



BRAUN KENDRICK

ATTORNEYS AT LAW

CRAIG W. HORN

Attorney

TEL: 989.399.0217

FAX: 989.799.4666

EMAIL: crahor@braunkendrick.com

February 15, 2022

Via Email: kfuller@saginawcounty.com

Ms. Kristine Fuller
Saginaw County District Court
111 S. Michigan Avenue
Saginaw, MI 48602

RE: Braun Kendrick Finkbeiner P.L.C. v Hal Wolfe
Case No. 21-5202-GC-6

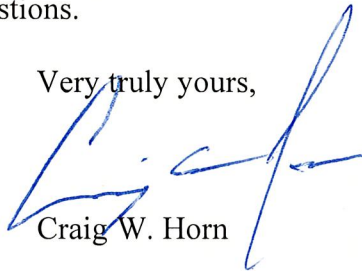
Dear Ms. Fuller:

The above matter is scheduled for a bench trial before Judge Clark on February 28, 2022 at 3:00 p.m.

Enclosed is Plaintiff's Trial Exhibit List and the four proposed exhibits referenced therein. Please note that the exhibit list and proposed exhibits are also being forwarded to Defendant.

Please do not hesitate to call with any questions.

Very truly yours,



Craig W. Horn

CWH/tmm
Enclosures

c: Hal Wolfe (Halsey Wolff) – w/encls.

{S1674638.DOCX.1}

STATE OF MICHIGAN

IN THE 70th DISTRICT COURT FOR THE COUNTY OF SAGINAW

BRAUN KENDRICK FINKBEINER P.L.C.,
a professional limited liability company,

Plaintiff,

vs

Case No. 21-5202-GC-6

HAL WOLFE,

HON. TERRY L. CLARK

Defendant.

BRAUN KENDRICK FINKBEINER P.L.C.
By: Craig W Horn (P34281)
Attorney for Plaintiff
4301 Fashion Square Blvd.
Saginaw, MI 48603
(989) 498-2100

HAL WOLFE, a/k/a Halsey Wolff
Pro Per
2045 McKinley
Ypsilanti, MI 48197

PLAINTIFF'S TRIAL EXHIBIT LIST

NOW COMES Plaintiff and sets forth the following list of exhibits which it intends to admit at the time of trial:

1. Executed Retainer Agreement dated January 9, 2017.
2. Internal Prebill.
3. Invoice No. 267572 dated April 14, 2017.
4. Emails exchanged between Michael Kitson and Defendant between March 31,

2017 and April 3, 2017.

BRAUN KENDRICK FINKBEINER P.L.C.

DATED: February 15, 2022

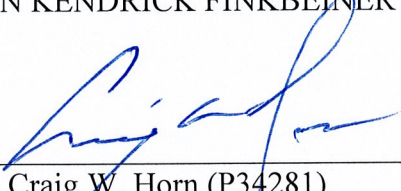
By: 
Craig W. Horn (P34281)
Attorneys for Plaintiff

Exhibit 1



BRAUN KENDRICK

ATTORNEYS AT LAW

MICHAEL J. KITSON

Attorney

TEL: 989.399.0267

FAX: 989.799.4666

EMAIL: mickit@braunkendrick.com

January 9, 2017

109-144-1

Hal Wolfe
2045 McKinley Avenue
Ypsilanti, Michigan 48197

Re: Engagement of Legal Services

Dear Mr. Wolfe:

This letter is to confirm that you have engaged our firm to assist you in with a trust dispute.

We will provide legal services in connection with this matter and such other specific matters you refer to us. Our normal billing practice is to bill monthly, on an hourly time charge basis. My current hourly rate is \$250. When possible we delegate work to associates and legal assistants, and their time will be billed at substantially lower rates. Our rates may be modified over time. Our monthly statements to you will reflect the rates in effect at the time the service was performed. We, of course, also expect reimbursement for any expenses advanced on your behalf.

