

INCORPORATION OF SUMMER RESORT OWNERS (EXCERPT)
Act 137 of 1929

455.206 Membership; eligibility; corporate jurisdiction as to property of nonmembers; election.

Sec. 6. Persons eligible to membership in said corporation, at any and all times, must be freeholders of land in the county of its organization and such land must be contiguous to the resort community in which the corporation is organized: Provided, however, It shall not be necessary that the lands of all members shall join, but it shall be sufficient if such lands are reasonably adjacent to the resort community, so as to be benefited by membership therein, and the trustees of the corporation, when lawfully authorized by the corporation, shall be judges as to whether the lands of such proposed members are sufficiently identified with the common interests of the other lands embraced within said corporate jurisdiction, to make proposed members eligible: And provided further, That the land of no owner that does not voluntarily join such corporation can be compelled to come under the jurisdiction of the corporation until after a body politic and corporate has been incorporated under this act in the territory to be affected and has continued to function as such for a period of 2 years. Thereafter an election may be called by the board of trustees or board of directors within the territory to be affected for the purpose of determining whether the entire territory comprising the subdivisions or parts of subdivisions affected should become entirely incorporated.

History: 1929, Act 137, Eff. Aug. 28, 1929;—CL 1929, 10368;—Am. 1939, Act 133, Imd. Eff. May 23, 1939;—CL 1948, 455.206.

Constitutionality: In *Whitman v Lake Diane Corp*, 267 MA 176 (2005), the Michigan court of appeals held that the provisions concerning elections in the summer resort owners corporation act, MCL 455.201 et seq, violate the constitutional due process rights of the persons whose property interests would be affected by the election.