

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF BERRIEN

NEW PRODUCTS CORPORATION,
a Michigan corporation,

Plaintiff,

v

Case No. 11-0280 -CH - D

HARBOR SHORES BHBT LAND
DEVELOPMENT, LLC, a Michigan
limited liability company, HARBOR
SHORES GOLF COURSE, LLC,
a Delaware limited liability company,
CITY OF BENTON HARBOR, a Michigan
municipal corporation, BENTON
CHARTER TOWNSHIP, a Michigan
charter township, WHIRLPOOL
CORPORATION, a Delaware corporation,
PNC BANK, a national banking association,
and MICHIGAN MAGNET FUND E, LLC,
a Michigan limited liability company,

DUPLICATE ORIGINAL

Defendants.

DEMAREST LAW FIRM, PLLC
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COMPLAINT AND JURY DEMAND

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

Plaintiff New Products Corporation, by and through its attorneys, Demorest Law Firm, PLLC and Myers, Nelson, Dillon & Shierk, states as follows for its Complaint against Defendants, Harbor Shores BHBT Land Development, LLC, Harbor Shores Golf Course, LLC, City of Benton Harbor, Benton Charter Township, Whirlpool Corporation, PNC Bank and Michigan Magnet Fund E, LLC (collectively, "Defendants"):

Statement of the Case

This is an action to quiet title to real property owned by New Products Corporation in the City of Benton Harbor, to enjoin an ongoing trespass onto Plaintiff's land, and for damages for the trespass. Defendants have ignored Plaintiff's ownership rights and wrongfully asserted control over Plaintiff's property and constructed a golf course across the land. Defendants' action are unwarranted and unlawful and should be redressed by this Court.

PARTIES

Plaintiff – New Products

1. Plaintiff New Products Corporation is a Michigan corporation, with its principal place of business in Benton Harbor, Berrien County, Michigan ("New Products").

2. New Products was incorporated as a Michigan corporation in 1933. The Miller family has continuously owned and operated the business in Benton Harbor since 1922.

3. New Products operates a manufacturing facility in the City of Benton Harbor, Michigan, shipping its products to clients around the world.

Defendant – Harbor Shores BHBT Land Development, LLC

4. Defendant Harbor Shores BHBT Land Development, LLC is a Michigan limited liability company with its principal place of business in Berrien County, Michigan. Its Resident Agent is John G. Cameron, Jr., 200 Ottawa Avenue Northwest, Suite 1000, Grand Rapids, Michigan 49503.

5. Harbor Shores Community Redevelopment, Inc., a Michigan corporation, is the sole manager of Harbor Shores BHBT Land Development, LLC.

6. John G. Cameron, Jr. is the Vice President- Real Estate and resident agent of Harbor Shores Community Redevelopment, Inc.

Defendant – Harbor Shores Golf Course, LLC

7. Defendant Harbor Shores Golf Course, LLC is a Delaware limited liability company with its principal place of business in Berrien County, Michigan. Its Resident Agent is John G. Cameron, Jr., 200 Ottawa Avenue Northwest, Suite 1000, Grand Rapids, Michigan 49503.

8. There was previously a Michigan limited liability company with the same name: Harbor Shores Golf Course, LLC, which was organized by the filing of its Articles of Organization with the Michigan Secretary of State on November 3, 2006.

9. The Michigan limited liability company known as Harbor Shores Golf Course, LLC was dissolved on January 17, 2008. On that same date, Defendant Harbor Shores Golf Course, LLC, the Delaware limited liability company, filed for a Certificate of Authority from the Michigan Secretary of State to transact business in Michigan.

10. Upon information and belief, the assets of Harbor Shores Golf Course, LLC, the Michigan limited liability company, were transferred to Harbor Shores Golf Course, LLC, the Delaware limited liability company, as of January 17, 2008.

Designation of the Harbor Shores Defendants

11. Defendants Harbor Shores BHBT Land Development, LLC and Harbor Shores Golf Course, LLC will be collectively referred to in this Complaint as the "Harbor Shores Defendants."

Other Defendants

12. Defendant City of Benton Harbor is a Michigan municipal corporation organized and existing under the Constitution and laws of the State of Michigan ("Benton Harbor"). The City Hall for Benton Harbor is located at 200 E. Wall Street, P.O. Box 648, Benton Harbor, Michigan 49022.

13. Defendant Benton Charter Township is a Michigan charter township, organized and existing under the Constitution and laws of the State of Michigan ("Benton Township"). The Township Offices of Benton Township are located at 1725 Territorial Rd., Benton Harbor, Michigan 49022.

14. Defendant Whirlpool Corporation is a Delaware corporation authorized to transact business in Michigan. Its Resident Agent is CSC-Lawyers Incorporating Service, located at 601 Abbot Road, East Lansing, Michigan 48823.

15. Defendant PNC Bank is a national banking association, and is a successor to National City Bank. Its Resident Agent is The Corporation Company, located at 30600 Telegraph Road, Bingham Farms, Michigan 48025.

16. Defendant Michigan Magnet Fund E, LLC is a Michigan limited liability company. Its Resident Agent is Mark S. McDaniel, located at 1000 South Washington Avenue, Suite 200, Lansing, Michigan 48910.

JURISDICTION AND VENUE

17. The Court has jurisdiction of this matter because the amount in controversy exceeds Twenty Five Thousand (\$25,000) Dollars, exclusive of interest, costs and attorneys' fees, and because New Products seeks equitable relief under MCL § 600.2932 to quiet title in real property. Venue is proper in this Court because the real estate involved in this case is located in Berrien County, Michigan.

COMMON FACTUAL ALLEGATIONS

The Property

18. New Products is the current legal and rightful owner of the real estate involved in this lawsuit, described below as the Property.

19. The real estate at issue in this lawsuit is located in the City of Benton Harbor, Berrien County, Michigan, and is more specifically described as follows:

All that part of a strip of land 250 feet in width off from and along the West side of that part of the East Half of the East Half of the Northeast Fractional Quarter of Section Thirteen (13), Township Four (4) South, Range Nineteen (19) West, lying South of the Paw Paw River as relocated, containing Two and 98/100 (2.98) acres of land, more or less, in the City of Benton harbor, Berrien County, Michigan.

(This parcel will be referred to as the “Northern Portion of the Property”).

Also, all that part of a strip of land 250 feet in width off from and along the Westside of that part of the East Half of the Northeast Quarter of the Southeast Fractional Quarter of Section Thirteen (13), Township Four (4) South, Range Nineteen (19) West Lying North of the present Klock Boulevard, containing One and 32/100 (1.32) acres, more or less, in the City of Benton Harbor, Berrien County, Michigan

(This parcel will be referred to as the Southern Portion of the Property”).

(The Northern Portion of the Property and the Southern Portion of the Property are collectively referred to in this Complaint as the “Property”).

20. The Property is located south of the current location of the Paw Paw River, as relocated, north of Klock Road, and west of North Shore Drive.

21. The Property is depicted and highlighted in yellow on the survey attached as **Exhibit 1.**

22. The Property is approximately 4.3 acres in size.

23. The Property consists of a 250-foot wide strip of land extending from Klock Road north to the relocated location of the Paw Paw River.

24. In approximately 1950, the course of the Paw Paw River was relocated approximately 500 feet to the north, to its current location.

The Crows' Purchase of the Property on Behalf of New Products

25. John Crow and his law firm were the corporate attorneys for New Products for many years.

26. John Crow and his wife purchased the Property from Elwood and Eva McDorman, receiving a Warranty Deed for the Property executed on June 8, 1955, and recorded with the Berrien County Register of Deeds on June 10, 1955. (Exhibit 2).

27. John Crow and his wife purchased the Property as agents of New Products.

28. When the Crows purchased the Property from the McDormans, the Deed to the Crows recited that the entire Property was located in Benton Harbor.

29. The parcel notation written in the margin of the Deed by the Berrien County Register of Deeds (4C30,4/) verifies or recites that the Property purchased by the Crows is located in Benton Harbor.

30. In December 1950, Elwood and Eva McDorman had conveyed to Benton Harbor a strip of land 120 feet in width, located to the north of the Property, to be used for a portion of the new channel of the Paw Paw River.

31. The Property was part of Benton Harbor as of the date of the conveyance of the Property from the McDormans to the Crows in 1955.

32. Throughout the Crows' record ownership of the Property, Mr. Crow and/or his law firm, as agents for New Products, received property tax bills for the Property from Benton Harbor.

33. The Crows timely paid all of the property tax bills received from Benton Harbor with respect to the Property.

34. New Products reimbursed the Crows for the property taxes paid by them on the Property.

New Products' Ownership of the Property

35. On June 8, 1955, the same date that they received the deed to the Property from the McDormans, the Crows executed a Deed to New Products. Through that Deed, the Crows conveyed all of their right, title and interest in the Property to New Products. **(Exhibit 3)**.

36. The Deed from the Crows to New Products was recorded at Liber 841, Page 622, Berrien County records on October 31, 1968 (the "Deed"). **(Exhibit 3)**.

37. New Products has not conveyed, transferred or encumbered its interest in the Property to any other person (including any of the Defendants) since 1955.

38. Except for the actions of the Defendants described below, New Products has continuously maintained and possessed the Property since 1955.

New Products' Payment of Property Taxes to Benton Harbor

39. New Products owns the Property in Benton Harbor, as well as several other parcels of real estate located in Benton Harbor.

40. New Products' real estate holdings in Benton Harbor include the land at 448 North Shore Dr., Benton Harbor, MI 49022. New Products (or its predecessor owned by the Miller family) have owned that property since about 1929, and it is the current site of New Products' manufacturing facility.

41. Over the years, New Products has purchased additional land in the vicinity of its manufacturing plant whenever such land has become available for sale. New

Products receives multiple property tax bills from Benton Harbor for the parcels of property that it owns in Benton Harbor.

42. New Products has paid every property tax bill that it has received from Benton Harbor.

43. Through December 1976, the tax bills received from Benton Harbor did not contain the full legal description of the Property, but contained a partial description, as well as the same ward code as written on New Products' deed for the Property (4C30,4/). **(Exhibit 4).**

44. On the Summer 1977 tax bill, two property identification numbers were set forth on the Property tax bill from Benton Harbor, including the original "4C30,4/" designation. **(Exhibit 5).**

45. The legal description of the summer 1977 property tax bill (and subsequent bills) described the Property as continuing north from Klock Road to the centerline of the Paw Paw River **(Exhibit 5).**

46. Since 1978, the property tax bills from Benton Harbor have continued to describe the taxed property to be a 250-foot wide strip of land extending north from Klock Road to the centerline of the Paw Paw River, the same description as the Property. **(Exhibit 6).**

47. New Products has never received from Benton Harbor any notice of a tax delinquency, any foreclosure notice, any notice of a pending tax sale, any notice of a completed tax sale, or any other document in any way related to a tax sale of the Property or a tax sale of any other real estate that New Products owns in Benton Harbor.

**Benton Township Has Never Attempted to Collect Property Taxes
For the Property from New Products**

48. New Products has never received a tax assessment or notice of any kind from Benton Township for the Property.

49. New Products has never received a property tax bill of any kind from Benton Township for the Property.

50. New Products has never received from Benton Township any notice of a tax delinquency, any foreclosure notice, any notice of a pending tax sale, any notice of a completed tax sale, or any other document in any way related to a purported tax sale of the Property.

51. The Crows never received from Benton Township any notice of a tax delinquency, any foreclosure notice, any notice of a pending tax sale, any notice of a completed tax sale, or any other document in any way related to a purported tax sale of the Property.

52. New Products never received any notice that the property has ceased to be part of Benton Harbor, or that jurisdiction and taxing authority were allegedly transferred from Benton Harbor to Benton Township.

Alleged Tax Sale of a Portion of the Property by Benton Township

53. In approximately 1970, several years after New Products' Deed for the Property was recorded, Benton Township allegedly conducted a sale of certain real estate for unpaid property taxes (the "Disputed Tax Sale Parcel"). (Exhibit 7).

