

MAHC Newsletter

Giving Back in a Big Way

Charter Oaks Cooperative decided to give back last month during the holidays to the people that sacrifice the most. Marlene Fletcher, Linda Springer and Ken DeBoer served on a committee to bring care packages to the troops overseas. At the close of the cooperative's annual meeting last September they announced their intention for this incredible project. Member's were asked if they had family or friend's serving over in the Middle East but no one was directly connected. And just like that the plans were in motion.

DeBoer is a veteran and served as a Marine. He collected names and had some connections with the powers that be to get packages to troops. Through this journey they got in contact with Mary Ann Merritt, a woman passionate about this project. Merritt has experience with this project and offered her knowledge and assistance to Charter Oaks. She also has a connection with the post office to expedite the packaging and shipping process.

The 47 care packages went to 2 battalions; all of which were marines and specifically several female pilots in Afghanistan. The troops are all from Michigan, and Marlene said it felt good giving them a piece of home. Members were encouraged to donate whatever they could, and the donations came in swarms. Tenants graciously gave everything they could, one woman told Fletcher how worried she was about being able to afford a donation. However, Fletcher encouraged her that even the smallest amount would benefit the project. She was able to give \$20 worth of items and her efforts along with the entire community's were greatly appreciated.

The Saturday after Thanksgiving Fletcher and Springer set up two large tables, one for female care packages and one for male. They had everything organized to ensure a smooth packaging system. Then members poured in "like herds of elephants" according to Fletcher. They had encouraged donations of just 5 items, but some members came in with 50 items. Items that were given included over 100 pairs of socks, cases of toothpaste along with brushes and mouthwash, antibacterial wipes, puzzle books and yoyos, hygiene products for men and women, and a variety of candy and snacks. It was a sight to behold and allowed them to fill 47 packages to send off.

The most time-consuming step involved taking the packages to the post office, however the committee came to an agreement with their local office. They took the packages in, the post office took care of the rest and Fletcher returned to pay the \$18/per package postage. They were able to raise over 600 dollars from the community to take care of the postage cost. She offers a word of caution to any looking to duplicate this project: postage is extremely expensive and there is little discount for it. So plan accordingly.

Members came together to give back, and it helped bring people together in more ways than one. The atmosphere of Charter Oaks has been strained as of late but this helped lift spirits and bring this community together. Fletcher said, "Giving back to the military is the best gift in the world that you can receive yourself, we all felt a sense of pride."

They received a thank you letter from the female pilots with photographs of the happy soldiers. "Thank you for the wonderful care package, many women were able to take advantage of your kindness..." read the letter. The time and efforts put forth by Charter Oaks Cooperative shows that community is kind, caring, and selfless. Thank you, Charter Oaks, for helping the men and women that sacrifice so much for everyone. And thank you to our troops for your service to this country.



January 2018

MAHC



The Use of Probation and Conditional Occupancy Agreements in Resolving Litigation

By Matthew T. Nicols, Esq.

When a cooperative elects to initiate eviction proceedings against a member whose conduct has violated the governing documents – for whatever the reason may be, not every case in a court of law is guaranteed win. Sometimes key witnesses' testimony will change, sometimes witnesses will refuse to testify (even after issued a subpoena), or unfavorable facts may be unearthed during discovery. Even if the cooperative has dotted every "i" dotted and crossed every "t," sometimes judges and juries will side with the resident member in an eviction case despite what the law and facts may show. This is why most civil lawsuits settle.

Most civil lawsuits settle before ever reaching a judge or jury. A settlement should never be considered a bad outcome, even if it appears that the Member is "winning" by allowing them to have continued occupancy. However, there are certain ways to settle cases using Probation or Conditional Occupancy Agreements that can actually place the cooperative in a more advantageous position, despite allowing the defendant to retain possession. Although each case is inherently different, there are several pros and cons to Probationary or Conditional Occupancy as a means to settle an eviction or nonpayment case.