To begin representation you provided us with a retainer of \$2,000.00. The retainer will serve as a form of security deposit, with the retainer applied against your final bill. If you find your bill is less than the retainer amount, we will remit to you the difference. If your final bill exceeds the retainer, you will be responsible to pay the difference.

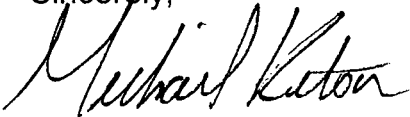
At the conclusion of our representation, you may wish to keep parts of a file, especially original documents. If so, we would be pleased to return the requested portions of the file to you for safekeeping at your discretion. If not, we will store your file in a secure location as required by state law and ethical considerations for a minimum of five (5) years. After the retention period has expired, your file will be safely and securely destroyed. Therefore, if you believe documents exist which you would not want destroyed, please notify us as soon as possible after the matter is concluded.

{S1345329.DOCX.1
109347-1}

Hal Wolfe
January 9, 2017
Page 2

If you have any questions about the above, please contact me. Otherwise, please sign below and return the original to our office along with the retainer check. We appreciate the opportunity to be of service to you.

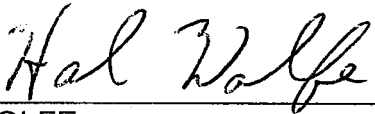
Sincerely,



MICHAEL J. KITSON

MJK/jlg

I HAVE READ AND UNDERSTAND THE FOREGOING TERMS AND AGREE TO BE BOUND BY THE PROVISIONS CONTAINED THEREIN.



1-20-17

HAL WOLFE

Exhibit 2

09:04 AM Apr 4, 2017

Draft For Unbilled Fees & Disbursements
MATTER ID: 109794-00001

Page No.: 50

BILLING INSTRUCTIONS: 00
Bill Fees \$9,862.00 Bill Disb 0.00 Apply on Account: Fees 0.00 Disb 0.00

Pay from Trust: Fees \$9,862.00 Disb 0.00 Defer 0.00

Bill On Account: Fees 0.00 Disb 0.00 Write off Fees 0.00 Disb 0.00

Billing Attorney: MICHAEL J. KITSON

HAL WOLFE
2045 MCKINLEY AVE
YPSILANTI, MI 48197

Total Billed Fees: 0.00
Total Billed Disb: 0.00
Total Collected: 0.00
Date of Last Bill: 0.00
Date of Last Payment: 03-10-17 2,000.00
Date of Last Write-off: 0.00

Combined On-Account Balance: 0.00
Trust Funds 1: 4,000.00
Bill Format: 1 BKF/DATE/NARR ONLY/Costs Combined us
I/Comments: \$2000 RETAINER

RE: TRUST DISPUTE

	TOTAL	FEEES	DISB	INT	A G I N G A S O F					---
	DUE	DUE	DUE	DUE	00-30	31-60	61-90	90+		
Unbilled Fees & Disb	9,862.00	9,858.00	4.00	0.00	4,812.00	2,750.00	2,175.00	125.00		
Accts Receivable Balance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
On-Account Balance Forward	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

-----FEE RECAP-----
 Attorney Hours Rate Amount
 392 - MJK 39.2 250.00 9,800.00
 705 - ARV 0.4 145.00 58.00
 TOTAL UNBILLED FEES: 39.6 9,858.00