54. The Harbor Shores Defendants claim that they now own the Northern Portion of the Property, having acquired the title to the real property conveyed by the Disputed Tax Sale.

55. The Harbor Shore Defendants claim that the legal description of the Disputed Tax Sale Parcel includes the Northern Portion of the Property, as well as additional land located north of the current location of the Paw Paw River.

56. The Disputed Tax Sale Parcel does not include the Property. The parcel conveyed as the Disputed Tax Sale Parcel was 2.0 acres in size (including additional land north of the current location of the Paw Paw River), whereas the Northern Portion of the Property is 2.98 acres in size by itself. (**Exhibits 1 and 7**).

57. New Products was not notified of, and was not aware of, the alleged property tax sale of the Disputed Tax Sale Parcel by Benton Township. New Products was not aware of any attempt to sell any portion of the Property by Benton Township for alleged non-payment of taxes.

58. To the extent that the legal description of the Disputed Tax Sale Parcel allegedly included any part of the Property, the alleged tax sale and tax deed were void *ab initio* as to the Property, because, among other things:

- (a) the Property is located in Benton Harbor, not in Benton Township;
- (b) New Products never received a tax bill from Benton Township regarding the Property;
- (c) New Products never failed to pay a tax bill from Benton Township regarding the Property;
- (d) New Products was never given notice of nor aware of any sale of the Property;

(e) Benton Township could not sell the Property as a result of property taxes owed on other real estate; and

(f) the Property could not have been sold as a result of the non-payment of taxes to Benton Township.

The Alleged Interests of Defendants Harbor Shores BHBT Land Development, LLC and Harbor Shores Golf Course, LLC in the Property

59. Defendants Harbor Shores BHBT Land Development, LLC and/or Harbor Shores Golf Course, LLC claim their interest in the Property through Larry Allen Heald and Heidi Heald (the "Healds").

60. The Healds allegedly purchased the Disputed Tax Sale Parcel in 1991 from Wilhem Hoffman, Mitzi Garrigan and Frank Hoffman.

61. On February 1, 2007, the Healds executed both a Quit Claim Deed and a Warranty Deed, purporting to transfer both the Disputed Tax Sale Parcel and certain other real estate to Defendant Harbor Shores BHBT Land Development, LLC.

62. Copies of the Quit Claim Deed and the Warranty Deed from the Healds to Defendant Harbor Shores BHBT Land Development, LLC are attached as **Exhibits 8** and **9**, respectively.

63. The Warranty Deed from the Healds purportedly conveyed certain real estate to Harbor Shores BHBT Land Development, LLC based on metes and bounds descriptions (**Exhibit 9**).

64. The Quit Claim Deed from the Healds to Harbor Shores BHBT Land Development, LLC purportedly conveyed to Harbor Shores BHBT Land Development, LLC their ownership interest in the Disputed Tax Sale Parcel, based upon survey descriptions. (**Exhibit 8**).

65. The Healds and Harbor Shores BHBT Land Development, LLC knew that the Healds did not hold title to the Disputed Tax Sale Parcel.

66. In connection with their purchase of the Disputed Tax Sale Parcel, Larry Heald received a title insurance commitment that included a requirement that New Products' ownership interest in the Property be conveyed to Heald in order for Heald to receive title insurance. Requirement No. 6 stated: "Execute and record proper deed from New Products Corporation to Wilhelm Hoffman, Mitzi Garrigan and Frank Hoffman; as to Parcel No. 2." (**Exhibit 10**).

67. New Products never executed a deed, or otherwise conveyed any interest in the Property, to Wilhelm Hoffman, Mitzi Garrigan or Frank Hoffman.

68. New Products never executed a deed, or otherwise conveyed any interest in the Property, to Larry Heald.

Subsequent Transfers of the Disputed Tax Sale Parcel By Defendants

69. Subsequent to the execution and recording of the Quit Claim Deed from the Healds to Harbor Shores BHBT Land Development, LLC in 2007, there have been a number of transactions allegedly transferring portions of the Disputed Tax Sale Parcel and other adjacent or nearby real estate by and between the Harbor Shores Defendants and Benton Harbor.

70. Harbor Shores BHBT Land Development, LLC and/or Harbor Shores Golf Course, LLC now claim ownership of at least part of the Northern Portion of the Property.

71. Even though they have no valid claim to ownership of the Property, Harbor Shores BHBT Land Development, LLC and/or Harbor Shores Golf Course, LLC have appropriated part of the Northern Portion of the Property for use as a golf course.

72. A part of the Northern Portion of the Property has purportedly been conveyed by Harbor Shores BHBT Land Development, LLC to Benton Harbor, to be used as part of Park Mitigation Parcel D. (See Deeds attached as **Exhibit 11**).

73. Defendant Whirlpool Corporation claims an interest in the Property through a Mortgage. Furthermore, upon information and belief, Whirlpool also has a financial interest in either or both of the Harbor Shores Defendants.

74. Defendant PNC Bank claims an interest in the Property through a Mortgage.

75. Defendant Michigan Magnet Fund E, LLC claims an interest in the Property through a Mortgage.

Trespassing on the Property

76. In 2007, New Products posted several "no trespassing" signs on the Property, based upon stakes placed by a surveyor.

77. On or about March 25, 2008, Cheryl Miller, CEO of New Products, sent a letter to Jeff Noel of Defendant Whirlpool, notifying Noel and Whirlpool that she had seen proposed plans for the Harbor Shores Golf Course, which showed construction of a fairway on real estate owned by New Products. The letter to Mr. Noel stated:

To date, various renditions of the plans for the Harbor Shores BHBT Land Development, LLC have been proposed and circulated which depict the golf course layouts in a number of locations. The enclosed attachment superimposes our property on your master development plan which shows a golf hole extending westerly from North Shore Drive and north of Klock Road. It appears the fairway would bisect New Products parcel 11-54-0013-0030-04-3.

Please provide a copy of the final version of the plans and confirm that the final design for the golf course will not involve New Products property....

(Exhibit 12).

78. New Products also saw an artist's rendering included in the *Jean Klock Park Conversion and Mitigation Proposal Grant #26-00568* depicted the Property as being included within the proposed Harbor Shores project.

79. Whirlpool is allegedly a mortgagee of the Northern Portion of the Property. Upon information and belief, Whirlpool also has a financial interest in one or both of the Harbor Shores Defendants.

80. On or about June 13, 2008, New Products' prior attorneys, Butzel Long, P.C., sent a letter to John Cameron, Jr., attorney and resident agent for the Harbor Shores Defendants. **(Exhibit 13).**

81. In the letter to John Cameron, Jr., New Products' attorneys rejected any claim that the Harbor Shores Defendants own any part of the Property. The letter stated that New Products owns the Property, and provided a copy of New Products' deed for the Property and a survey of the Property. **(Exhibit 13).**

82. The letter to John Cameron specifically warned him and the Harbor Shores Defendants not to trespass on New Products' property. The letter stated:

Until this matter has been resolved, please be advised that New Products has not conveyed, agreed to convey or consented in any way to any such encroachment upon their property by Harbor Shores. Any entry onto the property without New Products' consent will be considered a trespass and will be treated as such.

(Exhibit 13).

83. Despite having been put on notice of New Products' ownership of the Property, through, among other things, (a) the title insurance commitment, (b) correspondence from New Products and its attorneys, and (c) the "no trespassing" signs

on the Property, one or more of the Harbor Shores Defendants (or their agents or assigns), constructed a portion of their golf course on the Northern Portion of the Property.

84. The pre-construction and construction work on the Northern Portion of the Property began in late 2008 and continued through 2009, without permission or consent from New Products.

85. One or more of the Harbor Shores Defendants are now using the Northern Portion of the Property as part of the 18th fairway of the Harbor Shores Golf Course, LLC course, without permission or consent from New Products.

86. Upon information and belief, Benton Harbor is also occupying a part of the Northern Portion of the Property for Park Mitigation Parcel D.

87. New Products now seeks to quiet title and recover damages incurred as a result of the trespass on the Property by the Harbor Shores Defendants and Benton Harbor.

COUNT I

TRESPASS – WRONGFUL POSSESSION AND DAMAGE TO PROPERTY

88. New Products incorporates by reference the allegations of paragraphs 1 through 87 inclusive, as though fully set forth herein.

89. New Products is the legal and rightful owner of the Property.

90. The Harbor Shores Defendants, Benton Harbor and their agents have trespassed and continue to trespass upon the Northern Portion of the Property without New Products' permission, and despite New Products' demands that they remain off the Property.

91. The Harbor Shores Defendants and Benton Harbor intended to, and did, take possession of the Northern Portion of the Property.

92. While trespassing, the Harbor Shores Defendants and Benton Harbor have damaged the Property and have deprived New Products of its right to possession and use of the Northern Portion of the Property.

93. The actions of the Harbor Shores Defendants and Benton Harbor have caused New Products damages associated with their trespass and other damages that flow naturally and consequentially from these actions.

WHEREFORE, New Products respectfully requests this Court to enter Judgment in its favor and against the Harbor Shores Defendants and Benton Harbor, jointly and severally, in an amount in excess of \$25,000, plus treble damages pursuant to MCL § 600.2919, and to award costs, interest and attorney's fees to New Products as allowed by law.

COUNT II

TRESPASS – PERMANENT INJUNCTIVE RELIEF

94. New Products incorporates by reference the allegations of paragraphs 1 through 93 inclusive, as though fully set forth herein.

95. New Products is the legal and rightful owner of the Property.

96. The Harbor Shores Defendants and Benton Harbor, and their agents or assigns, have trespassed and continue to trespass upon the Northern Portion of the Property without New Products' permission.

97. The Harbor Shores Defendants and Benton Harbor have claimed title to the Northern Portion of the Property and are currently occupying the Northern Portion of the Property for their own use.

98. Since each parcel of real estate is unique, New Products will suffer irreparable injury if the Harbor Shores Defendants and Benton Harbor are permitted to continue to trespass on the Property.

99. If the Harbor Shores Defendants and Benton Harbor are allowed to continue possessing the Property, they will eventually attempt to claim that they have acquired title to the Property through adverse possession.

100. This Court is empowered to grant injunctions through Michigan's common law, statutes and court rules.

101. In this instance, an injunction is an appropriate remedy because of the reasons outlined above.

WHEREFORE, New Products respectfully requests this Court (a) to grant New Products a Judgment including permanent injunctive relief, ordering the Harbor Shores Defendants, and Benton Harbor, and any of their agents or employees, to permanently cease and desist from entering, occupying, possessing, or developing the Property, and (b) to grant such other relief as is equitable, including costs, interest and attorney's fees.

COUNT III

QUIET TITLE TO PROPERTY

102. New Products incorporates by reference the allegations of paragraphs 1 through 101 inclusive, as though fully set forth herein.

103. New Products seeks equitable relief pursuant to MCL § 600.2932 to quiet title against Defendants regarding the Property.

104. Since receiving title to the Property from the Crows, New Products paid every single property tax bill it received for the Property in full and on time to the Benton Harbor Treasurer.

105. New Products never received notice of any delinquent taxes, foreclosure or tax sale from Benton Harbor or from Benton Township.

106. No proper, valid or legally enforceable tax sale has ever been held regarding the Property.

107. Depriving New Products of title to the Property for allegedly not paying property taxes would violate the due process protections of the United States and Michigan Constitutions, where:

(a) The Property is located in Benton Harbor;

(b) New Products was billed for, and paid, taxes on the Property to Benton Harbor;

(c) New Products was never billed for property taxes on the Property by Benton Township;

(d) New Products was never given notice of any alleged property tax deficiency;

and

(e) New Products was never notified of any tax sale regarding the Property.

108. New Products has never conveyed title or any right, title or interest in the Property to any of the Defendants.

109. New Products has never granted a mortgage or any other lien or encumbrance on the Property to any of the Defendants.

110. New Products has never granted any of the Defendants permission to enter or use the Property for any purpose, whether by lease, license or otherwise.

