

STATE OF MICHIGAN JUDICIAL DISTRICT 7th JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUMMONS AND COMPLAINT</b>	CASE NO. 14-174 -CE
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Court address: 900 S. Saginaw Street #204, Flint, MI 48502  
 Court telephone no.:

Plaintiff's name(s), address(es), and telephone no(s).  
 MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY  
 525 West Allegan Street  
 P.O. Box 30473  
 Lansing, MI 48909-7973 (800) 662-9278

Plaintiff's attorney, bar no., address, and telephone no.  
 Brian J. Negele (P41846)  
 State of Michigan, Assistant Attorney General  
 Environment, Natural Resources and Agriculture Division  
 P.O. Box 30755  
 Lansing, MI 48909 (517) 373-7540

v

Defendant's name(s), address(es), and telephone no(s).  
 ALLISON M. MOODY  
 4204 McCormick Drive  
 Linden, MI 48451

**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued MAR 14 2014	This summons expires MAY 14 2014	Court clerk: <i>Julie McChesney</i>
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\*This summons is invalid unless served on or before its expiration date.  
 This document must be sealed by the seal of the court.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

**Family Division Cases**

There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**General Civil Cases**

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

A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.

The action  remains  is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**VENUE**

Plaintiff(s) residence (include city, township, or village) Lansing, MI	Defendant(s) residence (include city, township, or village) Linden, MI
Place where action arose or business conducted Linden, MI	

02-26-2014  
 Date

*Brian Negele*  
 Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

**PROOF OF SERVICE**

**SUMMONS AND COMPLAINT**  
Case No. \_\_\_\_\_

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**

**OFFICER CERTIFICATE**

OR

**AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- I served personally a copy of the summons and complaint,
- I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with \_\_\_\_\_

List all documents served with the Summons and Complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature \_\_\_\_\_  
 Name (type or print) \_\_\_\_\_  
 Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Date Signature: \_\_\_\_\_  
Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_  
**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments  
 \_\_\_\_\_ on \_\_\_\_\_  
 Day, date, time  
 \_\_\_\_\_ on behalf of \_\_\_\_\_  
 Signature

STATE OF MICHIGAN JUDICIAL DISTRICT 7th JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUMMONS AND COMPLAINT</b>	CASE NO.  -CE
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Court address

900 S. Saginaw Street #204, Flint, MI 48502

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**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**  
 525 West Allegan Street  
 P.O. Box 30473  
 Lansing, MI 48909-7973 (800) 662-9278

Plaintiff's attorney, bar no., address, and telephone no.  
 Brian J. Negele (P41846)  
 State of Michigan, Assistant Attorney General  
 Environment, Natural Resources and Agriculture Division  
 P.O. Box 30755  
 Lansing, MI 48909 (517) 373-7540

v

Defendant's name(s), address(es), and telephone no(s).  
**MATTHEW E. MOODY**  
 4204 McCormick Drive  
 Linden, MI 48451

**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

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3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued	This summons expires	Court clerk
	MAY	<i>Jessie M. Schriener</i>

\*This summons is invalid unless served on or before its expiration date.  
 This document must be sealed by the seal of the court.

**COMPLAINT** *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

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Docket no.	Judge	Bar no.

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- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.
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Docket no.	Judge	Bar no.

**VENUE**

Plaintiff(s) residence (include city, township, or village) Lansing, MI	Defendant(s) residence (include city, township, or village) Linden, MI
Place where action arose or business conducted Linden, MI	

02-26-2014  
Date

*Brian J. Negele*  
Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

**PROOF OF SERVICE**

**SUMMONS AND COMPLAINT**  
Case No. \_\_\_\_\_

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**

<input type="checkbox"/> <b>OFFICER CERTIFICATE</b> I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)	OR	<input type="checkbox"/> <b>AFFIDAVIT OF PROCESS SERVER</b> Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)
--	----	---

I served personally a copy of the summons and complaint,  
 I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with \_\_\_\_\_  
 List all documents served with the Summons and Complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature \_\_\_\_\_  
 Name (type or print) \_\_\_\_\_  
 Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
Date

My commission expires: \_\_\_\_\_ Date Signature: \_\_\_\_\_  
Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments  
 \_\_\_\_\_ on \_\_\_\_\_  
 Day, date, time  
 \_\_\_\_\_ on behalf of \_\_\_\_\_  
 Signature

STATE OF MICHIGAN  
CIRCUIT COURT FOR THE SEVENTH JUDICIAL CIRCUIT  
GENESEE COUNTY

MICHIGAN DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

Plaintiff,

v

MATTHEW E. MOODY and ALLISON M.  
MOODY,

Defendants.

041021/4  
No. 14- - - - -CE

HON. RICHARD B. YUILLE  
P-22664

COMPLAINT

---

Brian J. Negele (P41846)  
Attorney for Plaintiff  
Michigan Department of Attorney General  
Environment, Natural Resources and  
Agriculture Division  
P.O. Box 30755  
Lansing, MI 48909  
517-373-7540  
negeleb@michigan.gov

A TRUE COPY  
Genesee County Clerk

---

Pursuant to MCR 2.113(C)(2)(a), another pending civil action arising out of similar transactions or occurrences alleged in this complaint that occurred in the same residential development has been previously filed in this Court. That case is captioned Michigan Department of Environmental Quality v October Capital Group, LLC and was assigned to Hon. Richard B. Yuille and given docket number 13-101127-CE.

COMPLAINT

Plaintiff, by and through its attorneys, Bill Schuette, Attorney General for the State of Michigan, and Brian J. Negele, Assistant Attorney General, complain against Defendants as follows:

## Introduction

1. This is an action for injunctive relief to remedy and collect a civil fine for: (i) directly or indirectly discharging sediment and sediment laden water to waters of the state in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act (NREPA) (Part 31), MCL 324.3101 *et seq*, and the Part 31 rules; (ii) changes in the natural cover and topography of land that resulted in or contributed to soil erosion and sedimentation in violation of Part 91, Soil Erosion and Sedimentation Control, of the NREPA (Part 91 or SESC), MCL 324.9101 *et seq*, and the Part 91 rules; and (iii) the filling and draining of wetlands without a permit in violation of Part 303, Wetlands Protection, of the NREPA (Part 303), MCL 324.30301 *et seq*, and the Part 303 rules.

2. The Genesee County Drain Commissioner, Division of Water & Waste Services, is the County Enforcing Agency under Section 9105 of Part 91, MCL 324.9105, and issued SESC Permit No.11-0255 to Defendants on December 5, 2011.

## Parties

3. Plaintiff Michigan Department of Environmental Quality (DEQ) is a principal department within the Executive Branch of the State of Michigan pursuant to Executive Order 2011-1 and is the state agency mandated to provide for the protection of the natural resources of the state from pollution, impairment, and destruction. MCL 324.101, MCL 324.301, MCL 324.501, Executive Orders 1973-2, 1976-8, 1995-18, and 2011-1. DEQ is responsible for the administration and

enforcement of Part 31, Part 91, and Part 303 and is authorized by MCL 324.3115(1), 324.9113(1), and 324.30315(1) to bring this action through the Attorney General.

4. Defendants Matthew E. Moody and Allison M. Moody are owners of certain real property located at 4204 McCormick Drive, Linden, Genesee County, Michigan (the Property) on which DEQ has alleged the occurrence of violations of Part 31, Part 91, and Part 303.

#### Jurisdiction And Venue

5. This Court has jurisdiction and venue in Genesee County is proper pursuant to MCL 600.605, MCL 324.3115(1), MCL 324.9113(1), and MCL 324.30316(1).

#### Factual Allegations

6. Upon information and belief, Defendants purchased the Property on or about March 5, 2010.

7. The Property abuts the Shiawassee River and Lake Ponemah, "waters of the state," as defined by Part 31.

8. The Property contains "wetlands" as defined in Part 303.

9. The Property is located in the Liberty Shores Site Condominium, Fenton Township, Genesee County, the Master Deed for which identifies the presence of wetlands on the Property regulated under Part 303. Exhibit 1 (excerpt of relevant portions of the Master Deed).

10. DEQ inspected the Property on July 28, 2011 to evaluate the Property for compliance with Part 303 and its administrative rules. Exhibit 2.

11. At the time of that inspection DEQ observed that approximately 0.26 acres of wetlands on the Property had been filled without first obtaining a permit under Part 303. During the inspection, Defendants' builder agreed to restore the filled wetland. Exhibit 2.

