

**DLPSA Board Meeting
October 29, 2008 7:30 P.M.**

**ROLL CALL: Present: Duane Lueck, Dan Briggs, Jan Bachman,
Dan Bodary**

Absent: Scott Kreta, Scott Hocking, Oral Carper

SECRETARY REPORT:

A motion by Dan Briggs to accept the minutes from the Sept. 14, 08 Annual meeting and the Oct. 1, 08 Organizational meeting and was seconded by Duane Lueck.

TREASURE'S REPORT: As of October 29, 2008 there is a balance of \$8,500. A motion was made by Dan Bodary and seconded by Dan Briggs to pay the following bills:

- 1. \$57.48 to Dan Briggs for stamps to mail the Newsletter.**
- 2. \$20.00 to USPS- Post Office box annual fee.**
- 3. \$17.02 Cherryland Electric**
- 4. \$25.00 Duane Lueck – supplies for Newsletter.**
- 5. \$2500.00 Belanger Excavating for boat launch drive: remove two stumps, roots and brush. Fill dirt and new asphalt. The amount is higher than the original bid as more asphalt was needed for a bigger area.**

COMMITTEE REPORTS:

Liaison: nothing reported

Hospitality: The board is updating the packet.

Maintenance: See below.

Newsletter: completed and mailed Oct. 16, 2008

OLD BUSINESS:

- 1) 2008/2009 projects: Build 1 new bench for each access this winter.**

- 2) **Update on rental lawsuit. The law suit is settled with Order Granting Judgment To Plaintiffs as the remaining Defendants have entered into consent defaults.**

NEW BUSINESS:

1. **Storage of dock/hoist @ access #4:** Accesses are for DAY use only NOT for private storage of docks/hoists. Duane Lueck and Oral Carper will discuss this with the owners of the property stored on access and have them immediately removed.
2. **appointment of board secretary for Jan. and March meetings:** Dan Bodary will not attend the Jan. and March meetings. Jan Bachman will ask Dolly Tokie to substitute.
3. **discussion of ways to achieve correct addresses of peninsula residents:** Discussion only – no solution has been finalized.
4. **compile list of key holders for present and future reference.** This list will be completed when the new keys for the boat launch, tennis courts are distributed next spring.

ADJOURNMENT;

The meeting was adjourned at 8:39 P.M. Motion by Duane Lueck and seconded by Jan Bachman.

STATE OF MICHIGAN
IN THE 13th CIRCUIT COURT FOR THE COUNTY OF GRAND TRAVERSE

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.

Copy of document filed

OCT 16 2008

with GTC Circuit Court Records

David A. Bieganowski (P55622)
Douglas J. Donaldson (P37557)
Attorneys for Plaintiffs
DONALDSON & BIEGANOWSKI, PLC
400 E. Eighth Street, PO Box 426
Traverse City, Michigan 49685-0426
(231) 947-6073; (231) 947-1645 fax

Alan M. Luger and Sue J. Luger,
Defendants
111 S. Glenwood Avenue
Columbia, MO 65203

Gary M. Ford (P29979)
BOWERMAN, BOWDEN, FORD, CLULO & LUYT, PC
Co-Counsel for Defendants Riebschleger
620-A Woodmere
Traverse City, MI 49686
(231) 941-8048; (231) 941-8192 fax

John Palenick and Diane Romeo, and Rita M. Romeo
Defendants, In pro per
7641 Blue Gentian Ct., Dexter, MI 48130

Rodney F. Horvat and Valerie J. Horvat
Defendants
565 Lake Front Blvd.
Winter Park, Florida 32789
Peter J. Riebschleger (P30689)
PETER J. RIEBSCHLEGER, PC
Co-Counsel for Defendants Riebschleger
4371 State Street
Saginaw, Michigan 48603
(989) 7901-2102

Daniel and Patricia McCarthy
Defendants, In pro per
569 Longfellow Drive
Troy, MI 48085

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:

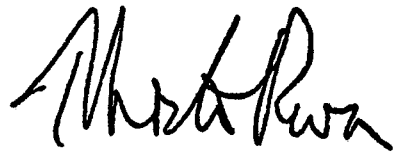
1. That the remaining Defendants have entered into consent defaults and were given notice of this hearing.
2. That by virtue of their defaults and their respective answers to formal Requests for Admission and responses to Interrogatories, all remaining Defendants have admitted the well plead allegations 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.

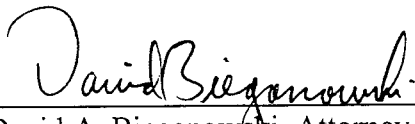


10/15/08

Hon. Thomas G. Power

Signed: _____ 2008

Approved by:



David A. Bieganowski, Attorney for Plaintiffs