

NEGAUNEE LAKE ASSOCIATION NEWSLETTER

MAY 2012

Welcome back to the Lake! Annual dues are \$330 for homes on and off the lake, \$165 for lots on the lake, \$110 for lots off the lake and were due May 1st. If you are outstanding, please forward your payment to our Treasurer, Linda Cochran, 389 Negaunee Lake Dr, Ewart MI, 49631. Unpaid members are reminded that boat launch access and use of the parks is not available until dues are paid in full. Use of the dumpster, without paid dues, is considered trespassing which can incur a \$500 fine.

The Annual Negaunee Lake Association (NLA) picnic/annual meeting will be held on Saturday, July 7th at noon in the Association park. The annual meeting will follow. In case of inclement weather, it will be held Sunday, July 8th – same time, same place. Bring your family and friends, your own table service, and one or more dishes to pass. Hot dogs, burgers and brats will be available for \$3.00 per person, children under 12 are free. Please come and join us, visit with your neighbors, meet new ones and enjoy some great food. Your help with table set up the Wednesday before the picnic/meeting (6/27) at 9am would be appreciated.

Election of ALL officers for two year terms is this year. These are all volunteer positions and you are encouraged to participate/get involved.

We need volunteers to organize/run kid's games/prizes during the annual meeting. Please contact one of your NLA board members (contact info on negauneelake.org) if this opportunity would interest you.

The gentlemen who regularly maintain NLA grounds/roads invite you to join them. Work party begins 5/2 at 9AM and each Wednesday throughout the summer. For those who cannot be here during the week, some Saturday dates will be posted on the website as projects are evaluated. Come out and join the work crew or tackle some of these chores on your own.

Pick up of twigs/sticks/branches in parks to prevent mower damage. If you can't remove them, make piles.

Each park needs mowing/weed whacking several times a year

Pavilion often needs to be swept out

Clip branches away from road edges

Be sure to give a big thanks to Bob Lancaster and Don Straub for their hours spent on the roads this winter to ensure access to your home.

Fish Fund - Returnable pop/beer cans will again be accepted for the fish fund this year. Please place clean returnables in plastic bags, behind the fence, at the park for pickup. Current plan is to plant feeder fish this spring. Further planting will depend on fund balance. Contributions can be sent to the NLA Treasurer noting fish fund donation.

After a few very bad summers, NLA Board members have voted to harvest lake weeds this year - date(s) to be determined. Professional Lake Management (PLM) will mail each of you a postcard showing projected dates for various lake treatments. This information is also posted on negauneelake.org. Permission slip for treatment (new members only) is posted on negauneelake.org. Permission slip applies from time of your original signature until revoked.

Subdivision 4 McLachlan lawsuit has been settled – please see attached for details. Details also posted on negauneelake.org. Only Sub 4 residents were named in this suit which ultimately affects all members of NLA. Thank you to Ed Klein for all his coordinating efforts, the residents of Sub 4 for reaching an agreement and incurring the cost on this!

PLEASE NOTE -

- Break down boxes before putting in dumpster – better yet, recycle! Information posted on negauneelake.org
- No leaves, brush, building materials, propane tanks, carpeting or undried paint cans in dumpster
- Members may call Waste Management at 1-800-796-9696 for bulk pickup of items, i.e. furniture, etc. **Scrap metal only** may be placed behind the shed in the park at no cost. Any proceeds to benefit the Association. There is a \$25 charge payable to NLA for refrigerators and freezers because of the freon. Make sure any appliances are made child proof. Car and boat batteries also accepted.
- Please do not put leaves and other yard debris in the lake
- Leaves should never be left in the road – they inhibit proper road grading
- Snow plow/snow blower debris should never be left in the road – inhibits proper snow removal
- Power wash and empty bilge on any boat that has been in waters other than our lake before you launch. NLA Board members have gate key.
- Speed limit is 15mph for ALL vehicles on our roads. With all the hills and curves on our roads it is very difficult to see those who are walking, biking, playing on and around the roads. This includes motorized bikes and ATV's. Ride single file, not two abreast and be aware of the other vehicles on the roads. Wear a helmet. Pass this information on to your visiting friends and family.
- Please keep all dogs on a leash.
- Please do not use LaFraugh barn drive to transport your pontoon.
- Please inform the Secretary of any change of address you may have and give us an email address if you have one to cut down on postage costs. Contact information at negauneelake.org. Email addresses are not published and you can choose not to have your address included on the published NLA directory.
- Lake traffic moves counter clockwise (to the right – just like driving a car), and is subject to all state boating laws.

