

Examined and Approved
July 8-1921
John H. Harries
Deputy Auditor General

ROSE ADDITION TO THE VILLAGE OF NEW BUFFALO BERRIEN COUNTY MICHIGAN PART OF E. 1/2 OF NW 1/4 OF SEC. 10 T. 8 S. R. 21 W.

DESCRIPTION

The land embraced in the annexed Plat of Rose Addition to the Village of New Buffalo is described as follows:— Begin at the Center Post of Section 10 Town 8 South Range 21 West, Thence south 88°14' West 1322 1/2 feet, Thence North 8°25' West 68 1/2 feet, Thence North 55° East 1353 feet, Thence North 31° West 462 1/2 feet, Thence North 55° East 250 feet, Thence South 31° East 830 feet, Thence North 55° East 105 feet, Thence North 31° West 400 feet, Thence North 55° East 257 feet, Thence North 31° West 420 feet, Thence North 55° East 1022 1/2 feet, Thence South 0°18' East 1997 1/2 feet to place of beginning.

COUNTY TREASURER'S CERTIFICATE

I hereby certify that there are no Tax Leins or Titles held by the State on the Lands described above and that there are no Tax Leins or Titles held by individuals of said Lands for the five years preceding the _____ day of June 1921, and that the taxes for said period of five years have been paid as shown by the records of this office [This certificate does not apply to taxes, if any now in process of collection by Town Ship, City or Village Collecting Officials.]

Carl McMillan
COUNTY TREASURER

SURVEYOR'S CERTIFICATE

I hereby certify that the Plat herein delineated is a correct one, and that Permanent Markers consisting of 3/4" to 2" inch pipe 24 to 36 inches in length have been placed at all angles in the boundaries of the land Platted, and at all intersections of streets and Alleys, and at all points marked Thus

James H. Stearns
REGISTERED CIVIL ENGINEER

DEDICATION

KNOW ALL MEN BY THESE PRESENTS That we WILFELD S. REDDING and EDNA J. REDDING his wife Owners here cause the Land embraced in the annexed Plat, to be Surveyed, laid out, and Platted, to be known as ROSE ADDITION to the Village of New Buffalo, Berrien County, Michigan and that the Streets and Alleys as Shown on said Plat are hereby dedicated to the use of the Public.

SIGNED and SEALED in the Presence of
Frank L. Hertz
G. S. Southworth

Wilfield S. Redding
Edna J. Redding

STATE OF MICHIGAN } S.S.
COUNTY OF BERRIEN }

On this _____ day of _____ 1921, before me a Notary Public in and for said County, Personally came the above named WILFELD S. REDDING age _____ EDNA J. REDDING his wife known to me to be the Persons who executed the above dedication and acknowledged the same to be their free act and deed My Commission expires _____

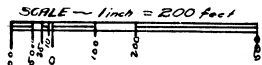
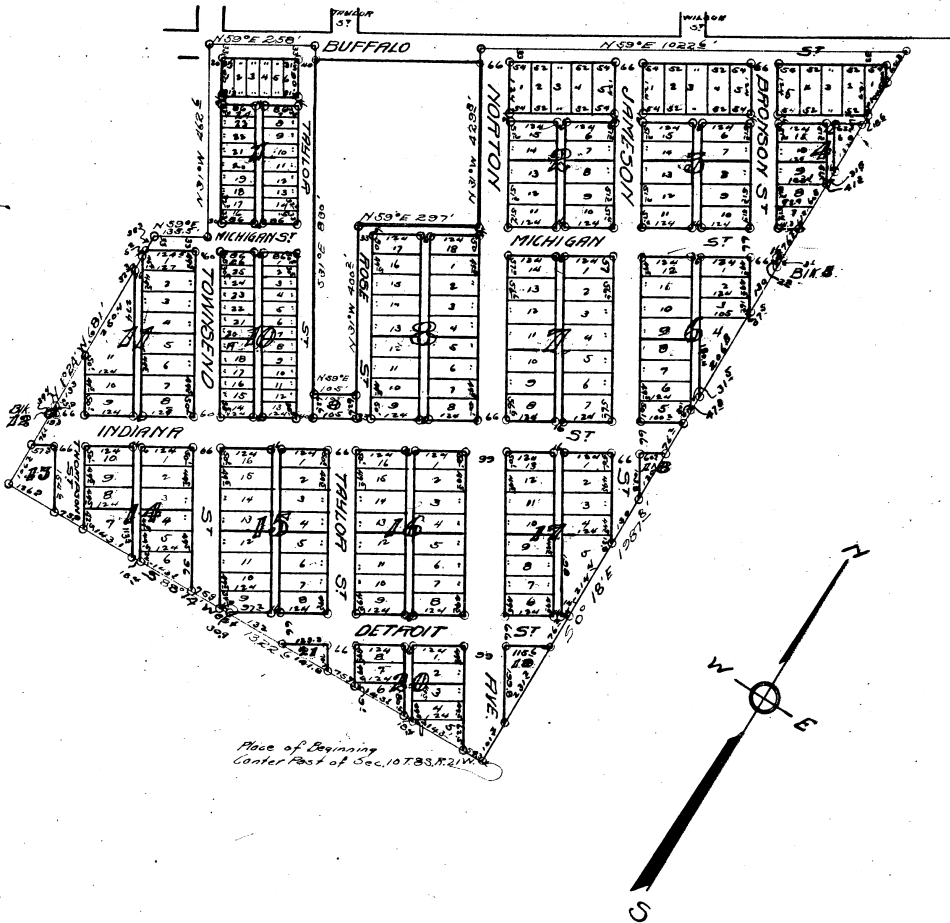
Charles V. O'Connell
NOTARY PUBLIC
Berrien County Michigan

This plat was approved by the County Board of Examiners of the County of Berrien, this _____ day of _____ 1921

Frank L. Hertz
COUNTY TREASURER
Frank L. Hertz
COUNTY CLERK

This Plat was approved by the Common Council of the Village of New Buffalo this _____ day of _____ 1921.

