



Court order: A sign posted on the front of a house at 29028 W. Nine Mile Road announces a 47th District Court order to demolish the house, which has been challenged by owner Atlantic Mortgage. STAFF PHOTO BY BILL LUBALIN

House demolition order challenged

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The floorboards in one Farmington Gardens subdivision home are so damaged by water that your foot breaks through if you step on them.

"We got complaints from neighbors that the doors were open," said John Donahue, Farmington Hills city attorney. Some were worried children would explore the house and get hurt.

Now after years of issuing citations and hearing neighborhood complaints, the city is trying to demolish the house at 29028 W. Nine Mile. A court hearing is scheduled Dec. 6 before Oakland Circuit Judge D. Langford Morris.

But owner Atlantic Mortgage Investment Corp. is challenging the demolition, saying it is pre-

pared to make necessary repairs to sell the property. The company also maintains it has not been given a reasonable amount of time to repair the structure.

In documents filed in circuit court, the city administration responds that Atlantic's claims "are untrue. They are inherently an admission of plaintiff's lack of intent to make necessary repairs."

"This nearly two years would seem to be a reasonable time in which to undertake repairs and maintenance," according to the complaint filed by the city.

Atlantic Mortgage took over the property through foreclosure on a defaulted mortgage Sept. 14, 1999. The property has been vacant at least since June 2000.

The city maintains Atlantic "failed to maintain it in any manner and in violation of city ordinances, resulting in severe

damage to the structure."

Donahue said extensive water damage was due to water being left on, or due to broken water pipes. Neighbors have complained that the house was full of garbage, that there were holes in floors and the yard, that tires were buried in the yard. The house has been repeatedly vandalized.

"The city pumped water out of the house, secured doors and windows and cut grass and weeds several times, after tickets issued to the mortgage company weren't addressed."

Farmington Hills was granted a district court order March 15 to allow demolition. But Atlantic filed in circuit court to block the order, setting the stage for the Dec. 6 circuit court hearing.

Atlantic Mortgage attorney Thomas J. Miller was unavailable for comment Tuesday.

Homeowner Q&A

Attorney: Bank on insurance

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If you're on a subdivision board of directors, a \$400 liability insurance policy is a smart investment.

"You are liable for absolutely everything," said Mark Makower, Country Ridge subdivision legal counsel.

He addressed 50 Farmington Hills homeowner association representatives at a Council of Homeowners' Associations meeting Nov. 20 at the Farmington Hills Library.

Makower answered questions about deed restrictions, by-laws, and what subdivision boards can and cannot do. And he told the group, "You have no idea of the types of things you can be liable for."

If a board of directors prints a list of homeowners delinquent on their subdivision fees and the list is wrong, each director can be sued for defamation. The same goes for "walls of shame" where such lists are posted, Makower said.

Roger Auie, treasurer for the Camelot Courts homeowners association, drew sympathetic nods from other association members when he lamented the lack of interest from his neighbors in helping to make decisions.

"We have 12 to 15 people at a meeting, but technically we can't have a meeting because the by-

Homeowner association board members have liability for 'absolutely everything,' according to attorney Mark Makower. Among other things, he suggests all board members invest in an insurance policy.

laws say you have to have 25. We'd like to change our voting to pass anything from a two-thirds majority to a simple majority," he said.

When Makower urged going door-to-door to win approval for such a change, Auie replied that their by-laws dictate such communications must be by mail. He said past mailings have gone unanswered, adding there are several non-English-speaking homeowners in his subdivision.

"What's the definition of a single-family dwelling?" asked Maurice Eadie, a former board member with Arber Park subdivision. He also asked if limits on the number of vehicles can be enforced. "They have seven," he said.

Makower said that by law, "single family" can include extended family, plus one non-

related adult. "If the municipality will allow it and it is not an ordinance violation, you must allow it," he said.

Vehicle restrictions are likely unenforceable, unless a legitimate traffic problem is posed.

He said that to make changes to deed restrictions, homeowner association board members must have in the association document a provision by which amendments can be made.

"You can do an amendment to change amendment procedures. At that point you can look at other changes," Makower said. To find deed restrictions, homeowners should check with Oakland County.

Asked whether unpaid subdivision dues can be attached as a lien against property, Makower said, "Only if your documents allow them to be a lien against property. Get an amendment provision in and start to amend your by-laws and your deed restrictions."

Asked if deed restrictions have a time limit, Makower said, "If there is no limitation on the time stated, they are on your land forever. If they are expired, they are no longer enforceable."

Homeowner associations that are incorporated must file yearly tax forms. Corporations that don't file such forms are dissolved after three years, by state law, he said.

Non-profits learn about grant writing

Grants and their importance to non-profit organizations will be the focus of the next two meetings of the Farmington Area Interagency Council.

The next regular meeting of the consortium of Farmington area non-profit organizations will feature a panel discussion about the pros and cons of seeking grants. The meeting will be held at noon, Thursday, Nov. 29, in the lower level of the Farmington Community Library

downtown branch.

Featured speakers will be Farmington Community Library Director Beverly Papai, Farmington-Farmington Hills Chamber of Commerce President Carleigh Flaherty and Farmington Area Cultural Arts Director Nancy Coumoudourou, each of whom has professional experience in seeking grants.

At the Interagency Council's January meeting, Pat Pancioli, director of Education Services

for Nonprofit Enterprise at Work in Ann Arbor, will speak. Nonprofit Enterprise at Work is a management support organization for non-profits that provides help through education, consulting, leadership development, technology support and information resources.

Representatives of non-profit and public organizations may attend. For more information or to RSVP for the Nov. 29 meeting, call 474-7770.

Buying or selling used instruments?

Farmington Public Schools' used instrument sale will begin at 7 p.m. Tuesday, Dec. 4, in the East Middle School cafeteria, 25000 Middlebelt in Farmington Hills.

Instrument prices usually span a great range. In addition, instrumental music faculty members from the Farmington

Public Schools will be present to assist people with instrument concerns and condition inspections.

Those wishing to sell an instrument should arrive a few minutes early.

It is suggested sellers be familiar with the instrument brand and model number as

well as original cost.

Each person bringing an instrument to sell will be asked for a \$2 donation per instrument to cover space and advertising costs.

There is no admission charged for those coming to look and/or buy.

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