergency: 989-588-7066



April 2011

www.whitebirch.org

BOARD MEETING DATES FOR 2011

All meetings are held at the clubhouse unless otherwise specified.

April	09	10:00 am
May	14	10:00 am
June	11	10:00 am



CAMPER STORAGE

Due to popular demand a 14 day permit is being issued to all so campers can return on Friday May 13th this year.

We would like to remind you that all campers stored in the Campground section must be moved to your lot by Monday May 23rd. Regular campsite rental and campground clean up will begin that week.

We also want to remind you to please to make sure that your camper or trailer is registered at the office.

President's Report:

Good morning everybody. I would like to say thanks to Louise Bryant for the good job she has done for us as a pool attendant. She has taken on another job and will no longer be working for us. I have a great appreciation for all of the employees here at White Birch. They all are doing us a very good job and contribute to the pleasant living environment that we all enjoy.

The pool has been prepared to paint and the painting will be started Monday the 14th. It has taken a little longer then expected as the maintenance men had some snow and ice to deal with this also. Besides the weather they also had a leak in the pool. The leak was the same place that was repaired a few years ago. I have seen the damage that was done with the first repair, and I can assure you it was repaired correctly this time.

If you would like a copy of the Covenants and Restrictions for your section and or the changes made by court order pertaining to camping, they are available at the office.

I would like to remind everybody starting in April the Board of Directors meetings will begin at 10: A.M. Thank You.



You don't have to wait to receive your Birch Bark? You can have it delivered a week earlier by e-mail.

Over 60 members have already signed on. It saves a lot of time and helps to keep our cost down.

Just email Alice to be added to our list.

supervisor@whitebirch.org

2011-2012 Storage

Members wanting to renew their previous storage site have until July 31, 2011 to renew. Reservations will be handled exclusively through the Clubhouse Supervisor Office and Business Office. You may make your reservation in person or contact the offices at (989)588-2853 Monday through Friday 8:00 AM to 4:00 PM.

The pool attendants, campground or safety personnel are no longer authorized to accept any storage reservations. Your payment in full is required at the time of your reservation; no reservations will be accepted without your complete payment.

Storage fees for this year have been reduced: campground storage is now \$75.00 and the storage area is \$40.00.

2011 ELECTION NEWS

Be watching over the next few months for election information. All info and news regarding the election will be shared in the News letter and on the website. www.whitebirch.org

Starting with the next issue there will be an application for absentee ballots.

There are 2 seats open for the Election this year. The Annual Meeting is July 18th this year.

BURN PERMITS

With the on set of Spring we are all eager to clean the winter debris from our lots to ready for the Summer fun. Please remember when burning those left over leafs and twigs you need to call or go on line for a Burn Permit number. toll free, (866) 922-2876 or go the Internet...

www.michigan.gov/burnpermit

VOLUNTEERS

If you have sometime to spare and would like to serve your community there are always openings on our committees.

We are also still looking for a Member to do the Birch Bark. If interested please sign up at the Clubhouse.

ARE YOU PLANNING A PARTY?

Why not have it at the Clubhouse or Pavilion. We've had everything from Birthdays and Graduations to Reunions and Weddings.

Contact the office at 989-588-2853 for more details or arrangements.

OUR STAFF

Supervisor Alice Van Bennekom
supervisor@whitebirch.org

Maintenance Jeff Wheeler

Tom Alsup

Clubhouse Georga Romine

Tammy Verlague

Frank Metz

Activities and Events



ANNUAL EASTER EGG HUNT

Saturday April 16th

The egg hunt will begin at 11:00 am at the Clubhouse. There is always a lot of fun and games at this event and the Activities Committee will be serving a snack.

Kids bring your baskets and be ready for a lot of fun and surprises.

You never know what you might find in one of those eggs.



OPERATION GRATITUDE

Just a reminder that our activities Committee has joined with Operation Gratitude. They collecting items for care packages to our troops who are deployed away from home and family. The Patriotic Drive is from March 1st to April 15th. There is a collection box at the Clubhouse. Please, if you can, take time to give back to those who give so much for us.