12. On March 13, 2012, after inspecting the Property on October 10, 2011 and January 24, 2012, DEQ sent to Mr. Moody the Violation Notice and Order to Restore attached hereto as Exhibit 3, which directed Mr. Moody to, among other things: (a) "remove all unauthorized fill from the wetland ..."; (b) "restore the wetland to the original grade ..."; (c) "stabilize the site by seeding it with ... plants that are native to similar wetlands in southern Michigan ..."; and (d) "not place fill or structures in the wetland area."

13. DEQ representatives met with Mr. Moody on the Property on April 13, 2012 to discuss the violations alleged in Exhibit 3.

14. On June 11, 2012, DEQ issued the Enforcement Notice attached hereto as Exhibit 4 to Mr. Moody for the violations of Part 303 identified in the March 13, 2012 Violation Notice and Order to Restore. The June 11, 2012 Enforcement Notice also identified violations of Part 31 and Part 91 for the failure to install and maintain appropriate SESC measures, which resulted in the discharge of sediment to waters of the state and to adjacent properties.

15. DEQ inspected the Property from offsite on August 14, 2012 and October 29, 2013 and observed that the violations previously cited remain unresolved.

16. On February 29, 2012, Genesee County issued a Notice of Determination (Exhibit 5) to Defendants citing violations of Part 91. The Notice of Determination also listed the actions that Defendants must take to correct the cited violations.

17. On August 28, 2012, Genesee County issued a Notice of Determination (Exhibit 6) to Defendants' builder citing violations of Part 91. The Notice of Determination also listed the actions that Defendants must take to correct the cited violations.

18. On October 29, 2012, Genesee County issued an Order to Cease and Desist (Exhibit 7) to Defendants' Builder citing violations of Part 91. The Order to Cease and Desist also listed the actions that Defendants must take to correct the cited violations.

19. On March 11, 2013, Genesee County issued a Notice of Determination (Exhibit 8) to Defendants citing violations of Part 91. The Notice of Determination also listed the actions that Defendants must take to correct the cited violations.

20. On May 2, 2013, Genesee County issued a Notice of Determination (Exhibit 9) to Defendants citing violations of Part 91, including Defendants' failure to renew SESC Permit No. 11-0255, which expired on December 4, 2012. The

Notice of Determination also listed the actions that Defendants must take to correct the cited violations.

Count I – Violation Of Part 31

21. DEQ realleges and incorporates by reference Paragraphs 1 - 20.

22. MCL 324.3109 provides, in part:

(1) A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:

(a) To the public health, safety, or welfare.

(b) To domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters.

(c) To the value or utility of riparian lands.

(d) To livestock, wild animals, birds, fish, aquatic life, or plants or to their growth or propagation.

(e) To the value of fish and game.

23. MCL 324.3101(z) defines “waters of the state” as “groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state.”

24. Defendants directly or indirectly discharged sediment and sediment laden water into waters of the state in violation of Part 31, including the wetlands adjacent to the Shiawassee River and Lake Ponemah. The discharges of sediment into waters of the state are or may become injurious to the public welfare, recreational uses, wild animals, fish, aquatic life, plants, and other uses and values

of the waters of the state protected by MCL 324.3109(1), and are in violation of Part 31.

25. As provided in Section 3115(1) of Part 31, MCL 324.3115(1), the violations set forth above subject Defendants to injunctive relief and a civil fine of not less than \$2,500, but not to exceed \$25,000, for each day of violation of Part 31.

### Count II – Violation of Part 91

26. DEQ realleges and incorporates by reference Paragraphs 1 - 25.

27. MCL 324.9101(9) provides:

“Earth change” means a human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production.

28. MCL 324.9112 provides, in part:

(1) A person shall not maintain or undertake an earth change governed by this part, the rules promulgated under this part, or an applicable local ordinance, except in accordance with this part and the rules promulgated under this part or with the applicable local ordinance, and except as authorized by a permit issued by the appropriate county enforcing agency or municipal enforcing agency pursuant to part 13.

(2) The owner of property that is subject to a permit under this part is responsible for compliance with the terms of the permit that apply to that property.

29. MCL 324.9116 provides:

A person who owns land on which an earth change has been made that may result in or contribute to soil erosion or sedimentation of the waters of the state shall implement and maintain soil erosion and sedimentation control measures that

will effectively reduce soil erosion or sedimentation from the land on which the earth change has been made.

30. Pursuant to Mich Admin Code, R 323.1709, promulgated under Part 91, a person is responsible to ensure that they implement and maintain the appropriate SESC measures as required under MCL 324.9116, and states in part: "A person shall remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change."

31. Defendants violated Part 91 by maintaining or undertaking earth changes on the Property that resulted in or contributed to soil erosion or sedimentation of the waters of the state.

32. As provided in Section 9121 of Part 91, MCL 324.9121, the violations set forth above subject Defendants to injunctive relief and a civil fine of not more than \$10,000 for each day of violation of Part 91.

### Count III – Violation Of Part 303

33. DEQ realleges and incorporates by reference Paragraphs 1 - 32.

34. MCL 324.30304 provides:

Except as otherwise provided in this part or by a permit issued by the department under sections 30306 to 30314 and pursuant to part 13, a person shall not do any of the following:

(a) Deposit or permit the placing of fill material in a wetland.

(b) Dredge, remove, or permit the removal of soil or minerals from a wetland.

(c) Construct, operate, or maintain any use or development in a wetland.

(d) Drain surface water from a wetland.

35. MCL 324.30315(1) provides:

If, on the basis of information available to the department, the department finds that a person is in violation of this part or a condition set forth in a permit issued under section 30311 or 30312, the department shall issue an order requiring the person to comply with the prohibitions or conditions or the department shall request the attorney general to bring a civil action under section 30316(1).

36. Defendants conducted filling of wetlands on the Property without a permit from DEQ in violation of Part 303.

37. Defendants failed to comply with DEQ's March 13, 2012 Violation Notice and Order to Restore contrary to MCL 324.30315.

38. As provided in Section 30316 of Part 303, MCL 324.30316, the violations set forth above subject Defendants to injunctive relief and a civil fine not to exceed \$10,000 for each day of violation of Part 303.

### Relief Requested

WHEREFORE, DEQ respectfully asks the Court to grant the following relief:

A. Declare and adjudge that Defendants' conduct is unlawful and violates Part 31, Part 91, and Part 303 and their corresponding rules;

B. Grant a permanent injunction enjoining or restraining Defendants from polluting, impairing, or destroying water, air, or other natural resources of the State of Michigan;

C. Order Defendants to immediately cease violations of Part 31;

D. Order Defendants to immediately cease violations of Part 91, to restore the areas affected by the violations, to properly implement and maintain SESC controls, and to conduct all earth changes in compliance with Part 91 and the Part 91 rules, and eliminate the illegal discharges to waters of the state;

E. Order Defendants to immediately cease violating Part 303 and to restore the wetland conditions on the Property to the state that existed prior to the unauthorized and unlawful activities by removing the unpermitted fill, re-contouring the land as appropriate, and replanting appropriate vegetation according to a plan approved by DEQ;

F. Order Defendants to pay a civil fine of not less than \$2,500, but not to exceed \$25,000, for each day of violation of Part 31;

G. Order Defendants to pay a civil fine not to exceed \$10,000 for each day of violation of Part 91;

H. Order Defendants to pay a civil fine not to exceed \$10,000 for each day of violation of Part 303;

I. Order Defendant to pay the costs of surveillance and enforcement activities incurred by DEQ and the attorney fees incurred by Plaintiff; and

J. Provide such other relief as the Court finds appropriate in the circumstances.

Respectfully submitted,

Bill Schuette  
Attorney General



Brian J. Negele (P41846)  
Assistant Attorney General  
Attorneys for Plaintiff  
Environment, Natural Resources and  
Agriculture Division  
P.O. Box 30755  
Lansing, MI 48909  
517-373-7540

Dated: February 24, 2014





Instr: 220685270094119 09/27/2005  
 P: 1 of 183 F: \$328.00 1:16PM  
 Malvin Phillip McCrea T2088830659  
 Genesee County Register TC

# MASTER DEED

## LIBERTY SHORES SITE CONDOMINIUM PLAN

DLL

9-27-05

I hereby certify, based upon the records in my office,  
 that there are no tax liens or titles held by the state, or  
 by any individual, against the within description, and  
 that all taxes due thereon have been paid for the 5  
 years next preceding the date of this instrument.

*Daniel T. Kiedan*

06-21-100-001  
 06-21-400-001  
 Sw land rec.