Of course, the most obvious con of a probationary or conditional occupancy agreement is that the defaulting member would remain in their unit, perhaps indefinitely or until a subsequent violation. In severe cases of material violations, settlement is not an option at all. Additionally, the cooperative's attorneys may have spent considerable time and costs preparing the eviction case as though it was going to proceed to trial. Furthermore, if a probation period is granted, the cooperative will have to wait and see if the member/defendant commits a violation, and if so, will likely have to file notice with the court and attend another hearing.

Moreover, a violating member may also discuss the contents of a probationary or settlement agreement with other members. However, this concern can easily be protected by the use of a confidentiality clause, prohibiting the offending member from discussing any term of a settlement with other persons. Despite these cons or concessions, settling an uncertain case by use of a Probation or Conditional Occupancy Agreement benefit the cooperative in the event that any further conduct of the member that violates a Settlement, may result in the ability for the cooperative to regain possession of the unit in an easier fashion. There are several pros to a well-crafted probationary or conditional occupancy agreement:

- The length and term is negotiable. It can be for months, a year or even more.
- Their scope can be as broad. It can account for and prohibit more than what the initial eviction action is based on. For example, if the eviction was based on repeated violations for loud music at night, a well-crafted agreement can also require the member refrain from any other violation of the cooperative's Occupancy Agreement or Rules and Regulations.
- If the member violates the agreement, the cooperative may be able to get an eviction order, and at times, the order can often be obtained immediately or the same day of the hearing.
- It can limit the issues for the judge if there is a violation. If the member violates the probation or conditional occupancy agreement, that can be the only issue for the judge to decide.
- It can include a waiver of a jury trial or of defenses if violated by the member. Enforcement and be similar to strict liability.
- If the case was never about money or payment of carrying charges,

Either way, there are numerous ways to place the cooperative in as advantageous position as possible when negotiating terms of a settlement with a probationary or conditional occupancy agreement. By no means is this a suggestion that they should be used whenever there is some degree of uncertainty on going to trial or if the member and their attorney gives considerable legal resistance to the action. However, when appropriate, a well-crafted conditional occupancy agreement can place the cooperative in an advantageous position. After all, what is the goal? It is to put the defaulting member in compliance, and if they are unwilling or incapable of doing so, they need to find another place to live.

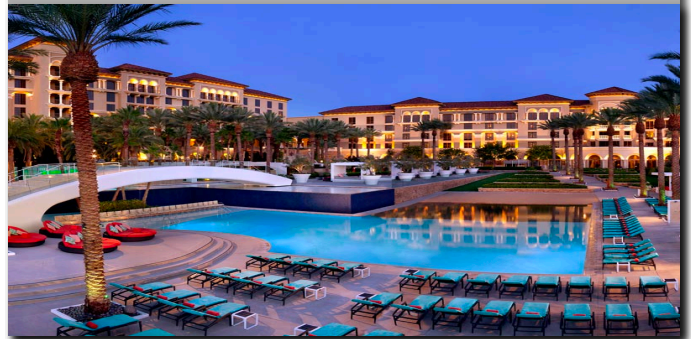
MAHC 2018 Conference

The Midwest Association for Housing Cooperative will feature the Annual Conference at Green Valley Ranch Resort and Spa right outside Las Vegas, Nevada.

The conference will feature a variety of classes taught by professionals in the Cooperative world.

For the complete brochure on location and class information visit [this](#) website

If you have not reserved your spot make your reservation [here](#).



MAHC in 2018

Another year has ended, 2017 is in the history books. However, our efforts to continually improve and grow as an organization never stop.

Recently, the MAHC Board members updated our strategic planning with a focus on how Cooperative housing needs efficiency goals to achieve effective operation along with a need to have a “trained and fully engaged” board members to do so.

MAHC believe that structured continuing professional development (CPD) is required to meet the rapidly changing needs in the cooperative. The findings of the needs assessment were used to tailor educational opportunities to build the capacity of cooperative board of director’s education system.

Education was one of the key issues identified in the Strategic Plan. MAHC’s Annual conference is collectively, shaping our future. In fact, the event is broader still, showcasing ideas that matter in any discipline. The format is fast paced: 50+ classes over the course of three days (to say nothing of the evening events). This immersive environment allows attendees and speakers from vastly different fields to cross-fertilize and draw inspiration from unlikely places.

