



MEMORANDUM

To: Fox Glen Association
From: Amy M. Smith
Date: August 7, 2026
Re: Fox Glen Association – Limited Common Elements

The purpose of this memorandum is to clarify what Limited Common Elements are, explain their ownership, and outline why this distinction is important for all co-owners.

What Are Limited Common Elements?

Fox Glen Condominium property consists of three main components: General Common Elements, Limited Common Elements, and Units.

Limited Common Elements are parts of the condominium property located outside the individual unit boundaries. Like General Common Elements, they are owned jointly by all co-owners as part of the condominium property. However, they are designated for the exclusive use of a specific unit (or units). Limited Common Elements are defined as “those Common Elements of the Project...which are reserved for the exclusive use of the Co-owners of a specified Unit or Units” in Article III, Section 3.1(o) of the Master Deed. In contrast, your unit itself is individually owned by you.

Examples of Limited Common Elements in Fox Glen include (see Article IV, Section 4.2 of the Master Deed):

- Setback areas appurtenant to each unit as depicted on the Condominium Subdivision Plan, this is Limited Common Element land area that surrounds a unit;
- Driveways and sidewalks serving a unit or units;
- Individual mailboxes; and
- The pipes, ducts, wiring, and other utility lines that provide electricity, gas, water, telephone, television, or other services to your unit begin where they branch off from

the main building system or public utility line. With that said, for electricity and gas, this point starts at the meter that measures your service.

They are called “limited” because their use is restricted to a specific unit, even though they are part of the Condominium’s Common Elements.

Who Owns Limited Common Elements?

Under Michigan Condominium Act and the Association’s Master Deed, the Association, not the individual co-owner, owns all Common Elements, both General and Limited.

This means that although a co-owner may have the exclusive right to use certain Limited Common Elements, the areas are not individually owned by the co-owner. Instead, the title and legal ownership remain with the Association on behalf of all members.

Why This Distinction Matters?

Understanding the difference between ownership and exclusive use is important because the Association’s governing documents (the Master Deed and Bylaws) assign maintenance and repair responsibilities accordingly.

Since the Association holds ownership of Limited Common Elements:

- Any alterations, modifications, or improvements to these areas require prior written approval from the Association under the Bylaws.
- Unauthorized changes can violate the governing documents and may result in enforcement action or restoration requirements.

Conclusion

To summarize, all Common Elements, both Limited and General, are owned by the Association. While co-owners may have exclusive use of certain areas, they do not own them individually. The Association retains ownership and oversight to ensure the property remains uniform, well-maintained, and in compliance with the law and Governing Documents.