

LAW OFFICES OF
KLEVORN & KLEVORN

215 South Lake Street
Boyne City, Michigan 49712
Phone: 231-582-7911
Fax: 231-582-2711

Kevin G. Klevorn

Robert C. Klevorn (1914-1987)

May 17, 2022

Mr. Kevin McCabe
07705 Cedar Lane
East Jordan, MI 49727

Dear Kevin,

I thought you should see the results of my investigation thus far.

The owner of 07645 Cedar Lane went through a sanitary code board of appeal hearing in the Fall.

He was represented by attorney Mark Hilal it appears. His appeal for a variance was denied. The October 21, 2021 Health Department letter is also enclosed. This is what was provided to me from the Health Department under a FOIA request.

I also spent some time at the Register of Deeds. Enclosed are some of my findings. There was a recorded survey that split lot 24 of Tonnadoonah No. 1. This is the second part of the development of Tonnadoonah from 1961. The original Tonnadoonah plat goes back to 1959.

I confirm that liber 189 page 422, the Bartholomew to Capelin Deed for lot 24 of the second plat (Tonnadoonah No. 1) did have the building and use restrictions attached to it. This will mean that those restrictions "run with the land", i.e., whoever owns lot 24 of Tonnadoonah No. 1 is subject to constraints.

In 1967, a Deed my Dad drafted (and my mother witnessed ☺), the Capelins (who were also my parents' friends) deeded to Ellen Wolff, the first Wolff owner the two lots, being lot No. 1 of the original plat and lot 24 of the second plat. That Deed was subject to "easements, reservations, and restrictions of record".

I spent long enough as it was at the Register of Deeds but enclosed also is a 1959 Deed, one of the first lots parceled out, (being lot 16 not lot 1), but note the Building and Use Restrictions attached which cover "lots 1-16, inclusive". This includes restrictions on sanitary plumbing, no temporary buildings, etc.

We should probably chat about the July 3, 2021 updated By-Laws and whether it is helpful to have those recorded to make sure that no one can complain that they "didn't know" about the Building and Use Restrictions that you updated in Article 8. Your 2016 By-Laws were recorded but I cannot tell if the ones less than a year old that you gave me were recorded. It seems to make sense to record them so that nobody can complain "I didn't know".

I am sure the enclosed results of my investigation will prompt a follow-up chat I look forward to seeing you again, hopefully before Friday nights after Memorial Day.

Best personal regards.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin G. Klevorn", written over a horizontal line.

Kevin G. Klevorn

KGK/djm
Enclosure

RECORDED IN DEEDS

Recorded.....
\$.....
Libr..... of Deeds, Page.....
Register of Deeds.....

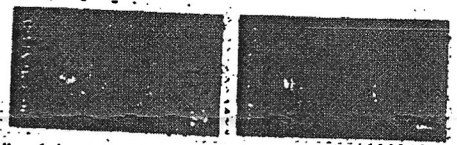
WARRANTY DEED—TO TENANTS BY THE ENTIRETY—SHORT—888
(PHOTO COPY FORM) ENCL. 1008, 9 CL. KALAMAZOO, MICH.

This Indenture, made this 23rd day of July 19 62
 BETWEEN Ralph Bartholomew and Irene G. Bartholomew, husband
 and wife, of 7405 West Maple Road, Walled Lake, Michigan,
 Parties - - - - -
 and Robert L. Capelin and June E. Capelin, Parties and - - -
 of the first part, husband and wife, as tenants by the entirety of the second part,
 whose address is: 315 McKinley Street, Boyne City, Michigan

Witnesseth, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and other good and valuable considera-
 tion to him in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents
 grant, bargain, sell, remise, release, alien and confirm unto the said parties of the second part, their assigns, the survivor of them, his or her heirs
 and assigns, FOREVER, all that certain piece or parcel of land situate and being in the Township of
 Eveline County of Charlevoix and State of Michigan, and described as follows, to-wit:

"Lot Twenty-four (24) of Tonnadoonah No. 1, according to the recorded
 Plat thereof; Subject to any restrictions, easements, and reservations
 of record or of use; and Subject to the restrictions hereto attached and
 made a part hereof."

