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News from Save Our Shoreline, Inc.

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SOS Aids Beachfront Property Owner in Defending Private Property Rights

BAY CITY, Michigan – January 16, 2004

Save Our Shoreline (SOS) announces that it has come to the aid of a shoreline property owner involved in litigation in defense of his right of ownership of his beach to the water's edge. In November, SOS filed an amicus brief with the Michigan Court of Appeals in the case of Glass v Goeckel, Docket No. 242641. In the case, the Plaintiff, a backlot property owner near Lake Huron in the Oscoda area, claimed that all land along the Great Lakes below the ordinary high water mark (OHWM), including Defendant's beach, is public property that can be traversed by the Plaintiff and the public at will. Judge Kowalski of the Oscoda County Circuit Court agreed, and the Michigan Court of Appeals is now considering the owner's appeal from that decision. SOS filed an amicus brief to advise the Court on the law. The amicus brief argues that a Great Lakes riparian owner owns not to the OHWM, but to the water's edge.

Oral argument on the case took place on Thursday, January 15, 2004, and the issues raised by SOS in its brief dominated the hearing. The court indicated that it would be doing more work before it issued a decision. SOS anticipates a decision on the case in the next 30 to 60 days.

Ernie Krygier, SOS president, and David Powers, SOS vice president and also the attorney who drafted the amicus brief, attended the oral argument on Thursday. "We are extremely pleased with the way the oral argument went," said Krygier. "It appears that the Court intends to follow the Michigan Supreme Court's Hilt v Weber (1930) decision, which holds that Great Lakes riparian owners own to the water's edge," he said.

SOS was able to present its views to the Court thanks to a legal fund drive that has exceeded \$300,000 in contributions from its member households. Other uses of the fund include aiding in the defense of Herb and Marion Kincaid, sued by the Army Corps of Engineers in 2002 for grooming their beach. After the Kincaids offered a vigorous defense, the Corps dismissed that suit, and the U.S. District Court is now considering, on its own motion, whether it should sanction the Corps for bringing the case in violation of court rules. SOS expects a decision on that matter in late February.

Founded in 2001, Save Our Shoreline is a nonprofit membership basis corporation of nearly 2000 households committed to the preservation of beaches and waterfront areas, and to the protection of rights to maintain beaches and waterfront areas. Those interested in Save Our Shoreline can find more information at <http://www.saveourshoreline.org/> or by calling (989) 667-2910. For more information about this press release, contact Ernie Krygier at (989) 793-3711.

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