Charles V. O'Connell
VILLAGE CLERK



Register's Office
Berrien County, Michigan
Plat of
Rose Addition
July 8, 1921
P. D. Decker
Register of Deeds

I HEREBY CERTIFY THAT THIS COPY IS A TRUE COPY OF THE MAP OR PLAT FORWARDED THE REGISTER OF DEEDS FOR RECORDING.
July 8, 1921
Deputy Auditor General

FILED IN AUDITOR GENERAL'S OFFICE
July 11-1921
John H. Harries
DEPUTY AUDITOR GENERAL

ROSE ADDITION TO THE VILLAGE OF NEW BUFFALO BERRIEN COUNTY MICHIGAN PART OF E. 1/2 OF NW 1/4 OF SEC. 10 T. 8 S. R. 21 W.

Examined and Approved
July 8, 1921
Charles L. Hall
Deputy Auditor General

DESCRIPTION

The land embraced in the annexed Plot of Rose Addition to the Village of New Buffalo is described as follows:— Begin at the Center Post of Section 10 Town 8 South, Range 21 West, Thence south 88°14' West 1322 1/2 feet, Thence North 1°24' West 681 feet, Thence North 55° East 1353 feet, Thence North 31° West 420 1/2 feet, Thence North 55° East 258 feet, Thence South 31° East 830 feet, Thence North 55° East 105 feet, Thence North 31° West 400 1/2 feet, Thence North 55° East 297 feet, Thence North 31° West 420 1/2 feet, Thence North 55° East 102 1/2 feet, Thence South 0°18' East 1931 1/2 feet to place of beginning.

COUNTY TREASURER'S CERTIFICATE

I hereby certify that there are no Tax Liens or Titles held by the State on the Lands described above, and that there are no Tax Liens or Titles held by Individuals of said Lands for the five years preceding the ___ day of June 1921, and that the taxes for said period of five years have been paid as shown by the records of this office [This certificate does not apply to taxes, if any now in process of collection by Town St. P. City or Village Collecting Officials.]

C. M. Muller
COUNTY TREASURER

SURVEYOR'S CERTIFICATE

I hereby certify that the Plot herein delineated is a correct one, and that Permanent Monuments, consisting of 3/4" to 2" iron pipe 24 to 36 inches in length, have been placed at all angles in the boundaries of the land plotted, and at all intersections of streets and Alleys, and at all points marked thus

James H. Duran
REGISTERED CIVIL ENGINEER

DEDICATION

KNOW ALL MEN BY THESE PRESENTS

That we Winfield S. Redding and Edna J. Redding, his wife, Owners have cause the Land embraced in the annexed Plot, to be surveyed, laid out, and Plotted, to be known as ROSE ADDITION to the Village of New Buffalo, Berrien County, Michigan, and that the Streets and Alleys as Shown on said Plot are hereby dedicated to the use of the Public.

Witnessed and SEALED in the Presence of
Leona J. Heibel
G. C. Southworth

Winfield S. Redding
Edna J. Redding

STATE OF MICHIGAN)
COUNTY OF BERRIEN) S.S.

On this seventh day of June 1921, before me a Notary Public in and for said County, Personally came the above named Winfield S. Redding and Edna J. Redding, his wife, known to me to be the Persons who executed the above dedication and acknowledged the same to be their free act and deed.

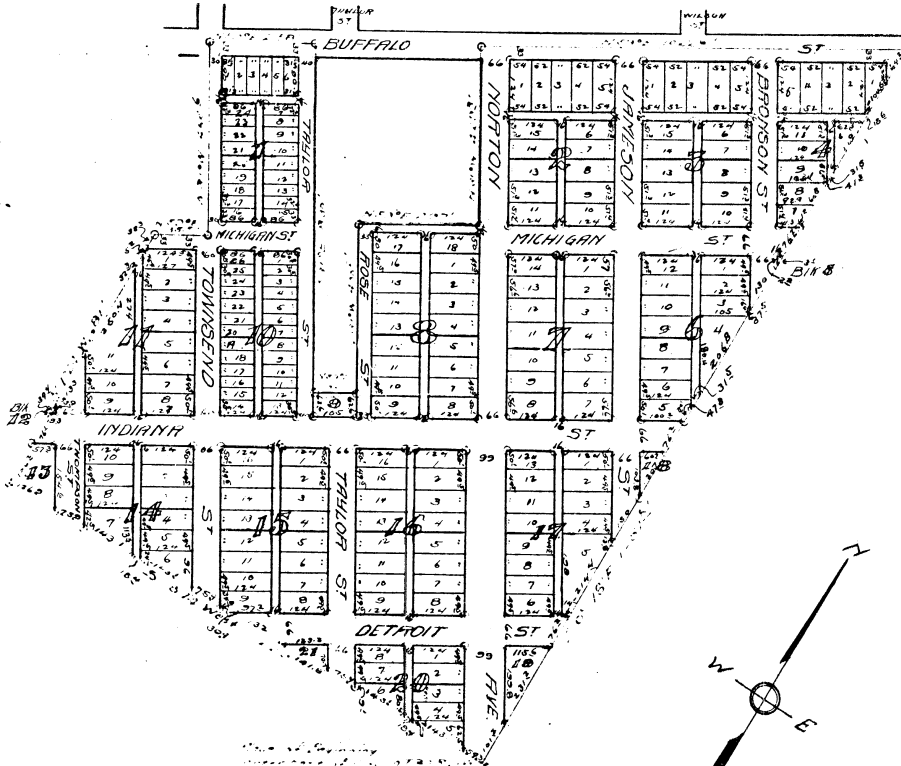
My Commission expires
July 11, 1923

Charles V. O'Connor
NOTARY PUBLIC
Berrien County Michigan

This plot was approved by the County Board of Examiners of the County of Berrien, this 23rd day of June, 1921
Frank H. Harwood, JUDGE OF PROBATE
C. M. Muller, COUNTY TREASURER
Charles L. Hall, COUNTY CLERK

This Plot was approved by the Common Council of the Village of New Buffalo this 26th day of June 1921.

Charles V. O'Connor
VILLAGE CLERK



Register's Office
Berrien County
Rose Addition
July 27
P. D. Debevoise
REGISTRAR OF DEEDS

I HEREBY CERTIFY THAT THIS COPY IS A TRUE COPY OF THE ORIGINAL PLAT FORWARDED THE REGISTER OF DEEDS FOR RECORDING
July 8, 1921
DEPUTY AUDITOR GENERAL

FILED IN AUDITOR GENERAL'S OFFICE
July 11, 1921
Charles L. Hall
DEPUTY AUDITOR GENERAL

17300-03

12696573926 P.02/03

Lori D. Jarvis Register Of Deeds
Berrien County, Michigan

Recorded
February 12, 2008 10:16:40 AM

STATE OF MICHIGAN
IN THE TRIAL COURT FOR BERRIEN COUNTY
CIVIL CIRCUIT DIVISION

Liber 2829 Page 264-270
Receipt # 2091 00 #2008003320



Liber 2829 Page 264

ANGELA REICHERT,

Plaintiff,

File No. 06-2876-CC-M

Hon. Paul L. Maloney

v.