STATE OF MICHIGAN, County of Charlevoix, ss. Charlevoix July 26 1962 I hereby certify, that there are no tax maps or
 titles held by the State or by individuals on the land herein described in the within instrument, and that all taxes due thereon have been
 paid for the five years preceding the date of said instrument as appears by the records in my office. This does not cover taxes in pro-
 cess of collection by Township, Cities or Villages.
 Helio M. Sander County Treasurer



Together with all and singular, the hereditaments and appurtenances thereunto belonging or in anywise appertaining; To Have and to Hold the
 said premises, as herein described, with the appurtenances, unto the said parties of the second part, their assigns, the survivor of them, his or
 her heirs and assigns, FOREVER. And the said party of the first part, for his heirs, executors and administrators, does covenant, grant, bargain
 and agree to and with the said parties of the second part, their assigns, the survivor of them, his or her heirs and assigns, that at the time of the
 ensembling and delivery of these presents he is well seized of the above granted premises in fee simple; that they are free from all incumbrances
 whatever - - - - -

and that he will, and his heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever,
 - - - - -

(When applicable, pronouns and relative words shall be read as plural, feminine or
 neuter, respectively.)

In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed and Delivered in Presence of
 Guy C. Conkle, Jr. (Notary Public)
 Lois L. Brooks (Witness)
 Ralph Bartholomew (J.S.)
 Irene G. Bartholomew (J.S.)

STATE OF MICHIGAN. }
 COUNTY OF Charlevoix } ss. On July 23 19 62
 before me, a Notary Public in and for said County, personally appeared
 Ralph Bartholomew and Irene G. Bartholomew
 to me known to be the same person s described in and who executed the within instrument, who each
 acknowledged the same to be their free act and deed.

Guy C. Conkle, Jr. Notary Public,
 Charlevoix County, Michigan,
 My commission expires January 11 1966

1. See Act No. 179 of the Public Acts of 1941, requiring the address of each of the Grantees in each Deed of Conveyance or Assignment of Real Estate, including the Street
 Number where such Numbers are in common use, or, if not, the Post-office addresses shall be legibly printed, typewritten, or stamped in such instrument.
 2. PRINT, TYPEWRITE OR STAMP names of persons executing this instrument, also names of the Witnesses and Notary Public immediately underneath such signatures.
 When, applicable, pronouns and relative words shall be read as plural, feminine or neuter respectively.

Restrictions of Tonnadoonah No. 1

1. No business of any kind shall be carried on upon said premises nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
2. NO BILLBOARDS. No sign, poster, billboard, or other advertising device or symbol shall be erected or displayed on any lot or lots on the subdivision without the written consent of the Seller.
3. GARBAGE DISPOSAL. All garbage and refuse originating or accumulating on any lots shall be kept in properly covered metal or concrete containers and regularly disposed of in accordance with health regulations.
4. SANITARY PLUMBING. No privy vault, closet or outhouse shall be used, erected, or maintained on any lot in TONNADOONAH NO. 1, but in place thereof shall be installed septic tanks and water flush toilets of a type approved by the proper health authorities. All dwellings shall be connected prior to occupancy with a septic tank of materials, size and design approved by the State Health Department.
5. SINGLE HOME ONLY. Not more than one detached single family dwelling, not to exceed two stories in height, and a private garage for not more than two cars, and other out-buildings incidental to residential use shall be built or maintained on any one lot. All lots shall be used for single, private, residences only.
6. NO TEMPORARY BUILDINGS. No garage, trailer, basement, tent, shack, barn, or other out-buildings erected in TONNADOONAH NO. 1 shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence, except during the building of a residence which shall not exceed four years, location of which must be approved by Ralph Bartholomew.
7. APPROVAL OF PLANS. No building shall be erected, placed or altered on any building plot in this subdivision until the building plans and specifications and plot plan showing the location of such building have been approved in writing as to conformity and harmony of the external design with existing structures in TONNADOONAH NO. 1 and as to location of the building with respect to topography and finished ground elevation, by Ralph Bartholomew, or by a representative designated by him, until January 1, 1980.
8. COMPLETION OF BUILDING. The exterior of all buildings shall be completed within one year from the commencement of construction, and if, in frame or cinder block construction, exterior must be finished with two coats of paint within this period.
9. BUILDING LINES. No building shall be constructed so that any part of same shall be less than 25 feet from the front lot line, nor less than 5 feet from either side lot line.
10. MINIMUM FLOOR AREA. The ground floor area of the main structure of any dwelling, exclusive of open porches and garages, shall be not less than 700 square feet.

EP C A

50
7/29/62

WARRANTY DEED
TO TENANTS BY THE ENTIRETY
(PHOTO-STAT)—SHORT FORM

Ralph Bartholomew and
Irene G. Bartholomew
TO
Robert L. Capelin and
June E. Capelin

189 PAGE 423

REGISTER'S OFFICE
COUNTY OF Charlevoix ss.
This instrument was presented and received, for record this 26th day of July, A. D. 1962.
at 10:10 o'clock A. M., and recorded in Liber 189 of Deeds, on page 422 as a proper certificate was furnished in compliance with Section 3531, Compiled Laws of 1929, as amended by Act 261, P. A. of 1931.
Charles C. Linnick
Register of Deeds.

