

Building Scene

Marilyn Fitchett editor/591-2300



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Building amid woods, water

By Louise Okrusky
staff writer

After three others failed to develop separate pieces of a sensitive plot of land, Gary Shapiro of The Ivanhoe Cos. assembled two parcels into Mission Springs on Darb Lake in West Bloomfield.

"It took me a long time to acquire it," Shapiro said of the property. His plans needed to conform to West Bloomfield and the state Department of Natural Resources wetlands and woodlands regulations.

Out of that grew a development with 101 acres of home sites with five parks and 1,750 feet of lakefront on Darb Lake. A bridge leading from Willow Road was built over wetlands and continues 600 feet into the developed area. The development is west of Hiller Road off Willow.

"I wanted to bring the development in from a paved road. If the bulk of the houses were in the back, you would have had to drive through the neighborhood behind us to get to it," Shapiro said.

Working with the DNR, he came up with a plan that saved 50 acres of wetlands and allowed 80 percent of the lots to back up to a park. There are five cul de sacs in the development. Houses are almost literally built around trees.

"It's more difficult and expensive to build on a treed lot," said Scott Jacobson of SR Jacobson Development Corp., one of four builders in the development. "West Bloomfield is involved in the amount of trees we can take down. We'd like to keep all the trees we can. It's certainly more difficult."

"It's a long process before we dig a hole for the basement," said Stuart Michaelson of Stewart Homes Corp., another of Mission Springs' builders.

AFTER STAKING out a lot, the builder and a West Bloomfield environmental ordinance officer walk through the property deciding which trees can be removed. In many cases, the property also goes through a wetlands inspection. The process adds a couple of weeks to the build-

ing time, Michaelson said.

When the basement is dug, the dirt is carted off the lot. The trees don't allow much room on the lot to store the dirt there as it's more commonly done. Piles of dirt left against tree trunks would harm the trees.

Shapiro's convinced that the subdivision would look different if he wanted to develop the property today. "It was approved two years ago, but under the current state ordinance there would have been bigger lots. It would have made the homes more expensive," Shapiro said. Mission Springs borrows a bit from the condominium developments done by The Ivanhoe Cos. Parks, beaches, streets and bridges are marked with etched signs.

In addition to developing the property, Shapiro also has a stake in building homes in the subdivision. Along with Steve Perlman, his partner in Ivanhoe-Huntley Homes, Shapiro's building on half of the property.

He also chose three other companies from a field of 50 to build in the development. In addition to those already mentioned, that group includes Richter-Rosin Builders. "We wanted diversity," said Shapiro, a third-generation builder. Perlman's a second-generation builder.

"WE'RE BUILDING houses of the '90s," Shapiro said. Emphasizing open spaces, many of the development's houses feature a sitting room next to the country kitchen and master bedroom suites for working couples. "These are the two rooms lived in to a greater extent," Shapiro said.

So far, the development with homes in the \$220,000-\$300,000 range is attracting working couples, empty nesters and young executives and families.

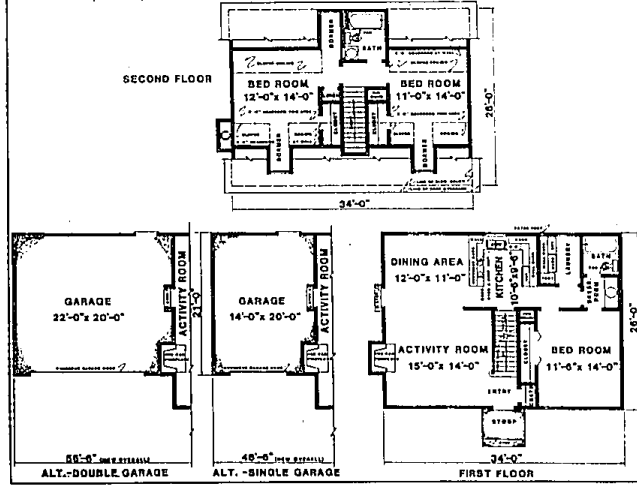
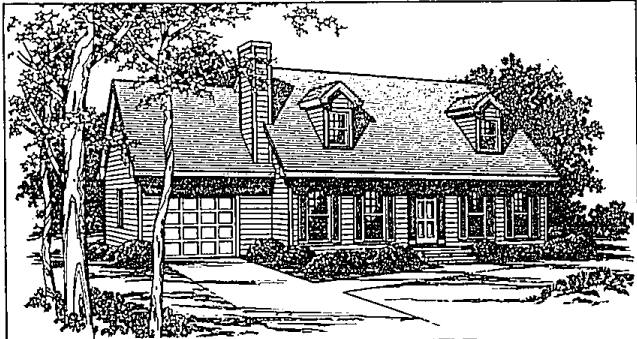
Typical of the homes offered in the subdivision is Ivanhoe-Huntley's 1 1/2-story home with 2,742 square feet. It appeals to young couples with one child or no children. Next to that model is a 3,090-square-foot colonial with enough room to accommodate a larger family.



Staff photos by DAN DEAN

Mission Springs features 101 acres of home sites with five parks and 1,750 feet of lakefront. Fifty acres of wetlands were preserved, and 80 percent of the lots back up to a park. Houses

such as the Lakewood model by Ivanhoe-Huntley are surrounded by trees.