2183  
 CISLO TITLE CO.  
 300.00

~~103  
 9~~

**MASTER DEED  
LIBERTY SHORES SITE CONDOMINIUM  
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 Melvin Phillip McCreas T200508039669  
 Genesee County Register TC

Instr: 200509270094119 09/27/2005  
P: 5 of 183 F: 3329.00 1:16PM  
Malvin Phillip McCree T20050308669  
Genesee County Registrar TC

Liberty Shores  
SITE CONDOMINIUM PLAN

MASTER DEED

THIS MASTER DEED is made and executed on this 20<sup>th</sup> day of September 2005, by OCTOBER CAPITAL GROUP, L.L.C., a Michigan Limited Liability Company hereinafter referred to as "Developer", whose address is 6525 Willow Road, West Bloomfield, Michigan 48324, in pursuance of the provisions of the Michigan Condominium Act (being Act 59 of the Public Acts of 1978, as amended), Hereinafter referred to as the "Act".

WHEREAS, the Developer desires by recording this Master Deed (text), together with the Bylaws attached hereto as Exhibit A and the Condominium Subdivision Plan dated 9-20- 2005, prepared by Design Inc., attached hereto as Exhibit B (both of which are hereby incorporated herein by reference and made a part hereof), to establish a real property described in Article II below, together with the improvements located and to be located thereon, and the appurtenances thereto, as a residential Site Condominium Project under the provisions of the Act.

WITNESSETH:

NOW, THEREFORE, the Developer does, upon the recording hereof, establish LIBERTY SHORES SITE CONDOMINIUM as a Condominium under the Act and does declare that LIBERTY SHORES SITE CONDOMINIUM (hereinafter referred to as the "Condominium", "Project" or the "Condominium Project") shall, after such establishment, be held, conveyed, hypothecated, encumbered, leased, rented, occupied, improved, or in any other matter utilized, subject to the provisions of the Act, and to the covenants, conditions, restrictions, uses, limitations and the affirmative obligations set forth in this Master Deed, Bylaws and the Exhibits attached hereto, all of which shall be deemed to run with the land and shall be a burden and a benefit to the Developer, its successors and assigns, and any persons acquiring or owning an interest in the Condominium Premises, their grantees, successors, heirs personal representatives and assigns. In furtherance of the establishment of the Condominium, it is provided as follows:

the point of lateral (ancillary) connection for Unit service.

(g) Cable TV and Other Telecommunications. The cable television and other telecommunications system throughout the Project, if and when it may be installed, up to the point of the ancillary connection for Unit service located within or at the boundary of each Unit.

(h) Paths. The sidewalks, bike paths, boardwalks, and walking paths (collectively, "pathways"), if any, installed by the Developer or the Association within the land designated in Exhibit B as General Common Elements.

(i) Landscaping and Other Improvements. All landscaping, berms, trees, plantings and signage for the Project, pathways, and other structures and improvements, if any, located within the land designated in Exhibit B as General Common Elements.

(j) Drainage Facilities. The portion of the Storm Water Drainage Facilities located within the Project plus all open-ditch drainage and below-ground and above-ground drainage systems, if any, up to the point of Unit service located at the boundary of each Unit but excluding such portions thereof as are located within any Unit (collectively, the "Drainage Facilities").

(k) Easements. All easements (if any) that are appurtenant to and that benefit the Condominium Premises pursuant to recorded easement agreements.

(l) Roads. Edison Boulevard, Ford Avenue, Fulton Court, Webster Drive, Wright Drive, Durant Street, McCormick Drive, Whitney Avenue, Dow Circle and Sullivan Way are private roads identified on Exhibit B to this Master Deed as General Common Elements and are hereby subject to an easement ("the Roadway Easement") for ingress, egress and other normal roadway use by the Co-Owners of all Units, plus their families, guests, invitees, tradesmen and other bound to or returning from any Unit. No Co-Owner shall prohibit, restrict, limit or in any manner interfere with the Roadway Easement.

(m) Wetlands Areas. The Regulated Wetlands Areas are designated as such on the Condominium Plan. Activity within the Regulated Wetland area is restricted by the DEQ.

(n) Recreation and Other Areas. The Park Areas including the Club House, Play areas, Basketball area, Ball field, Soccer field and other such elements of the Project not herein designated as General Limited Common Elements which are not enclosed within the boundaries of a Unit, and which are intended for common use or are necessary to the existence, upkeep, appearance, utility or safety of the Project.

Developer also reserves the right, in its discretion, to install street signs, traffic control signs, street address signs and other signage and common mailbox stands at any location or locations as Developer deems appropriate within the General Common Element road rights of way.

Instr: 200509270024119 09/27/2005  
P: 32 of 103 F: \$320.00 1:16PM  
Melvin Phillip McCreo T20050030669  
Genesee County Registrar TC

which prevents sediment runoff into the road.

Section 16. Health and Environmental Restrictions. The Liberty Shores Condominiums shall be subject to all applicable Genesee County Health Department restrictions and all State and Federal environmental laws and restrictions.

Except as otherwise provided by the Natural Resources and Environmental Protection Act or by permit issued by the Department of Environmental Quality a person shall not do any of the following:

- (a) Deposit or permit the placing of fill material in a wetland.
- (b) Dredge, remove or permit the removal of soil or minerals from a wetland.
- (c) Construct, operate or maintain any use or development in a wetland.
- (d) Drain surface water from a wetland.

Section 17. Open Space Restrictions. The areas indicated as Park in Exhibit B will be bound by these open space restrictions. Such Parks shall not be changed for any other use. In the areas designated Park the following acts are prohibited:

- (a) Dumping or storing of any material or refuse.
- (b) Any activity that may cause the risk of soil erosion.
- (c) Use of motorized off-road vehicles.
- (d) Cutting, filling or removal of vegetation from wetland areas.
- (e) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.

The designated Park area shall be maintained as provided for within this Master Deed. In the event that this Park area is inadequately maintained or is determined by the Township to be a public nuisance, such maintenance may be undertaken by the Charter Township of Fenton with assessment of costs upon all property owners.

Section 18. Reserved Rights of Developer.

(a) Prior Approval by Developer. The purpose of this Section 18(a) is to promote an attractive, harmonious residential development having continuing appeal. Therefore, during the Construction and Sales Period, no buildings, wall, retaining walls, drives, pathways or other structures or improvements of any kind shall be commenced, erected, maintained nor shall any addition, change or alteration to any structure be made (including in color or design), except interior alterations which do not affect structural







RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



DAN WYANT  
DIRECTOR

September 6, 2011

Mr. Matthew Moody  
14067 Landings Way  
Fenton, Michigan 48430

Dear Mr. Moody:

SUBJECT: Compliance Correspondence  
DEQ Complaint Number: 11-25-0039-V  
Property ID: 06-21-602-083; 4204 McCormick Drive, Linden, Michigan 48451  
T5N, R6E, Section 21, Genesee County

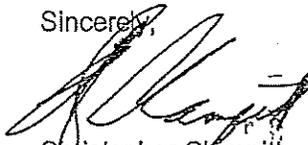
This letter follows up on a meeting I had with your builder, Mr. Ron Hessling, at your property in Liberty Shores (Unit 83), on July 28, 2011. As shown on the site plan of your unit (copy enclosed), a portion of your lot is wetland that is regulated under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Recent earth changes and ineffective soil erosion control measures have resulted in a portion of the wetland on your property being filled with sand and clay.

During our meeting, Mr. Hessling agreed to restore the wetland by removing the tan fill and disposing of it closer to the road on the upland portion of your property. For the restoration to be successful, all of the tan fill material should be removed from the wetland area to expose the underlying black, wetland soil. In addition, the affected areas should be planted with a wetland seed mix to re-establish wetland on site. It will be critical to establish and maintain effective soil erosion control measures until the restoration is complete and the land is stabilized.

Acceptable wetland seed mixes include "Emergent," "Wetland Edge," and "Wooded Wetland Establishment" from JF New Native Plant Nursery, Walkerton, Indiana (574-586-2412; jfnew.com) and "Paul's First Wave" (#2G), "Emergent," "Sedge Meadow with Flowers" (#2B), from LaFayette Home Nursery, LaFayette, Illinois (309-995-3311). A list of Michigan wetland seed suppliers is enclosed and comparable mixtures of seeds from plants native to similar wetlands in Michigan from these supplies are also acceptable.

