

October 10, 2001

Anne H. Hiemstra  
Subcommittee Chair  
Michigan Land Title Standards  
1050 Wilshire Drive  
Suite 310  
Troy, Michigan 48084

Kevin T. Smith  
Assistant Attorney General  
Subcommittee Member  
Michigan Land Title Standards  
Revenue Division  
First Floor Treasury Building  
Lansing, Michigan 48922-0001

***Re: Save Our Shoreline, Inc.-Beachfront Property Rights***

Dear Mr. Smith and Ms. Hiemstra:

I write today as an attorney and as director of Save Our Shoreline, Inc., a property rights organization recently formed to defend the rights of property owners to maintain their beaches and other shoreline property. As you may recall, I have already spoken with each of you by phone with regard to Land Title Standard 24.6. I would like to thank both of you for taking the time to speak with me. After review of that Land Title Standard, it is my opinion that the Land Title Standard does not accurately reflect the law as it currently exists, and I am writing to ask that the standard be reconsidered.

I have already spoken informally by phone to Mr. Smith, and while I do not want to speak for him, I believe that it was his tentative opinion that the Land Title Standard may have been written in error. I understood that Mr. Smith was going to bring the issue up before the committee, but I thought that I would follow up on our discussion with this letter.

Obviously, because the Land Title Standard carries substantial weight with attorneys, judges, and other persons reviewing waterfront property rights and other real estate issues, it is important to Save Our Shoreline, and everyone dealing with real estate issues, that the Land Title Standards accurately reflect the law. More notably, when recently contacting the DEQ and requesting authority for their views regarding waterfront property rights, one of four pieces of information they provided me with was Land Title Standard 24.6.

In an effort to expedite and simplify this matter, I am enclosing a copy of correspondence to Ernest Krygier, Jr., President of Save Our Shoreline, dated August 9, 2001. That letter sets forth, among other things, my analysis of the issue dealt with by the Land Title Standard. I attempted to draft the letter in layman's terms while intending that it also be helpful to attorneys reviewing the issue. The letter certainly was not intended as a legal memorandum.

I hope the information above and attached to this letter is helpful to you in your reconsideration of Land Title Standard 24.6. I would be happy to provide any further analysis of the issue or any other input you may require.

Sincerely,

SMITH, MARTIN, POWERS  
& KNIER, P.C.

DAVID L. POWERS

DLP/cma  
Enclosure

cc: Ernest Krygier, Jr. (w/o enc.)  
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