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WEINER & BURT, P.C.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF ALCONA

JOAN M. GLASS,

Plaintiff,

Case No. 01-10713-CH(K)

Hon. John F. Kowalski

v

RICHARD A. GOECKEL and
KATHLEEN D. GOECKEL,

Defendants.

Pamela S. Burt (P47857)
WEINER & BURT, P.C.
635 N. US-23, P.O. Box 186
Harrisville, MI 48740
(989) 724-7400
Attorney for Plaintiff

Brent R. Babcock (P23533)
450 West Lake Street, P.O. Box 786
Tawas City, MI 48764-0786
(989) 362-6196
Attorney for Defendants

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Jay L. Ammer
COUNTY CLERK
4/29/02

ORDER

At a session of said Court held the 29th day of April, 2002
in the 26th Judicial Circuit Courtroom for the County of Alcona
PRESENT: HONORABLE JOHN F. KOWALSKI

This matter having been brought on to be heard upon Defendants' Motion for Summary Disposition seeking dismissal of Plaintiff's Counts 2 and 3; the Plaintiff having filed an opposing brief with affidavits, depositions, and exhibits; and the Court being fully advised in the premises,

IT IS ORDERED that Defendants are denied summary disposition, and instead Plaintiff is granted summary disposition in her favor, under MCR 2.116(I)(2), of her Count 3 for interference with Plaintiff's rights to navigate along the Lake Huron shore;

IT IS FURTHER ORDERED that, pursuant to the Great Lakes Submerged Land Act, MCL § 324.32501 *et seq.*, Plaintiff has the right to use for pedestrian travel, without interference from Defendants, the shore of Lake Huron lying below and lakewards of the natural ordinary high mark as specifically defined in MCL § 324.32502; and

IT IS FURTHER ORDERED that the parties shall submit a written consent judgment defining the scope of Plaintiff's fifteen foot easement in accordance with the settlement placed on the record at the March 11, 2002 hearing by the parties' respective attorneys.

This is not a final order, and does not resolve the last pending claim nor close the case.

Entered this 25th day of April, 2002.

~~25~~ **JOHN F. KOWALSKI**

HON. JOHN F. KOWALSKI, CIRCUIT JUDGE