MAHC Local to you training. The main findings confirmed that structured continuing professional development (CPD) is required to meet the rapidly changing needs in the Cooperative sector. The emphasis ought to be on teaching skills, outreach work, marketing and promotion, research skills and methods, subject knowledge and terminology, and management skills.

MAHC Certification is a course that covers everything from the history of Cooperatives, Corporate Law, to Ethics in the Board Room. Additional topics covered will be budget’s, audits, financial components, marketing and managing of your Cooperative. This list is only a piece of this comprehensive program which the Midwest Association of Housing Cooperatives has endorsed. Each individual who completes the course and passes the test will be given a certification of completion.

We want to sincerely thank each member for the continued support you have demonstrated time and time again. Your suggestions are always welcome. Much of the change you have seen in recent years is due to your input, we’re listening.... keep it coming.

We are now gearing up for the next Annual MAHC Conference May 20 - 23, 2018. We hope to see you in Las Vegas, its going to be an exciting time full of Education and Networking. For more information about the 2018 Conference please refer to the MAHC website at www.mahc.coop.

Respectfully Submitted by Richard Berendson, President



Dear Co-op Counselor; HELP!

Dear Co-op counselor,

We are running into an issue with board meetings and speakers misusing time. We have business to attend to and things are not getting done. How can I help keep these meetings on track and follow the correct procedure?

Signed,
Inquiring Member

Dear Member,

Far too often the beautiful Robert’s Rule is misused during a Board meeting and used to abuse a speaker. The Rules of Parliamentary Procedure are put in place to protect meeting participant’s rights and to assist moving business along. But when those rules are misused or abused, these rules can hinder and delay business; ultimately placing corporate action at a standstill to the detriment of not only the Board but the members the Board is elected to serve.

Fortunately, Robert’s Rules says that any board member during a board meeting and any member during a member meeting who notices a breach of the rules has a right to call immediate attention to the fact and insist that the rules be enforced by raising a point of order. The catch: calling out a point of order it means you had better be able to point out the broken rule to the Chair; otherwise you are out of order.

If one notices a breach of the rules, especially if that breach infringes on members’ rights, Robert’s says to quickly rise, even if you interrupt the speaker. Then state: “Point of order, Madam/Mister Chair/President!” or “Madam/Mister President, I rise to a point of order!”

As soon as you are recognized, state the reasons why you think the Cooperative’s policies and rules are not being followed correctly. If you are correct, the Chair/President is to either recognize the validity of your point and go back to following the rules or the Chair/President should advise you that such rule is not violated and go back to the meeting.

The Chair/President’s duty is to make a decision, called a ruling, on your point of order. He/She may need to check the rules or the bylaws, or, some instances he/she will ask the parliamentarian for advice. Robert’s Rules states that a point of order will be ruled on in one of two ways: the point is declared either “Well-taken,” or “Not well-taken,” and a short explanation of the ruling is given. Do not use this rule to interrupt a speaker if you cannot point to a breach in the rules. Do that and you will be in breach of the rules and you will lose credibility.

Signed,
April Knoch



PC&K
PENTIUK, COUVREUR & KOBILJAK, P.C.
ATTORNEYS & COUNSELLORS AT LAW
Contact Randall A. Pentiu, Esq.
(734) 281-7100 | rpentiuk@pek-law.com
www.pek-law.com

Disclaimer: While we hope this information is helpful in answering some of your questions, please be advised that the answers provided here are for “general” informational purposes only. This information should not be construed as “legal advice” either to the individual or the Cooperative that they represent, the use of this forum does not create an attorney-client relationship between the user/reader and Mr. Pentiuk or his law firm, Pentiuk, Couvreur and Kobiljak, P.C. For specific legal advice and personalized assistance with regard to your particular issue or problem you should contact a professional cooperative attorney.