We appreciate your cooperation in resolving this matter. When I met with Mr. Hessling, he was not sure when you planned to begin construction on this site. Please let me know what your plans are. If you have additional information that would assist in our review and disposition of this matter, please send it to me at DEQ-WRD, Lansing District Office, P.O. Box 30242, Lansing, Michigan 48909-7742. If you have any questions or concerns, feel free to contact me at 517-335-6273 or via e-mail (clampittc@michigan.gov).

Sincerely,

  
Christopher Clampitt  
Water Resources Division

Enclosures  
cc/enc: Mr. Ron Hessling

WETLAND  
FILL AREA

COUNTY DETERMINED  
1, TUPPER AND SQUAW  
A LEVEL AND THE HIGH  
E 870 FEET ABOVE SEA

100 YEAR FLOOD PLAIN ELEVATION PER FEDERAL  
EMERGENCY MANAGEMENT AGENCY. REFER TO FLOOD  
INSURANCE RATE MAP COMMUNITY PANEL NUMBER  
260394 0008 B. DATED JANUARY 16, 1981.  
ELEVATION=872.00

WETLAND  
BOUNDARY  
(TYPICAL)

**82**  
58,434 SF  
761 SF (NET)

**83**  
75,036 SF  
22,979 SF (NET)

100 YEAR FLOOD PLAIN LINE  
ELEV.=872.00



N28°05'53"E  
30.00'

N15°38'30"E  
328.57'

S35°50'52"W  
218.84'

S54°02'14"W  
215.79'

N46°13'41"E  
472.20'

47.61'

54.08'

87.83'

14.87'

## MICHIGAN NATIVE PLANT NURSERIES

### American Roots

1958 Hidden Lake Trail, Ortonville, MI 48462  
Tel.: 248 627-8525 or 248 882-7768  
Fax: 248 627-3865  
E-mail: americanrootsnat@aol.com

### Cold Stream Farm

2030 Free Soil Rd., Free Soil, MI 49411  
Tel: 231-464-5809  
Web: www.coldstreamfarm.net

### Hartmann's Plant Company, Lacota Native Plants

P.O. Box 100, Lacota, MI 49063-0100  
Tel: 269-253-4281  
Fax: 269-253-4457  
E-mail: info@hartmannsplantcompany.com  
Web: www.hartmannsplantcompany.com

### Lodi Farms Nursery

2880 South Wagner Road, Ann Arbor, MI 48103  
Tel: 734-665-5651  
Fax: 734-665-6393  
E-mail: jane@lodifarms.com  
Web: www.michiganwildflowerfarm.com

### Mary Ann's Michigan Trees & Shrubs

28092 M-40 Hwy., Paw Paw, MI 49079  
Tel.: 269 628-2474  
E-mail: mamenck@mei.net  
Web: www.maryannstrees.com

### Michigan Wildflower Farm

11770 Cutler Rd., Portland, MI 48875  
Tel: 517-647-6010  
Fax: 517-647-6072  
E-mail: wildflowers@voyager.net  
Web: www.michiganwildflowerfarm.com

### Native Connections

17080 Hoshel Road, Three Rivers, MI 49093  
Tel.: 269 580-4765;  
Fax: 269 273-1367  
E-mail: jerry@nativeconnections.net  
Web: www.nativeconnections.net

### The Native Plant Nursery, Inc

P.O. Box 7841, Ann Arbor, MI 48107  
Tel: 734-677-3260  
E-mail: plants@nativeplant.com  
Web: www.nativeplant.com

### Nesta Prairie Perennials

1019 Miller Rd., Kalamazoo, MI 49001  
Tel: 800-233-5025  
Fax: 616-343-0768

### Newaygo Conservation District Nursery

1725 E. 72nd St., Newaygo, MI 49337  
Tel: 231-652-7493  
Fax: 231-652-4776

### Oakland Wildflower Farm

520 N. Hurd Road, Ortonville, MI 48462-9419  
Tel.: 248 969-6904  
E-mail: oaklandwildflowerfarm@gmail.com  
Web: www.oaklandwildflowerfarm.com

### Oikos Tree Crops

P.O. Box 19425, Kalamazoo, MI 49019-0425  
Tel: 269-624-6233  
Fax: 269-624-4019  
E-mail: oak24@aol.com  
Web: www.oikostreecrops.com

### Sandhill Farm

11250 10 Mile Road, Rockford, MI 49341  
Tel: 616-691-8214  
Fax: 616-691-7872  
E-mail: cherylt@iserv.net

### Sorus Plants LLC

3970 Red Hawk Lane, Ann Arbor, MI 48103-8857  
Tel.: 734 678-6685  
Fax: 734 665-2563  
E-mail: info@sorusplants.com  
Web: www.sorusplants.com

### Wetlands Nursery

P.O. Box 14553, Saginaw, MI 48601  
Tel: 989-752-3492  
Fax: 989-752-3096  
E-mail: jewel-richardson@peoplepc.com

### WILDTYPE Design

900 North Every Rd., Mason, MI 48854  
Tel: 517-244-1140  
Fax: 517-244-1142  
E-mail: wildtype@msu.edu  
Web: www.wildtypeplants.com





RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



DAN WYANT  
DIRECTOR

March 13, 2012

Mr. Matthew Moody  
14067 Landings Way  
Fenton, Michigan 48430

Dear Mr. Moody:

**SUBJECT:** Violation Notice  
Order to Restore  
Complaint File Number 11-25-0039-V  
Property ID: 06-21-602-083; 4204 McCormick Drive, Linden, Michigan  
Genesee County, Fenton Township, T5N, R6E, Section 21

This letter follows up on my letter of September 6, 2011, (copy enclosed) in which I outlined the activities your builder, Mr. Ron Hessling, agreed to complete to restore the wetlands on your property. The Department of Environmental Quality's (DEQ) Water Resources Division (WRD) conducted subsequent inspections on October 10, 2011, and again on January 24, 2011, at the above referenced parcel of property. The purpose of the inspections was to evaluate the property for compliance with Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended and the administrative rules for Part 303. At the time of the latest inspection, WRD staff observed that a house was under construction and the wetland fill had not been removed from the wetland regulated under the authority of Part 303. This letter is being sent because you have been identified as the property owner responsible for the property and the unauthorized activities.

Section 30304 of Part 303 prohibits the excavation of soil or minerals from a wetland, the placement of fill material in a wetland, draining surface water from a wetland, and the construction, operation, or maintenance of a use or development in a wetland without first obtaining a permit from the DEQ. A review of WRD files indicates that no permits have been issued for this activity at the property. Therefore, it appears that this activity was conducted in violation of Part 303.

In consideration of the requirements of Part 303, the WRD has determined that a permit would not have been approved for this project. Therefore, within 30 days of the date of this letter, or a mutually agreed upon schedule, you must bring the property into compliance with the requirements of Part 303. To comply with Part 303, you must complete the following actions:

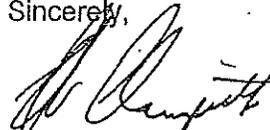
1. Remove all unauthorized fill as shown on the enclosed site plan.
2. Restore the wetland to the original grade with exposed original soils.
3. Stabilize the site by seeding it with an appropriate wetland seed mix, consisting of species native to similar wetlands in the area, and mulch.
4. Do not place any fill or structures in the restored wetland or other regulated areas.
5. Submit a timeline for completing this restoration to this office within two weeks of the date of this letter.

Mr. Matthew Moody  
Page 2  
March 13, 2012

Please contact this office immediately upon completion of the above restoration requirements in order that a WRD inspection can be conducted.

We anticipate your cooperation in resolving this matter. If you have any questions, you may contact me at 517-335-6273, via e-mail ([clampittc@michigan.gov](mailto:clampittc@michigan.gov)), or at DEQ-WRD, Lansing District Office, 525 West Allegan Street, 4<sup>th</sup> Floor-North, Lansing, Michigan 48933.