There is a list of allowable and needed items at the Clubhouse or you can visit their website for more information.

<http://www.opgratitude.com/>

THANK YOU

COMING SOON

May 28-Garage Sale/Bake sale 9-5 PM (watch for sign up info)

July 2-4th of July Celebration with Parade@ noon & Pig Roast/Pot Luck 1:00 PM@ Pavilion

August 13-Halloween Hayride 7:00 PM@ Pavilion

September 3-Labor Day Celebration/Yippee Skippy Event with Hot Dogs & Brats and Potluck @ Pavilion starting at Noon

September 17-Garage Sale/Bake sale 9-5 PM

November 19-Chili for Hunters @ Clubhouse 11-2PM

December 10-Christmas Party/Game Night/Potluck 5PM @ Clubhouse

White Birch Lakes
March 12, 2011
Board Meeting Minutes
Proposed

I. Call to order: President Briggs called the meeting to order at 11:04 am. Board members present: President Briggs, 1st Vice President Stephens, 2nd Vice President Nalepa, Director Bryant, Director Cox-Perkins, Director Dombrowski, Director McNeil and Secretary Elaine Carrasco.

Director McNeil led the membership in prayer, followed by the Pledge of Allegiance led by President Briggs.

II. Additions to the Agendas:

Presidents Briggs adds:
Committee liaison resignations
Committee liaison appointments

Old Business:

Director Briggs adds Real estate bids (closed session)
Director Stephens adds letter from Attorney (closed session)
Director Dombrowski adds Committee Appointment (Carolyn Neal) and electronic documentation
Director Nalepa adds Campground Bathrooms

New Business:

Director Dombrowski adds "Presidents Letter" (closed session)
Director Nalepa adds Budget Finance Committee and Tennis Court Committee.
Director Cox-Perkins adds Internet provider and Bath and Pool Attendants.

III. Approval of Minutes:

(1) Director Stephens moves to approve the February minutes, second by Director Nalepa, all in favor, carried.

IV. Income Statement-Treasurer's Report:

(2) Director Cox-Perkins moves to accept the February Financial Report, second by Director Bryant, all ayes, except Director McNeil and Director Dombrowski with nays, carried.

(3) Director Cox-Perkins moves to pay the bills, second by Director Bryant, all in favor, carried.

V. President's Report:

VI. Committee Reports:

Sally Keillor reports for the Activities Committee. She reminds everyone of the upcoming Easter egg hunt scheduled for Saturday April 16, 2011 at the clubhouse. beginning at 11 am.

VII. Comments, Agenda Items Only:

President Briggs accepts the following resignations:

Director Nalepa as E.P.C. liaison

Director Dombrowski has resigned as Election Committee liaison and Campground liaison.

President Briggs appoints Director Cox-Perkins as Election committee liaison and Director Stephens as E.P.C committee liaison.

(4) Director Bryant moves to confirm appointments, second by Director Nalepa, carried.

(5) Director Dombrowski moves to appoint Carolyn Neal to the election committee, second by Director McNeil, carried.

VIII. Old Business:

(6) Director Dombrowski moves that in regard to the campground remodel the selection of materials, contractors/installers, cost and timing be selected and voted on by the board as a group, second by Director Stephens, carried.

IX. New Business:

(7) Director Nalepa moves to disband the finance/budget committee, second by Director McNeil, roll call results:

Director Cox-Perkins, Nay

Director Bryant, Nay

Director Nalepa, Aye

Director Briggs, Nay

Director Stephens, Aye

Director McNeil, Aye

Director Dombrowski, Aye

Motion Carried.

(8) Director Perkins moves to hang a new sign-up sheet to appoint a new finance committee, second by Director Bryant, roll call results:

Director Cox-Perkins, aye

Director Bryant, aye

Director Nalepa, nay

Director Briggs, aye

Director Stephens, nay

Director McNeil, nay

Director Dombrowski, nay

Motion failed.

Director Nalepa tables “tennis court committee”

(9) Director Cox-Perkins moves to drop the internet service back to basic service and get a second account for office use, second by Director Stephens, carried.

(10) Director McNeil moves to put up sign-up sheets up for bath and pool attendant jobs, second Cox-Perkins, withdrawn.

