

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

Strawberry Point Bluffs Subdivision
Homeowners Association, a Michigan
profit corporation, and Strawberry Hills Estates I,
II, III & IV Home Owners Association, a Michigan
nonprofit corporation,

Plaintiffs,

v.

Case No. 06-22139-CH
Hon. David J. Reader

Gold Krause, Et Al, L.L.C., a Michigan
limited liability company, Michael and Frankie
Hayes, Andrews Michael, Laurence and Irene
Gauthier, David and Jennifer Howard, Scott and
Denise Landis, Keli Murillo, and Blane A. Murillo,

Defendants,

CONSENT JUDGMENT REGARDING
LOTS 95-114 OF STRAWBERRY POINT
BLUFFS SUBDIVISION

and

Sarah and Joseph DeFrancesco, Robert and Debra
Mardeusz, Jacqueline Shaffer, Timothy and
Kyle Baker, Chuck and Shelly Stevens,
Thomas and Marsha Jenkins, Edward & Susan King,
and John and Pamela Musa,

Additional Defendants,

and

Michael Andrews, Laurence and Irene Gauthier, David
and Jennifer Howard, and Scott and Denise Landis,

Cross-Plaintiffs,

v

Gold Krause, Et Al, LLC, a Michigan limited
liability company,

Cross-Defendants.

and

Gold Krause, Et Al, LLC, a Michigan limited
liability company,

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Counter-Plaintiff,

v

Strawberry Point Bluffs Subdivision
Homeowners Association, a Michigan
profit corporation, and Strawberry Hills Estates I,
II, III & IV Home Owners Association, a Michigan
nonprofit corporation,

Counter-Defendants.

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Michael and Frankie Hayes

FILED
LIVINGSTON COUNTY
2009 APR - 1 PM 4: 04

CONSENT JUDGMENT REGARDING LOTS 95 - 114 OF
STRAWBERRY POINT BLUFFS SUBDIVISION

At a session of said Court held in the
City of Brighton, County of Livingston,
State of Michigan, this

March 31, 2009

PRESENT: HONORABLE Theresa M. Brennan
District Court Judge

Whereas the plaintiffs, Strawberry Point Bluffs Subdivision Homeowners Association ("SPBSHA") and Strawberry Hill Estates I, II, III & IV Home Owners Association ("SHEA") filed their Complaint For Declaratory Judgment and Injunctive Relief on May 15, 2006, against defendant Gold Krause, Et Al, LLC, ("Gold Krause") and Gold Krause later filed its Counter-Complaint against SPBSHA and SHEA;

Whereas, the plaintiffs, through their Complaint For Declaratory Judgment and Injunctive Relief and their First Amended Complaint for Declaratory Judgment and Injunctive Relief, named certain successors-in-interest of Gold Krause as to certain lots in the Strawberry Point Bluffs subdivision in Hamburg Township, Michigan, as follows:

Lot 96:	Keli Murillo and Blane Murillo
Lot 100:	Michael and Frankie Hayes
Lot 103	Michael Andrews
Lot 104	Michael Andrews
Lot 111:	Laurence and Irene Gauthier
Lot 112	David and Jennifer Howard

Lot 113 Scott and Denise Landis

(collectively, "Gold Krause Purchasers");

Whereas, the Gold Krause Purchasers filed Cross-Complaints against Gold Krause arising from and relating to their purchases of lots within the Strawberry Point Bluffs subdivision;

Whereas, Gold Krause currently owns Lots 95, 97, 98, 99, 101, 102, 105, 106, 107, 108, 109, 110, and 114 ("Gold Krause Lots");

Whereas, the parties are in a dispute as to whether Lots 95-114 in the Strawberry Point Bluffs subdivision and the present and future owners of those lots are beneficiaries of the easement to Lots 121-117 in the Strawberry Point Bluffs ("Park Lots") as set forth in Paragraph 22 of the Building and Use Restrictions On Strawberry Point Bluffs Subdivision, recorded at Liber 588 of Plats, page 122, Livingston County land records ("Building and Use Restrictions"), and/or whether the present and future owners of those lots have any or other rights to the Park Lots;

Whereas, the parties are also in a dispute as to whether any of the present and future owners of Lots 95-114 in the Strawberry Point Bluffs subdivision should be eligible for and entitled to join the SPBSHA;

Whereas, this case has been assigned to the 53rd District Court for the State of Michigan, Hon. Theresa Brennan presiding, for decision;