-----DISB RECAP-----
 52 COPYING CHARGES Amount
 4.00

TOTAL UNBILLED DISB 4.00
 TOTAL UNBILLED FEES & DISB 9,862.00
 TO BILL: 9,862.00

HAL WOLFE
 TRUST DISPUTE

DATE	ATY	DESCRIPTION	TASK CODE	H/N	HOURS	RATE	AMOUNT
12-28-16	MJK	HAL WOLFE: PHONE CALL WITH HAL REGARDING MOTHER'S TRUST			0.5	250.00	125.00
01-10-17	MJK	REVIEW APPRAISAL NUMBERS FROM HAL AND REVIEW TRUSTS; PHONE CALL AND EMAIL TO JOE WEILER			1.6	250.00	400.00
01-11-17	MJK	REVIEW CLIENT INFORMATION FOR CHAR-EM APPRAISAL; REVIEW INFORMATION REGARDING FERRY FROM PROPERTY			0.7	250.00	175.00
01-12-17	MJK	PHONE CALL WITH JOE WEILER REGARDING VARIOUS ISSUES WITH TRUST; EMAIL TO HAL WOLFE REGARDING CHAR-EM APPRAISAL			1.1	250.00	275.00
01-13-17	MJK	REVIEW EMAIL FROM HAL WOLFE REGARDING APPRAISAL OF CHARLEVOIX PROPERTY			0.3	250.00	75.00
01-18-17	MJK	PHONE CALL WITH JOE WEILER REGARDING HIS MEETING WITH CHRIS AND CYNTHIA WOLFE			0.5	250.00	125.00
01-24-17	MJK	REVIEW LETTER FROM HAL WOLFE REGARDING CHAR EM APPRAISAL			0.2	250.00	50.00
01-30-17	MJK	REVIEW APPRAISALS FOR CHARLEVOIX PROPERTY; RESEARCH PROPERTY VALUE TO DISPUTE; EMAIL TO AND PHONE CALL FROM JOE WEILER			3.7	250.00	925.00
01-31-17	MJK	REVIEW EMAIL FROM HAL AND PREPARE RESPONSE			0.6	250.00	150.00
02-03-17	MJK	REVIEW AND RESEARCH CONSENT TO EXTEND TIME FOR OPTION			0.3	250.00	75.00
02-07-17	MJK	PREPARE AND EMAIL RESPONSE TO HAL REGARDING APPRAISAL; REVIEW EMAIL FROM HAL REGARDING APPRAISALS			1.2	250.00	300.00
02-08-17	MJK	EMAIL TO HAL REGARDING PLAN TO NEGOTIATE APPRAISALS; RESEARCH PROPERTY COMPARISONS			3.0	250.00	750.00
02-14-17	MJK	REVIEW AND RESPOND TO EMAIL FROM HAL			0.6	250.00	150.00
02-15-17	MJK	REVIEW AND RESPOND TO EMAILS FROM HAL			0.6	250.00	150.00
02-17-17	MJK	MEETING WITH HAL WOLFE REGARDING APPRAISALS ON CHARLEVOIX PROPERTY			1.9	250.00	475.00
02-20-17	MJK	REVIEW INFORMATION AND VALUATIONS FROM HAL; RESEARCH DISCREPANCIES IN PROPERTY			1.9	250.00	475.00
02-21-17	MJK	PREPARE EMAIL TO JOE WEILER AND RESEARCH SHORE ROAD PROPERTY			0.4	250.00	100.00
02-22-17	MJK	EMAIL TO JOE WEILER REGARDING QUESTIONS ON APPEAL			0.9	250.00	225.00
02-24-17	MJK	REVIEW EMAIL FROM HAL WOLFE			0.2	250.00	50.00
03-01-17	MJK	EMAIL FROM HAL REGARDING STATUS OF JOE WEILER			0.2	250.00	50.00
03-02-17	MJK	PREPARE MESSAGE TO JOE WEILER WITH DETAILS OF OUR POSITION ON PRICE ADJUSTMENTS TO PENFOLD APPRAISAL			1.4	250.00	350.00
03-03-17	MJK	ON PRICE ADJUSTMENTS TO PENFOLD APPRAISAL EMAILS AND PHONE CALL WITH JOE WEILER; EMAIL FROM HAL WOLFE			1.0	250.00	250.00