111. New Products holds title to the entire Property in fee simple, and free and clear of any claims, liens or encumbrances by the Defendants.

WHEREFORE, New Products respectfully request this Court to (a) enter judgment in its favor and against Defendants, determining that New Products holds full legal and equitable title to the entire Property in fee simple absolute, free and clear of any and all claims, liens or encumbrances of the Defendants in the this action, and quieting title to the Property forever in New Products, and (b) to grant such other relief as is equitable, including costs, interest and attorney's fees.

COUNT IV

DECLARATORY JUDGMENT

112. New Products incorporates by reference the allegations contained in paragraphs 1 through 111 inclusive, as though fully set forth herein.

113. Under MCR 2.605, in a case of actual controversy, the Court may declare the rights and other legal relations of an interested party seeking a declaratory judgment. Under MCR 3.411, the Court shall make findings determining the disputed rights in and title to the premises.

114. There is an actual controversy regarding the parties' rights and obligations regarding the Property, including (a) who owns the Property and (b) whether the property is located in Benton Harbor or in Benton Township.

115. The Property is owned by New Products.

116. None of the Defendants has any valid or enforceable mortgage, lien, encumbrance, claim or interest in the Property.

117. The Property is located in Benton Harbor.

WHEREFORE, New Products respectfully requests the Court to enter a declaratory judgment that (a) that New Products holds legal title to the Property, free and clear of any mortgage, claims, lien, encumbrances or interests in the Property by the Defendants, and (b) the Property is located in Benton Harbor.

JURY DEMAND

Plaintiff, New Products, hereby demands a trial by jury as to all issues in this case.

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Respectfully submitted,

DEMOREST LAW FIRM, PLLC



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Dated: September 13, 2011

New Products Corporation:HARBOR SHORES LAWSUIT:PLEADINGS:COMPLAINT 2011 09 11 CLEAN.doc

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June 13, 2008

Mr. John Cameron, Jr.
Dickinson Wright
200 Ottawa Avenue N.W. Suite 900
Grand Rapids, MI 49503-2427

Re: Harbor Shores

Dear Mr. Cameron,

We are writing on behalf of and as legal counsel for, New Products Corporation and are in receipt of your letter of April 11, 2008 to Mr. D. Jeffrey Noel with Whirlpool Corporation regarding certain property owned by New Products over which Harbor Shores has designed a portion of their golf course. It is this correspondence that we are responding to.

Your letter concludes that New Products somehow claims more property than originally deeded to it by virtue of the relocation of the Paw Paw River. However, you acknowledged that you had not seen the vesting deed by which New Products took title to Parcel 11-54-0013-0030-04-3. I have enclosed for your information a copy of that deed and a survey obtained of the deeded property. Note, that the deed references the Paw Paw River **as relocated**. It is our understanding that the Paw Paw River was relocated in the 1940's, quite some time prior to the conveyance to New Products. As such, the relocation of the river did not affect or enlarge that which was originally granted to New Products.

Since you have indicated that Harbor Shores has obtained title insurance from Chicago Title for their conveyance by which Harbor Shores now claims title to this property, we are requesting any title history and surveys you may have or may obtain from Chicago Title which would explain how Harbor Shores can claim title to property in fact owned by New Products.

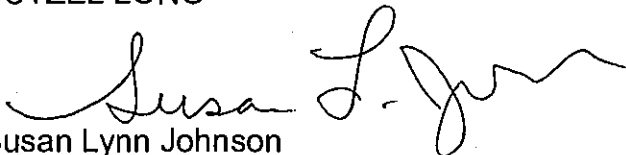
Mr. John G. Cameron, Jr.
June 13, 2008

Until this matter has been resolved, please be advised that New Products has not conveyed, agreed to convey or consented in any way to any such encroachment upon their property by Harbor Shores. Any entry onto this property without New Products' consent will be considered a trespass and dealt with as such.

We look forward to your response.

Very truly yours,

BUTZEL LONG


Susan Lynn Johnson

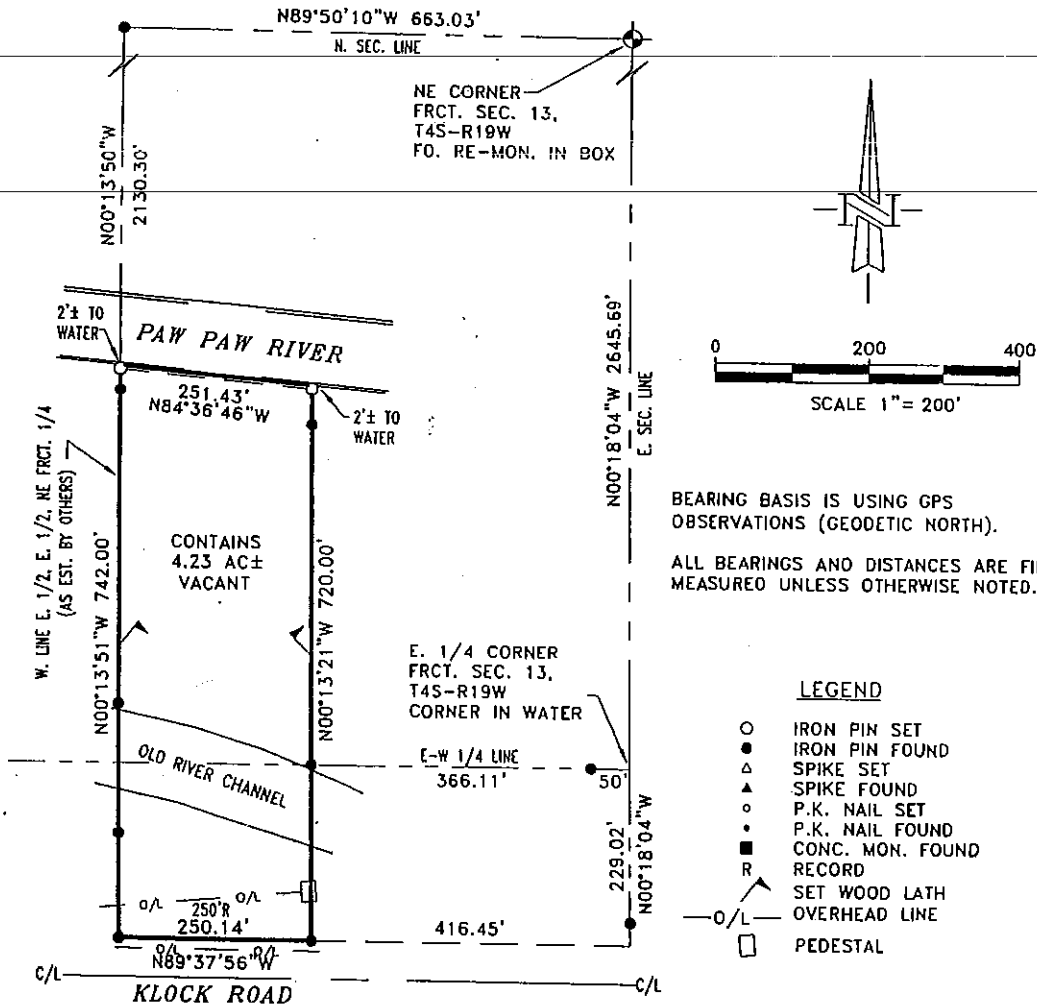
cc: Ms. Cheryl Miller, New Products
Mr. Jeff Noel, Whirlpool Corporation
Mr. David Whitwam, Alliance for World Class Communities
Ms. Wendy Dant Chesser, Cornerstone Alliance
Mr. Richard Marsh, City of Benton Harbor

BUTZEL LONG

CERTIFICATE OF SURVEY:

DESCRIPTION PROVIDED:
LAND SITUATED IN THE CITY OF BENTON HARBOR, COUNTY OF BERRIEN, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

ALL THAT PART OF A STRIP OF LAND 250 FEET IN WIDTH OFF FROM AND ALONG THE WEST SIDE OF THAT PART OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHEAST FRACTIONAL 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, LYING SOUTH OF THE PAW PAW RIVER, AS RELOCATED, ALSO ALL THAT PART OF A STRIP OF LAND 250 FEET IN WIDTH OFF FROM AND ALONG THE WEST SIDE OF THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST FRACTIONAL 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, LYING NORTH OF THE PRESENT KLOCK BOULEVARD.



BEARING BASIS IS USING GPS OBSERVATIONS (GEODETIC NORTH).
ALL BEARINGS AND DISTANCES ARE FIELD MEASURED UNLESS OTHERWISE NOTED.

NOTE: THIS DOCUMENT CERTIFIES THE BOUNDARY ONLY. ALL BUILDING LOCATIONS ARE FOR VISUAL PROXIMITIES ONLY AND SHOULD NOT BE USED FOR ANY TYPE OF CONSTRUCTION PURPOSES.

ADDRESS: KLOCK ROAD
DATE: 11/29/07
SCALE: 1" = 200'
DRAWN BY: DMS
TC: NONE

NOTE: THIS SURVEY MADE FROM DESCRIPTION FURNISHED.
TO: CLYDE DANIEL

I, THOMAS A. STEPHENSON, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION.



Thomas A. Stephenson
THOMAS A. STEPHENSON, PS #46689



e mail: sls@stephensonsls.com

MAIN OFFICE 27873 White Street • Cassopolis, Michigan 49031 • Office 269 / 445-8903 • Fax: 269 / 445-8510
VICKSBURG BRANCH 625 West Prairie St. • Vicksburg, Michigan 49097 • Office 269 / 649-1036 • Fax: 269 / 445-8510
NILES OFFICE 269 / 687-1787 • Fax 269 / 445-8510

SHEET 1 OF 1 SHEETS
07506C

Recorded 531 7082 ES 02.00
at o'clock
Liber. of Deeds, Page
Register of Deeds.

QUIT-CLAIM DEED—STORY—893
(PHOTO COPY FORM) DOUBLEDAY BROS. & CO., KALAMAZOO, MICH.

This Indenture, made the 8th day of June 19 55
BETWEEN John L. Crow and Barbara E. Crow, husband and wife
2218 Wilson Court, St. Joseph, Michigan,
parties of the first part,
and New Products Corporation
448 N. Shore Drive, Benton Harbor, Michigan,
(see below) party of the second part.

Witnesseth, That the said parties of the first part, for and in consideration of the sum of ~~Five Dollars and other good~~
~~and valuable consideration~~ Dollars
to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, do
by these presents grant, bargain, sell, remise, release and forever QUIT-CLAIM unto the said party of the second part, and to
its heirs and assigns, FOREVER, all that certain piece or parcel of land situated in the
city of Benton Harbor in Berrien County, and State of Michigan, and described
as follows:

A parcel of land described as: All that part of a strip of land 250 feet in width off
from and along the West side of that part of the East Half of the East Half of the
Northeast Fractional Quarter of Section Thirteen (13), Township Four (4) South, Range
Nineteen (19) West, lying South of the Paw Paw River as relocated, containing Two and
98/100 (2.98) acres of land, more or less, in the City of Benton Harbor, Berrien County,
Michigan.
Also, all that part of a strip of land 250 feet in width off from and along the West
side of that part of the East Half of the Northeast Quarter of the Southeast Fractional
Quarter of Section Thirteen (13), Township Four (4) South, Range Nineteen (19) West,
lying North of the present Klock Boulevard, containing One and 32/100 (1.32) acres,
more or less, in the City of Benton Harbor, Berrien County, Michigan. RECORDED

The consideration is less than \$100.00.

OCT 31 3 48 PM '68

Berrien Clergyman
REGISTER OF DEEDS
BERRIEN COUNTY, MICHIGAN

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and to Hold the
said parcel to the said party of the second part, and to
its heirs and assigns, to the sole and only proper use, benefit and behoof of the said party
of the second part² its heirs and assigns, FOREVER.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day
and year first above written.