Rec \$28.00
Remon \$4.00
Tax Cr \$0.00

CITY OF NEW BUFFALO; BERRIEN COUNTY DRAIN
COMMISSION; BERRIEN COUNTY ROAD COMMISSION;
CITY OF NEW BUFFALO WATER DEPARTMENT; INDIANA
MICHIGAN POWER COMPANY, d/b/a American Electric
Power, an Indiana corporation doing business in Michigan;
SEMCO ENERGY INC., d/b/a Semco Energy Gas Company,
a Michigan corporation; SBC TELEHOLDINGS, d/b/a SBC
Ameritech Corp., a Delaware corporation doing business in
Michigan; SBC INTERNET SERVICES, INC., d/b/a SBC-Yahoo
DSL, a California corporation doing business in Michigan;
MICHIGAN DEPARTMENT OF TRANSPORTATION;
MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC
GROWTH; and OWNERS OF RECORD TITLE WITHIN
THREE HUNDRED FEET OF THE PROPOSED PLAT CHANGE,

STIPULATED ORDER
FOR SECOND EXTENSION
TO FILE
AMENDED PLAT



Defendants.

Lawrence I. Frankle (P35990)
Wendy K. Walker-Dyces (P64806)
Frankle & Associates, P.L.L.C.
Attorneys for Plaintiff
121 W. Merchant Street
New Buffalo, MI 49117
269-469-4439

James R. Piggush (P29221)
Assistant Attorney General
Environment, Natural Resources &
Agriculture Division
Attorney for Defs. MI Dept of
Transportation & MI Dept of Labor &
Economic Growth
P.O. Box 30755
Lansing, MI 48909
517-373-7540

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC
Attorneys for Def. Indiana Michigan
Power Company, d/b/a American
Electric Power
811 Ship Street, Suite 301
St. Joseph, MI 49085
269-983-0191

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.
444 Michigan Avenue, Suite 1750
Detroit, MI 48226
313-223-0964

RECEIVED FEB 11 2008

Rodger V. Bittner (P10836)
Tammy D. Repaso (P58334)
Bittner, Hymms, Daly & Riemland, P.C.
Attorneys for Def. Berrien County
Road Commission
P.O. Box 290
St. Joseph, MI 49085
269-983-0551

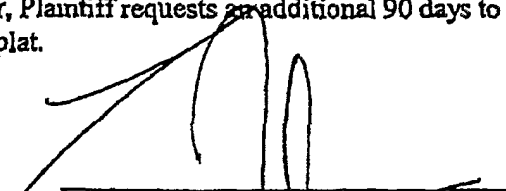
R. McKinley Elliott (P34337)
Attorney for Defendant Berrien County
Berrien County Drain Commission
701 Main Street
St. Joseph, MI 49085
269-983-7111 (Ex 8416)

**STIPULATED ORDER FOR SECOND EXTENSION TO
FILE AMENDED PLAT**

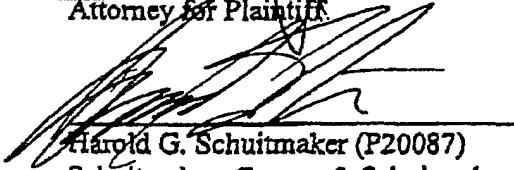
Now Come the parties, by and through counsel, and in stipulation and agreement move this Honorable Court to allow a second extension to file an amended plat as Ordered in the Consent Judgment entered on October 18, 2006; and in support of this motion do state:

1. That on January 11, 2007, pursuant to this Court's Order, Plaintiff was granted an additional 90 days to April 18, 2007, to prepare and file the amended plat;
2. That Plaintiff has retained Wightman & Associates, Inc. to prepare the amended plat as Ordered;
3. That the weather for the last seven weeks has made it very difficult for Wightman & Associates, Inc. to get the work done;
4. That due to the inclement winter weather, Plaintiff requests an additional 90 days to July 17, 2007, for preparation and filing of the amended plat.

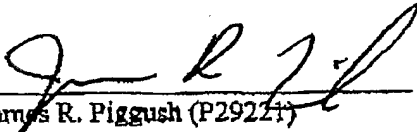
Dated: 3/23, 2007


Lawrence I. Frankle (P25990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff

Dated: 3/27, 2007


Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo

Dated: March 23, 2007


James R. Piggush (P29224)
Assistant Attorney General
Attorney for State Defendants

Dated: _____, 2007

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC

Dated: _____, 2007

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2007

Rodger V. Bitner (P10836)
Bitner, Hyms, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road Comm'n

Dated: _____, 2007

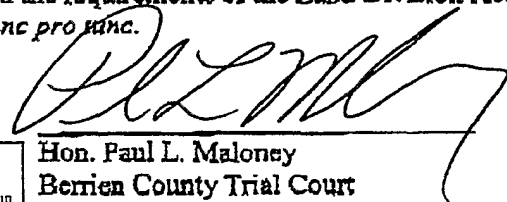
R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

ORDER

Upon stipulation and agreement of the parties, it is ORDERED that Plaintiff shall have an additional 90 days to July 17, 2007, to prepare and file an amended plat as Ordered in paragraph 8 of this Court's Consent Judgment of October 18, 2006; and

Further, should the amended plat not be prepared and filed by July 17, 2007, as required in the Consent Judgment of October 18, 2006, and the requirements of the Land Division Act, said Judgment shall be declared null and void *nunc pro tunc*.

Dated: 4/2, 2007


Hon. Paul L. Maloney
Berrien County Trial Court

STATE OF MICHIGAN
CIRCUIT COURT FOR COUNTY OF BERRIEN
I certify that I have compared this copy with the original on file in
this Court & that it is a correct copy of the whole of such original.