Sincerely,



Christopher Clampitt  
Lansing District Office  
Water Resources Division

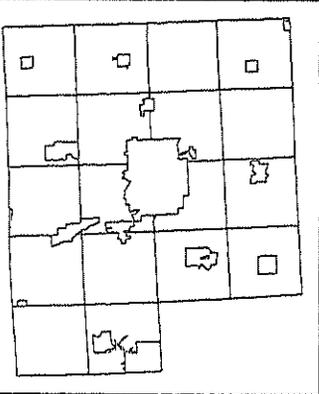
Enclosure

cc: Ms. Shannon Holder, Genesee SESC Officer  
Fenton Township Clerk  
Mr. Ron Hessling

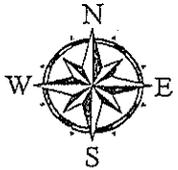
# Wetland Impact Map (Lot 83)

Genesee County  
Liberty Shores

Location Map



File Number 11-25-0039-V



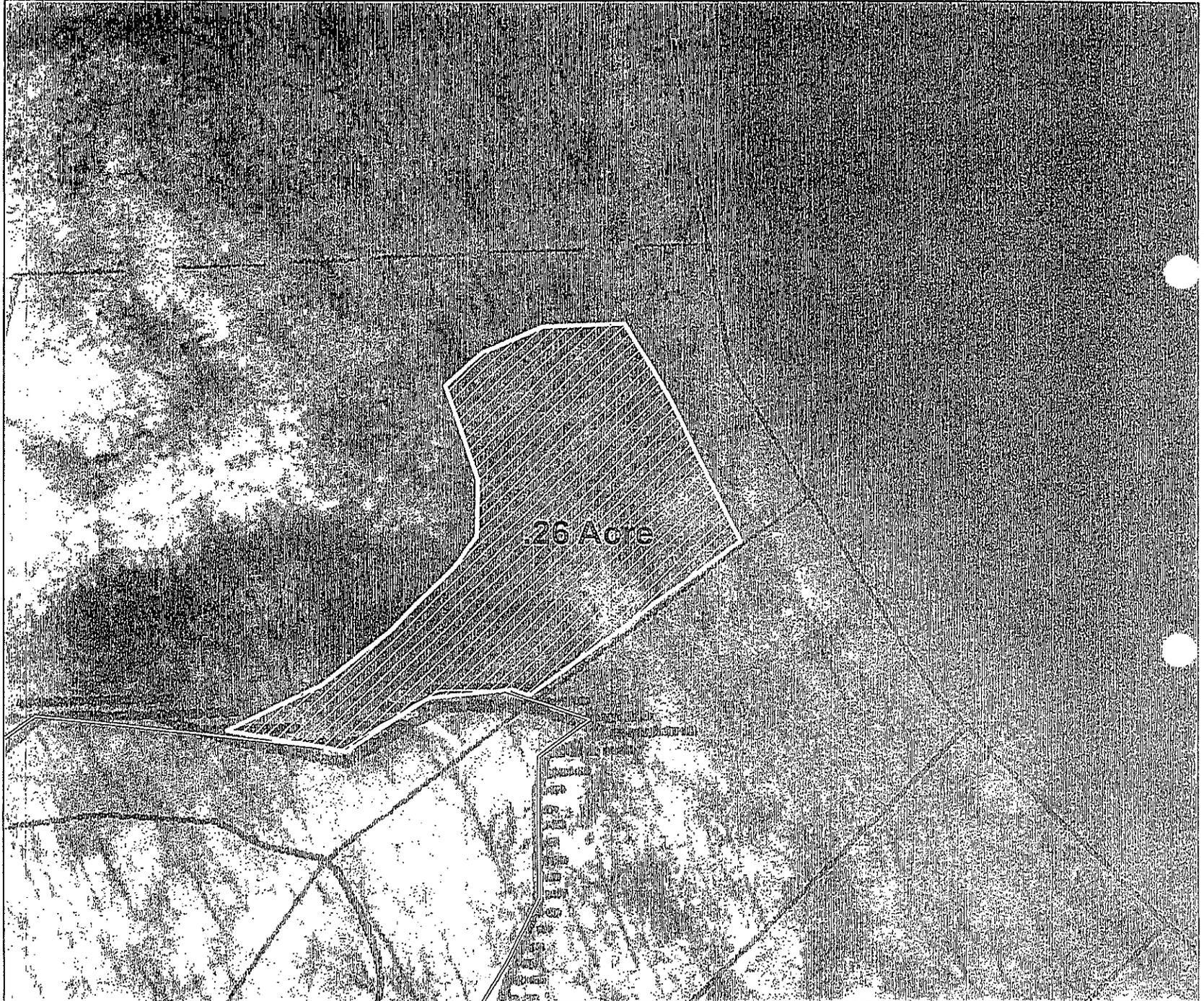
50

Feet

## Legend

Wetland Impact Area

Wetland Boundary



Map By: Justin Smith  
Date: February 23, 2012





RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



DAN WYANT  
DIRECTOR

CERTIFIED MAIL 7007 1490 0003 9692 4018

Matthew Moody  
14067 Landings Way  
Fenton, Michigan 48430

ENFORCEMENT NOTICE

Dear Mr. Moody:

SUBJECT: Enforcement Notice  
Complaint File Number 11-25-0039-V  
Property ID: 06-21-602-083; 4204 McCormick Drive, Linden, Michigan  
48451, Genesee County, Fenton Township, T5N, R6E, Section 21  
(Property)

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), Lansing District Office, has referred you to the WRD, Water Enforcement Unit (EU), requesting escalated enforcement actions for violations of law as set forth herein that have occurred on your Property.

Please be advised that the WRD has identified Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), violations on your property and you were notified of the violations in the September 6, 2011, Compliance Communication (Compliance Communication) and the Violation Notice dated March 13, 2012, (Violation Notice) letters (see enclosed). The violations stem in part from unauthorized activity within regulated wetland areas that have occurred on your property, including placement of 0.26 acres of fill within regulated wetland areas.

Please be advised that you have also failed to comply with Part 31, Water Resources Protection; and Part 91, Soil Erosion and Sedimentation Control (SESC), of NREPA, by failing to install and/or maintain the appropriate SESC measures, resulting in the discharge of sediment into waters of the state and onto adjacent properties.

The DEQ met with you and several homeowners on April 13, 2012, to discuss the requirements of Part 303 for those homeowners who have ongoing Part 303 violations on their properties. The DEQ has attempted to resolve this matter informally with you and you have communicated that you are not interested in resolving the issue with the DEQ.

The DEQ would like to provide you with a final opportunity to comply with the legal requirements of Parts 31, 91, and 303. You are requested to immediately undertake all actions necessary to resolve all violations identified within this Enforcement Notice and the Compliance Communication, and the Violation Notice. Your continuing

failure to comply with the terms of Parts 31, 91, and 303, or other requirements set forth in this Enforcement Notice may result in additional fines, penalties, or other actions.

Should you wish to submit information for consideration, please provide the following information within ten days of the date of this letter:

1. Provide factual information indicating the project purpose, the date work was undertaken, contractor's name, development plans, local permits, and alternatives considered in completion of the project.
2. Demonstrate how you have complied with the applicable Part 31, 91, and 303 requirements, including a detailed description of all actions taken to resolve all violations identified within this Enforcement Notice, the Compliance Communication and the Violation Notice.

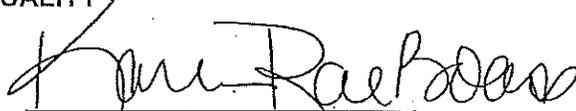
You may request a meeting with the DEQ enforcement staff here in Lansing at Constitution Hall to discuss the issues detailed in this Enforcement Notice and their potential resolution. If you would like to participate in such a meeting, please contact me at the information detailed below not later than 10 days from your receipt of this Enforcement Notice.

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations of Part 31, Part 91, and Part 303 that have occurred to date and any violations of Part 31, Part 91, and Part 303 that may occur in the future. These actions may include, but are not limited to, seeking civil fines, injunctive relief, natural resources damages, all costs associated with this enforcement action, including attorney costs and any other relief available to the DEQ.

If you have any questions please contact me at DEQ-WRD, P.O. Box 30458, Lansing, Michigan 48909-7958; BoaseK@michigan.gov; or the number listed below.

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER RESOURCES DIVISION

Date Issued: 6/11/12



Karen Rae Boase, Enforcement Specialist  
Water Enforcement Unit  
Water Resources Division  
517-241-0957

Enclosure

cc: Mr. Peter Ostlund, DEQ  
Ms. Mary Vanderlaan, DEQ  
Ms. Cheryl Bartley, DEQ  
Mr. Justin Smith, DEQ  
Mr. Christopher Clampitt, DEQ  
Ms. Susan Doty, DEQ



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



DAN WYANT  
DIRECTOR

March 13, 2012

Mr. Matthew Moody  
14067 Landings Way  
Fenton, Michigan 48430

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1. Remove all unauthorized fill as shown on the enclosed site plan.
2. Restore the wetland to the original grade with exposed original soils.
3. Stabilize the site by seeding it with an appropriate wetland seed mix, consisting of species native to similar wetlands in the area, and mulch.
4. Do not place any fill or structures in the restored wetland or other regulated areas.
5. Submit a timeline for completing this restoration to this office within two weeks of the date of this letter.