Signed and Delivered in Presence of
J. D. Hartwig
J. D. Hartwig
Mildred W. Callis
Mildred W. Callis
John L. Crow
John L. Crow
Barbara E. Crow
Barbara E. Crow

STATE OF MICHIGAN, } ss. On this 8th day of June 19 55
COUNTY OF Berrien before me, a Notary Public,
in and for said County, personally appeared John L. Crow and Barbara E. Crow

to me known to be the same person^s described in and who executed the within instrument, who
acknowledged the same to be their free act and deed.
Mildred W. Callis
Mildred W. Callis Notary Public,
Berrien County, Michigan,
My commission expires December 30 19 55

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. When conveyance is made to Corporation or Partnership, the following may be inserted, "its successors", and draw a line through the word "heirs."
* PRINT, TYPEWRITE OR STAMP names of persons executing this instrument, also names of the Witnesses and Notary Public immediately underneath such signatures.

40304

NEW PRODUCTS CORPORATION

DIE CASTINGS

ALUMINUM

ZINC



P. O. BOX 686
BENTON HARBOR, MICHIGAN 49023

TEL.(269)925-2161 . FAX(269)925-5184

Mr. Jeff Noel
Whirlpool Corporation
2000 N M-63
Benton Harbor, MI 49022

March 25, 2008

Re: Harbor Shores and New Products Corporation

Dear Mr. Noel;

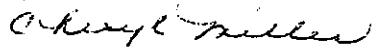
Representatives of Harbor Shores have publicly reconfirmed at the City of Benton Harbor Town Hall meeting on November 17, 2007, that Harbor Shores has acquired all property for the development. New Products owns property that is, at a minimum, adjacent to the proposed Harbor Shores project. New Products has on several occasions attempted to get a set of final plans for the Harbor Shores project to determine the impact on New Products. As you are aware from our previous discussions a 4.23 acre parcel of land north of Klock Road extending to the new channel of the Paw Paw River is one of the properties in question.

To date, various renditions of the plans for the Harbor Shores development have been proposed and circulated which depict the golf course layouts in a number of locations. The enclosed attachment superimposes our property on your master development plan which shows a golf hole extending westerly from North Shore Drive and north of Klock Road. It appears the fairway would bisect New Products parcel 11-54-0013-0030-04-3.

Please provide a copy of the final version of the plans and confirm that the final design for the golf course will not involve New Products property. We look forward to the improvement to the Benton Harbor community, in a manner that does not negatively impact New Products; its property, facilities, future expansions, or our employees.

Thank you in advance for your consideration in this matter.

Yours truly,

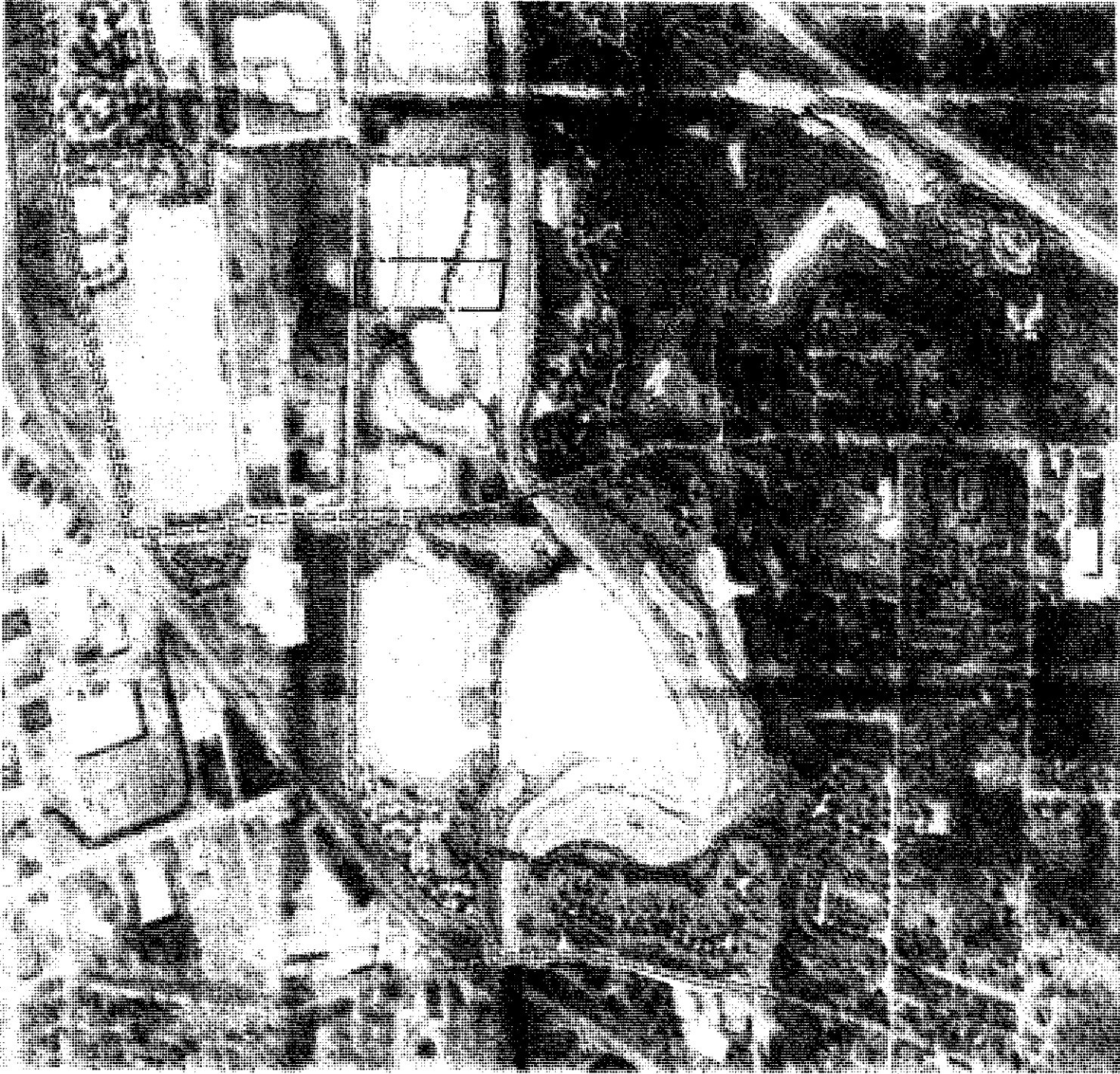


Cheryl Miller

Cc:
David Whitwam
The Alliance for World Class Communities
38 West Wall Street
Benton Harbor, MI 49022

Wendy Dant Chesser
Cornerstone Alliance
P.O. Box 428
Benton Harbor, MI 49023-0428

John G. Cameron, Jr.
Dickenson Wright, PLLC
200 Ottawa Ave., NW Suite 900
Grand Rapids, MI 49503-2427



KEY

				Public: Carts, Bikes, & Pedestrians
				Public: Bikes, & Pedestrians
				Public: Nature Trails Pedestrians
				Golf Course Golf Path
				Harbor Shores Neighborhood Access: Carts, Bikes, & Pedestrians

NICKELANUS
121 SIXTH

John Nickeland
A SIGNATURE CARE COMPANY

5
CTI

CERTIFICATION DOES NOT REFLECT
POSSIBLE HOMESTEAD DENIAL.

Lori D. Jarvis Register Of Deeds
Berrien County, Michigan

Rec \$22.00
Remon \$4.00
Tax Crt \$1.40

Recorded

April 27, 2007 12:12:41

Liber 2788 Page 380-384
Receipt # 28741 DEED #2007056935



Liber 2788 Page 380



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 on the date of this instrument, as appears by the records in my office. This certificate does not apply on taxes, if any, now in process of collection. Also except, Deferred Special Assessments, if any, under Act No. 225, Public Apts of 1976, as amended, and any Specific Tax. (I.E. Enterprise Zone)

Brian Warkowski
Berrien County Treasurer

Date APR 27 2007
No. _____

10-13

Pt of 11-54-0013-0030-02-7
Pt of 11-54-0013-0030-03-5
Pt of 11-54-0018-0026-00-4
Pt of 11-54-0018-0027-00-1
Pt of 11-03-0213-0010-09-3
Pt of 11-03-0213-0011-05-7
Pt of 11-03-0213-0015-00-1

**COVENANT DEED
(Park Mitigation Parcel D)**

THE GRANTOR:

HARBOR SHORES BHBT LAND
DEVELOPMENT, LLC, a Michigan limited
liability company,

WHOSE ADDRESS IS:

200 Ottawa Avenue NW, Suite 900
Grand Rapids, MI 49503,

CONVEYS AND TRANSFERS
TO THE GRANTEE:

CITY OF BENTON HARBOR, a Michigan
municipal corporation,

WHOSE ADDRESS IS:

200 E. Wall Street, P.O. Box 648,
Benton Harbor, MI 49022,

the real estate situated in the City of Benton Harbor and the Township of Benton, Berrien County, Michigan, more fully described on **Exhibit A** attached to this Deed (commonly referred to as Park Mitigation Parcel D), together with all improvements, fixtures, easements, hereditaments, and appurtenances associated with the real estate ("**Property**").

Real Estate Transfer Tax Valuation Affidavit filed.

The Grantor shall defend title to the Property from and against all lawful claims and demands of all persons claiming by, through, or under the Grantor, but from and against no other persons.

The Grantor grants to the Grantee the right to make zero (0) divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("**Act**").

This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

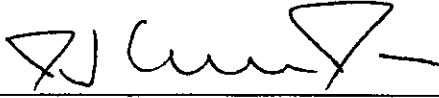
Address: Vacant Klock Road and Vacant North Shore Drive

Tax ID #: No ID #) Part of Parcel 19 a
Part of 11-03-0213-0015-00-1 (Parcel 19)
Part of 11-03-0213-0010-09-03 (Parcel 23)
Part of 11-54-0013-0030-02-7 (Parcel 21)
Part of 11-03-0213-0011-05-7 (Parcel 24)
Part of 11-54-0018-0026-00-4 (Parcel 80)
Part of 11-54-0018-0027-00-1 (Parcel 81)