FEB 11 2008

By Donna Nawatow
Deputy Clerk

Dated: _____, 2007

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: 3-23, 2007

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC

Dated: _____, 2007

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2007

Rodger V. Bittner (P10836)
Bittner, Hyns, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road Comm'n

Dated: _____, 2007

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

ORDER

Upon stipulation and agreement of the parties, it is ORDERED that Plaintiff shall have an additional 90 days to July 17, 2007, to prepare and file an amended plat as Ordered in paragraph 8 of this Court's Consent Judgment of October 18, 2006; and

Further, should the amended plat not be prepared and filed by July 17, 2007, as required in the Consent Judgment of October 18, 2006, and the requirements of the Land Division Act, said Judgment shall be declared null and void *nunc pro tunc*.

Dated: _____, 2007

Hon. Paul L. Maloney
Berrien County Trial Court

03/29/2007 14:18 FAX

FRANKLE

SBC

17300

PAGE 04/04

005/005

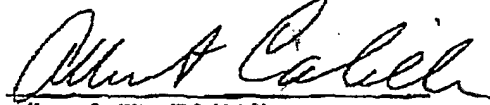
Dated: _____, 2007

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: _____, 2007

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC

Dated: March 30, 2007


Albert Casille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2007

Rodger V. Bittner (P10836)
Bittner, Hyrns, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road Comm'n

Dated: _____, 2007

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

ORDER

Upon stipulation and agreement of the parties, it is ORDERED that Plaintiff shall have an additional 90 days to July 17, 2007, to prepare and file an amended plat as Ordered in paragraph 8 of this Court's Consent Judgment of October 18, 2006; and

Further, should the amended plat not be prepared and filed by July 17, 2007, as required in the Consent Judgment of October 18, 2006, and the requirements of the Land Division Act, said Judgment shall be declared null and void *nunc pro tunc*.

Dated: _____, 2007

Hon. Paul L. Maloney
Berrien County Trial Court

Dated: _____, 2007

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants


Dated: _____, 2007

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC

Dated: _____, 2007

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: Mar. 23, 2007



Rodger V. Bittner (P10836)
Bittner, Hynes, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road Comm'n

Dated: _____, 2007

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

ORDER

Upon stipulation and agreement of the parties, it is ORDERED that Plaintiff shall have an additional 90 days to July 17, 2007, to prepare and file an amended plat as Ordered in paragraph 8 of this Court's Consent Judgment of October 18, 2006; and

Further, should the amended plat not be prepared and filed by July 17, 2007, as required in the Consent Judgment of October 18, 2006, and the requirements of the Land Division Act, said Judgment shall be declared null and void *nunc pro tunc*.

Dated: _____, 2007

Hon. Paul L. Maloney
Berrien County Trial Court

Dated: _____, 2007

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: _____, 2007

John E. Dewane (P12735)
Dewane, Peterson & Cullinan, PLC

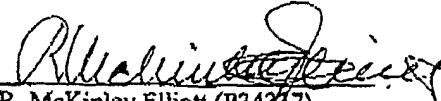
Dated: _____, 2007

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2007

Rodger V Bittner (P10836)
Bittner, Hyrns, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road Comm'n

Dated: 3/29, 2007


R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

ORDER

Upon stipulation and agreement of the parties, it is ORDERED that Plaintiff shall have an additional 90 days to July 17, 2007, to prepare and file an amended plat as Ordered in paragraph 8 of this Court's Consent Judgment of October 18, 2006; and

Further, should the amended plat not be prepared and filed by July 17, 2007, as required in the Consent Judgment of October 18, 2006, and the requirements of the Land Division Act, said Judgment shall be declared null and void *nunc pro tunc*.

Dated: _____, 2007

Hon. Paul L. Maloney
Berrien County Trial Court

Lori D. Jarvis Register Of Deeds
Berrien County, Michigan.

STATE OF MICHIGAN
IN THE TRIAL COURT FOR BERRIEN COUNTY
CIVIL CIRCUIT DIVISION

Recorded
February 12, 2008 10:16:40 AM
Liber 2829 Page 271-277
Receipt # 2091 DO #2008003321



Liber 2829 Page 271

ANGELA REICHERT,

Plaintiff,

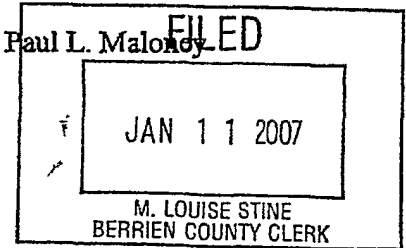
v.

CITY OF NEW BUFFALO; BERRIEN COUNTY DRAIN
COMMISSION; BERRIEN COUNTY ROAD COMMISSION;
CITY OF NEW BUFFALO WATER DEPARTMENT; INDIANA
MICHIGAN POWER COMPANY, d/b/a American Electric
Power, an Indiana corporation doing business in Michigan;
SEMCO ENERGY INC., d/b/a Semco Energy Gas Company,
a Michigan corporation; SBC TELEHOLDINGS, d/b/a SBC
Ameritech Corp., a Delaware corporation doing business in
Michigan; SBC INTERNET SERVICES, INC., d/b/a SBC-Yahoo
DSL, a California corporation doing business in Michigan;
MICHIGAN DEPARTMENT OF TRANSPORTATION;
MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC
GROWTH; and OWNERS OF RECORD TITLE WITHIN
THREE HUNDRED FEET OF THE PROPOSED PLAT CHANGE,

Defendants.