DOUBLE DAY BROS. CO. KALAMAZOO, MICHIGAN

Ray C. Capelin
7-25-62

WARRANTY DEED

Statutory Form

Received for record

at o'clock

19

M., and recorded in

Register of Deeds

County, Michigan

THIS INDENTURE, Made this 19th day of September, 19 59;

WITNESSETH, That JOHN A. WILSON and BERTHA E. WILSON, husband and wife, and GRAYDON L. WILSON and MAE M. WILSON, husband and wife, all of 627 Ostemo Place, South Bend 17, Indiana; and RALPH BARTHOLOMEW and IRENE G. BARTHOLOMEW, husband and wife, of 30565 West 11 Mile Road, Farmington, Michigan;

for the sum of One Dollar (\$1.00) and other valuable considerations CONVEY AND WARRANT to

RICHARD L. DANNER and FRANCES DANNER, husband and wife, jointly, and as tenants by the entireties, and to the survivor of them, of 15476 Strathmoor, Detroit 27, Michigan, the following described lands and premises situated in the Township of Eveline, County of Charlevoix, and State of Michigan, viz:

"Lot Sixteen (16) of TONNADOONAH, EVELINE TOWNSHIP, CHARLEVOIX COUNTY, MICHIGAN, according to the recorded plat thereof in the Office of the Register of Deeds for Charlevoix County, Michigan;"

SUBJECT to the following RESTRICTIONS:

This conveyance is executed, delivered and accepted on the following conditions and restrictions upon the use of said lot, and Lots 1 to 16, inclusive, of said plat-(See "BUILDING and USE RESTRICTIONS" on the reverse side hereof and hereto attached and made a part hereof, and subject to which said lot is conveyed).

Signed in presence of

Signed on the date first above written

Henry G. Nessen, Jr.
Ida M. Nessen

John A. Wilson, Bertha E. Wilson, Graydon L. Wilson, Mae M. Wilson, Ralph Bartholomew, Irene G. Bartholomew



STATE OF MICHIGAN, COUNTY OF Charlevoix

On this 19th day of September, 19 59, before me, a Notary Public in and for said County personally appeared JOHN A. WILSON and BERTHA E. WILSON, husband and wife, and GRAYDON L. WILSON and MAE M. WILSON, husband and wife, all of South Bend, Indiana, and RALPH BARTHOLOMEW and IRENE G. BARTHOLOMEW, husband and wife, of Farmington, Mich., to me known to be the same persons described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

My Commission Expires

Jan 17 19 60

Henry G. Nessen, Jr. Notary Public Charlevoix County, Michigan

I hereby certify that there are no Tax Liens or Titles held by the State or any individual against the within description, and all Taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office.

Date Oct 6, 1959 County Treasurer Charlevoix County, Michigan

BUILDING AND USE RESTRICTIONS.
(Lots 1 to 16, inclusive)

THIS CONVEYANCE is executed, delivered and accepted by said parties hereto on the following EXPRESS CONDITIONS and RESTRICTIONS upon the use of the above described lands and premises herein:

1. No business of any kind shall be carried on upon said premises nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
2. NO BILLBOARDS. No sign, poster, billboard or other advertising device or symbol shall be erected or displayed on any lot or lots on the subdivision without the written consent of the Seller, or his duly authorized agent.
3. GARBAGE DISPOSAL. All garbage and refuse originating or accumulating on any lot shall be kept in properly covered metal or concrete containers and regularly disposed of in accordance with health regulations.
4. SANITARY PLUMBING. No privy vault, closet or outhouse shall be used, erected or maintained on any lot in TONNADOONAH, but in place thereof shall be installed septic tanks and water flush toilets of a type approved by the proper health authorities. All dwellings shall be connected prior to occupancy with a septic tank of materials, size and design approved by the State Health Department and installed in a manner approved by the State Health Department.
5. SINGLE HOMES ONLY. Not more than one detached single family dwelling, not to exceed two stories in height, and a private garage for not more than two cars, and other outbuildings incidental to residential use shall be built or maintained on any one lot. All lots shall be used for single, private residences only.
6. NO TEMPORARY BUILDINGS. No garage, trailer, basement, tent, shack, barn or other outbuilding erected in TONNADOONAH shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence, except during the building of a residence.
7. APPROVAL OF PLANS. No building shall be erected, placed or altered on any building plot in this subdivision until the building plans and specifications and plot plan showing the location of such building have been approved in writing as to conformity and harmony of the external design with existing structure in TONNADOONAH and as to location of the building with respect to topography and finished ground elevation, by RALPH BARTHOLOMEW or by a representative designated by them until January 1, 1979.
8. COMPLETION OF BUILDING. The exterior of all buildings shall be completed within one year from the commencement of construction, and if, of frame or cinder block construction, exterior must be finished with two coats of paint within this period.
9. BUILDING LINES. No building shall be constructed so that any part of the same shall be less than 25 feet from the front lot line, nor less than 5 feet from either side lot line.
10. MINIMUM FLOOR AREA. The ground floor area of the main structure of any dwelling, exclusive of open porches and garages shall not be less than 700 square feet.