Dated: April 20, 2007

HARBOR SHORES BHBT
LAND DEVELOPMENT, LLC

By: Harbor Shores Community
Redevelopment Inc.,
Its Sole Manager

By 
John G. Cameron, Jr.
Its Vice President-Real Estate

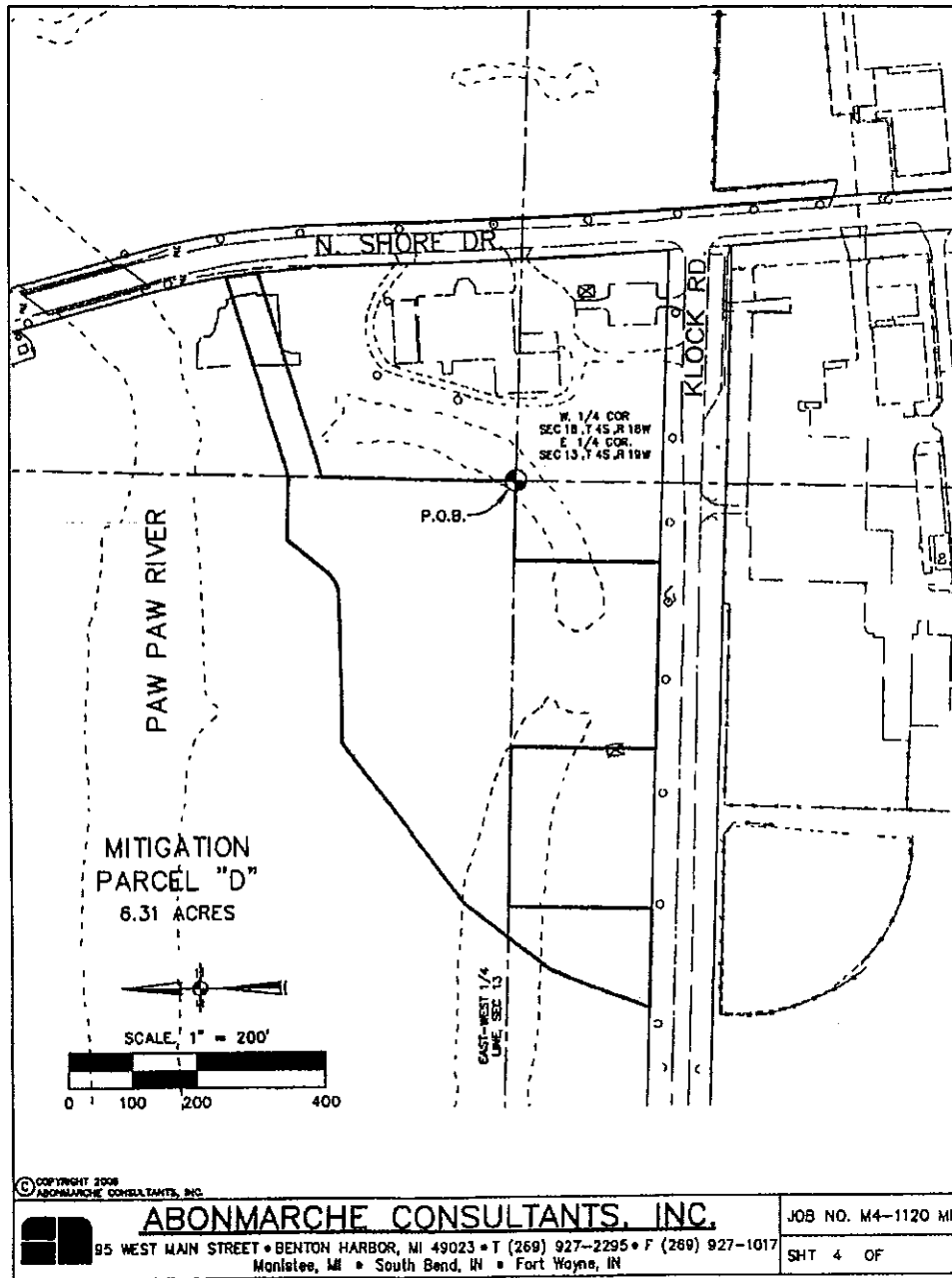
Acknowledged before me in Berrien County, Michigan, on April 19, 2007, by John G. Cameron, Jr., the Vice President-Real Estate of Harbor Shores Community Redevelopment Inc., a Michigan nonprofit corporation, the sole Manager of Harbor Shores BHBT Land Development, LLC, a Michigan limited liability company, on behalf of the company.


Robert M. Davies
Notary public, State of Michigan, County of Kent
My commission expires 8-23-07
Acting in the County of Kent

PREPARED BY AND RETURN TO:
JOHN G. CAMERON, JR.
DICKINSON WRIGHT PLLC
200 Ottawa Avenue, NW, Suite 900
Grand Rapids, Michigan 49503-2427
Telephone: (616) 336-1010
1392548v2

EXHIBIT A

Property



NO PROJECTS 12/26/07 PROJECT 18441120mg4611382C-MITD 4-w. PK. AREA.D, 1/11/2008 11:27:21 AM, grid.1.1

	ABONMARCHE CONSULTANTS, INC.	JOB NO. M4-1120 MIT
	95 WEST MAIN STREET • BENTON HARBOR, MI 49023 • T (269) 927-2295 • F (269) 927-1017 Manistee, MI • South Bend, IN • Fort Wayne, IN	SHT 4 OF

DESCRIPTION OF MITIGATION PARCEL "D"

DESCRIPTION OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, AND THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 18 WEST, CITY OF BENTON HARBOR, BERRIEN COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 13, ALSO BEING A COMMON CORNER WITH THE WEST QUARTER CORNER OF SAID SECTION 18;

THENCE NORTH $88^{\circ}31'55''$ WEST, ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 13, 126.03 FEET,

THENCE SOUTH $01^{\circ}07'08''$ WEST, 228.21 FEET, TO THE NORTH LINE OF KLOCK ROAD;

THENCE NORTH $88^{\circ}12'35''$ WEST, ALONG SAID NORTH LINE, 290.41 FEET TO THE EAST LINE OF THE WEST 250 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER SAID SECTION 13;

THENCE NORTH $01^{\circ}11'37''$ EAST, ALONG SAID EAST LINE OF SAID WEST 250 FEET, 226.58 FEET, TO THE EAST-WEST QUARTER LINE OF SAID SECTION;

THENCE NORTH $88^{\circ}31'55''$ WEST, ALONG SAID EAST-WEST QUARTER LINE, 250.00 FEET, TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13;

THENCE SOUTH $01^{\circ}11'37''$ WEST, ALONG SAID WEST LINE, 225.17 FEET, TO THE NORTH LINE OF KLOCK ROAD;

THENCE NORTH $88^{\circ}12'35''$ WEST, ALONG SAID NORTH LINE, 154.03 FEET;

THENCE NORTH $21^{\circ}17'48''$ EAST, LEAVING SAID NORTH LINE, 165.46 FEET;

THENCE NORTH $37^{\circ}17'37''$ EAST, 170.79 FEET;

THENCE NORTH $52^{\circ}49'00''$ EAST, 314.47 FEET;

THENCE NORTH $89^{\circ}07'39''$ EAST, 227.69 FEET;

TO A POINT OF INTERSECTION WITH A TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 50.00 FEET, AND A CENTRAL ANGLE OF $50^{\circ}00'00''$; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 43.63 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH $64^{\circ}07'39''$ EAST, A DISTANCE OF 42.26 FEET

THENCE NORTH $39^{\circ}07'39''$ EAST, 79.94 FEET;

THENCE SOUTH $88^{\circ}52'21''$ EAST, 101.41 FEET;

THENCE NORTH $72^{\circ}31'38''$ EAST, 323.24 FEET, TO THE WEST LINE OF NORTH SHORE DRIVE,

AND A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 1167.00 FEET, AND A CENTRAL ANGLE OF $02^{\circ}29'14''$; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, AND SAID WEST LINE OF NORTH

SHORE DRIVE, A DISTANCE OF 50.66 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 08°14'26" EAST, A DISTANCE OF 50.66 FEET;
THENCE SOUTH 72°31'38" WEST, LEAVING SAID WEST LINE OF NORTH SHORE DRIVE, 331.94 FEET;
THENCE SOUTH 01°07'39" WEST, 306.08 FEET,
TO THE POINT OF BEGINNING.

Lori D. Jarvis Register Of Deeds
Berrien County, Michigan

Rec \$19.00
Remon \$4.00
Tax Crt \$0.00

Recorded
May 07, 2007 04:58:14 PM
Liber 2789 Page 1684-1687
Receipt # 30234 Q DEED#2007057969



Liber 2789 Page 1684

QUIT CLAIM DEED

THE GRANTOR:

CITY OF BENTON HARBOR, a Michigan
municipal corporation,

WHOSE ADDRESS
IS:

200 E. Wall Street
Benton Harbor, Michigan 49022,

QUIT CLAIMS
TO THE GRANTEE:

HARBOR SHORES BHBT LAND
DEVELOPMENT, a Michigan limited
liability company,

WHOSE ADDRESS
IS:

2000 North M-63
Benton Harbor, Michigan 49022,

the parcels of real estate situated in the Township of Benton and/or City of Benton Harbor, Berrien County, Michigan, more fully described on **Exhibit A** attached to this Deed, together with all improvements, fixtures, easements, hereditaments, and appurtenances associated with the real estate ("Property").

This Deed is exempt from the real estate transfer taxes under MCLA §§ 207.505(a) and 207.526(a) because the value of the consideration given is less than One Hundred Dollars (\$100).

The Grantor grants to the Grantee the right to make all division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act").

This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated: April 23, 2007.

*Part of 11-54-0024
file (10/2/07)*

*Part of 11-03-0213
Part of 11-54-0013*

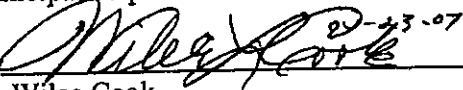
*Part of 11-03-0018
Part of 11-54-0018*

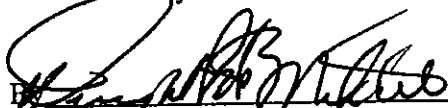
RECEIVED MAY 4 2007



4B

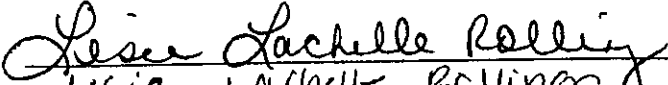
CITY OF BENTON HARBOR, a Michigan
municipal corporation

By 
Wilce Cook
Its Mayor


Dwight (Pete) Mitchell
Its City Manager

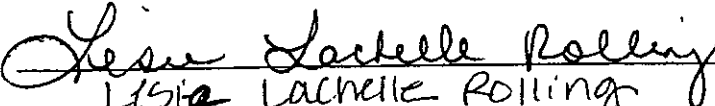
STATE OF MICHIGAN)
)ss:
COUNTY OF BERRIEN)

Acknowledged before me in Berrien County, Michigan, on 4-24,
2007, by Wilce Cook not individually, but as the Mayor of CITY OF BENTON HARBOR, a
Michigan municipal corporation, for the corporation.


Lisia Lachelle Rolling
Notary public, State of Michigan, County of Berrien
My commission expires 9/8/2011
Acting in the County of Berrien

STATE OF MICHIGAN)
)ss:
COUNTY OF BERRIEN)

Acknowledged before me in Berrien County, Michigan, on 4-24,
2007, by Dwight (Pete) Mitchell, not individually, but as City Manager of CITY OF BENTON
HARBOR, a Michigan municipal corporation, for the corporation.


Lisia Lachelle Rolling
Notary public, State of Michigan, County of Berrien
My commission expires 9/8/2011
Acting in the County of Berrien

PREPARED BY AND RETURN TO:
Allison J. Mulder
WARNER NORCROSS & JUDD LLP
111 Lyon Street, NW, Suite 900
Grand Rapids, Michigan 49503-2487
Telephone: (616) 752-2000
1397880

EXHIBIT A

Property

Former Bed of the Paw Paw River

All that land located in Section 13, Township 4 South, Range 19 West; Section 18, Township 4 South, Range 18 West; and Section 24, Township 4 South, Range 19 West; that formerly was occupied by the Paw Paw River and riverbed.

5.enn

Lori D. Jarvis Register Of Deeds

Berrien County, Michigan

**CERTIFICATION DOES NOT REFLECT
POSSIBLE HOMESTEAD DENIAL.**

Rec \$22.00
Remon \$4.00
Tax Crd \$1.00

Recorded
October 20, 2008 01:52:39 PM
Liber 2862 Page 784-788
Receipt # 16127 DEED #2008028262



Liber 2862 Page 784

10-12

I HEREBY CERTIFY, That there are no Tax Liens or Taxes levied by the State or any individual against the property described herein and all Taxes on same are paid for five years previous on the date of this instrument, as appears by the records in my office. This certificate does not apply on taxes, if any, now in process of collection. Also except, Deferred Special Assessments, if any, under Act No. 225, Public Acts of 1976, as amended, and any Specific Tax (I.E. Enterprise Zone)

Bret Warkowski
Berrien County Treasurer

Date OCT 20 2008
No. 59866

**COVENANT DEED
(Part of Park Mitigation Parcel D)**

THE GRANTOR:

CITY OF BENTON HARBOR, a Michigan municipal corporation,

WHOSE ADDRESS IS:

200 E. Wall Street, P.O. Box 648
Benton Harbor, Michigan 49023,

CONVEYS AND TRANSFERS
TO THE GRANTEE:

HARBOR SHORES BHBT LAND DEVELOPMENT, LLC, a Michigan limited liability company,

WHOSE ADDRESS IS:

200 Ottawa Avenue NW, Suite 900,
Grand Rapids, Michigan 49503,

the real estate situated in the City of Benton Harbor, Berrien County, Michigan, more fully described on **Exhibit A** attached to this Deed, together with all improvements, fixtures, easements, hereditaments, and appurtenances associated with the real estate ("Property").