File No. 06-2876-CC-M

Hon. Paul L. Maloney



**STIPULATED ORDER
TO EXTEND TIME STATED
IN JUDGMENT FOR
FILING AN
AMENDED PLAT**

Rec \$28.00
Remon \$4.00
Tax Crd \$0.00



Lawrence I. Frankle (P35990)
Wendy K. Walker-Dyes (P64806)
Frankle & Associates, P.L.L.C.
Attorneys for Plaintiff
121 W. Merchant Street
New Buffalo, MI 49117
269-469-4439

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC
Attorneys for Def. Indiana Michigan
Power Company, d/b/a American
Electric Power
811 Ship Street, Suite 301
St. Joseph, MI 49085
269-983-0191

James R. Piggush (P29221)
Assistant Attorney General
Environment, Natural Resources &
Agriculture Division
Attorney for Defs. MI Dept of
Transportation & MI Dept of Labor &
Economic Growth
P.O. Box 30755
Lansing, MI 48909
517-373-7540

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.
444 Michigan Avenue, Suite 1750
Detroit, MI 48226
313-223-0964

RECEIVED FEB 11 2008

Rodger V. Bittner (P10836)
 Tammy D. Repaso (P58334)
 Bittner, Hynes, Daly & Riemland, P.C.
 Attorneys for Def. Berrien County
 Road Commission
 P.O. Box 290
 St. Joseph, MI 49085
 269-983-0551

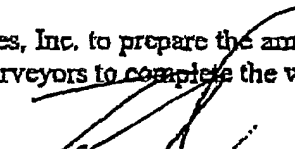
R. McKinley Elliott (P34337)
 Attorney for Defendant Berrien County
 Berrien County Drain Commission
 701 Main Street
 St. Joseph, MI 49085
 269-983-7111 (Bx 8416)

**STIPULATED ORDER TO EXTEND TIME STATED IN
 JUDGMENT FOR FILING AN AMENDED PLAT**

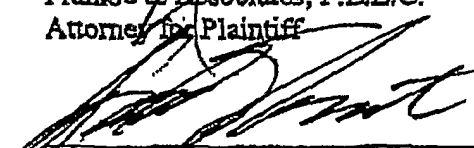
Now Come the parties, by and through counsel, and in stipulation and agreement move this Honorable Court to extend the time for preparation and filing of an amended plat as Ordered in the Consent Judgment entered on October 18, 2006, for an additional 90 days to April 18, 2007; and in support of this motion do state:

1. Plaintiff has retained Wightman & Associates, Inc. to prepare the amended plat as Ordered by this Court, but additional time is needed by the surveyors to complete the work.


Dated: 12/21, 2006


 Lawrence J. Frankle (P35990)
 Frankle & Associates, P.L.L.C.
 Attorney for Plaintiff


Dated: 12/30, 2006


 Harold G. Schuitmaker (P20087)
 Schuitmaker, Cooper & Schuitmaker
 Attorney for Defendant City of New Buffalo

Dated: _____, 2006


 James R. Piggush (P29221)
 Assistant Attorney General
 Attorney for State Defendants

Dated: _____, 2006


 John E. Dewane (P12735)
 Dewane, Peterson & Cullitan, PLC

Rodger V. Bittner (P10836)
Tammy D. Repaso (P58334)
Bittner, Hynes, Daly & Riemland, P.C.
Attorneys for Def. Berrien County
Road Commission
P.O. Box 290
St. Joseph, MI 49085
269-983-0551

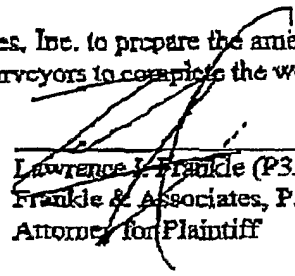
R. McKinley Elliott (P34337)
Attorney for Defendant Berrien County
Berrien County Drain Commission
701 Main Street
St. Joseph, MI 49085
269-983-7111 (Ex 8416)

**STIPULATED ORDER TO EXTEND TIME STATED IN
JUDGMENT FOR FILING AN AMENDED PLAT**

Now Come the parties, by and through counsel, and in stipulation and agreement move this Honorable Court to extend the time for preparation and filing of an amended plat as Ordered in the Consent Judgment entered on October 18, 2006, for an additional 90 days to April 18, 2007; and in support of this motion do state:

1. Plaintiff has retained Wighman & Associates, Inc. to prepare the amended plat as Ordered by this Court, but additional time is needed by the surveyors to complete the work.


Dated: 12/21, 2006


Lawrence J. Frankle (P35990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff

Dated: _____, 2006

Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo

Dated: 1/3, 2007


James R. Piggush (P29227)
Assistant Attorney General
Attorney for State Defendants

Dated: _____, 2006

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC

17300

Rodger V. Bittner (P10836)
Tammy D. Repaso (P58334)
Bittner, Hyms, Daly & Riensland, P.C.
Attorneys for Def. Berrien County
Road Commission
P.O. Box 290
St. Joseph, MI 49085
269-983-0551

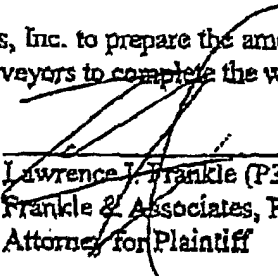
R. McKinley Elliott (P34337)
Attorney for Defendant Berrien County
Berrien County Drain Commission
701 Main Street
St. Joseph, MI 49085
269-983-7111 (Ex 8416)

**STIPULATED ORDER TO EXTEND TIME STATED IN
JUDGMENT FOR FILING AN AMENDED PLAT**

Now Come the parties, by and through counsel, and in stipulation and agreement move this Honorable Court to extend the time for preparation and filing of an amended plat as Ordered in the Consent Judgment entered on October 18, 2006, for an additional 90 days to April 18, 2007; and in support of this motion do state:

- 1. Plaintiff has retained Wightman & Associates, Inc. to prepare the amended plat as Ordered by this Court, but additional time is needed by the surveyors to complete the work.

Dated: 12/21, 2006


Lawrence J. Frankle (P35990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff

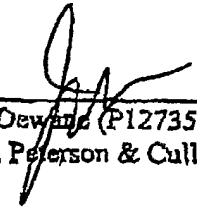
Dated: _____, 2006

Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo

Dated: _____, 2006

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: 1-8, 2007


John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC

01/10/2007 09:38 FAX

FRANKLE

Dated: Jan 10, 2007

Albert Calille

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2006

Rodger V. Bittner (P10836)
Bittner, Hynes, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road Comm'n

Dated: _____, 2006

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

ORDER

Upon stipulation and agreement of the parties, it is ORDERED that Plaintiff shall have an additional 90 days to April 18, 2007, to prepare and file an amended plat as Ordered in paragraph 8 of this Court's Consent Judgment of October 18, 2006; and

Further, should the amended plat not be prepared and filed by April 18, 2007, as required in the Consent Judgment of October 18, 2006, and the requirements of the Land Division Act, said Judgment shall be declared null and void *nunc pro tunc*.