Please remember to make your guests aware of any of the above information as you are responsible for their actions while visiting Negaunee Lake.

Check the negauneelake.org website for contact information and more.

Enjoy your summer and hope to see you at the Picnic!

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OSCEOLA

STERLING & KAY MCLACHLAN,
Plaintiff,

HON. SCOTT P. HILL-KENNEDY
Circuit Court Judge

V

File No.: 11-12667-CH

NANCY E. CONLEY, ET AL
Defendant

JAMES R. WHITE (P34919)
Attorney for Plaintiff
WHITE LAW OFFICE, P.L.C.
116 N. Main St., P.O. Box 973
Ewart, MI 49631
(231) 734-3531

Michael A. Figliomeni (P36206)
MCCURDY, WOLTILA & PORTEOUS
Attorneys for Defendants, Charles A. and
Donalda J. Sampson, Carol Ballard, and
Theodore and Deana M. Flore
120 West Harris Street
Cadillac, MI 49601
(231) 775 - 1391

CONSENT JUDGMENT GRANTING EASEMENT

At a session of said Court
held in the Courthouse in the
City of Reed City, State of Michigan,
on the ____ day of _____, 2012

PRESENT: Honorable Ronald C. Nichols

NOW COMES, Sterling & Kay McLachlan, Plaintiffs, by and through their attorney, James R. White; Defendants Charles A. & Donalda J. Sampson, Carol Ballard, Theodore & Deana M. Flore, by and through their attorney, Michael A. Figliomeni, and

Defendants Eric R. Hammond, Lori A. Hammond, Cyril N. Bryant Living Trust, Charles Kage, Cynthia Kage, Edward Klein, Ann Klein, Stuart McDiarmid, Linda McDiarmid and consent to this judgment, as follows:

1. That Plaintiff commenced this action on May 10, 2011, asking the court to issue a judgment giving the Plaintiffs an access easement over the roads located in the Plat of Negaunee Lake #4, from the Plaintiff's real property to Meceola Road.
2. That Defendants, Charles Sampson, Donald J. Sampson, Carol Ballard, Theodore Flore, Deanna M. Flore, Eric R. Hammond, Lori A. Hammond, Cyril N. Bryant Living Trust, Charles Kage, Cynthia Kage, Edward Klein, Ann Klein, Stuart McDiarmid and Linda McDiarmid subsequently answered Plaintiff's complaint, asking the court to deny Plaintiff's request.
3. That all other Defendants having defaulted and defaults having been issued.
4. That the parties now desire to settle this matter.
5. That the parties own the following real property:
6. The Plaintiffs are the record owners of the following real property, located in Evert Township, Osceola County, Michigan:

The NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 35, T17N, R8W, EXCEPT that part of the property located in the Plat of Negaunee Lake Subdivision #4.
7. Defendant, Nancy E. Conley, is the record owner, of a life estate, and Christopher E. Conley is a future interest owner, of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 115, Plat of Negaunee Lake #4
8. Defendants, Eric R. Hammond & Lori A. Hammond, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 116, Plat of Negaunee Lake #4
9. Defendant, The Cyril N. Bryant Revocable Living Trust, is the record owner of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 117, Plat of Negaunee Lake #4
10. Defendants, Michael D. Sundberg & Angela R. Sundberg, are the record owners, of a land contract vendees interest, and Edward L. Morgan & Judith A.

Morgan, are the legal title owners, of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 118, Plat of Negaunee Lake #4

11. Defendants, Charles Kage & Cynthia Kage, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 119, Plat of Negaunee Lake #4

12. Defendants, Miron Stolaruk & Carlene J. Stolaruk, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lots 120 & 121, Plat of Negaunee Lake #4

13. Defendants, Edward Klein & Ann Klein, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 122, Plat of Negaunee Lake #4

14. Defendant, Carol Ballard, is the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lots 123 & 124, Plat of Negaunee Lake #4

15. Defendants, Theodore Flore & Deana M. Flore, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 125, Plat of Negaunee Lake #4

16. Defendants, Charles D. Hughes & Judith M. Hughes, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 126, Plat of Negaunee Lake #4

17. Defendants, Calvin E. Dart & Beth Anne Dart, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lots 127 & 128, Plat of Negaunee Lake #4

18. Defendant, Victoria Toyegas, is the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lots 129 & 130, Plat of Negaunee Lake #4

19. Defendant, The Jacqueline R. Maicki Revocable Living Trust, U/A/D 11-29-06, Jacqueline R. Maicki, Trustee, is the record owner of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 131, Plat of Negaunee Lake #4

20. Defendant, Harry W. Frederick, is the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 132, Plat of Negaunee Lake #4

21. Defendants, Edward L. Morgan & Judith A. Morgan, are the record owners of following real property, located in Evert Township, Osceola County, Michigan.