If you are interested in submitting a question (regarding legal policy and procedure) to the Co-op Counselor, please submit your question via email to MAHCeditor@gmail.com, insert the words “Coop Counselor” in the subject line. If you would like to mail your question please send it to Pentiuk, Couvreur & Kobiljak, P.C., 2915 Biddle Suite 200, Wyandotte, MI 48192 Attention: “Co-op Counselor”. While we will do our best to respond to your question please understand that submission of your question to this forum is no guarantee that you will get a published response.



www.TMPSinc.com

Fax 773-394-8392

Property Services, Inc. AMO

Out of the Box Property Management

A Company with 45 years of experience in Property Management

OFFICES IN CHICAGO, IL, BATTLE CREEK, MI & KANSAS CITY, MO

BATTLE CREEK

13480 Stone Jug Road
Battle Creek, Michigan 49015
269-420-5734

CHICAGO

1165 North Milwaukee Ave., Ste 1N
Chicago, Illinois 60642
773-394-8273

KANSAS CITY

7409 E 89th Terrace
Kansas City, MO 64138
816-984-1135

Check out MAHC's information Exchange at www.mahc.coop. There you can find all kinds of resources such as:

Disaster Planning

Emergency Response Handbook

Promotional Materials to attract new members

Links to other Cooperative information websites

Share resources your Cooperative uses

This space is empty because it's waiting for your advertisement!

Space is running out so contact Alyson Dolan

at MAHCeditor@gmail.com



For 70 years as a mission-driven non-profit, we exist solely to provide the highest quality, affordable housing communities possible for seniors *62+.



Resident Members Benefit From:

- Continuing Education
- Diversity & Open Membership
- Democratic Control
- Social Interaction
- Senior Empowerment
- Not-For-Profit Operation

Tour Our Locations!

Belleville	Plymouth
Carleton	Pontiac
Dearborn	Riverview
Heights	Romulus
Detroit	Royal Oak
Ecorse	Southgate
Flat Rock	Trenton
Hazel Park	Warren
Highland Park	Wyandotte
Kalamazoo	
Madison Heights	



1-800-593-3052

TDD: 1-800-348-7011

visit us online at www.CSI.coop

*A limited number of apartments are available in some locations for younger persons who are physically disabled and need the special features of a unit designed for the mobility impaired. Income limits apply. Most utilities are included.

We Are a Community

What makes a community?

Since the late nineteenth century, the use of the term “community” has remained, to some extent, associated with the hope and the wish of reviving once more the closer, warmer, more harmonious types of bonds between people. “Community” is so easy to say. The word itself connects us with each other. It describes an experience so common that we never really take time to explain it. But, the meaning of community is complex. And, unfortunately, insufficient understanding of what a community is and its role in the lives of people in diverse societies has led to the downfall of many well-intended “community” efforts.

It's About People.

Community is not a place, a building, or an organization; instead, it's a feeling built upon a set of relationships among people. The community provides a sense of trust, belonging, safety, and caring for one another. All of which empowers the people to influence their environment and each other – for the good of the whole community. This shared experience becomes a treasured feeling that is undeniably fundamental to human existence.

The Cooperative Community.

Members in cooperative communities help each other. By working together, they can solve problems that are too big for one person. This very principle, that of participation, is one of the most significant Cooperative's were founded upon. Back to that feeling.. if I have a voice, I belong. If I belong, I trust. If I trust - I help perpetuate the continued existence of my Cooperative home.

Many of us, members, board members and professionals alike have witnessed (and lived) the other, not so glorious, side of community. You know the one. The politically driven platforms, friendships being put to the test, hostile town hall meetings... The very nature of our connection to the Cooperative community is bound to see the ugly side of emotional attachment. Multiple voices in one community will not always share the same message. It's how we react to our differences that will determine the Cooperative's outcome. It's another founding principle – that of the democratic process.

The Take-a-Way.

At every opportunity, you get as a Cooperative Member, do speak about what makes your Cooperative a community. If opportunities aren't presented, make them. For example, incorporate a community section in your new member orientation platform (instead of focusing on all the Cooperative regulations). Introduce a town hall meeting for the sole purpose of community development in your Cooperative. Lastly, when controversy arises, and it will, don't fight it. Instead embrace it, knowing that some of the most significant change will come from controversy – it's a necessary part of cooperative community living.

Cooperatively Submitted Valerie Hall Kirkpatrick Management Co., Inc.