Dated: 1/11 2007
_____ 2006


Paul L. Maloney
Hon. Paul L. Maloney
Berrien County Trial Court

STATE OF MICHIGAN
CIRCUIT COURT FOR COUNTY OF BERRIEN
I certify that I have compared this copy with the original on file in
this court & that it is a correct copy of the whole of such original
FEB 13 2008
By *Arina Novostain*
Deputy Clerk

Dated: _____, 2006

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: Jan 3 ²⁰⁰⁷, 2006


Rodger V. Bittner (P10836)
Bittner, Hyrns, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road Comm'n

Dated: _____, 2006

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

ORDER

Upon stipulation and agreement of the parties, it is ORDERED that Plaintiff shall have an additional 90 days to April 18, 2007, to prepare and file an amended plat as Ordered in paragraph 8 of this Court's Consent Judgment of October 18, 2006; and

Further, should the amended plat not be prepared and filed by April 18, 2007, as required in the Consent Judgment of October 18, 2006, and the requirements of the Land Division Act, said Judgment shall be declared null and void *nunc pro tunc*.

Dated: _____, 2006

Hon. Paul L. Maloney
Berrien County Trial Court

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DEC 29, 2006 10:57A

12/29/2006 10:57 AM

ANKLE

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ANKLE

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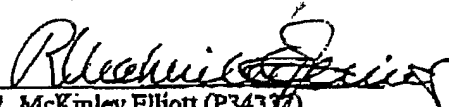
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Albert Calife (P26819)
Attorney for Def. SBC Telcholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2006

Rodger V. Bittner (P10836)
Bittner, Hynes, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road Comm'n

Dated: 12-29, 2006


R. McKinley Elliott (P3437)
Atty. for Def. Berrien Co. Drain Comm'n

ORDER

Upon stipulation and agreement of the parties, it is ORDERED that Plaintiff shall have an additional 90 days to April 18, 2007, to prepare and file an amended plat as Ordered in paragraph 8 of this Court's Consent Judgment of October 18, 2006; and

Further, should the amended plat not be prepared and filed by April 18, 2007, as required in the Consent Judgment of October 18, 2006, and the requirements of the Land Division Act, said Judgment shall be declared null and void *nunc pro tunc*.

Dated: _____, 2006

Hon. Paul L. Maloney
Berrien County Trial Court

Lori D. Jarvis Register Of Deeds
Berrien County, Michigan

Rec \$43.00
Remon \$4.00
Tax Crt \$0.00

Recorded
October 30, 2006 02:16:08 PM
Liber 2754 Page 1811-1822
Receipt # 18835 DO #2006036849



Liber 2754 Page 1811

12 LIF.

STATE OF MICHIGAN
IN THE TRIAL COURT FOR BERRIEN COUNTY
CIVIL CIRCUIT DIVISION

ANGELA REICHERT,

Plaintiff,

File No. 06-2876-CC-M

Hon. Paul L. Maloney

v.

CITY OF NEW BUFFALO; BERRIEN COUNTY DRAIN
COMMISSION; BERRIEN COUNTY ROAD COMMISSION;
CITY OF NEW BUFFALO WATER DEPARTMENT; INDIANA
MICHIGAN POWER COMPANY, d/b/a American Electric
Power, an Indiana corporation doing business in Michigan;
SEMCO ENERGY INC., d/b/a Semco Energy Gas Company,
a Michigan corporation; SBC TELEHOLDINGS, d/b/a SBC
Ameritech Corp., a Delaware corporation doing business in
Michigan; SBC INTERNET SERVICES, INC., d/b/a SBC-Yahoo
DSL, a California corporation doing business in Michigan;
MICHIGAN DEPARTMENT OF TRANSPORTATION;
MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC
GROWTH; and OWNERS OF RECORD TITLE WITHIN
THREE HUNDRED FEET OF THE PROPOSED PLAT CHANGE,

Defendants.

JUDGMENT

Lawrence I. Frankle (P35990)
Wendy K. Walker-Dyes (P64806)
Frankle & Associates, P.L.L.C.
Attorneys for Plaintiff
121 W. Merchant Street
New Buffalo, MI 49117
269-469-4439

John E. Dewane (P12735)
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Electric Power
811 Ship Street, Suite 301
St. Joseph, MI 49085
269-983-0191

James R. Piggush (P29221)
Assistant Attorney General
Environment, Natural Resources &
Agriculture Division
Attorney for Defs. MI Dept of
Transportation & MI Dept of Labor &
Economic Growth
P.O. Box 30755
Lansing, MI 48909
517-373-7540

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.
444 Michigan Avenue, Suite 1750
Detroit, MI 48226
313-223-0964

Fact of 11-62-0010
11-62-6750-0058-00-9
11-62-6750-0063-00-2
11-62-6750-0062-00-3
(per item 4) See memo for i;
(per item 3)
11-62-8200-0091-01-7

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Rodger V. Bittner (P10836)
 Tammy D. Repaso (P58334)
 Bittner, Hyms, Daly & Riemland, P.C.
 Attorneys for Def. Berrien County
 Road Commission
 P.O. Box 290
 St. Joseph, MI 49085
 269-983-0551

R. McKinley Elliott (P34337)
 Attorney for Defendant Berrien County
 Berrien County Drain Commission
 701 Main Street
 St. Joseph, MI 49085
 269-983-7111 (Ex 8416)

**Consent Judgment to Vacate the Public Alleys in
 Block 4 in Rose Addition to the Village of New Buffalo**

At a session of Court held in the City of St. Joseph, County of
 Berrien, State of Michigan, this 18 day of Oct., 2006.

PRESENT: HONORABLE PAUL L. MALONEY
 Circuit Court Judge

WHEREAS, this matter having come to be heard upon the complaint of Plaintiff Angela Reichert to vacate the public alleys in Block 4 in Rose Addition to the Village of New Buffalo; and Plaintiff having represented to this Court that all parties required by MCL 560.224a(1) to be joined have been so joined, and that those parties have either stipulated to this Judgment, consented to the vacation of the public alleys in Block 4 in Rose Addition to the Village of New Buffalo, been given notice of the proceedings leading to this Judgment, or been defaulted;

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED THAT:

1. All of the public alleys in Block 4 in Rose Addition to the Village of New Buffalo, part of the E. ½ of the NW ¼ of Section 10, T8S, R21W, City of New Buffalo, County of Berrien, State of Michigan are hereby vacated.
2. Title to the vacated public alleys, as described above, will vest in the rightful proprietors thereof pursuant to MCL 560.227a(1) upon the recording of the amended plat as required by this Judgment.
3. Lots 1, 2, 3, Block 4 and the northwesterly ½ of the vacated public alley adjacent thereto lying between the southeasterly extension of the common line for Lots 3 and 4 and the

east boundary of Rose Addition to the Village of New Buffalo shall be consolidated into one lot to be identified by the first available consecutive lot number in Block 4 in Rose Addition to the Village of New Buffalo on an amended plat.