Whereas, the parties have agreed to a final resolution of their dispute regarding the use of and/or access to the Park Lots and eligibility and entitlement to join the SPBSHA that will be binding on all present and future owners of Lots 95 - 114, the SPBSHA, and SHEA, as well as all claims, counter-claims, counter-complaints, cross-complaints, and any or all claims that were

or could have been brought in this lawsuit regarding the Park Lots and/or the Lots 95-114 in the Strawberry Point Bluffs subdivision; and

The Court having been fully apprised of the premises, the Court hereby enters the following as its Consent Judgment regarding the Lots 95-114, their owners, and their rights to the Park Lots:

IT IS HEREBY ORDERED AND ADJUDGED that the Gold Krause Purchasers, collectively and/or individually, shall pay the total sum of Nine-Thousand (\$9,000.00) dollars to the SPBSHA and SHEA jointly, to be paid upon execution of this Consent Judgment, and Gold Krause shall not pay any sums to any other party under this Consent Judgment.

IT IS FURTHER ORDERED AND ADJUDGED that Gold Krause will grant and convey, in fee simple, Lots 95 and 114 of the Strawberry Point Bluffs subdivision to the SPBSHA and SHEA, as tenants-in-common, by way of a quit claim deed in recordable form and that will be executed and delivered to the attorneys for SPBSHA and SHEA on or before May 1, 2009.

IT IS FURTHER ORDERED AND ADJUDGED that all present and future owners of Lots 95-114 shall be and are hereby deemed beneficiaries of the written easement to the Park Lots as set forth in the Building and Use Restrictions, and as such shall have all the same rights and privileges to, and use and enjoyment of, the Park Lots as every other beneficiary of that easement, including without limitation, access to and use of the improvements on the Park Lots and utilizing the boat launch on the Park Lots, with all such rights being deemed as part of the original easement from the date of its inception. The rights and benefits provided by that easement shall run with the land, specifically Lots 95-114. All present and future owners of Lots

95-114 shall be required to adhere to and follow the Rules and Regulations governing the use of the Park Lots promulgated by SPBSHA and SHEA, as amended from time to time.

IT IS FURTHER ORDERED AND ADJUDGED that seven (7) of the Gold Krause Lots shall only be granted, sold, or otherwise transferred, in whole or in part, to individuals and/or families that own property lying within the Strawberry Point Bluffs subdivision (excluding Lots 92-121), Strawberry Hill Estates I subdivision, Strawberry Hill Estates No. 2 subdivision, Strawberry Hill Estates No. 3 subdivision, and Strawberry Hill Estates No. 4 subdivision (collectively, "Subdivisions"). As to each and every of those seven lots ("Transferred Subdivision Lots"), any grant or deed from Gold Krause and all future grants or deeds that transfer any of the Transferred Subdivision Lots, in whole or in part, shall state that any future grant, sale, or other transfer of one or more of those lots shall only be made to individuals and/or families that own property lying within the Subdivisions. Gold Krause has sole discretion as to which of the seven lots of the Gold Krause Lots will be included within the Transferred Subdivision Lots.

IT IS FURTHER ORDERED AND ADJUDGED that the Lots currently owned by the Gold Krause Purchasers and the remaining four Gold Krause Lots may be granted, sold, or otherwise transferred to third-parties, provided that any such transferee shall be an individual or a single nuclear family. Every initial and future deed that transfers any of those lots shall include a provision that requires that any future grant, sale, or other transfer shall only be made to an individual or a single nuclear family, with this limitation running with the land. Any such deeds shall also reserve and be subject to the ingress and egress easements across those lots as set forth below.

IT IS FURTHER ORDERED AND ADJUDGED that, on or before May 1, 2009, the Gold Krause Purchasers shall enter into a written irrevocable easement in recordable form that grants across each of their respective lots an easement located next to or near Strawberry Lake, for the limited purpose of non-motorized ingress and egress for access to each of the Lots, 95-113, that are east of their burdened lot(s) for the benefit of the owner(s) of those easterly lots. The rights and benefits of this easement shall run with the land.

IT IS FURTHER ORDERED AND ADJUDGED that, on or before May 1, 2009, Gold Krause shall enter into a written irrevocable easement in recorded form that grants across each of the Gold Krause Lots an easement located next to or near Strawberry Lake, for the limited purpose of non-motorized ingress and egress for access to each of the Lots, 95-113, that are east of the burdened lot(s) for the benefit of the respective owner(s) of those easterly lots. The rights and benefits of this easement shall run with the land.