HAL WOLFE
 TRUST DISPUTE

DATE	ATTY	DESCRIPTION	TASK CODE	H/N	HOURS	RATE	AMOUNT
03-07-17	MJK	ANALYSIS OF EMAIL FROM HAL REGARDING VALUATION OF PROPERTY			0.4	250.00	100.00
03-09-17	MJK	PHONE CALL FROM AND EMAIL FROM AND TO HAL REGARDING MEETING ON LAKE CHARLEVOIX PROPERTIES			0.3	250.00	75.00
03-10-17	MJK	REVIEW ALL TRUSTS AND AMENDMENTS; MEETING WITH HAL AND HIS SISTER ANNE REGARDING VALUE OF LAKE CHARLEVOIX PROPERTY			2.6	250.00	650.00
03-14-17	MJK	EMAIL TO JOE WEILER REGARDING STATUS OF VALUATION CONCERNS			0.4	250.00	100.00
03-17-17	MJK	PHONE CALL WITH JOE WEILER; EMAILS TO HAL REGARDING OFFER MADE ON LAKE PROPERTIES; ANALYSIS OF ACCEPTANCE OF OFFER AND CHALLENGE TO VALUE			1.0	250.00	250.00
03-20-17	MJK	PHONE CALL AND EMAILS FROM JOE WEILER REGARDING REDUCED PRICE AND VARIOUS ASPECTS OF LAKE CHARLEVOIX PROPERTY CLOSING; EMAILS TO HAL REGARDING PRICE CONCERNS			2.2	250.00	550.00
03-21-17	ARV	REVIEW CHARLEVOIX COUNTY RECORDS RE HISTORY OF REAL ESTATE TAXES			0.4	145.00	58.00
03-21-17	MJK	PHONE ALL FROM JOE WEILER REGARDING PRICE AND VARIOUS ASPECTS OF LAKE CHARLEVOIX PROPERTY CLOSING; ANALYSIS OF REAL PROPERTY TAX INCREASE			1.3	250.00	325.00
03-23-17	MJK	PHONE CALL FROM JOE WEILER REGARDING PROPERTY TAXES AND REVISED LETTER			1.6	250.00	400.00
03-28-17	MJK	PHONE CALLS TO JOE WEILER; REVIEW EMAILS FROM JOE AND HAL REGARDING OPTION EMAIL TO CHRIS; RESPOND TO HAL'S EMAIL			2.1	250.00	525.00
03-29-17	MJK	PHONE CALL TO JOE WEILER; EMAILS TO HAL WOLFE REGARDING OFFER FOR CHARLEVOIX PROPERTY			1.4	250.00	350.00
03-30-17	MJK	EMAILS TO HAL REGARDING EXERCISE OF OPTION; PHONE CALL TO JOE WEILER; PREPARE EXERCISE OF OPTION DOCUMENT FOR HAL'S SIGNATURE			1.5	250.00	375.00
03-31-17	MJK	EMAILS TO HAL REGARDING EXERCISE OF OPTION; PHONE CALL AND EMAIL TO JOE WEILER			1.6	250.00	400.00
					39.6		9,858.00
							4.00
							4.00

DATE 03-23-17
 DESCRIPTION
 COPYING CHARGES; ASSESSMENT RECORDS; BUSINESS CARD

TASK CODE
 HOLD
 AMOUNT
 4.00

MATTER ID: 101314-27143

BILLING INSTRUCTIONS: \$0.00 Bill Disc Apply on Account: Fees Disc

Pay from Trust: Fees Disb Defer Write Off Fees Disb

HAL WOLFE
519 POLK ST
BAY CITY, MI 48708

*Wrong Client
Should be 109794-0001*

Billing Attorney: MICHAEL J. KITSON
Total Billed Fees: 700.00
Total Billed Disb: 16.70
Total Collected: 716.70
Date of Last Bill: 04-30-05
Date of Last Payment: 09-06-00
Date of Last Write-off: 0.00

Combined On-Account Balance: 0.00
Trust Funds 1: 0.00
Bill Format: 1 BKF/DATE/NARR ONLY/Costs Combined us
I/Comments:

RE: ESTATE PLANNING

	TOTAL	FEES	DISB	INT	A G I N G A S O F					---
	DUE	DUE	DUE	DUE	00-30	31-60	61-90	90+		
Unbilled Fees & Disb	600.00	600.00	0.00	0.00	0.00	0.00	600.00	0.00		0.00
Accts Receivable Balance	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00
On-Account Balance Forward	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00

-----FEE RECAP-----

Attorney Hours Rate Amount
392 - MJK 2.4 250.00 600.00

TOTAL UNBILLED FEES: 2.4 600.00

TOTAL UNBILLED FEES & DISB 600.00

DATE	ATY	DESCRIPTION	TASK CODE	H/N	HOURS	RATE	AMOUNT
01-06-17	MJK	MEETING WITH CLIENT REGARDING POTENTIAL CHALLENGE TO PARENTS' TRUST; REVIEW DOCUMENTS PROVIDED BY CLIENT			2.4	250.00	600.00

TO BILL: 600.00

HAL WOLFE
ESTATE PLANNING

THROUGH 03-31-17
Matter ID: 101314-27143

DATE	ATY	DESCRIPTION	TASK CODE	H/N	HOURS	RATE	AMOUNT
					2.4		600.00

Exhibit 3

BRAUN KENDRICK FINKBEINER P.L.C.
4301 FASHION SQUARE BOULEVARD
SAGINAW, MICHIGAN 48603
TELEPHONE (989) 498-2100
FEDERAL ID 38-3204687

April 14, 2017
Invoice # 267572
I.D. 109794-00001

HAL WOLFE
2045 MCKINLEY AVE
YPSILANTI, MI 48197

Re: TRUST DISPUTE

Services Rendered Through March 31, 2017

Date	Description of Services
12-28-16	HAL WOLFE: PHONE CALL WITH HAL REGARDING MOTHER'S TRUST
01-06-17	MEETING WITH CLIENT REGARDING POTENTIAL CHALLENGE TO PARENTS' TRUST; REVIEW DOCUMENTS PROVIDED BY CLIENT
01-10-17	REVIEW APPRAISAL NUMBERS FROM HAL AND REVIEW TRUSTS; PHONE CALL AND EMAIL TO JOE WEILER
01-11-17	REVIEW CLIENT INFORMATION FOR CHAR-EM APPRAISAL; REVIEW INFORMATION REGARDING FERRY FROM PROPERTY
01-12-17	PHONE CALL WITH JOE WEILER REGARDING VARIOUS ISSUES WITH TRUST; EMAIL TO HAL WOLFE REGARDING CHAR-EM APPRAISAL
01-13-17	REVIEW EMAIL FROM HAL WOLFE REGARDING APPRAISAL OF CHARLEVOIX PROPERTY
01-18-17	PHONE CALL WITH JOE WEILER REGARDING HIS MEETING WITH CHRIS AND CYNTHIA WOLFE
01-24-17	REVIEW LETTER FROM HAL WOLFE REGARDING CHAR EM APPRAISAL
01-30-17	REVIEW APPRAISALS FOR CHARLEVOIX PROPERTY; RESEARCH PROPERTY VALUE TO DISPUTE; EMAIL TO AND PHONE CALL FROM JOE WEILER
01-31-17	REVIEW EMAIL FROM HAL AND PREPARE RESPONSE
02-03-17	REVIEW AND RESEARCH CONSENT TO EXTEND TIME FOR OPTION
02-07-17	PREPARE AND EMAIL RESPONSE TO HAL REGARDING APPRAISAL; REVIEW EMAIL FROM HAL REGARDING APPRAISALS
02-08-17	EMAIL TO HAL REGARDING PLAN TO NEGOTIATE APPRAISALS; RESEARCH PROPERTY COMPARISONS
02-14-17	REVIEW AND RESPOND TO EMAIL FROM HAL
02-15-17	REVIEW AND RESPOND TO EMAILS FROM HAL
02-17-17	MEETING WITH HAL WOLFE REGARDING APPRAISALS ON CHARLEVOIX PROPERTY
02-20-17	REVIEW INFORMATION AND VALUATIONS FROM HAL; RESEARCH DISCREPANCIES IN PROPERTY
02-21-17	PREPARE EMAIL TO JOE WEILER AND RESEARCH SHORE ROAD PROPERTY
02-22-17	EMAIL TO JOE WEILER REGARDING QUESTIONS ON APPEAL
02-24-17	REVIEW EMAIL FROM HAL WOLFE
03-01-17	EMAIL FROM HAL REGARDING STATUS OF JOE WEILER
03-02-17	PREPARE MESSAGE TO JOE WEILER WITH DETAILS OF OUR POSITION ON PRICE ADJUSTMENTS TO PENFOLD APPRAISAL
03-03-17	EMAILS AND PHONE CALL WITH JOE WEILER; EMAIL FROM HAL WOLFE
03-07-17	ANALYSIS OF EMAIL FROM HAL REGARDING VALUATION OF PROPERTY
03-09-17	PHONE CALL FROM AND EMAIL FROM AND TO HAL REGARDING MEETING ON LAKE CHARLEVOIX PROPERTIES