4. Lots 4, 5, 6, 9, 10, 11 Block 4 and all of the remaining vacated public alleys adjacent thereto shall be consolidated into one lot to be identified by the second available consecutive lot number in Block 4 in Rose Addition to the Village of New Buffalo on an amended plat.

5. Private easements to Indiana Michigan Power Company for the purpose of power transmission are hereby established on the lots proposed in paragraphs 3 and 4 as depicted on attached Exhibit A and shall be shown on the amended plat . The easements shall include rights-of-way for the construction, operation, use, maintenance, repair, renewal and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy, and for communication purposes including the right to permit attachments of others to said facilities, in, on, along, under, over, across and through the premises together with the right of ingress and egress to, from and over said premises, and also the right to cut or trim any trees and bushes which may endanger the safety or interfere with the construction and use of said facilities, and further provided that no structure or building shall be erected on said easement. .

6. Other than the easements established in paragraphs 5, only lawfully existing recorded easements located within the boundary of the amended plat are hereby preserved, and the amended plat shall show only lawfully existing recorded easements, and shall be accompanied by a statement of the surveyor that he or she, in determining the type, width, and location of any utility easements shown has reviewed any existing title search and/or policy of

the title insurance and had searched, or caused to be searched, the records of the Register of Deeds for any recorded easements burdening the subject lands which were created between the date of a title search or issuance of a title policy and the submittal date of the amended plat and shall provide a copy of those records to the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation upon submission of the amended plat.

7. Plaintiff shall record this Judgment in the Office of the Register of Deeds for the County of Berrien, State of Michigan, within 30 days of entry if this Judgment, as required by MCL 560.228.

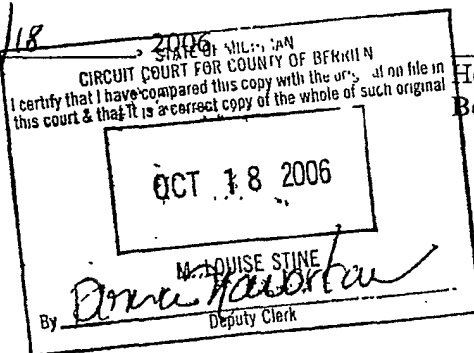
8. Plaintiff shall prepare and file, within 90 days of the entry of this Judgment by this Court, an amended plat for Lots 1-6 and 9-11, Block 4 and the vacated public alleys in Rose Addition to the Village of New Buffalo in a recordable form in accordance with MCL 560.101, et seq. and this Judgment, for the review and approval of the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation.

9. This Judgment will be declared null and void *nunc pro tunc* should the amended plat not be prepared and filed as required by this Judgment and by the requirements of the Land Division Act within 90 days from the entry of this Judgment.

10. This Court shall retain jurisdiction over this matter until final approval of the proposed amended plat has been granted by the Michigan Department of Labor and Economic Growth, Office of Land Survey and Remonumentation.

11. This resolves the last pending claim in this matter and closed this case.

Dated: 10/18

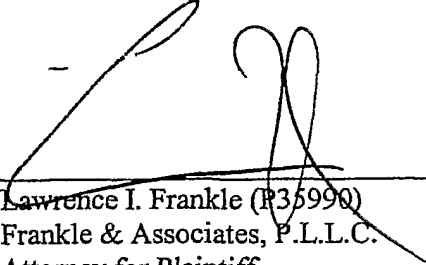


PAUL L. MALONEY

Hon. Paul L. Maloney
Berrien County Trial Court

APPROVED AS TO FORM AND CONTENT.

Dated: 10/17, 2006



Lawrence I. Frankle (P35990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff

Dated: _____, 2006

Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo

Dated: _____, 2006

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: _____, 2006

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC
Attorney for Def. Indiana Michigan Power
Company, d/b/a American Electric Power

Dated: _____, 2006

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2006

Rodger V. Bittner (P10836)
Bittner, Hyns, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road Comm'n

Dated: _____, 2006

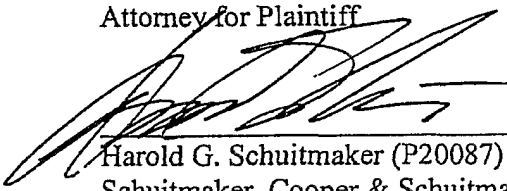
R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

APPROVED AS TO FORM AND CONTENT.

Dated: _____, 2006

Lawrence I. Frankle (P35990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff

Dated: 16/13, 2006



Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo

Dated: _____, 2006

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: _____, 2006

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC
Attorney for Def. Indiana Michigan Power
Company, d/b/a American Electric Power

Dated: _____, 2006

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2006

Rodger V. Bittner (P10836)
Bittner, Hyrns, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road
Comm'n

Dated: _____, 2006

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

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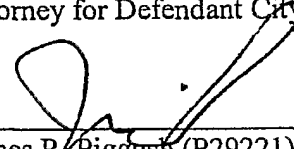
Dated: _____, 2006

Lawrence I. Frankle (P35990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff

Dated: _____, 2006

Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo

Dated: 10/13, 2006



James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

10/12/06

Dated: _____, 2006

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC
Attorney for Def. Indiana Michigan Power
Company, d/b/a American Electric Power

Dated: _____, 2006

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2006

Rodger V. Bittner (P10836)
Bittner, Hyns, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road
Comm'n

Dated: _____, 2006

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

17300

APPROVED AS TO FORM AND CONTENT.

Dated: _____, 2006

Lawrence I. Frankle (P35990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff


Dated: _____, 2006

Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo

Dated: _____, 2006

James R. Figgush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: 9-28, 2006



John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC
Attorney for Def. Indiana Michigan Power
Company, d/b/a American Electric Power

Dated: _____, 2006

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2006

Rodger V. Bittner (P10836)
Bittner, Hyms, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road
Comm'n

Dated: _____, 2006

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

APPROVED AS TO FORM AND CONTENT.