This Deed is exempt from the real estate transfer taxes under MLA §§ 207.505(h) and 207.526(i) because Grantor is the United States, this state, a political subdivision or municipality of this state, or an officer of the United States or of this state, a political subdivision or municipality of this state, acting in his or her official capacity.

The Grantor shall defend title to the Property from and against all lawful claims and demands of all persons claiming by, through, or under the Grantor, but from and against no other persons.

The Grantor grants to the Grantee the right to make zero (0) divisions under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act").

This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

RECEIVED OCT 17 2008

pt of 11-03-0213-0010-11-5
pt of 11-54-0018-0026-04-7
SL

Dated: September 17, 2008.

CITY OF BENTON HARBOR,
a Michigan municipal corporation

By Richard J. Marsh, Jr.
Richard J. Marsh, Jr., City Manager

Acknowledged before me in Berrien County, Michigan, on September 17, 2008, by Richard J. Marsh, Jr, City Manager for the CITY OF BENTON HARBOR, a Michigan municipal corporation, for the corporation.

T. Ventress
T. Ventress
Notary public, State of Michigan, County of Berrien
My commission expires November 9, 2012
Acting in the County of Berrien

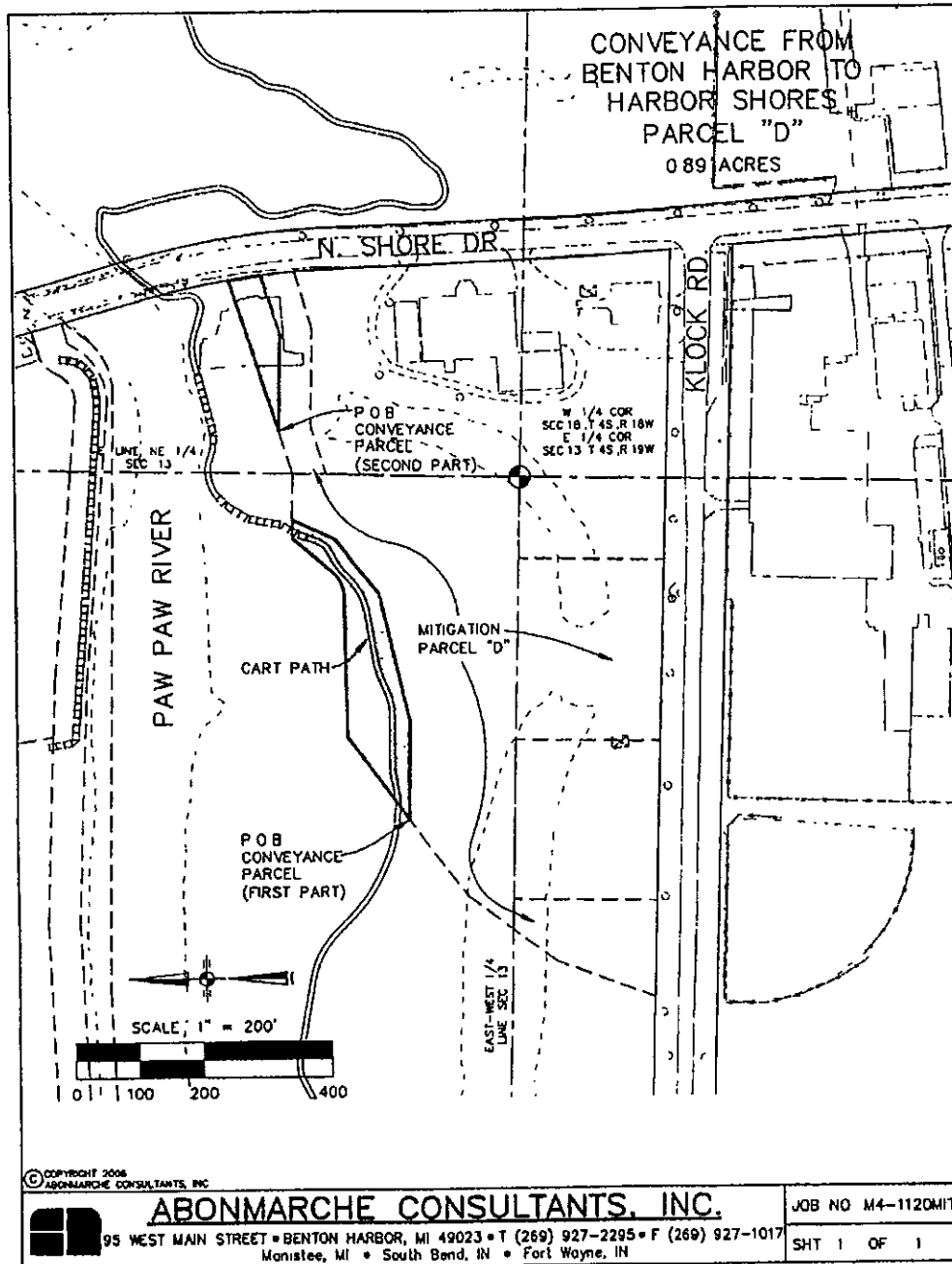
PREPARED BY AND RETURN TO:
Robert M. Davies
WARNER NORCROSS & JUDD LLP
900 Fifth Third Center
111 Lyon Street, NW
Grand Rapids, Michigan 49503-2487
Telephone: (616) 752-2000
1569059

T VENTRESS
NOTARY PUBLIC STATE OF MI
COUNTY OF BERRIEN
MY COMMISSION EXPIRES Nov 9, 2012



EXHIBIT A

Property



DESCRIPTION OF "CONVEYANCE FROM BENTON HARBOR TO HARBOR SHORES
PARCEL D"

DESCRIPTION OF A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF
SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, CITY OF BENTON HARBOR,
BERRIEN COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 13;

THENCE NORTH 88°31'55" WEST, ALONG THE EAST-WEST QUARTER LINE OF SAID
SECTION 13, 126.03 FEET, THENCE SOUTH 01°07'08" WEST, 228.21 FEET, TO THE
NORTH LINE OF KLOCK ROAD;

THENCE NORTH 88°12'35" WEST, ALONG SAID NORTH LINE, 290.41 FEET TO THE
EAST LINE OF THE WEST 250 FEET OF THE EAST HALF OF THE NORTHEAST
QUARTER OF THE SOUTHEAST QUARTER SAID SECTION 13;

THENCE NORTH 01°11'37" EAST, ALONG SAID EAST LINE OF SAID WEST 250 FEET,
226.58 FEET, TO THE EAST-WEST QUARTER LINE OF SAID SECTION;
THENCE NORTH 88°31'55" WEST, ALONG SAID EAST-WEST QUARTER LINE, 250.00
FEET, TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF
THE SOUTHEAST QUARTER OF SAID SECTION 13;
THENCE SOUTH 01°11'37" WEST, ALONG SAID WEST LINE, 225.17 FEET, TO THE
NORTH LINE OF KLOCK ROAD;
THENCE NORTH 88°12'35" WEST, ALONG SAID NORTH LINE, 154.03 FEET;
THENCE NORTH 21°17'48" EAST, LEAVING SAID NORTH LINE, 165.46 FEET;
THENCE NORTH 37°17'37" EAST, 170.79 FEET;
THENCE NORTH 52°49'00" EAST, 153.00 FEET, TO THE POINT OF BEGINNING OF THE
PARCEL OF LAND HEREIN DESCRIBED:

THENCE CONTINUING NORTH 52°49'00" EAST, 161.47 FEET;
THENCE NORTH 89°07'39" EAST, 227.69 FEET;
TO A POINT OF INTERSECTION WITH A TANGENT CURVE, SAID CURVE HAVING A
RADIUS OF 50.00 FEET, AND A CENTRAL ANGLE OF 50°00'00"; THENCE ALONG THE
ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 43.63 FEET, SAID ARC
SUBTENDED BY A CHORD WHICH BEARS NORTH 64°07'39" EAST, A DISTANCE OF
42.26 FEET
THENCE NORTH 39°07'39" EAST, 79.94 FEET;
THENCE SOUTH 88°52'21" EAST, 29.41 FEET

THENCE SOUTH 25°09'37" WEST, 75.00 FEET;
THENCE SOUTH 50°55'46" WEST, 107.74 FEET;
THENCE SOUTH 76°58'19" WEST, 208.00 FEET;
THENCE NORTH 89°21'19" WEST, 156.00 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING:

DESCRIPTION OF A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 4 SOUTH, RANGE 18 WEST, CITY OF BENTON HARBOR, BERRIEN COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 18;

THENCE NORTH 88°31'55" WEST, ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 13, 126.03 FEET,

THENCE SOUTH 01°07'08" WEST, 228.21 FEET, TO THE NORTH LINE OF KLOCK ROAD;

THENCE NORTH 88°12'35" WEST, ALONG SAID NORTH LINE, 290.41 FEET TO THE EAST LINE OF THE WEST 250 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER SAID SECTION 13;

THENCE NORTH 01°11'37" EAST, ALONG SAID EAST LINE OF SAID WEST 250 FEET, 226.58 FEET, TO THE EAST-WEST QUARTER LINE OF SAID SECTION;

THENCE NORTH 88°31'55" WEST, ALONG SAID EAST-WEST QUARTER LINE, 250.00 FEET, TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 13;

THENCE SOUTH 01°11'37" WEST, ALONG SAID WEST LINE, 225.17 FEET, TO THE NORTH LINE OF KLOCK ROAD;

THENCE NORTH 88°12'35" WEST, ALONG SAID NORTH LINE, 154.03 FEET;

THENCE NORTH 21°17'48" EAST, LEAVING SAID NORTH LINE, 165.46 FEET;

THENCE NORTH 37°17'37" EAST, 170.79 FEET; THENCE NORTH 52°49'00" EAST, 153.00 FEET; THENCE SOUTH 89°21'19" EAST, 156.00 FEET;

THENCE NORTH 76°58'19" EAST, 208.00 FEET; THENCE NORTH 50°55'46" EAST, 107.74 FEET; THENCE NORTH 25°09'37" EAST, 75.00 FEET;

THENCE SOUTH 88°52'21" EAST, 72.00 FEET, TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13;

THENCE NORTH 72°31'38" EAST, 70.56 FEET, TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED:

THENCE CONTINUING NORTH 72°31'38" EAST, 252.68 FEET, TO THE WEST LINE OF NORTH SHORE DRIVE, AND A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 1167.00 FEET, AND A CENTRAL ANGLE OF 02°29'14"; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, AND SAID WEST LINE OF NORTH SHORE DRIVE, A DISTANCE OF 50.66 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 08°14'26" EAST, A DISTANCE OF 50.66 FEET; THENCE SOUTH 72°31'38" WEST, LEAVING SAID WEST LINE OF NORTH SHORE DRIVE, 99.53 FEET; THENCE NORTH 88°27'02" WEST, 153.40 FEET, TO THE POINT OF BEGINNING.

4
CTI

**CERTIFICATION OF NO LIENS OR TAXES
POSSIBLE HOMESTEAD EXEMPTION**

**Lori D. Jarvis Register Of Deeds
Berrien 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 on the date of this instrument, as appears by the records in my office. This certificate does not apply on taxes, if any, now in process of collection. Also except, Deferred Special Assessments, if any, under Act No. 225, Public Acts of 1976, as amended, and any Specific Tax. (I.E. Enterprise Zone)

Rec \$19.00
Renon \$4.00
Tax Crt \$1.00

Recorded
March 06, 2007 03:21:39 PM
Liber 2779 Page 288-289
Receipt # 26419 W DEED#2007049694



Liber 2779 Page 288

Bret Witkowski
Berrien County Treasurer

Date MAR - 6 2007
No. 52662

WARRANTY DEED

STATUTORY FORM

This Indenture,

Dated this day of:

February 1, 2007

KNOW ALL MEN BY THESE PRESENTS THAT:

Larry Allen Heald, a married man and Heidi Heald, his wife who signs solely to release her dower rights

172 Higman Park Road
Benton Harbor, MI 49022

Convey(s) and Warrant(s) To:

Harbor Shores BHBT Land Development, LLC, a Michigan Limited Liability Company
400 Riverview Drive / Suite 420
Benton Harbor, MI 49022

for the sum of

Real Estate Transfer Valuation Affidavit filed herewith

the following described premises situated in

The Township of Benton, County of Berrien and State of Michigan to wit:

See Attached Exhibit "A"

Subject to general property taxes; future installments of special assessments not yet due and payable; easements, covenants, rights of way, restrictions and building lines of record; applicable zoning and building laws or ordinances.