HAL WOLFE
 Re: TRUST DISPUTE

Services Rendered Through March 31, 2017

Date	Description of Services	Total Fees	6,000.00
03-10-17	REVIEW ALL TRUSTS AND AMENDMENTS; MEETING WITH HAL AND HIS SISTER ANNE REGARDING VALUE OF LAKE CHARLEVOIX PROPERTY		
03-14-17	EMAIL TO JOE WEILER REGARDING STATUS OF VALUATION CONCERNS		
03-17-17	PHONE CALL WITH JOE WEILER; EMAILS TO HAL REGARDING OFFER MADE ON LAKE PROPERTIES; ANALYSIS OF ACCEPTANCE OF OFFER AND CHALLENGE TO VALUE		
03-20-17	PHONE CALL AND EMAILS FROM JOE WEILER REGARDING REDUCED PRICE AND VARIOUS ASPECTS OF LAKE CHARLEVOIX PROPERTY CLOSING; EMAILS TO HAL REGARDING PRICE CONCERNS		
03-21-17	REVIEW CHARLEVOIX COUNTY RECORDS RE HISTORY OF REAL ESTATE TAXES		
03-21-17	PHONE CALL FROM JOE WEILER REGARDING PRICE AND VARIOUS ASPECTS OF LAKE CHARLEVOIX PROPERTY CLOSING; ANALYSIS OF REAL PROPERTY TAX INCREASE		
03-23-17	PHONE CALL FROM JOE WEILER REGARDING PROPERTY TAXES AND REVISED LETTER		
03-28-17	PHONE CALLS TO JOE WEILER; REVIEW EMAILS FROM JOE AND HAL REGARDING OPTION EMAIL TO CHRIS; RESPOND TO HAL'S EMAIL		
03-29-17	PHONE CALL TO JOE WEILER; EMAILS TO HAL WOLFE REGARDING OFFER FOR CHARLEVOIX PROPERTY		
03-30-17	EMAILS TO HAL REGARDING EXERCISE OF OPTION; PHONE CALL TO JOE WEILER; PREPARE EXERCISE OF OPTION DOCUMENT FOR HAL'S SIGNATURE		
03-31-17	EMAILS TO HAL REGARDING EXERCISE OF OPTION; PHONE CALL AND EMAIL TO JOE WEILER		
		Total Fees	6,000.00
Current Fees		6,000.00	
Current Due			6,000.00
Less Payment from Trust Account			<4,000.00>
Total Current Due			2,000.00

Exhibit 4

Courtenay L. Bourdow

From: Hal Wolfe <runlikehal@yahoo.com>
Sent: Monday, April 3, 2017 7:57 PM
To: Michael J. Kitson
Subject: Re: Exercise of Option

Hello Mike - sorry for the confusion. The reason I contracted with your firm was for potential litigation. That didn't come to pass, so at this point with the price agreed to, I will not need any further legal support of any sort from you or your firm for the Charlevoix property unless something strange comes about that might require litigation, but I don't expect that.