IT IS FURTHER ORDERED AND ADJUDGED that, on or before May 1, 2009, SPBSHA and SHEA shall enter into a written irrevocable easement in recorded form that grants across the Park Lots and across Lot 115 and Lot 114 an easement located next to or near Strawberry Lake, for the limited purpose of non-motorized ingress and egress for access to each of the Lots, 95-113, that are east of Lot 114 for the benefit of the owner(s) of those easterly lots. The rights and benefits of this easement shall run with the land.

IT IS FURTHER ORDERED AND ADJUDGED that Gold Krause and all current and future owners of any of Lots 95-114 shall not: (1) be eligible for, be a member of, or required to join the SPBSHA; (2) be eligible for or have a right to participate in the pontoon boat lottery or moor boats at the Park Lots; (3) required to pay dues to SPBSHA or to pay any special SPBSHA assessments, that are related to or arise from ownership of any of Lots 95-114. This provision

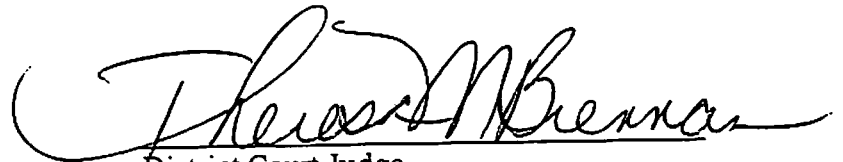
does not preclude, diminish, or obviate any obligation, responsibility, or benefit arising from ownership of a house or residence located in the Subdivisions. In addition, SHEA shall not include any individual defendant in this lawsuit who is also a Gold Krause Purchaser in any imposed special assessment for purposes of paying attorney fees and costs for this lawsuit.

IT IS FURTHER ORDERED AND ADJUDGED that this Consent Judgment hereby completely and finally resolves all disputes and/or claims between the parties, their assignees and successors-in-interest, regarding the Park Lots, the easement to the Park Lots and/or rights to the Park Lots, and/or arising from or relating to Lots 114-95 of the Strawberry Point Bluffs subdivision, and dismisses with prejudice all remaining claims, cross-claims, counter-claims, and third-party claims in this lawsuit, with no attorney fees or costs to any party.

IT IS FURTHER ORDERED AND ADJUDGED that all rights, obligations, and easements set forth in this Consent Judgment shall run with the land and cannot be severed from the ownership of the respective Lots.

This Consent Judgment shall be recorded in the Livingston County land records, and shall be recorded in the line of title for the Park Lots and Lots 116-95 of the Strawberry Point Bluffs subdivision. See Exhibit A attached hereto listing the legal descriptions of those lots.

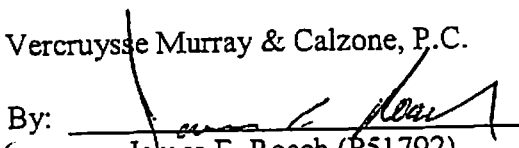
This Consent Judgment resolves the last issue and closes this case.


District Court Judge

Agreed to by:


Vercruysse Murray & Calzone, P.C.

By:


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Attorneys for Plaintiffs

By:


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C & S Stevens, and T & M Jenkins

EXHIBIT A

Lot 95 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-177

Lot 96 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-178

Lot 97 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-179

Lot 98 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-180

Lot 99 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-181

Lot 100 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-182

Lot 101 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-183

Lot 102 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-184

Lot 103 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-185

Lot 104 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-186

Lot 105 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-187

Lot 106 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-188

Lot 107 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-189

Lot 108 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-190

Lot 109 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-191

Lot 110 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-192

Lot 111 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-193

Lot 112 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-194

Lot 113 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-195

Lot 114 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-196

Lot 115 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-167

Lot 116 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats,
page 26, Livingston County Records.
Parcel ID: 4715-27-301-168

Lots 117, 118, 119, 120, 121 of the Strawberry Point Bluffs Subdivision as platted and recorded in Liber 2 of Plats, page 26, Livingston County Records.
Parcel ID: 4715-27-301-166 and 4715-27-300-045

Drafted by & when recorded return to:
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Siegel, Greenfield, Hayes & Gross P.L.C.
One Towne Square, Ste. 1835
Southfield, MI 48076

CLERK'S CERTIFICATE
STATE OF MICHIGAN County of Livingston
I, Margaret M. Dunleavy, Clerk
of said County and Clerk of the
44th Circuit Court, do hereby certify
this copy as a correct and true
record of the original document
remaining on file in my office.
Dated and sealed: July 2, 2009
Margaret M. Dunleavy, County Clerk

Katie Giel, Deputy