

STATE OF MICHIGAN
48TH CIRCUIT COURT FOR THE COUNTY OF ALLEGAN

PAT FOSTER,
&
DANIEL ROBERTS
FOR THEMSELVES AND
OTHER SIMILARLY SITUATED,

PLAINTIFFS

CASE No: 00-26981 - CH

V.

JUDGE: GEORGE R. CORSIGLIA

RICHARD SAPUTO

&

ROGER LEE DANGERMOND,
ARLEN WARD DANGERMOND
ERVING R. DANGERMOND, DECEASED
CO-PARTNERS DURING BUSINESS AS
ERA RESORT

DEFENDANTS

COMPLAINT

John L. Marple (P54860)
ATTORNEY FOR PLAINTIFFS
MARPLE & ASSOCIATES PLC
162 East 8th Street
Holland, MI 49423
(616) 494-0500

COMPLAINT FOR A PERMANENT INJUNCTION

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in this complaint.

Plaintiffs, by their counsel John L. Marple, respectfully request this Court to grant a permanent injunction as provided for under MCR 3.310 for the following reasons:

1. Plaintiffs Pat Foster and Daniel Roberts own certain real property within Recreational Subdivision No. 1, herein after called "Subdivision," and located in Ganges Township, County of Allegan. A copy of the plat creating the Subdivision is included in this complaint as Appendix A

17. The unplatted parcel of land described in paragraphs 15 & 16 above has been subdivided with the creation of at least six new lots located on the northern property line abutting Mallard Street. A tax map of the newly formed parcels of land is attached to this complaint as Appendix G.
18. At the time of the creation of the lots, the unplatted area had approximately 725 feet of frontage on 122nd Avenue, a public road.
19. The owners of record of the unplatted lots that were created are as follows:
 - A. For tax parcel 0307-001-012-30 – Lawrence Rybicka. A copy of his warranty deed is attached as Appendix H.
 - B. For tax parcel 0307-001-011-20 – Henry Krantz. A copy of his warranty deed is attached as Appendix I.
 - C. For tax parcel 0307-001-012-00 – ERA Resort.
 - D. For tax parcel 0307-001-012-20 – Keith Hamelen. A copy of his warranty deed is attached as Appendix J.
 - E. For tax parcel 0307-001-011-10 – Arthur Steeg. A copy of his warranty deed is attached as Appendix K.
 - F. For tax parcel 0307-001-011-11 – Shawn Brooks. A copy of his warranty deed is attached as Appendix L.
 - G. For tax parcel 0307-460-051-00 – Don Gilly. A copy of his warranty deed is attached as Appendix M.
 - H. For tax parcel 0307-461-052-00 – Nick Unema. A copy of his warranty deed is attached as Appendix N.
20. All warranty deeds for the lots identified above do not show any notice or description whatsoever of the easement being extended for the use of Mallard Street or Blue Goose Avenue to the property owners, as identified in Paragraph 19 above, as alleged by the Defendants Saputo and ERA Resort.