On the real estate issues, after talking to my real estate attorney and the title company, that cleared up the few additional questions I had, so I am in good shape there also. If anything comes up on the title search, the firm we're going with made it clear they can provide any needed for that - but we've owned the property free and clear for 50 years - there won't be any issues. The only reason I need the title insurance is for resale.

As far as the document to Joe, Alan and I are happy with it. The concept is very simply - every red cent of my inheritance goes into the property, and the rest comes from Alan, simple as that - so there should be no need for any hundred grand. I think I made that clear. If Joe doesn't like how it's worded for some reason, he can deal with me or with Chris if he won't talk to me directly. That's up to him and I don't give a rip one way or the other on that.

So again, thanks for the support you were able to provide, and let's settle up.

Hal

On Monday, April 3, 2017 3:17 PM, Michael J. Kitson <mickit@BraunKendrick.com> wrote:

Hi Hal:

I need to confirm my role going forward. In your last email you stated that you will "take it from here," but in your 3/31/2017 email you stated that you may be "looking for some support from [me] or someone in [my] group that specializes in Real Estate." As stated before, I am fine with whatever your decision is, but Joe forwarded me an email this morning with the signed exercise you drafted and which we discussed last week (the one I was not in favor of).

Communicating directly with Joe is fine if you are handling things from here on out. However, if I am still going to be involved then communication should come through me. There are ethical considerations that Joe has with communicating directly with you, because as far as he knows you are represented and attorneys should not communicate with someone they know is represented by another attorney. Therefore, if you are taking this over I will let him know that all communication should go through you. If I am still representing you then communication should go through me.

The other concern that I have is that if I am still representing you, you have to follow the advice I give or let me know when you are not going to follow it. This is the second or third time where I advised against sending something and you did it anyway without copying me on the correspondence. If my advice is going to be ignored then my continued representation seems pointless. At this point closing documents and purchase

agreements are going to be needed and if you feel you can take over reviewing, revising, and negotiating those documents then I will conclude my representation here. If you are going to need help with those items, then I will be happy to assist, but the independent communication with Joe and Chris (as to this deal) must stop (you can communicate with Chris about normally family things but not as to the Charlevoix property negotiation and closing).

Please let me know so I can communicate this with Joe so that he knows who he is dealing with going forward.

Thank you,
-Mike



MICHAEL J. KITSON
Attorney
Tel: 989.399.0267
Fax: 989.799.4666
Email: mickit@braunkendrick.com

E-Mail Confidentiality Notice

The information contained in this message may be subject to the attorney-client privilege, constitute attorney work product, or be strictly confidential, and is intended only for the use of the addressee listed above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited.

From: Hal Wolfe [mailto:runlikehal@yahoo.com]
Sent: Saturday, April 01, 2017 2:46 PM
To: Michael J. Kitson
Subject: Re: Exercise of Option

Hello Michael - thanks so much for your help - now that there is a firm price, I can take it from here. I am not worried about the closing - yes, I need title insurance and I have that started. They told me that could take up to 10 days, so the 28th is simply a safe date to know that will be completed. If I get it sooner, I will contact my brother and Joe.

Yes, it was all very sticky, I suppose you are used to that kinda thing (I wasn't), and I realize you didn't want me to talk to Chris - sorry, but that was reality. Telling two family members that they can't talk when there are reunions going on, well that may be good legal advice, but it isn't realistic, and wasn't in this case. So while I was disappointed in a number of things, at least the price was lowered to one that was close to the \$494 that I feel would have been fair if the lot line was down the middle and not moved back to the old askew line, but I may be able to get that back, who knows. Anyhow, the price is set so that's that and it's time to move on.

So, we need to square up what the balance is.