Mr. Matthew Moody

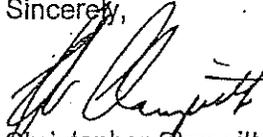
Page 2

March 13, 2012

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We anticipate your cooperation in resolving this matter. If you have any questions, you may contact me at 517-335-6273, via e-mail ([clampitt@michigan.gov](mailto:clampitt@michigan.gov)), or at DEQ-WRD, Lansing District Office, 525 West Allegan Street, 4<sup>th</sup> Floor-North, Lansing, Michigan 48933.

Sincerely,



Christopher Clampitt  
Lansing District Office  
Water Resources Division

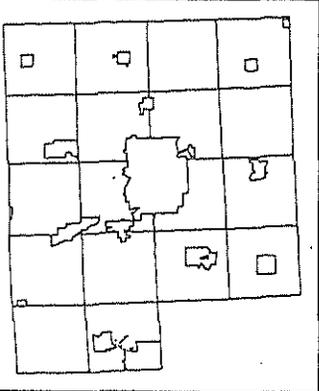
Enclosure

cc: Ms. Shannon Holder, Genesee SESC Officer  
Fenton Township Clerk  
Mr. Ron Hessling

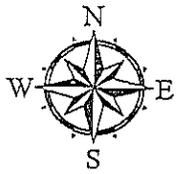
# Wetland Impact Map (Lot 83)

Genesee County  
Liberty Shores

Location Map



File Number 11-25-0039-V



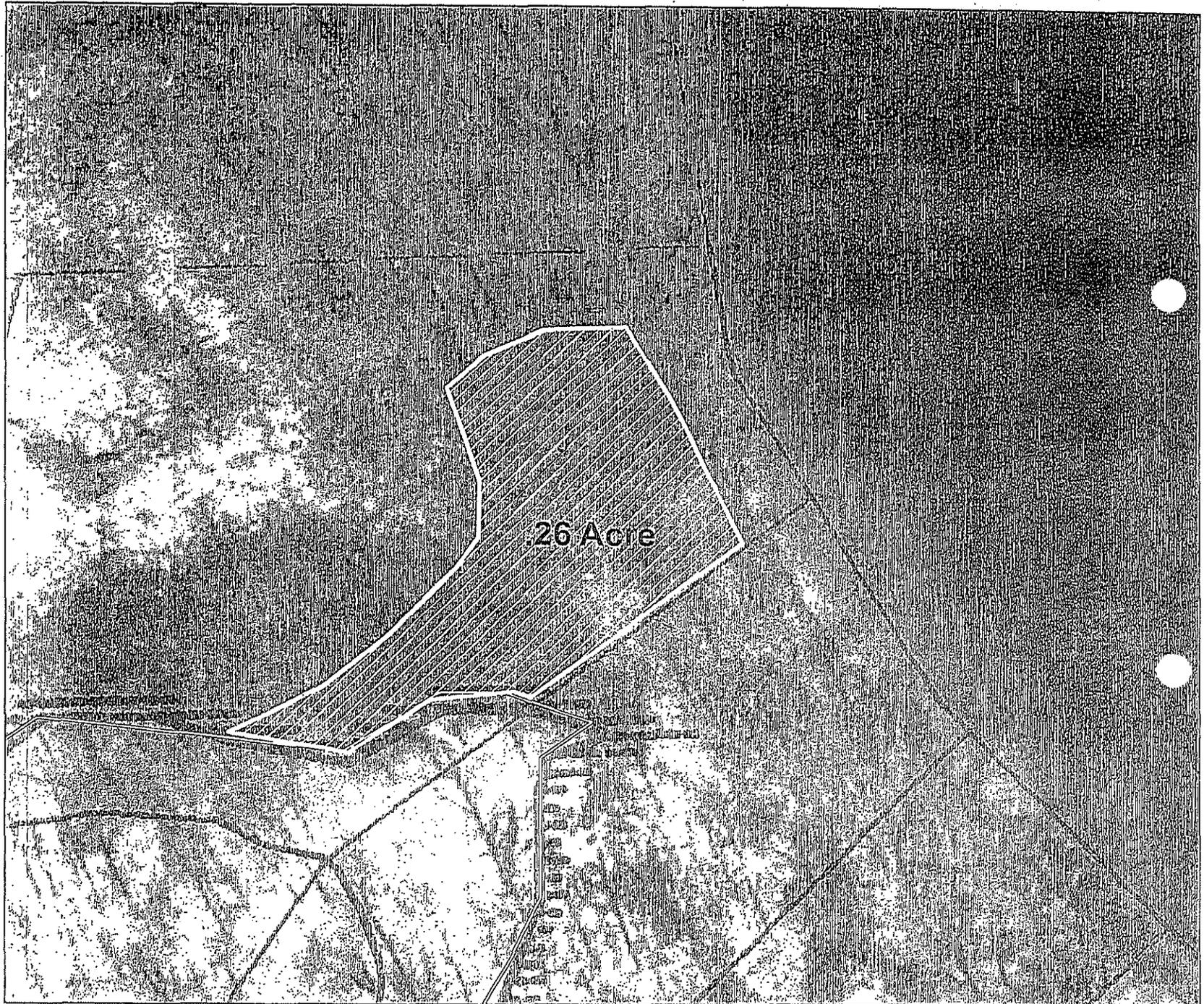
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Feet

Legend

- Wetland Impact Area
- Wetland Boundary

Map By: Justin Smith  
Date: February 23, 2012





RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



DAN WYANT  
DIRECTOR

September 6, 2011

Mr. Matthew Moody  
14067 Landings Way  
Fenton, Michigan 48430

Dear Mr. Moody:

SUBJECT: Compliance Correspondence.  
DEQ Complaint Number: 11-25-0039-V  
Property ID: 06-21-602-083; 4204 McCormick Drive, Linden, Michigan 48451  
T5N, R6E, Section 21, Genesee County

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During our meeting, Mr. Hessling agreed to restore the wetland by removing the tan fill and disposing of it closer to the road on the upland portion of your property. For the restoration to be successful, all of the tan fill material should be removed from the wetland area to expose the underlying black, wetland soil. In addition, the affected areas should be planted with a wetland seed mix to re-establish wetland on site. It will be critical to establish and maintain effective soil erosion control measures until the restoration is complete and the land is stabilized.

Acceptable wetland seed mixes include "Emergent," "Wetland Edge," and "Wooded Wetland Establishment" from JF New Native Plant Nursery, Walkerton, Indiana (574-586-2412; jfnew.com) and "Paul's First Wave" (#2G), "Emergent," "Sedge Meadow with Flowers" (#2B), from LaFayette Home Nursery, LaFayette, Illinois (309-995-3311). A list of Michigan wetland seed suppliers is enclosed and comparable mixtures of seeds from plants native to similar wetlands in Michigan from these supplies are also acceptable.

We appreciate your cooperation in resolving this matter. When I met with Mr. Hessling, he was not sure when you planned to begin construction on this site. Please let me know what your plans are. If you have additional information that would assist in our review and disposition of this matter, please send it to me at DEQ-WRD, Lansing District Office, P.O. Box 30242, Lansing, Michigan, 48909-7742. If you have any questions or concerns, feel free to contact me at 517-335-6273 or via e-mail ([clampittc@michigan.gov](mailto:clampittc@michigan.gov)).