(11) Director Dombrowski moves that certain items such as bylaws, C&R's, camping court orders, those things be converted to PFD file, posted on the internet and are down loadable, making it easy for members to download and maintain such files, so when members request copies we can e-mail it or they can download it, second by Director Stephens, not to exceed a \$300.00 cost, carried.

X. Comments from the floor:

(12) Director Stephens moves to go into closed session, second by Director McNeil, carried.

XI. Closed Session:

(13) Director Stephens moves to accept our attorney's letter with modifications to the attorney's affidavit, second by Director Nalepa, carried.

(14) Director Nalepa moves that we distribute the attorney letter of March 10th with the amended affidavit to the membership via the Birch Bark and website, second by Director Stephens, carried.

(15) Director Bryant moves to set the date of the Monday prior to Memorial Weekend, that all trailers must be removed from storage and that a letter be sent to those who have sites rented and in the Birch Bark and on our website, second by Director Cox-Perkins, all ayes, a nay by Director Dombrowski, carried.

(16) Director Nalepa moves to table our decision on the real estate selection until we receive the attorney's opinion on the requirements of membership application and approval prior to the sale of a lot, second by Director Cox-Perkins, all aye, except Director Briggs nay, carried.

The bid submitted by the Realtor was returned to him unopened.

(17) Director Stephens moves to have all 7 original C&R's reviewed by the attorney and document all illegal language that may violate state, federal and local law, second by Director Nalepa, carried.

XII. Adjournment:

(18) Director Nalepa moves to adjourn, second by Director Cox-Perkins, carried.

Meeting Adjourned at 2:00 pm.

Submitted by,
Elaine Carrasco

The Attorney's Letter and Modified Affidavit have been returned and are copied as received on the following pages.

WILLIAM C. COLLINS
R. DRUMMOND BLACK
RAMON F. ROLF, JR.
PETER A. POZNAK
MARK R. MADDOX
BRUCE M. KANUCH
WILLIAM R. GARCHOW
KRISTINA S. PENNEX
JOHANNA L. JOZWIAK
JOSEPH D. WEILER, JR.

EMERITUS:

JAMES A. KENDALL
ROBERT H. MEISEL

CURRIE KENDALL^{PLC}

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MARCH 14, 2011

VIA FACSIMILE TO 989-588-4924

PRIVILEGED AND CONFIDENTIAL

White Birch Lakes Recreational Association
Attn: Board of Directors
4730 Lake Drive
Farwell, Michigan 48622

Re: Covenants and Restrictions

Dear Directors:

I have reviewed the Declarations of Covenants, Conditions, Easements and Restrictions for White Birch Lakes Subdivision of Clare Nos. 1 through 7. The question presented is whether it takes a vote of the owners of a majority of all the lots in the entire White Birch Lakes development, comprising all seven plats, to amend any of the covenants and restrictions, or whether a majority of the lots in one plat would be sufficient to amend the covenants and restrictions for that plat. I have concluded that in fact the amendment of any covenants and restrictions does require a vote of the owners of a majority of the lots in the entire White Birch Lakes Development. This seems clear from the language in the first two recitals under "Witnesseth" in each of the documents. That language defines the term "Development" as a community known as "White Birch Lakes of Clare" and indicates that that community consists of multiple plats and includes future "plats to be recorded" on property that the developer "may hereafter acquire". I believe there can be no doubt that in each of the documents the term "Development" was intended to include not just one plat but all of the plats past, present and future.

In each of the documents, the provision for amending the document is found under the heading "Duration". Each document states that the original covenants and restrictions will remain in effect for "successive periods of ten (10) years, unless changed in whole or in part by vote of those persons who are then the owners of a majority of the numbered lots in the Development". Since the Development is the entire White Birch Lakes community comprising all seven plats, it takes "the owners of a majority of the numbered lots" in that entire community to amend any of the covenants and restrictions.

It is also clear that the documents provide for one Association with one Board of Directors for the entire community. The documents do not require or allow the existence of separate Associations or Boards for the various plats.

