

LIBER 735 PAGE 595

RECORDED

STATE OF MICHIGAN

DEC 11 2 26 PM '75

JULIA C. BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, MICH.
DUNHAM LAKE PROPERTY OWNERS
ASSOCIATION,

Plaintiffs,

CASE NO. 2289

-vs-

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

Defendant and Third-party
Plaintiff,

-vs-

DUNHAM LAKE DEVELOPMENT COMPANY:
BERNARD J. ANGEL and FRANCES
ANGEL, and LAWYERS TITLE INSURANCE
CORPORATION, jointly and severally,

Third-party Defendant.

19887

FILED

Michael J. Gallagher
Attorney for Plaintiffs
Bar No. P-13810

DEC 2 1975
W. J. Gallagher
COUNTY CLERK
Howell, Mich.

COURT OF LIVINGSTON COUNTY
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 foregoing with the original record thereof, and everything in my office and that it is a true and correct transcription thereof, and of the whole of such original record.
In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court and County this 11th day of December, A.D., 1975.
Joseph M. Ellis, COUNTY CLERK

JUDGMENT OF DEFAULT

At a session of said Court held in the City of Howell, County of Livingston, State of Michigan, on this 3rd day of November, 1975.

PRESENT: HONORABLE PAUL R. MAHINSKE, Circuit Judge

THIS CAUSE coming on to be heard on the Motion for Default Judgment, pursuant to Michigan General Court Rule 301.9, made by MICHAEL J. GALLAGHER, attorney for the Plaintiffs, for the failure of the Defendant, JOHN M. DONOHOE and PAULA L. DONOHOE, his wife, to appear for a regular scheduled pre-trial set for the date of November 3, 1975 at 4:00 p.m., and it appearing to the Court that a pre-trial was set for the date of November 3, 1975 at 4:00 p.m. at the Courthouse in Howell, Michigan, and it further appearing to the Court that due notice of such pre-trial was mailed to all of the parties by the Court Clerk, and it further appearing to the Court that the Defendants, JOHN M. DONOHOE and

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PAULA L. DONOHUE, his wife, failed to appear at the appointed date and time of said pre-trial, nor did anyone appear for them, or on their behalf;

NOW THEREFORE, and in pursuant to General Court Rule 301.9, the Default of the said Defendants, JOHN M. DONOHUE and PAULA L. DONOHUE, his wife, is hereby Ordered, and the relief prayed for in the Plaintiff's Complaint is hereby granted in total, together with costs and attorney fees, and specifically;

THE COURT FINDS, that certain restrictions and covenants issued by the Plaintiffs, DUNHAM LAKE PROPERTY OWNERS ASSOCIATION, are full and binding upon all lots located in the subdivision known as Dunham Lake Estate South, and in particular upon the real estate described as, Lot 67 of Dunham Lake Estate South, as recorded in Liber 11, of plats, pages 32 and 33, of the Livingston County Records, and that among the said restrictions are the restrictions:

1. That no building shall be constructed on any lot, until the construction plans and a plan showing the location of the structure have been approved by the Dunham Lake Civic Committee, as to, among other things, location with respect to topography and finish grade elevation.
2. That the Dunham Lake Civic Committee shall have the right to inspect homes under construction, to see if the said construction is according to the plan submitted and approved by the committee, and if said plans and specifications are not being followed in the construction of the buildings, that the Dunham Lake Civic Committee may require that any portion of the building not in accordance with such plans and specifications, be removed, all at the expense of the owner.
3. That no building shall be located closer than fifty feet from the park line.

THE COURT FURTHER FINDS, that the Defendants, JOHN M. DONOHUE and PAULA L. DONOHUE, his wife, in their construction of a building on the said Lot 67 of Dunham Lake Estate South, never were given approval of the plans and specifications for such construction, and in addition, the Court finds that on several occasions, the Defendants were given notice by various members of the Dunham Lake Civic Committee to remove the construction, so as to conform to the restriction which states that no building shall be located closer than fifty feet from the park line.

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LIBER 735 PAGE 597

RECORDED

DEC 26 PM '75

JULIA C. BLACKBURN
REGISTER OF DEEDS
LIVINGSTON COUNTY, ILL.


THE COURT FURTHER FINDS, that the said building was further in violation of the afore mentioned restrictions, in that same is closer than fifty feet from the park line, and that the said building was constructed by the Defendants, knowingly and willfully in violation of the afore mentioned restrictions.

IT IS THEREFORE ORDERED, that the residence situated on Lot 67, Dunham Lake Estate South, be re-located at the expense of the Defendant, such that the said building shall be located no closer than fifty feet from the park line, and,

IT IS FURTHER ORDERED, that the Defendants shall replace and repair all park property and trees, removed by the Defendants, as a result of the said construction.

IT IS FURTHER ORDERED, that the original plat of the subdivision, known as Dunham Lake Estate South, as recorded in Liber 11, Page 32, of the Livingston County Records, be reformed and amended, with respect to Lot 65 through 68 inclusive, to comply with the survey performed by Boss Engineering Company, and recorded at Liber 697, Page 544 of the Livingston County Records.

IT IS FURTHER ORDERED, that the Plaintiff is the owner in fee simple of that portion of park land erroneously included in the original recorded plat, as part of Lot 65 through 68 inclusive, and that the dimensions of such ownership shall be according to the dimensions of the survey of Boss Engineering Company, afore mentioned.


PAUL R. MAHINSKE, Circuit Judge

ENTERED: _____

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618-242-0200