

TO REGULATE RESIDENTIAL USE OF LAND AND BUILDINGS IN CHERRY HOME ASSOCIATION

I. AFFIRMATION OF RESIDENTIAL USE

In compliance with Article VII, Section 1 of the DECLARATION as amended on May 27, 2000, this board affirms the following: All land which is subject to the Declaration shall be limited to residential use. No building on any lot in CHA shall be permitted other than a single-family dwelling for residential use in compliance with Leelanau Township R4 zoning, and a private garage or outbuilding incidental thereto.

II. COMMERCIAL RENTING PROHIBITED

- A. No person or legal entity shall be permitted to buy, sell or own a single-family dwelling in CHA with the purpose of commercially renting the dwelling in multiple day or weekly increments.

Failure of a person or legal entity to occupy and use the dwelling as his or its dwelling while offering the said single family residence for commercial short term rental by sign(s) posted on the lot or building, listing the residence for rent with a realtor or real estate agencies, listing the residence for rent with AirBNB, Homeaway, Visit Up North Vacation Rentals, VRBO, or any other similar website, or print advertisement, shall establish that the property is being used commercially and in violation of the Declaration VII, Section 1.

- B. The person or legal entity owning and using the property commercially shall be contacted personally by the designated member or appointee of the CHA Board on the behalf of the Board and Association and instructed in writing to cease and desist using the property commercially. The designated member or appointee of the CHA Board, if unable to contact the person or legal entity, shall send said cease and desist instruction by certified mail.
- C. Persons or legal entities using their land and building for commercial purposes must discontinue such use as of January 9th, 2021, the date of BoD approval of the residential regulation. Failure to discontinue such use shall expose the person or legal entity to further actions of the CHA Board of Directors and/or

Leelanau Township.

III. RIGHT OF OWNER/MEMBERS OF CHERRY HOME ASSOCIATION TO OCCASIONALLY RENT THEIR RESIDENCES.

In accordance with the 13th Circuit Court Judge's oral opinion at the conclusion of Case 2019-10376CH, residential use of a property can include occasional renting a CHA owners' property in Cherry Home Association to neighbors, colleagues, friends, and family members. CHA Owners shall provide anyone using their property a copy of the Good Neighbor rules Regarding Properties that are a part of the Rules and Regulations adopted September 8, 2018 and amended on April 9, 2019 and inform them to please abide by these rules.

IV. NOTICE OF THIS REGULATION

Upon final adoption of this regulation, each member of CHA shall receive a copy. Each member is hereby urged to not sell his/her residence to any person or entity that has its purpose the use of that residence as a commercial rental property. Any and all persons attempting to sell their CHA residential single-family dwelling shall give each prospective buyer a copy of this regulation and inform that buyer that the CHA intends to strictly enforce this regulation.

Adopted January 9th, 2021

President TODD ANSBACHER 

Secretary Timothy W. Claffin Digitally signed by Timothy W. Claffin
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