Hal

On Friday, March 31, 2017 6:36 PM, Michael J. Kitson <mickit@BraunKendrick.com> wrote:

Hi Hal:

I called Joe and just sent a quick email confirming your acceptance of the option.

With your attached document, the first paragraph is good. However, the remaining paragraphs are worded as though we don't know what numbers are involved at closing. We do know those numbers and they are \$400,000 from your share and \$100,000 from Alan's share. Joe calculated the \$400,000 by taking the cash and cash equivalent assets and the \$500,000 from the Lake Charlevoix properties and adding them together (I am not sure if he deducted administrative fees but probably did) and then divided that total by 6 to get your 1/6 share. So the \$400,000 is the minimum we know you are going to get. Once the condo is sold and final expenses paid you will get the remainder of your 1/6 share. However, we will not know that final portion of your 1/6 share until after closing.

At closing we will need to have a purchase agreement and closing documents which require us to enter actual numbers. When your document states that "such that we both are aware of the exact amount of the loan that Alan is required to make" it proposes that we are going to wait to close or prepare closing documents until both of your shares are fully determined and then we can determine how much Alan needs to give you. That is not the case as we don't know when your shares will be fully determined because we have no idea when the condo will sell. So my document was drafted and worded based on how closing will take place and that is with \$400,000 credit from you and a \$100,000 credit from Alan (assuming he agrees). Then sometime after closing but before the trust is wound up you will be paid your remaining 1/6 share. I'm sure you can arrange to have that final 1/6 paid directly to Alan to reduce the balance you owe him if you would prefer. So I would advise against using your document because it proposes the closing will take place in another fashion than it actually will. If you have concerns about my language please let me know what concerns you have and we can fine tune that language.

As far as the closing date, what do you need to have done before closing? Are you going to get title work (at your expense)? If so, we should begin preparing for that now. Other than title work we will need to get purchase agreements in place and Joe's office is preparing those and I will review it. I am trying to determine what closing date makes sense. Joe says Chris wants 4/15 and you want nothing sooner than 4/28. Once we complete our due diligence (i.e. title work) and get the final closing documents in place we should be able to close quickly since we are dealing with credits from the trust and not bank loans or other certified funds. So from my seat I am not sure 4/15 is doable considering the things that may need to get done before closing, but at the same time 4/28 seems lengthy considering the nature of this closing and the fact that no lenders are involved (other than Alan). What are your concerns about closing sooner than 4/28?

Best Regards,
-Mike



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From: Hal Wolfe [mailto:runlikehal@yahoo.com]
Sent: Friday, March 31, 2017 3:11 PM
To: Michael J. Kitson
Subject: Re: Exercise of Option

Hello Mike - thanks for your concern on this. The original \$500K offer letter did stipulate that e-mail would suffice, and I did include Joe on that note. Plus I have gotten an acknowledgement note from my brother directly indicating that he and his co-trustee (wife) are pleased that I am accepting their offer, so we are all set on that point.

I have drafted a slightly simplified version of of an acceptance letter that I think will work that also includes an agreement with my brother Alan that I need to review with him.

As to the real estate issues, I have had some advise from John and he is helping with the title insurance, but things have changed for him in the past 6 months since I last worked with him, and he let me know that he is not anxious to deal with a real estate holding up in Northern Michigan and a closing up in Midland, so I may be looking for some support from you or someone in your group that specializes in Real Estate.

I'll get back to you fairly soon, as obviously as things stand they still are expecting a closing by the 14th, but I don't think there will be any issue with getting an extension to the 28th or 30th or beyond if need be.

Hal

On Friday, March 31, 2017 1:58 PM, Michael J. Kitson <mickit@BraunKendrick.com> wrote:

Hi Hal:

I want to get that exercise of option to Joe today as today is the deadline for you to exercise your option. Please let me know if are signing it or if you feel that your email was sufficient to exercise your option. Either way I would like to let Joe know if we will or will not be providing anything further in writing. Also let me know if this is where your real estate attorney will be taking over.

Thanks,
-Mike



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