Together with all improvements, fixtures, easements, hereditaments, and appurtenances associated with the real estate.

As to Parcel 23, The Grantor grants to the Grantee the right to make 3 (Three) division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act"). In doing so, the Grantor intends to transfer to the Grantee the right to create 4 (Four) parcels from the Property.

RECEIVED MAR 2 2007

11-03-0213-0010-08-5
11-03-0213-0010-09-3
AD



As to Parcel 23, The Grantor also grants to the Grantee the right to create 0 (Zero) bonus parcel(s) if the Grantee qualifies the Property for such bonus parcel(s) under Section 108(3) of the Act.

As to Parcel 23, The Grantor intends to transfer to the Grantee the right to make all divisions, bonus divisions and redivisions of the Property as the Grantor may have under the Act.

As to Parcel 23, The Grantor makes no representation or warranty regarding the number, extent or nature of the division or redivision rights or rights to create parcels owned or transferred by the Grantor to the Grantee.


As to Parcel 43, The Grantor grants to the Grantee the right to make 3 (Three) division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act"). In doing so, the Grantor intends to transfer to the Grantee the right to create 4 (Four) parcels from the Property.

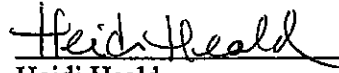
As to Parcel 43, The Grantor also grants to the Grantee the right to create 0 (Zero) bonus parcel(s) if the Grantee qualifies the Property for such bonus parcel(s) under Section 108(3) of the Act.

As to Parcel 43, The Grantor intends to transfer to the Grantee the right to make all divisions, bonus divisions and redivisions of the Property as the Grantor may have under the Act.

As to Parcel 43, The Grantor makes no representation or warranty regarding the number, extent or nature of the division or redivision rights or rights to create parcels owned or transferred by the Grantor to the Grantee.

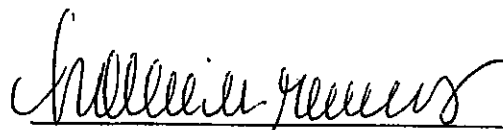
This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.


Larry Allen Heald


Heidi Heald

STATE OF MICHIGAN)
) ss
COUNTY OF BERRIEN)

Acknowledged before me in Berrien County, Michigan on February 1, 2007 by Larry Allen Heald and Heidi Heald, his wife who signs solely to release her dower rights.



Notary Public: Hollie M. Meeuwsen

County, Allegan

Acting in Berrien County

My commission expires: March 12, 2008

Assisted By:

Chicago Title of Michigan
941 W. Milham Avenue
Portage, MI 49024

Drafted By:

Larry Allen Heald
172 Higman Park Road
Benton Harbor, MI 49022

Mail After Recording To

& Send Subsequent Tax Bills To:

Harbor Shores BHBT Land
Development, LLC
400 Riverview Drive / Suite 420
Benton Harbor, MI 49022

Exhibit "A"

PARCEL #23

THE WEST 250 FEET OF THE EAST HALF SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, BENTON TOWNSHIP, BERRIEN COUNTY, MICHIGAN, LYING SOUTH OF THE PAW PAW RIVER CHANNEL AND NORTH OF THE PAW PAW RIVER.

PARCEL #43

THE WEST 175 FEET OF THE EAST HALF SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, BENTON TOWNSHIP, BERRIEN COUNTY, MICHIGAN, LYING SOUTH OF GRAND BOULEVARD (HIGMAN PARK ROAD) AND NORTH OF THE PAW PAW RIVER CHANNEL.

3
CTI

Lori D. Jarvis Register Of Deeds
Berrien County, Michigan

Rec \$16.00
Remon \$4.00
Tax Crt \$0.00

Recorded
March 06, 2007 03:21:39 PM
Liber 2779 Page 290-292
Receipt # 28419 0 DEED#2007049895



Liber 2779 Page 290

QUIT CLAIM DEED ³

STATUTORY FORM

This Indenture,

Dated this day of:
February 1, 2007

KNOW ALL MEN BY THESE PRESENTS THAT:

Larry Allen Heald, a married man and Heidi Heald, his wife who signs solely to release her dower rights
172 Higman Park Road
Benton Harbor, MI 49022

Convey(s) and Quit Claim(s) To:

Harbor Shores BHBT Land Development, LLC, a Michigan Limited Liability Company
400 Riverview Drive / Suite 420
Benton Harbor, MI 49022

for the sum of

Less than One Hundred Dollars and 00/100 (LESS THAN \$100.00)

the following described premises situated in

The Township of Benton, County of Berrien and State of Michigan to wit:

See Attached Exhibit "A"

This instrument is exempt from County Transfer Tax pursuant to MCL 207.505 (a). This instrument is exempt from State Transfer Tax pursuant to MCL 207.526 (a).

As to Parcel 23, The Grantor grants to the Grantee the right to make 0 (Zero) division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act").

As to Parcel 43, The Grantor grants to the Grantee the right to make 0 (Zero) division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended ("Act").

This Property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

11-03-0213-0210-09-3
11-03-0213-0010-05-5

RECEIVED MAR 2 2007



Larry Allen Heald
Larry Allen Heald

Heidi Heald
Heidi Heald

STATE OF MICHIGAN)
) ss
COUNTY OF BERRIEN)

Acknowledged before me in Berrien County, Michigan on February 1, 2007 by Larry Allen Heald and Heidi Heald, his wife who signs solely to release her dower rights.

Hollie M. Meeuwsen
Notary Public: Hollie M. Meeuwsen
County, Allegan
Acting in Berrien County
My commission expires: March 12, 2008

Assisted By:

Chicago Title of Michigan
941 W. Milham Avenue
Portage, MI 49024

Drafted By:

Larry Allen Heald
172 Higman Park Road
Benton Harbor, MI 49022

**Mail After Recording To
& Send Subsequent Tax Bills To:**
Harbor Shores BHBT Land
Development, LLC
400 Riverview Drive / Suite 420
Benton Harbor, MI 49022

Exhibit "A"

DESCRIPTION OF PARCEL 23 AS SURVEYED:

10-09
THAT PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, BENTON TOWNSHIP, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE EAST AND WEST QUARTER LINE OF SAID SECTION 13 THAT IS 416.14 FEET NORTH 88° 31' 55" WEST OF THE EAST QUARTER CORNER OF SAID SECTION 13; THENCE NORTH 88° 31' 55" WEST ON SAID EAST AND WEST QUARTER LINE 250.00 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE NORTH 01° 11' 37" EAST ON SAID WEST LINE 511.88 FEET TO THE SOUTHERLY LINE OF THE RELOCATED PAW PAW RIVER CHANNEL; THENCE SOUTH 89° 13' 51" EAST ON SAID SOUTHERLY LINE 250.01 FEET; THENCE SOUTH 01° 11' 37" WEST PARALLEL WITH SAID WEST LINE 514.93 FEET TO THE POINT OF BEGINNING.

DESCRIPTION OF PARCEL 43 AS SURVEYED:

10-08
THAT PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, BENTON TOWNSHIP, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 13; THENCE SOUTH 01° 07' 39" WEST ON THE EAST LINE OF SAID SECTION 13 A DISTANCE OF 1522.96 FEET TO THE CENTERLINE OF HIGMAN PARK ROAD; THENCE NORTH 84° 48' 18" WEST ON SAID CENTERLINE 491.04 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 01° 11' 37" WEST PARALLEL WITH THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13 A DISTANCE OF 520.54 FEET TO THE NORTHERLY LINE OF THE RELOCATED PAW PAW RIVER CHANNEL; THENCE NORTH 89° 13' 51" WEST ON SAID NORTHERLY LINE 175.00 FEET TO SAID WEST LINE; THENCE NORTH 01° 11' 37" EAST ON SAID WEST LINE 534.07 FEET TO SAID CENTERLINE; THENCE SOUTH 84° 48' 18" EAST ON SAID CENTERLINE 175.43 FEET TO THE POINT OF BEGINNING.

R 6810
4/89

29 2255 ES 03.00 DEC 6

No. 108683

(894-K)

DEED under Section 181a, Act 208, P.A. 1959, as amended.

THIS INDENTURE, Made this 21st day of August, in the year of our Lord, 1973,
BY AND BETWEEN, The DEPARTMENT OF NATURAL RESOURCES for the STATE OF MICHIGAN, by
virtue of the authority of Act 17 of Public Acts 1961, as amended, and Act 386 of Public Acts 1972, as amended, party
of the first part, and Frank Hoffman,
172 Grand Boulevard, Benton Harbor, Michigan 49022,
part Y of the second part.

WITNESSETH That

WHEREAS, title to the lands hereinafter described vested in the State of Michigan by virtue of a tax sale; and
WHEREAS, pursuant to Section 181a, Act 208, Public Acts of 1959, as amended, the Treasurer of the State of
Michigan has certified to the Department of Natural Resources that the delinquent taxes or special assessments which
have been assessed or were a lien at the time the lands in the state, together with interest and penalties thereon, have
been paid or cancelled.

NOW, THEREFORE, THIS INDENTURE WITNESSETH, That the said DEPARTMENT OF NATURAL RE-
SOURCEs for the State of Michigan, party of the first part as aforesaid, does by these presents, grant, convey, release
and quit-claim unto the said FRANK HOFFMAN,

part Y of the second part, and to BARBARA HOFFMAN and assigns, forever, all the right, title and interest
of the State of Michigan in and to the following lands situate in the County of Barrien
State of Michigan, to-wit:

Township of Benton
Township Four (4) South, Range Nineteen (19) West
Section Thirteen (13)

The West Five and Sixty-eight Hundredths (5.68) acres of that part of East
Fractional half (NE1/4) of Southeast Fractional quarter (SE1/4) of Northeast
Fractional quarter (NE1/4) Section lying South of Highway except right of way
for New Channel of Paw Paw River and except the West One Hundred (100) feet of
part of above land lying North of New Channel of Paw Paw River, also except the
East Seventy-five (75) feet of the West Two Hundred Fifty (250) feet of East half
(E1/2) of East half (E1/2) of Northeast Fractional quarter (NE1/4) Section lying
South of Grand Boulevard and North of Paw Paw River as relocated,
Containing Two (2.00) acres, more or less.

This deed is given to replace a previous deed dated April 30, 1973, between the
State of Michigan, by the Department of Natural Resources, and Frank Hoffman
which deed has been lost or destroyed.

Aug 29 9 46 AM '73

James H. Hill
REGISTER OF DEEDS
BENTON COUNTY, MICHIGAN

IN WITNESS WHEREOF, the said party of the first part, by the Director thereof, has hereunto subscribed
his name and affixed the seal of said Department of Natural Resources the day and year first herein above written.

Signed, Sealed and Delivered in Presence of:

Robert Robinson
Rhea Jenkins

DEPARTMENT OF NATURAL RESOURCES FOR THE
STATE OF MICHIGAN

Barbara Hoffman
Barbara Hoffman

STATE OF MICHIGAN,
County of Ingham

On this Twenty-first day of August, A.D. 1973, before me, a Notary Public in and for
said county personally appeared A. Gene Gaskay, Director of the Department of Natural
Resources for the State of Michigan, to me known to be the same person who executed the within instrument, and who
acknowledged the same to be his free act and deed and the free act and deed of the Department of Natural Resources for
the State of Michigan in whose behalf he acts, for the purpose of complying with the provisions of Sec. 181a, Act 208, P.A.
1959, as amended.

