

# Condo buyers need to note association bylaws

Condominiums have become a popular alternative for home buyers, mainly because they offer the amenities of apartment living with the advantage of owning a house.

But if you're in the market for a condominium, you should be aware of the possible limitations and pitfalls of purchasing and owning a condo.

Doug Stranahan, regional director for Century 21 Great Lakes, offers several pieces of advice for persons looking into the condo option.

First, he suggests working with a real estate broker or agent experienced in the condominium market in your area. The agent can be

very helpful in targeting a complex suited to your needs.

Also, a particular agent might be more familiar with a certain building's history, association fees and requirements.

Look around the building or complex you're interested in and contact the agent who has done the most business there by talking to the condo association or current residents.

In most states, hiring a real estate lawyer to review all documents is as advisable in purchasing a condo as it is in buying a house.

The attorney should review the condominium declaration extensively to interpret many pages of

**Pay attention to the rules involving resale of the unit. Some condo complexes limit the use of for-sale signs, don't allow owners to rent out their units and have a right to approve or screen potential buyers.**

information into laymen's language.

"The fine print will be deciphered for you," Stranahan said.

Since the declaration guides the day-to-day living of the community, it's important to get a thorough understanding of the lifestyle into which you're buying.

The buyer is entitled to ask for

copies of all declarations, association rules and bylaws.

"Remember, you have to live within the limitations set up by the condo association," Stranahan said. "Make sure you can abide by the guidelines listed."

If you own a recreational vehicle that needs to be parked in a driveway or garage or if you own a

pet, you probably don't want to know in advance if a community doesn't allow it.

Make sure that you pay attention to the status of the association reserve fund, which is set up by residents for maintenance of the building or complex.


If the reserve fund is low and the building is in need of repair or extensive upkeep, be aware that you'll probably be asked to contribute money above and beyond your regular association fees for the work in the near future.

Because your condo is also an investment, pay attention to the rules involving resale of the unit. Some condo complexes limit the use of for-sale signs, don't allow

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# Developer generally gets break on monthly condo fees

**CONDO QUERIES**



**ROBERT M. MEISNER**

We have a small detached condominium, where all but two are completed that belong to the developer. We have discovered that besides taxes, for which the developer is responsible, that some associations also have the builder pay a maintenance fee that is not the same as other units. What proportion would be the developer's responsibility, if any?

Typically, the developer may be exempt for paying full monthly assessments except for actual costs incurred in maintaining his

lot. But without the benefit of reviewing your condominium documents, it is hard to determine the developer's obligation.

Because the association would appear to be clearly controlled by the non-developer co-owners, you should engage counsel to interpret your condominium documents and otherwise provide you with a legal audit as soon possible.

I am a legal assistant who serves on a board. Our attorney was asked to give us an opinion regarding the propriety of a claim brought by a co-owner through her attorney with respect to an alleged inaction by the board. One of the things that the attorney for the association indicated was that the lawyer for the co-owner had a

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reputation for starting frivolous lawsuits and running up high legal fees. He cited a management company memorandum it had obtained. After investigating, I discovered the management's company memo was inaccurate and that the attorney for the co-owner had a justifiable claim. The rest of the board does not care to consider this now information.

Certainly the attorney for the association should give you the best advice that he or she can re-

garding the propriety of a claim brought by a co-owner. But in any instance, the attorney should, if he or she is acting conscientiously, make sure the information upon which they are relying is accurate.

In this instance, your attorney may have done your association a disservice by not personally checking out the case that was presumably quoted in the management company's memo. As any good lawyer knows, the results of the case do not necessarily reflect the reasons for which the case was brought, and there may be justifiable reasons for bringing an action even though the result does not appear to be favorable for the association, particularly in bylaw enforcement and collection matters.

I would bring this matter to the attention of the attorney and ask him or her why they were not more thorough in their investigation. I would also suggest to the management company that they not circulate memos that are inaccurate or risk a suit for defamation.

*Robert M. Meisner is a Birmingham attorney concentrating his practice in the areas of condominiums, real estate and corporate law. You are invited to submit questions by writing Robert M. Meisner at 30200 Telegraph Road, Suite 467, Bingham Farms 48025. This column provides general information and should not be construed as legal opinion. To leave a voice mail message for Robert Meisner, dial 953-2047, mail box 1871.*

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