Sincerely,

Christopher Clampitt  
Water Resources Division

Enclosures  
cc/enc: Mr. Ron Hessling

WETLAND  
FILL AREA

COUNTY DETERMINED  
H, TUPPER AND SQUAW  
EA LEVEL AND THE HIGH  
BE 870 FEET ABOVE SEA

100 YEAR FLOOD PLAIN ELEVATION PER FEDERAL  
EMERGENCY MANAGEMENT AGENCY. REFER TO FLOOD  
INSURANCE RATE MAP COMMUNITY PANEL NUMBER  
260394 0008 B. DATED JANUARY 16, 1981.  
ELEVATION=872.00

WETLAND  
BOUNDARY  
(TYPICAL)

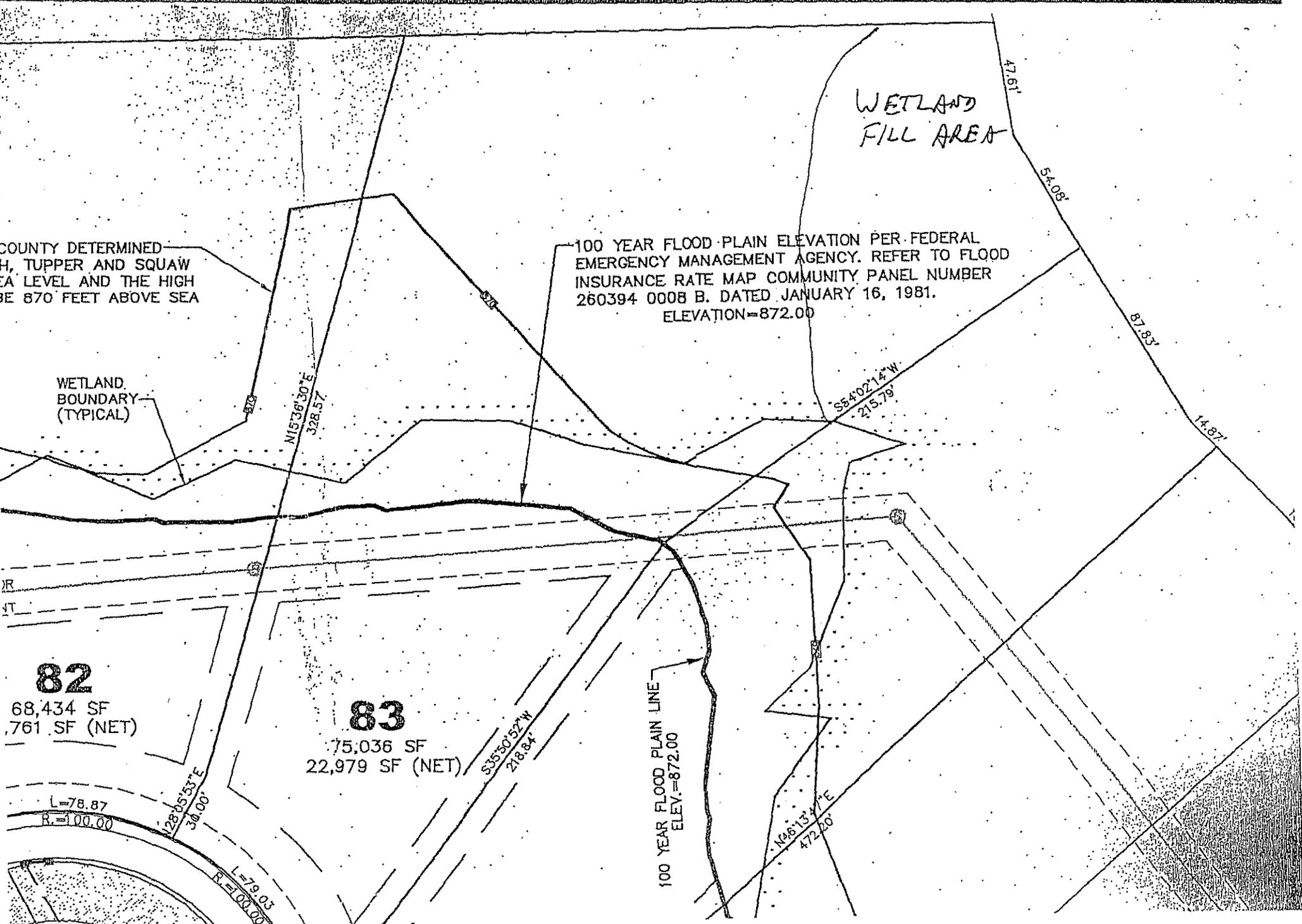
**82**

68,434 SF  
761 SF (NET)

**83**

75,036 SF  
22,979 SF (NET)

100 YEAR FLOOD PLAIN LINE  
ELEV.=872.00





## GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

-DIVISION OF-

### WATER & WASTE SERVICES

G-4610 BEECHER ROAD • FLINT, MICHIGAN 48532-2617

PHONE (810) 732-7870 • FAX (810) 732-9773

JEFFREY WRIGHT  
COMMISSIONER

### NOTICE OF DETERMINATION

February 29, 2012

Matt & Allison Moody  
14067 Landings Way  
Linden, MI 48451

RE: 4204 McCormick Drive; Unit 83 of Liberty Shores  
Permit #: 11-0255  
Certified Mail Return Receipt #: 7009-3410-0001-5386-4300

Dear Sir/Madam,

A review of the above-mentioned project reveals that you have not met the requirements of the Soil Erosion & Sedimentation Control Permit that was issued by this office. Based on the foregoing, you are being served with a Notice of Determination, pursuant to Part 91, Soil Erosion & Sedimentation Control, of the Natural Resource and Environmental Protection Act; Act 451 of the Public Acts of 1994.

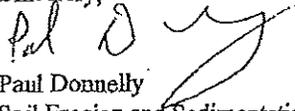
Please be advised that after receiving this notice you have 5 (five) days to be considered in compliance with the above-mentioned act. You may be liable for a state or a municipal civil infraction of up to \$2,500.00 or may be ordered to pay a civil fine of up to \$25,000.00 per day of violation, and/or a *Cease and Desist Order* will be placed on the entire site if the proper measures are not taken within these 5 (five) days. If a *Cease and Desist Order* has been issued, a \$200.00 fee will be required to lift this *Cease and Desist Order* in addition to other requirements of this office.

The following actions need to be taken for compliance with the above-mentioned Act. Implementation of the approved Soil Erosion Permit is not occurring at the site. There shall be one construction entrance for the site comprised of 6" of crushed stone. The streets shall be cleaned of all sediment and kept free of sediment in the future. Silt fence needs to be installed and trenched in 6" per your approved plan, which should prevent sedimentation of Waters of the State and offsite. This is not occurring based on a February 28, 2012 inspection. These issues were addressed during a telephone conversation earlier this month. This office may require additional measures if the above measures are not enough for erosion and sedimentation control. If these issues are not resolved, ultimately enforcement will be taken through the Genesee County Prosecutors Office. These measures along with the proper maintenance of all other soil erosion and sedimentation control measures are to be maintained throughout the duration of the project, until such time as permanent control measures are in place or the site has become permanently stabilized.

Upon completion of the above-mentioned actions, this office needs to be contacted so that a site inspection can be made. The site will not be considered to be in compliance until all the conditions listed above have been met. If you have any further questions concerning this matter please feel free to contact this office.



Sincerely,



Paul Donnelly  
Soil Erosion and Sedimentation Control

cc: SESC File  
MDEQ-Susan Doty  
Hessling Macksood, LLC  
Fenton Township



RECYCLED

ALL-STATE® LEGAL 500-225-0310 ED11



GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

-DIVISION OF-

WATER & WASTE SERVICES

G-4810 BEECHER ROAD • FLINT, MICHIGAN 48532-2617

PHONE (810) 732-7870 • FAX (810) 732-9773

JEFFREY WRIGHT  
COMMISSIONER

NOTICE OF DETERMINATION

August 28, 2012

Hessling Macksood, LLC  
14102 Tupper Lake Way  
Linden, MI 48451

RE: 4204 McCormick Drive; Unit 83, Liberty Shores; Section 21, Fenton Township  
Permit #: 11-0255  
Certified Mail Return Receipt #: 7011-2970-0003-1825-6440

Dear Sir/Madam,

A review of the above-mentioned project reveals that you have not met the requirements of the Soil Erosion & Sedimentation Control Permit that was issued by this office. Based on the foregoing, you are being served with a Notice of Determination, pursuant to Part 91, Soil Erosion & Sedimentation Control, of the Natural Resource and Environmental Protection Act; Act 451 of the Public Acts of 1994.

Please be advised that after receiving this notice you have 5 (five) days to be considered in compliance with the above-mentioned act. You may be liable for a state or a municipal civil infraction of up to \$2,500.00 or may be ordered to pay a civil fine of up to \$25,000.00 per day of violation, and/or a *Cease and Desist Order* will be placed on the entire site if the proper measures are not taken within these 5 (five) days. If a *Cease and Desist Order* has been issued, a \$200.00 fee will be required to lift this *Cease and Desist Order* in addition to other requirements of this office.