The above enumerated BUILDING and USE RESTRICTIONS shall attach to and run with the land, and are binding on the parties hereto, their heirs and assigns.

10/28/59 504

WARRANTY DEED

EP CIA

REGISTER'S OFFICE }
CHARLEVOIX COUNTY, }
RECEIVED FOR RECORD THIS 6th DAY
of October, A.D. 1959 AT 1:50 O'CLOCK
P.M., AND RECORDED IN LIBER 177
OF Deeds ON PAGE 94
Brewer Co. Clerk
REGISTER OF DEEDS

Charlevoix Abstract & Engineering Co.

Charlevoix, Michigan

76 10-5-59

Rev. 17.60

RECORDED IN DEEDS

Recorded September 6th, 1967
at 10:00 o'clock A.M.
Liber 208 of Deeds, Page 330
Glover C. Klevorn
Register of Deeds.

WARRANTY DEED—SHORT—891 (Rev. 1964)
(PHOTO COPY FORM) DOUGLEADY BROS. & CO., KALAMAZOO, MICH.

This Indenture, made July 31st, 1967
BETWEEN Robert L. Capelin and June E. Capelin, husband and
wife of 315 McKinley Street, Boyne City, Michigan,

parties of the first part,
and Ellen L. Wolfe, a married woman,

party of the second part,
whose address is 4420 Concord Street, Midland, Michigan

Witnesseth, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and
Other Good and Valuable Consideration to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and
acknowledged, does by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, his heirs
and assigns, FOREVER, all that certain piece or parcel of land situate and being in the township
of Eveline County of Charlevoix and State of Michigan, and described as follows, to-wit:

Lot Number One (1) of the Plat of Tonnadoonah, according to the recorded
plat thereof, being part of Government Lot 2, Section 14, T33N, R7W;

AND ALSO, Lot Twenty-four (24) of Tonnadoonah No. 1, according to the
plat recorded in the office of the Register of Deeds for Charlevoix
Couty, Michigan;

All subject to easements, reservations and restrictions of record;

641
685
Eveline

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: *To Have and to Hold*
the said premises, as herein described, with the appurtenances, unto the said party of the second part and to his heirs
and assigns, FOREVER. And the said party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and
agree to and with the said party of the second part, his heirs and assigns, that at the time of the delivery of these presents
he is well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever, subject to
easements, reservations and restrictions of record,

and that he will, and his heirs, executors, and administrators shall *Warrant and Defend* the same against all lawful claims whatsoever,
except as above.

When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed, and Delivered in Presence of

Thelma A. Klevorn
* Thelma A. Klevorn

Robert L. Capelin
* Robert L. Capelin

Robert C. Klevorn
* Robert C. Klevorn

June E. Capelin
* June E. Capelin

STATE of MICHIGAN, County of Charlevoix, ss, Charlevoix, *Sept 6, 1967* I hereby certify, that there are no tax liens or titles held by the State or
by individuals on the land herein described in the within instrument and that all taxes due thereon have been paid for the five years preceding the date of said
instrument as appears by the records in my office. This does not cover taxes in process of collection by Township, Cities or Villages.
Glover C. Klevorn County Treasurer

STATE OF MICHIGAN, } on ~~XXXX~~ September 1st, 1967
COUNTY OF Charlevoix } ss. before me, a Notary Public, in and for said County, personally appeared
Robert L. Capelin and June E. Capelin
to me known to be the same person S described in and who executed the within instrument, who severally
acknowledged the same to be their free act and deed.

3. Drafted by:
Robert C. Klevorn, Attorney at Law
215 South Lake Street

Robert C. Klevorn
* Robert C. Klevorn Notary Public,
Charlevoix