Lot 133, Plat of Negaunee Lake #4

22. Defendant, Rosalia McKinstry, A/K/A Rosalia McLachlan is the record owner of the following real property, located in Evert Township, Osceola County, Michigan.

Lot 134, Plat of Negaunee Lake #4

23. Defendants, Stuart McDiarmid & Linda McDiarmid, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lots 135 & 136, Plat of Negaunee Lake #4

24. Defendants, Joseph Kovacic & Joanne Kovacic, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lots 137 & 138, Plat of Negaunee Lake #4

25. Defendant, Paul Hamilton and Bettie Hamilton, Husband & wife, are the record owner of the following real property, located in Evert Township, Osceola County, Michigan.

Lots 139 & 140, Plat of Negaunee Lake #4

26. Defendants, Charles A. Sampson & Donelda J. Sampson, are the record owners of the following real property, located in Evert Township, Osceola County, Michigan.

Lots 141 & 142, Plat of Negaunee Lake #4

THEREFORE, THE PARTIES CONSENT AS FOLLOWS:

1. That the Plaintiffs, and their successors in interest, to Plaintiffs' property described in paragraph 6 above, (the Property), shall have a permanent right of access over the following described road: " West Negaunee Lake Drive" eastward to East Negaunee Lake Drive and then along East Negaunee Lake Drive, southward, to "Meceola Road," all of which are portions of private roads designated in Negaunee Lake Subdivisions No. 1 and 4 (the Easement).
2. That the Plaintiffs, and their successors in interest, shall have two access points to the Property, one being on the east end of the Property and one on the west end of the Property.
3. That the Plaintiffs, and their successors in interest, shall abide by, and the Property shall be restricted by, any recorded plat restrictions for Negaunee Lake Subdivisions No. 1 through 4.
4. The Plaintiffs, and their successors in interest, shall not subdivide the Property.
5. That the Plaintiffs, and their successors in interest, agree to contribute to road maintenance and related contributions in the same amount assessed to the other lot owners in the Negaunee Lake Association.
6. That in the event that timber is harvested on the Property, the following restrictions shall apply:
 - A. The Property will be managed as a wood lot using good forestry management practices, including adequately addressing any erosion issues that may occur.
 - B. Prior to the cutting, a performance bond shall be issued in favor of both the Plaintiffs, or their successors in interest, and the Negaunee Lake Property Owners Association. The bond shall be of an amount, satisfactory to the Association, to insure appropriate performance and maintenance or repair of the road, back to the condition prior to the timber operation.
 - C. All timber cutting shall be confined to the property and no storage or stacking of timber, or parking of large equipment, shall be allowed on the roadway. This restriction does not include motor vehicles, such as automobiles or pickups, parked at reasonable times during any timber harvest.
7. The rights and obligations of the easement shall be perpetual and run with the land.

8. Use of the easement shall be strictly limited to residential access, with the exception of the activities listed in paragraph 6 above. Neither the Plaintiffs, nor their successors in interest, shall have rights to lake access, as a result of this Consent Judgment.
9. That in the event that any party to this litigation, including the Negaunee Lake Property Owners Association, or any lot owner in Negaunee Lake #1-4, shall file an action to enforce the terms of this Agreement, in addition to any legal or equitable relief, the prevailing party shall be entitled to actual reasonable attorney fees and costs.
10. That this judgment shall be recorded in the office of the Osceola County Register of Deeds.

This Judgment resolves the last pending claim and closes the case

Dated:

HON. RONALD C. NICHOLS
Circuit Court Judge

APPROVED AS TO FORM AND CONTENT:

DATED:

James R. White
Attorney for Plaintiffs

DATED:

Michael A. Figliomeni
Attorney for Defendants, Charles A. &
Donalda J. Sampson, Carol Ballard, and
Theodore & Deanna M. Flore

DATED:

Eric R. Hammond, Defendant

Lori A. Hammond, Defendant

DATED:

Cyril N. Bryant Living Trust, by Cyril N.
Bryant

DATED:

Charles Kage

Cynthia Kage

DATED:

Edward Klein

Ann Klein

DATED:

Stuart McDiarmid

Linda McDiarmid