The review and conclusion described above reinforces my previous advice that neither the 2002 amendments nor any other purported amendments to the covenants and restrictions were validly adopted. With the exception of changes made by court order, the original covenants and restrictions for each of the seven plats remain in effect as originally written. The Board of Directors should continue to adhere to and enforce those original covenants and restrictions and should disregard the 2002 amendments. At your request, I have prepared and will record an affidavit (a copy of which is attached) in order to clear this matter up on the Clare County real estate records.

Please let me know if the Board has any further questions on this issue.

Very truly yours,

CURRIE KENDALL, PLC


William R. Garchow

AFFIDAVIT

STATE OF MICHIGAN)
COUNTY OF MIDLAND) ss.

WILLIAM R. GARCHOW, being first duly sworn, deposes and says:

1. That he is of legal age and under no disability.
2. That he is an attorney representing the White Birch Lakes Recreational Association (the "Association").
3. That White Birch Lakes Subdivision of Clare (the "Development") is a community located in Clare County and comprised of seven plats recorded in the Clare County Plats Liber 11, Pages 17 to 23; Liber 11, Pages 32 to 38; Liber 12, Pages 11 to 17; Liber 12, Pages 27 to 33; Liber 13, Pages 18 to 23; Liber 14, Pages 12 to 21; and Liber 16, Pages 50 to 52.
4. That there is a Declaration of Covenants, Conditions, Easements and Restrictions associated with each of the seven plats comprising the Development (collectively referred to as the Covenants and Restrictions), and they are recorded in the Clare County Records at Liber 285, Pages 268 to 325; Liber 288, Pages 458 to 484; Liber 291, Pages 276 to 303; Liber 297, Pages 347 to 374; Liber 300, Pages 284 to 311; Liber 435, Pages 348 to 374; and Liber 460, Pages 172 to 200.
5. That a document purporting to amend the Covenants and Restrictions (the "Purported 2002 Amendment") was recorded in the Clare County Records at Liber 811, Page 886.
6. That the Board of Directors of the Association has determined that neither the Purported 2002 Amendment nor any other purported amendment to the Covenants and Restrictions was approved by the owners of a majority of the numbered lots in the Development as required by the Covenants and Restrictions.

7. That this Affidavit is being recorded for the purpose of giving notice that the Purported 2002 Amendment is null and void *ab initio* and that the Covenants and Restrictions remain in full force and effect as originally written and recorded, with the exception of changes made pursuant to the order of the Clare County Circuit Court dated December 6, 1988.

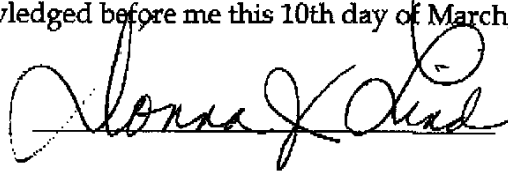
8. That he has personal knowledge of the facts stated herein and can testify competently thereto.

Date: March 14, 2011



William R. Garchow

The foregoing instrument was acknowledged before me this 10th day of March, 2011, by William R. Garchow.



Notary Public
Midland County, Michigan
My Commission Expires:

DONNA J. LIND
Notary Public, Gladwin County, MI
Acting in Midland County, MI
My Commission Expires 12-31-13

Instrument Prepared By:
William R. Garchow
Currie Kendall PLC
6024 Eastman Avenue
Midland, Michigan 48640

Board of Directors and Officers

President Robert Briggs
cofbriggs@yahoo.com

1st Vice Pres. Teresa Stephens
ravidstamper@yahoo.com

2nd Vice Pres. Dorothy Nalepa
Dnalepa8990@charter.net
(734)-878-8990

Director Steve Bryant
Sfbryant1@yahoo.com

Director Linda McNeil
Lucymcn79@hotmail.com

Director Kevin Dombrowski
Kd460@sbcglobal.net

Director Mary Cox-Perkins
funk49pt@yahoo.com

Secretary/Treasurer Elaine Carrasco
ecoffice@whitebirch.org
(989)-588-2853

The Birch Bark

White Birch Lakes Recreational Assoc.

4730 Lake Road

Farwell, MI 48622



**HAPPY
EASTER**