

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

DUNHAM LAKE PROPERTY OWNER'S  
ASSOCIATION,

Plaintiff,

v

File No. 73-2289  
Hon. Paul Mahinske

JOHN M. DONOHOE and PAULA L.  
DONOHOE, his wife, Jointly and  
Severally,

Defendants,

and

DUNHAM LAKE DEVELOPMENT CO.,

Defendant,

and

WINFRED WELDON and W. WELDON  
LAND CO., INC.,

Intervening Defendants.

Sammie L. Shank (P23941)  
COOPER, BURCHFIELD & SHANK  
Attorneys for Plaintiff

Jeffrey B. Green (P24773)  
REMER, ZATKIN and GREEN, P.C.  
Attorneys for Donohoes

Isadore Goldbaum (P14902)  
GOLDBAUM AND GATTORN  
Attorneys for Dunham Lake Development Co.

Martin J. Leavitt (P16489)  
SULLIVAN AND LEAVITT, P.C.  
Attorney for Intervening Defendants

**FILED**  
FEB 3 1981

DEPUTY COUNTY CLERK  
Howell, Mich.

JUL 29 12 43 PM '81  
RECORDED  
NANCY HAYLAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MICH.

ORDER

At a session of the Livingston County  
Circuit Court held in the City of  
Howell, Michigan, on this 3 day of  
FEB, 1981.

PRESENT: Hon. Paul R. Mahinske  
Circuit Court Judge

CLERK'S CERTIFICATE  
STATE OF MICHIGAN  
COUNTY OF LIVINGSTON  
I, Joseph M. Ellis, Clerk of said County of  
Livingston and Clerk of the Circuit Court for said  
County, do hereby certify that I have compared the  
above described instrument with the original  
thereof and that it is a true and  
correct copy of the original and of the whole of  
the same.  
Witness my hand and the seal of the County of  
Livingston this 26th day of February, 1981.  
JOSEPH M. ELLIS, CLERK COURT

CLERK'S CERTIFICATE  
STATE OF MICHIGAN  
COUNTY OF LIVINGSTON  
I, Joseph M. Ellis, Clerk of said County of  
Livingston and Clerk of the Circuit Court for said  
County, do hereby certify that I have compared the  
above described instrument with the original  
thereof and that it is a true and  
correct copy of the original and of the whole of  
the same.  
Witness my hand and the seal of the County of  
Livingston this 26th day of February, 1981.  
JOSEPH M. ELLIS, CLERK COURT

LIB 1023 PAGE 258

LAW OFFICES SULLIVAN AND LEAVITT, P.C. 2876 HASSLET ROAD P.O. BOX 480, NORTHVILLE, MICHIGAN 48847 (517) 248-9888

2530-5

LIBER 1023 PAGE 259

LAW OFFICES SULLIVAN AND LEAVITT, P.C., 31075 HARBERT ROAD P. O. BOX 400, NORTHVILLE, MICHIGAN 48167 (313) 845-8800

This matter having come before this Court on remand from the Court of Appeals on this issue of costs and attorney fees, and the Plaintiff, DUNHAM LAKE PROPERTY OWNER'S ASSOCIATION having filed its Motion for Entry of Order Reforming Plat and further proceedings consistent with the Opinion of the Court of Appeals, and the Defendants having objected to said Order and this matter having been fully briefed, as well as the subject of extensive oral argument, and the Court being fully advised in the premises and having filed its Opinion in this cause on September 2, 1980,

NOW THEREFORE, it is hereby Ordered and adjudged that the aforesaid Opinion is incorporated by reference in this Order as is fully set forth herein, and

IT IS FURTHER ORDERED, that the recorded lot depths be adjusted in accord with the Court of Appeals ruling, to wit,

IT IS FURTHER ORDERED that the recorded lot depths of Lots 65, 66, 67 and 68 of Dunham Lake Estates South, a subdivision of part of the East 1/2 of Section 24, T3N, R6E, Hartland Township, Livingston County, Michigan, as recorded in Liber 11 of Plats, Page 32 and 33, Livingston County Records, be adjusted in accord with the Court of Appeals ruling, to-wit:

<u>ITEM</u>	<u>INCORRECT DATA</u>	<u>CORRECTION</u>
N. Line Lot #65	S. 89°02' E. 242.71	S. 88°17'31" E. 209.53
N. Line Lot #66	N. 88°59' W. 241.77	N. 88°57'46" W. 207.87
N. Line Lot #67	N. 89°19' W. 248.35	N. 89°13'52" W. 213.82
N. Line Lot #68	N. 89°19' W. 250.81	N. 89°13'12" W. 216.26
S. Line Lot #68	N. 81°21' W. 199.05	N. 81°11'33" W. 199.16

IT IS FURTHER ORDERED that adjustment of said recorded depths does not permit re-litigation of side setback restrictions, rear setback restrictions, committee approval, or township setback ordinances.

IT IS FURTHER ORDERED that Defendants shall be entitled to their taxable costs, expenses, and attorney fees pursuant to MSA 27a.2401, 27a.2441, 27a.2543, and 27a.2549.

2530-5



NANCY HAYLAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MICH.

JUL 29 12 42 PM '81

RECORDED

LIBER 623 PAGE 260

LAW OFFICES SULLIVAN AND LEAVITT, P.C., 23215 MACBERTY ROAD, P.O. BOX 480, MORTONVILLE, MICHIGAN 48150 (517) 841-3100

IT IS FURTHER ORDERED that Defendants may tax their costs, expenses, and attorney fees relative to these Motions as authorized by GCR 111.6.

IT IS FURTHER ORDERED that upon this Court's review of the Taxed Bill of Costs and GCR 111.6 attorney fees and costs submitted by Intervening Defendants, WINFRED WELDON and W. WELDON LAND CO., INC., this Court hereby awards taxable costs in the amount of \$134.00 and actual GCR 111.5 attorney fees and costs in the amount of \$5,027.10, for a total of \$5,161.10, and Defendants WINFRED WELDON and W. WELDON LAND CO., INC., may have execution therefore.

IT IS FURTHER ORDERED that the lis pendens heretofore filed against the property be and hereby is discharged.

IT IS SO ORDERED.

*Paul R. Mahinske*  
HON. PAUL R. MAHINSKE  
Livingston County Circuit Judge

RECORDED  
JUL 29 12 43 PM '81  
NANCY HAVILLAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MICH.