The following actions need to be taken for compliance with the above-mentioned Act: Clean the streets of sediment and protect the 2 catch basins adjacent to the unit in the curb of McCormick Drive from sedimentation. Additional stone is needed for the entrance. Silt fence has been removed on the east side of the property. This spot and other areas along the north and east side of the site were failure points in the silt fence and should be reinforced. Straw bales or stone could be used to do this, but straw bales need to be installed on the down slope side of the silt fence to support it. Erosion measures, such as scarification should be utilized where it can be onsite. These measures along with the proper maintenance of all other soil erosion and sedimentation control measures are to be maintained throughout the duration of the project, until such time as permanent control measures are in place or the site has become permanently stabilized.

Upon completion of the above-mentioned actions, this office needs to be contacted so that a site inspection can be made. The site will not be considered to be in compliance until all the conditions listed above have been met. If you have any further questions concerning this matter please feel free to contact this office.

Sincerely,

Paul Donnelly  
Soil Erosion and Sedimentation Control

cc: SESC File  
Fenton Township  
Matt & Allison Moody  
MDEQ-Susan Doty

7



GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

- DIVISION OF -

WATER & WASTE SERVICES

G-4610 BEECHER ROAD - FLINT, MICHIGAN 48532-2617

PHONE (810) 732-7870 - FAX (810) 732-9773

JEFFREY WRIGHT  
COMMISSIONER

ORDER TO CEASE AND DESIST

October 29, 2012

Hessling Macksood, LLC  
14102 Tupper Lake Way  
Linden, MI 48451

RE: 4204 McCormick Drive; Unit 83, Liberty Shores; Section 21, Fenton Township  
Permit #: 11-0255  
Certified Mail Return Receipt #: 7011-2970-0003-1825-6792

Dear Sir/Madam,

A review of the above mentioned project reveals that you have not met the requirements of the Soil Erosion & Sedimentation Control guidelines enforced by this office. Based on the foregoing, you are directed, pursuant to Part 91, Soil Erosion & Sedimentation Control, of the Natural Resource and Environmental Protection Act; Act 451 of the Public Acts of 1994 to *Cease and Desist* all further activity at the site until the proper erosion control measures are installed. This is necessary to prevent further sedimentation from either leaving your site or entering waters of the State of Michigan.

Please be advised that Fenton Township is being notified, by copy of this correspondence, to place a HOLD on any permits, approvals, inspections or legal exchange of property. This office will rescind this directive once full compliance with the laws of the State of Michigan has been achieved.

The following actions need to be taken for compliance with the above-mentioned Act: Clean the streets of sediment. Sediment laden runoff is directed toward unit 84 on the south side of the property at the base of the slope. This area on the south and east side of the site shall have temporary measures installed. Silt fence has been removed on the east side of the property and along the curbside. This spot and other areas along the north and east side of the site where there are failure points in the silt fence should be reinforced. Straw bales or stone could be used to do this, but straw bales need to be installed on the down slope side of the silt fence to support it. Erosion measures, such as scarification should be utilized where it can be onsite. These measures along with the proper maintenance of all other soil erosion and sedimentation control measures are to be maintained throughout the duration of the project, until such time as permanent control measures are in place or the site has become permanently stabilized.

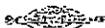
A \$200.00 fee will be required to lift this Cease and Desist Order in addition to other requirements of this office. The site will not be considered to be in compliance until all the conditions listed above have been met. Please contact this office so that a site inspection can be made to remove the Cease and Desist status. If you have any further questions concerning this matter please feel free to contact this office.

Sincerely,

Paul Donnelly  
Soil Erosion and Sedimentation Control

cc: ~~SESC~~File  
Fenton Township  
Matt & Allison Moody  
MDEQ-Susan Doty

G:\SESC\Letters\Cease&Desist\Fenton Twp\2012\4204 McCormick Drive.doc





GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

- DIVISION OF -

WATER & WASTE SERVICES

G-4610 BEECHER ROAD - FLINT, MICHIGAN 48532-2617  
PHONE (810) 732-7870 - FAX (810) 732-9773

JEFFREY WRIGHT  
COMMISSIONER

NOTICE OF DETERMINATION

March 11, 2013

Matt and Allison Moody  
14067 Landings Way  
Fenton, MI 48430

RE: 4204 McCormick Drive; Unit 83, Liberty Shores #2; Section 21, Fenton Township  
Permit #: 11-0255  
Certified Mail Return Receipt #: 97-7199-9991-7032-5061-5788

Dear Sir/Madam,,

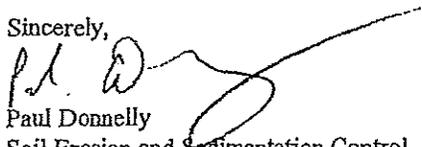
A review of the above-mentioned project reveals that you have not met the requirements of the Soil Erosion & Sedimentation Control (SESC) Permit that was issued by this office. Based on the foregoing, you are being served with a Notice of Determination, pursuant to Part 91, SESC, of the Natural Resource and Environmental Protection Act; Act 451 of the Public Acts of 1994.

Please be advised that after receiving this notice you have 5 (five) business days to be considered in compliance with the above-mentioned act. You may be liable for a state civil infraction of up to \$2,500.00 or may be ordered to pay a civil fine of up to \$25,000.00 per day of violation, and/or a *Cease and Desist Order* will be placed on the entire site if the proper measures are not taken within these 5 (five) days. If a *Cease and Desist Order* has been issued, a \$200.00 fee will be required to lift this *Cease and Desist Order* in addition to other requirements of this office.

The following actions need to be taken for compliance with the above-mentioned Act. Temporary measures are outstanding to protect McCormick Drive from sedimentation. The gap in the silt fence on the east side of property either should be stabilized or filled with additional silt fence. These measures along with the proper maintenance of all other soil erosion and sedimentation control measures are to be maintained throughout the duration of the project, until such time as permanent control measures are in place or the site has become permanently stabilized.

Upon completion of the above-mentioned actions, this office needs to be contacted so that a site inspection can be made. The site will not be considered to be in compliance until all the conditions listed above have been met. If you have any further questions concerning this matter please feel free to contact this office.

Sincerely,

  
Paul Donnelly  
Soil Erosion and Sedimentation Control

cc: ~~SESC File~~  
Fenton Township  
Hessling Macksood, LLC  
Shannon M. Holder







GENESEE COUNTY DRAIN COMMISSIONER'S OFFICE

- DIVISION OF -

WATER & WASTE SERVICES

G-4610 BEECHER ROAD - FLINT, MICHIGAN 48532-2617

PHONE (810) 732-7870 - FAX (810) 732-9773

JEFFREY WRIGHT  
COMMISSIONER

NOTICE OF DETERMINATION

May 2, 2013

Matt and Allison Moody  
4204 McCormick  
Linden, MI 48451

RE: 4204 McCormick Drive; Unit 83, Liberty Shores #2; Section 21, Fenton Township  
Permit #: 11-0255  
Certified Mail Return Receipt #: 91 7199 9991 7032 5065 5564

Dear Sir/Madam,

A review of the above-mentioned project reveals that you have not met the requirements of the Soil Erosion & Sedimentation Control (SESC) Permit that was issued by this office. Based on the foregoing, you are being served with a Notice of Determination, pursuant to Part 91, SESC, of the Natural Resource and Environmental Protection Act; Act 451 of the Public Acts of 1994.

Please be advised that after receiving this notice you have 5 (five) business days to be considered in compliance with the above-mentioned act. You may be liable for a state civil infraction of up to \$2,500.00 or may be ordered to pay a civil fine of up to \$25,000.00 per day of violation, and/or a *Cease and Desist Order* will be placed on the entire site if the proper measures are not taken within these 5 (five) days. If a *Cease and Desist Order* has been issued, a \$200.00 fee will be required to lift this *Cease and Desist Order* in addition to other requirements of this office.

The following actions need to be taken for compliance with the above-mentioned Act. The silt fence surrounding the disturbed area is in good condition. The sediment against the silt fence, however, shall be removed immediately as to allow the silt fence to continue doing its job. Also, the existing soil erosion and sediment control permit expired on December 4, 2012 and shall be renewed immediately. These measures along with the proper maintenance of all other soil erosion and sedimentation control measures are to be maintained throughout the duration of the project, until such time as permanent control measures are in place or the site has become permanently stabilized.

Upon completion of the above-mentioned actions, this office needs to be contacted so that a site inspection can be made. The site will not be considered to be in compliance until all the conditions listed above have been met. If you have any further questions concerning this matter please feel free to contact this office.

Sincerely,

Ryan Lynn  
Soil Erosion and Sedimentation Control

cc: SESC File  
Fenton Township  
Hessling Macksood, LLC; 14102 Tupper Lake Way; Linden, MI 48451  
Shannon M. Holder