Dated: _____, 2006

Lawrence I. Frankle (P35990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff

Dated: _____, 2006

Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo


Dated: _____, 2006

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: _____, 2006

John E. Dewane (P12735)
Dwane, Peterson & Cullitan, PLC
Attorney for Def. Indiana Michigan Power
Company, d/b/a American Electric Power

Dated: Oct 2, 2006


Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: _____, 2006

Rodger V. Bittner (P10836)
Bittner, Hyrus, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road
Comm'n

Dated: _____, 2006

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

APPROVED AS TO FORM AND CONTENT.

Dated: _____, 2006

Lawrence I. Frankle (P35990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff

Dated: _____, 2006

Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo

Dated: _____, 2006

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: _____, 2006

John E. Dewane (P12735)
Dewane, Peterson & Cullitan, PLC
Attorney for Def. Indiana Michigan Power
Company, d/b/a American Electric Power

Dated: _____, 2006

Albert Calille (P26819)
Attorney for Def. SBC Teleholdings d/b/a
SBC Ameritech Corp.

Dated: 9-29- _____, 2006

Tammy D. Repaso
Rodger V. Bittner (P10836) *Tammy D. Repaso (P5835)*
Bittner, Hyrns, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road
Comm'n

Dated: _____, 2006

R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

APPROVED AS TO FORM AND CONTENT.

Dated: _____, 2006

Lawrence I. Frankle (P35990)
Frankle & Associates, P.L.L.C.
Attorney for Plaintiff

Dated: _____, 2006

Harold G. Schuitmaker (P20087)
Schuitmaker, Cooper & Schuitmaker
Attorney for Defendant City of New Buffalo

Dated: _____, 2006

James R. Piggush (P29221)
Assistant Attorney General
Attorney for State Defendants

Dated: _____, 2006

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Dewane, Peterson & Cullitan, PLC
Attorney for Def. Indiana Michigan Power
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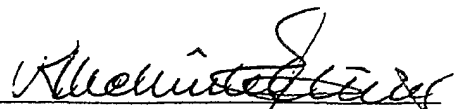
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Bittner, Hyrns, Daly & Riemland, P.C.
Attorney for Def. Berrien Co. Road
Comm'n

Dated: 10-10, 2006

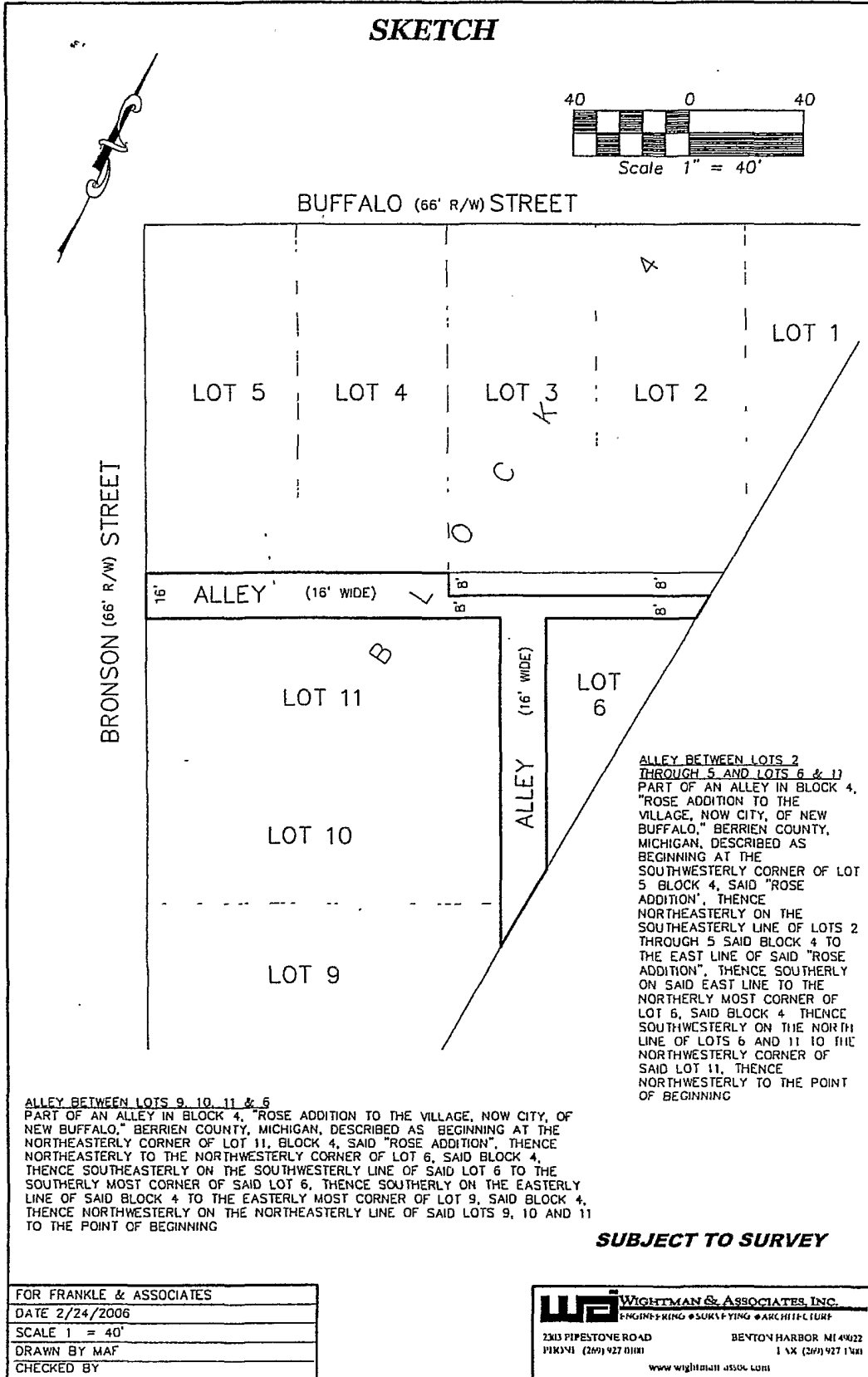


R. McKinley Elliott (P34337)
Atty. for Def. Berrien Co. Drain Comm'n

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SHEET 1 OF 1



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