

STATE OF MICHIGAN  
IN THE 13<sup>th</sup> CIRCUIT COURT FOR THE COUNTY OF GRAND TRAVERSE

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RONALD B. & LAURA J. SCHULTZE,  
THE STEVEN L. BATES & LOIS A. BATES  
REVOCABLE TRUST UAD 2/20/96, JOHN V.  
& ELAINE M. NOVAK, THE DANIEL W. BRIGGS  
TRUST UAD JULY 7, 2004, and KENNETH &  
DEBRA SCHONHOFF,

Plaintiffs,

v

Case No. 07-26271- CK  
Hon. Thomas G. Power

RODNEY F. HORVAT & VALERIE J. HORVAT;  
JOHN PALENICK, DIANE ROMEO, &  
RITA M. ROMEO; ALAN M. LUGER &  
SUE J. LUGER; DANIEL MCCARTHY &  
PATRICIA MCCARTHY; and RONALD P.  
RIEBSCHLEGER & TRACIE S. RIEBSCHLEGER,

Defendants.

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**OCT 16 2008**

**with GTC Circuit Court Records**

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**ORDER GRANTING JUDGMENT TO PLAINTIFFS**

At a session of court held in the courthouse in  
Bellaire, Michigan, on October 13, 2008.  
Present: Honorable Thomas G. Power

This matter having come before the court on the Plaintiffs' Motion for Summary Disposition, all parties (including those Defendants previously defaulted) having been given notice, Plaintiffs being represented by counsel at the hearing, and this Court being fully advised and briefed, NOW THEREFORE this Court finds that Judgment for Plaintiffs is proper.

THEREFORE, the court finds:

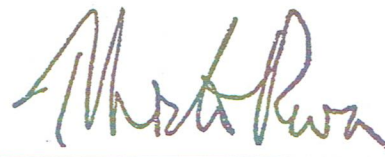
1. That the remaining Defendants have entered into consent defaults and were given notice of this hearing.
2. That by virtue of their defaults and their respective answers to formal Requests for Admission and responses to Interrogatories, all remaining Defendants have admitted the well plead allegations in the complaint and all the relevant facts necessary for a summary judgment in favor of Plaintiffs.
3. That by renting their homes on a short-term basis, Defendants have violated Section A of the Protective Covenants of the 1953 plat of Peninsular Shores Park No. 3 which says lots shall be used exclusively for residential purposes.
4. That by renting their homes on a short-term basis, Defendants have violated Section C of the Protective Covenants of the 1953 plat of Peninsular Shores Park No. 3 which says no commercial enterprise or business of any nature shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
5. That Plaintiffs are entitled to the relief requested in their Complaint.

IT IS HEREBY ORDERED:

1. Judgment is granted for Plaintiffs.
2. That rental of Defendants property to, or use of their property by, persons who do not use said property as their "residence" (i.e. a "residence" is where someone lives, whether or not the person is always physically there, and has a permanence and continuity of presence, stores belongings and continually returns) has been and shall be in violation of

both Section A and C of the Protective Covenants of the 1953 plat of Peninsular Shores Park No. 3 and, therefore, was and in the future will be unlawful.

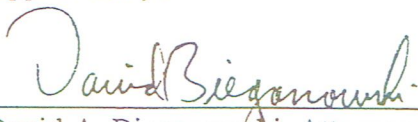
3. Defendants are hereby restrained and permanently enjoined from renting (for any manner of compensation) short term, defined as less than 30 days in duration, their property to, or allowing same to be used by any person who does not use said property as that person's "residence" as described in Michigan law.
4. Defendants are further restrained and permanently enjoined from using their lot for any non-residential purpose, including those associated with the short term rental of property.
5. Defendants are further restrained and permanently enjoined from using their property in any commercial enterprise or business of any nature, including those associated with the short term rental of property.
6. This Order shall not prohibit the use of Defendant's property by family and friends of Defendants in the absence of compensation.
7. No costs are awarded to any party and this resolves the last pending claim in this matter and closes this case.

 1d15108

Hon. Thomas G. Power

Signed: \_\_\_\_\_ 2008

Approved by:



David A. Bieganski, Attorney for Plaintiffs