A nest for empty nesters

Entrance to the foyer of this 1,478-square-foot Cape Cod offers full perspective of the open stair great room and dining area. A pre-fab fireplace is shown in great room, with garage access from the dining area. The kitchen is U-shaped, lending to an open working area. Built-in appliances are called for in the plan. The basement stair is central from this area. A large laundry area and full tub bath with powder room are shown to the rear of the master bedroom. A central bath services both upstairs bedrooms. Sloped ceilings are shown for both bedrooms. This plan may be built without the garage or with a single or double garage. The exterior is shown with horizontal wood siding, shuttered win-

dows and two dormers for windows in the upstairs bedrooms. The plan is available with basement or crawlspace. The plan is No. 459A and includes construction details for energy efficiency. It is drawn to meet FHA and VA requirements. For more information, write to W.D. Farmer, P.O. Box 450025, Atlanta, Ga. 30345.

Board ignores woman member

I am the only woman on a five-person board of directors and believe I am being abused by the male members. They never seem to listen to me and I think that I am some scatterbrained female, even though I have a teaching certificate and have been married for 25 years. What can I do to assert my rights and still maintain some degree of respectability?

This is a frequent complaint I hear from females who believe their voice is not being heard by the other members of the board. If your intent is not to seek a direct confrontation with the other directors and if you do not wish to come out and accuse them of being discriminatory or chauvinistic, my best suggestion is that you overwhelm them with your enlightenment and education concerning condominium association affairs. It may be appropriate to do additional reading, take condominium operation classes and otherwise point out by way of direction that you are indeed perceptive and know what you are doing and that your experience both in your avocation and in your day-to-day living demands the proper respect from the other members of the board.

I am being told by my real estate agent that I do not need an attorney at closing to review the papers because the Realtor is very experienced and that the bank will be overseeing the closing as they must protect their interest as the lender. While I don't expect you to agree, can you give me any decent reason why my Realtor is wrong?

I could probably fill the newspaper with why your Realtor has not only given you bad advice but has breached his or her fiduciary responsibilities as a broker. Instead of encouraging you not to have an attorney, a Realtor is supposed to recommend to you that you have an attorney look over your closing documents. The bank/lender is interested in securing that it has a first mortgage interest and that its lien is prior to all other interests and it is not necessarily in a position to protect your legal rights with respect to the particular aspects of your purchase. At the very minimum, you should have an attorney look at the closing documents to ensure that the calculations have been properly made as well as the deed and bill of sale have been properly drafted to protect your interests in accordance with the purchase agreement. Moreover, I would be particularly skeptical of the nature of the closing in light of what bad advice you have received from your Realtor. As a



condo queries
Robert M. Meisner

practical matter, the best time to get the attorney involved is before the purchase agreement has been signed to insure that all of your rights are protected. If that has not been done, at least insure that you got the benefit of your bargain so that you will not have problems, either in terms of the deed, bill of sale or title policy that you will presumably receive after closing.

Our board of directors is experiencing increasing problems with the developer. Several members of the board indicated that they do not want to spend the money to pursue the developer and that the co-owners will not tolerate a special assessment because they are on fixed incomes. I am trying to point out to the board that they must discharge their fiduciary duties and pursue the developer because of the magnitude of the claim. How can I get their heads screwed on straight?

You may have to unscrew their heads and replace them with others if they are not persuaded that they must pursue the developer in light of serious defects and deficiencies in the common areas for which the association is responsible. The fact that co-owners may not be able to easily afford to defray the costs of litigation is a practical consideration but should not be the sole basis by which the association decides to pursue the developer. In any condominium, there are always co-owners who will complain about special assessments, regardless of their ability to pay. Unfortunately, the board of directors has a practical responsibility of insuring that it has done whatever is necessary to pursue the developer if the economics and legal claims justify it. In your case, it would seem that your board is being very shortsighted and has not forthrightly

dealt with the issue of the developer claim as it relates to the members' ability to fund the claim. I would insist on a meeting of members of the association to explain the need of the board to take action against the developer by way of a members' derivative suit or to seek a petition to force a special meeting of the members.

Our board has hired a new management company that has been in existence for 10-12 years but claims to be the cheapest management company having the cheapest contractors and the cheapest lawyer. The management company president doesn't seem terribly professional, and the board and I am concerned about what can be done to confront the management agent. The attorney that he has recommended seems to be involved with him in a number of sites, and I am not sure that the attorney will be in any way helpful in confronting the management agent. What do you suggest?

As in any other profession or business, there are excellent management companies and there are very poor management companies. A management firm that is not prepared to stand up to a board of directors when the board is wrong or does not have independent judgment in terms of making decisions is not the management firm that you want for your condominium association.

If you believe that the attorney is basically beholden to the management company, you are best advised to interview on your own other management companies or attorneys to get a straight answer on the advisability of continuing to use your present management company and the alternatives available. There are attorneys who can be consulted on an independent basis to provide you with an unemotional and detached evaluation of their experience in working with condominium management companies and you may be well advised to consult with that attorney on behalf of your association. Then take your information and confront the board of directors with the results if your views are confirmed.

Robert M. Meisner is a Birmingham attorney specializing in condominiums, real estate and corporate law. You are invited to submit topics you would like to see discussed in this column by writing Robert M. Meisner, 30700 Telegraph road, Suite 467, Birmingham 48010. This column provides general information and should not be construed as legal opinion.

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