



SEVEN HARBORS NEWS

SPECIAL EDITION – LAW SUIT

LAW SUIT

Thank goodness that's over. We received the Court of Appeals decision which ruled that the specific plaintiffs in the suit, a total of 15 properties remaining, do not have a legal obligation to pay association dues. Finally, we can move forward on collecting from them their legal obligation to maintain their easement. There is no such thing as a free lunch. No one has the right to be a member of our association and acquire access to our roads, boat launches, beaches, out lots and bridges for free.

Please know that the court decision applies only to the plaintiffs in the case. Judge Anderson wrote: "Moreover, the Court finds that the Opinion and Order dated November 23, 2015 requires no clarification on the issue of whether said Opinion and Order applies only to the named Plaintiffs. As specifically stated in the Opinion and Order: '... requiring mandatory membership in Defendant Association does not apply to Plaintiffs herein.....'."

Anyone who does not want to pay to maintain their easement should not have bought in a neighborhood that carries with it a right to be a member of an association that owns private roads and common property. It's as simple as that.

The other great thing about the end to the lawsuit is that we proved that those nattering neighbors of negativism accomplished nothing. They thought they would cause the disintegration of 7 Harbors Association. But as you can tell from the look and spirit of our neighborhood, we are as strong as ever. On maintenance of roads, Motorists road is the next to be resurfaced. Clarice will be next in line after Motorists. Our dirt roads are being graded twice per year. The entrance on Beaumont is newly landscaped by the strong backs and donations of many volunteers. And let's not forget the new street signs, stop signs, road markers and speed limit signs. Our boat launches have been recently repaired and are the envy of everyone on the lakes, particularly now that the public access is closed.

The bike parade and picnic, which does not use one penny from the annual maintenance fees because it is entirely paid for by donations, continues to show off the sweet, old world spirit of our neighborhood. Every board member loves living here. That is why, despite the burden, they volunteer their time and energy so that the essential functions of the association can get done. As you can see, these board members have not only accomplished their goal, they have exceeded every expectation. I am in awe of their good hearts and great spirit on top of the strong backs they have used in carrying out the maintenance of the neighborhood.

Luckily, many of the plaintiffs in the lawsuit have moved out of the neighborhood. Of the 21 properties, only 15 still live in the neighborhood

Our next step is to revise the Bylaws and Constitution. I would like to ensure that no one thinks that they should get away with paying on a "user fee" basis. Our boat launch on White Lake serves as a prime example of why the user fee concept does not work. This year, with the closing of the public access, our boat launch has become an extremely valuable asset. The other day I encountered a neighbor who has not paid the annual maintenance fees in multiple years. He was sneaking his boat onto our boat launch to take it for the weekend up north.

Keep in mind, he is someone for whom the maintenance fee is not a hardship. He has a beautiful house on the lake. He was taking his boat out to use at his other beautiful house up north. His house is at a location for which use of our roads and 100 year old bridge is essential. I know he must be using the roads and bridge because I have not seen him helicopter in to his house. His road is one that we already resurfaced. Our snow removal service takes care of the roads that enable ambulance and fire trucks to rescue him or his wife if they need them. He has children and grandchildren who visit and enjoy the lake. They do not helicopter in either.

But he thinks that he should be able to pay only for the patch of road specifically in front of his house and for the boat launch only when he uses it. And he wants to pay only for those maintenance decisions of the board that he specifically agrees with. I invited him to volunteer to serve on the board so that he can make the decisions on where and how the maintenance fees are spent.

Do you think a guy like that is willing to lift a finger to help out with the decisions and management of our beautiful neighborhood? No, it's always a one way street for that type. He is, by his conduct, calling all his neighbors a bunch of suckers for paying their fair share, while he uses the roads and bridge and sneaks his boat onto our boat launch without paying his share.

If this were a commercial enterprise, we could charge by the item. A specific price for the use of the boat launch. A specific price for the use of the bridge to get the boats of the people on county roads over the bridge to use the boat launch. You can see where I am going with this. But we are not a commercial enterprise. Administration of such a commercial enterprise would require hiring employees, buying workers compensation and other insurance, paying taxes as well as getting approved for marina and other permits. Moreover, I do not know if that would even be possible under the terms of the gift by which the Beaumont's gave these properties to us. Boy oh boy, if we could, we would be rolling in dough this year. The market forces of supply and demand would have worked very much in our favor because of the closing of the public boat launch.

The value of your ownership of the association properties was recently made evident by an email I received from a homeowner on Jackson Blvd, outside the 7 Harbors border. She said she would be happy to pay the annual maintenance fee in order belong to our association and use our beaches and other beautiful property. Being on Jackson Blvd, a county road, she was not in need of our road maintenance and snow removal services. Despite this, she wanted to be a part of us and pay the full fee. That is a good indicator of the value of being in our association even without the need for road maintenance.

Moreover, because you are a member of the association, the sale of your house will likely get a higher price because it comes with the association properties. Real estate agents advertise "lake access" on a property description for a reason.

Let's hope the negative personalities in the neighborhood move out. Or better yet, they should let go of the past and rejoin their lovely neighbors in this sweetest of all neighborhoods. We would welcome them with open arms. Come back to this sweet place where, as in Prairie Home Companion, the women are strong, the men are good looking and the children are above average.

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