MAHC Board Members

Richard Berendson
President

Blaine Honeycutt
Vice President

Cyndy Phillips
Secretary

Chris-Johnson-Nieves
State Vice President- Illinois Treasurer

Randall President
State Vice President- Michigan

Karen Mitchell
State Vice President- Indiana, Kentucky

Michael E. Reading
State Vice President- Kansas, MO

Marlene Dau

Tom Hutch

Valerie Hall

Mark Kennedy

Leslie LaMarche

Lori Smith

Esther Ohiku

Monte Huston

Annette Dukes
MAHC Office



LEGACY, LLC

A full service property management
company committed to helping
cooperatives succeed



- Collaborative Board Partnerships
- Long term talented staff
- Legacy offers a certified trainer for MAHC



LEGACY VALUES:

Clients
Employees
Integrity
Accountability
Loyalty
Family



OUR FOUNDATION IS BUILT ON:

People
Passion
Pride
Performance

**Call today to experience the
Legacy difference!**



800-611-0950
www.legacy.services

Cooperative DOS & DON'TS

DO- Clean up after your pets to maintain a clean environment for you and fellow members

DON'T- Leave it for someone else to take care of. It is important to clean up after your pets to ensure everyone has a clean living space in the cooperative.

MAHC Messenger

Editor- Randall A. Pentiuk

Review- April Knoch, Creighton Gallup

Publication Design and Layout- Alyson Dolan



www.ekirkpatrick.com

Your Local Hometown *Property Managers*



- Mortgage Payoff & Refinancing
- Construction Management / Capital Improvement Project Management
- Financial Management & Long Term Planning
- Cooperative specific staff & Board Member training



Michigan Office
586-421-4360

Indianapolis Office
317-570-4358

Robert's Rules of Order

What Precedes Debate?

Before any subject is open to debate it is necessary, first, that a motion be made by a member who has obtained the floor; second, that it be seconded (with certain exceptions); and third, that it be stated by the chair, that is, by the presiding officer. The fact that a motion has been made and seconded does not put it before the assembly, as the chair alone can do that. He must either rule it out of order, or state the question on it so that the assembly may know what is before it for consideration and action, that is, what is the immediately pending question. If several questions are pending, as a resolution and an amendment and a motion to postpone, the last one stated by the chair is the immediately pending question.

While no debate or other motion is in order after a motion is made, until it is stated or ruled out of order by the chair, yet members may suggest modifications of the motion, and the mover, without the consent of the seconder, has the right to make such modifications as he pleases, or even to withdraw his motion entirely before the chair states the question. After it is stated by the chair he can do neither without the consent of the assembly as shown in 27(c). A little informal consultation before the question is stated often saves much time, but the chair must see that this privilege is not abused and allowed to run into debate. When the mover modifies his motion the one who seconded it has a right to withdraw his second.

All information is pulled directly from Robert's Rules of Order consult www.rulesonline.com for additional information.



HUNTINGTON
Management

A pioneer in the housing management industry, discover Huntington Management's solutions to your cooperative housing needs. Communities that offer its members a great place to call home. The difference begins with our leadership team addressing the needs of each specific community.

Come on over to our house

Please visit our website for a complete list of locations and amenities: www.huntingtonmanagement.com

Huntington Management (248) 354-4474
25480 Telegraph Rd, Suite 100, Southfield, MI 48033
Executive Director: Cindy Jones



Managing properties. Enhancing communities.



MAHC Messenger

We welcome your article contributions of 500 words or less submitted in MS Word format. Please forward your entry to the editor at MAHCeditor@gmail.com. If you are a Management Company and would like to contribute to "Cooperative Dos and Don'ts" section of the MAHC please submit your suggestions to MAHCeditor@gmail.com.

If you are interested in placing an ad in the MAHC Messenger, please contact the editor.

The views and opinions expressed herein are those of the author(s) and contributors and should not necessarily be reflected as those of the Midwest Association of Housing Cooperatives. The purpose of this publication is to serve as informational only and not to engage in disbursement of legal advice. If you require legal assistance please consult an attorney. If you have questions or comments please submit them to the editor at the email address listed above.

MAHC (Midwest Association of Housing Cooperatives)



37140 Goddard rd
Romulus, MI 48174-0185

Prsrt Std
US Postage

PAID

Permit #31