Recorded in Liber 209, of Deeds, Page 189..... Rhea Jenkins Notary Public, Ingham County, Michigan
(Lands Division Records)

My Commission Expires December 1, 1975

Prepared by Harold E. Bucks
DEPARTMENT OF NATURAL RESOURCES
Lands Division
Lansing, Michigan 48926

1312101

WINTER TAX NOTICE FOR THE CITY OF BENTON HARBOR

736-04

IN THE COUNTY OF BERRIEN, STATE OF MICHIGAN FOR THE YEAR 1978

PROPERTY TYPE	PROPERTY VALUATION	SCHOOL DISTRICT	PROPERTY NUMBER
REAL	EQUALIZED ASSESSED	11010-1	11-54-0013-0030-04-3
		320	PROPERTY ADDRESS VAC-KLOCK RD

MAKE CHECKS PAYABLE TO:

NEW PRODUCTS CORP
 448 N SHORE DR
 BENTON HARBOR MI 49022

BENTON HARBOR CITY TREASURER
 JOSEPH L CHRISTOFFEL
 P O BOX 648
 BENTON HARBOR MI 49022

PLEASE RETURN THIS NOTICE WITH YOUR PAYMENT

PAID FEB 15 1979

PROPERTY DESCRIPTION	TAX ITEMS	MILLAGE	AMOUNT
COM 230' S & 417.11' W OF E 1/4 POST OF SEC 13 T4S R19W TH W 250' TH N TO C/L OF PAW PAW RIVER TH ELY ALONG RIVER TO A PT N OF BEG TH S TO POB EXC PT TAKEN BY STATE FOR HWY PURPOSES	COUNTY GENERAL LAKE MICHIGAN COLLEGE COUNTY BRIDGES ISD GENERAL ISD SPECIAL EDUCATION COMBINED SCHOOL TOTAL TAX COLLECTION FEE TOTAL DUE	5.4250 1.6300 .1000 .1990 1.5000 29.7610	1.74 .52 .03 .06 .48 9.52 12.35 .12 12.47
PAY TOTAL AMOUNT DUE BEFORE FEB 15, FROM FEB 16 TO FEB 28 PAY TOTAL DUE PLUS 3% PENALTY. AFTER FEB 28 PAY TOTAL DUE PLUS 4% PLUS 3/4% FOR EACH MONTH DELINQ.			

SEND NAME AND ADDRESS CHANGES WITH PROPERTY NUMBER TO TAX DESCRIPTION OFFICE, COURTHOUSE, ST. JOSEPH, MI. 49085 (616) 983-7111, EXT. 301

TAX PAYER'S COPY

NOTICE: IF YOUR NAME OR ADDRESS IS SHOWN INCORRECTLY ON THIS NOTICE, SEND CORRECTION WITH DESCRIPTION OR CODE NUMBER TO TAX DESCRIPTION OFFICE, ST. JOSEPH, MICHIGAN.

SUMMER TAX NOTICE FOR THE CITY OF BENTON HARBOR

IN THE COUNTY OF BERRIEN, STATE OF MICHIGAN FOR THE YEAR OF 1977

834-1

SCHOOL DISTRICT

PROPERTY DESCRIPTION

4C30,4/

11010.1

COM 230' S & 417-11' N OF E 1/4 POST OF SEC 13 T4S R19N TH N 250' TH N TO C/L OF PAM PAM RIVER TH ELY ALONG RIVER TO A PT N OF BEG CONTINUE

PROPERTY NUMBER: 11-54-0013-0030-04-3
PROPERTY TYPE: REAL

ASSESSED VALUATION: 320

EQUALIZED VALUATION: 314

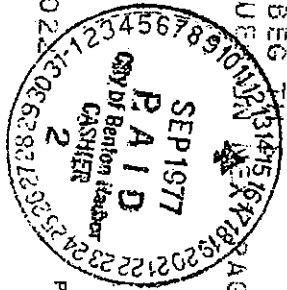
ACRES: .00

MORTGAGE CODE:

PROP ADDR: VAC-KLOCK RD

ASSESSED TO: NEW PRODUCTS CORP

448 N SHORE DR BENTON HARBOR MI 49022



RATES PER \$1,000 EQUALIZED VALUATION	COUNTY GENERAL	COUNTY BUILDING	COUNTY BRIDGES	LAKE MICH. COLLEGE	INTER SCHOOL GENERAL	INTER SCHOOL SPECIAL ED.	INTER SCHOOL DEBT RET.	CITY, VILLAGE OR TOWNSHIP
.0000	.0000	.0000	.0000	.0000	.0000	.0000	.0000	26.0000
TAX	PAVING	SEWER	SDWKS CURRS	ASSMT INT	WATER	OTHER	COUNTY DRAINS	COMBINED SCHOOL
.00	.00	.00	.00	.00	.00	.00	.00	.00
TOTAL TAX	8.15							
COLL. FEE	.08							
TOTAL DUE	8.23							
PENALTY	TOTAL							
TOTAL	.0000							

TOTAL TAX	8.15
COLL. FEE	.08
TOTAL DUE	8.23
PENALTY	
TOTAL	

LAST DATE FOR PAYMENT OF TAXES WITHOUT 1.0% PENALTY IS SEPT 15 FROM SEPT 15 TO SEPT 30 ADD 1.0% AFTER SEPT 30 ADD ADDITIONAL 1.0% FOR EACH MONTH DELINQUENT.

MAKE CHECKS PAYABLE TO BENTON HARBOR CITY TREASURER JOSEPH L CHRISTOFF P O BOX 648 BENTON HARBOR MI TA

IF A RECEIPT IS REQUESTED, A STAMPED RETURN ENVELOPE MUST BE ENCLOSED WITH REMITTANCE.

THIS TAX NOTICE MUST BE BROUGHT OR MAILED WITH YOUR REMITTANCE TO THE TREASURER'S OFFICE.



CITY OF BENTON HARBOR

P. O. BOX 648
200 WALL STREET
BENTON HARBOR, MICHIGAN 49022

DO NOT DETACH
RETURN BOTH COPIES WHEN MAKING PAYMENT

NEW PRODUCTS CORP
448 NORTH SHORE DR
BENTON HARBOR MI
49304

WARD CODE

DEC 1976 TAXES

COM. 230FT S. & 417.11FT W.
OF E1/4POST OF SEC.13, T4S,

4-70980

* CITY TAX	ACCOUNTS RECEIVABLE	LOCAL IMPROVEMENTS	*COUNTY & SCHOOL TAX	TOTAL
.68			13.58	14.26
STATE EQUALIZED VALUE	342.00		①	

*SEE ENCLOSED BREAKDOWN

FISCAL YEARS

CITY OF BENTON HARBOR JULY 1 - JUNE 30
BENTON HARBOR SCHOOL DISTRICT JULY 1 - JUNE 30
COUNTY OF BERRIEN JAN 1 - DEC 31

②	TOTAL NET TAX	14.26
③	1% FEE	.14
④	TOTAL AMOUNT DUE	14.40
⑤	PENALTY	
⑥	TOTAL AMOUNT PAID	

LAST PAYMENT DATE WITHOUT PENALTY	
JULY TAXES-SEPT. 15TH	
DEC. TAXES-FEB. 14TH	
IN COMPUTING PENALTY, USE LINE ② "TOTAL NET TAX"	
JULY TAX PENALTY:	DEC. TAX PENALTY:
1% - SEPT. 16 - SEPT. 30	3% - FEB. 15 - FEB. 28
2% - OCT.	
3% - NOV.	
4% - DEC.	

THIS STATEMENT WHEN PROPERLY
VALIDATED CONSTITUTES YOUR RECEIPT.

JAMES PEEPLES, JR. CITY TREAS.

MAKE CHECKS PAYABLE TO:
TREASURER, CITY OF BENTON HARBO

RECORDED IN DEEDS

Recorded 831 7082 ES 02.00 at _____ o'clock. Liber. _____ of Deeds, Page _____ Register of Deeds.

QUIT-CLAIM DEED—SHORT—893 (PHOTO COPY FORM) DOMBLEY BROS. & CO., KALAMAZOO, MICH.

This Indenture, made the 8th day of June 19 55 BETWEEN John L. Crow and Barbara E. Crow, husband and wife 2218 Wilson Court, St. Joseph, Michigan, parties of the first part, and New Products Corporation 448 N. Shore Drive, Benton Harbor, Michigan, (see below) party of the second part,

Witnesseth, That the said part ies of the first part, for and in consideration of the sum of ~~700.00 Dollars and other good and valuable consideration~~ 700.00 Dollars to them in hand paid by the said part y of the second part, the receipt whereof is hereby confessed and acknowledged, do by these presents grant, bargain, sell, remise, release and forever QUIT-CLAIM unto the said part y of the second part, and to its heirs and assigns, FOREVER, all that certain piece or parcel of land situated in the city of Benton Harbor in Berrien County, and State of Michigan, and described as follows:

A parcel of land described as: All that part of a strip of land 250 feet in width off from and along the West side of that part of the East Half of the East Half of the Northeast Fractional Quarter of Section Thirteen (13), Township Four (4) South, Range Nineteen (19) West, lying South of the Paw Paw River as relocated, containing Two and 98/100 (2.98) acres of land, more or less, in the City of Benton Harbor, Berrien-County, Michigan. Also, all that part of a strip of land 250 feet in width off from and along the West side of that part of the East Half of the Northeast Quarter of the Southeast Fractional Quarter of Section Thirteen (13), Township Four (4) South, Range Nineteen (19) West, lying North of the present Klock Boulevard, containing One and 32/100 (1.32) acres, more or less, in the City of Benton Harbor, Berrien County, Michigan. RECORDED

The consideration is less than \$100.00.

OCT 31 3 48 PM '68

Bertie Chapman REGISTER OF DEEDS BERRIEN COUNTY, MICHIGAN

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and to Hold the said parcel to the said part y of the second part, and to its heirs and assigns, to the sole and only proper use, benefit and behoof of the said part y of the second part² its heirs and assigns, FOREVER.

In Witness Whereof, The said part ies of the first part ha VE hereunto set their hands and seals the day and year first above written.

Signed and Delivered in Presence of J. D. Hartwig Mildred W. Callis John L. Crow Barbara E. Crow

STATE OF MICHIGAN, } ss. On this 8th day of June 19 55 COUNTY OF Berrien before me, a Notary Public, in and for said County, personally appeared John L. Crow and Barbara E. Crow

to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be their free act and deed. Mildred W. Callis Notary Public, Berrien County, Michigan, My commission expires December 30 19 55

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. When conveyance is made to Corporation or Partnership, the following may be inserted, "its successors", and draw a line through the word "heirs." * PRINT, TYPEWRITE OR STAMP names of persons executing this instrument, also names of the Witnesses and Notary Public immediately underneath such signatures.

4030.4

I HEREBY CERTIFY, that the lands described below, and that there are no tax liens or titles held by individuals on the said lands, for the five years preceding the day of June 19 55, and that the taxes for said years are paid, as shown by the records of this department.
This certificate does not apply to taxes in process of collection.

WARRANTY Deeds Michigan (PHOTO COPY FORM) DOUGLASS BROS. & CO. KALAMAZOO, MICH.

June 10th 19 55

John H. Keeler
County Trust.

Recorded _____ at _____ o'clock _____ of Deeds, Page _____ Register of Deeds.

This Indenture, made this 6th day of June 19 55

BETWEEN Elwood B. McDorman and Evelyn V. McDorman, husband and wife

and I _____ of the first part

John L. Crow and Barbara E. Crow, husband and wife

Witnesseth, That the said part ies of the first part, for and in consideration of the sum of One Dollar and other good and valuable consideration----- Dollars,

to then in hand paid by the said part ies of the second part, the receipt whereof is hereby confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm unto the said part ies of the second part, and their heirs and assigns, FOREVER, all that certain piece or parcel of land situate and being in the city their of Benton Harbor County of Berrien and State of Michigan, and described as follows, to-wit:

A parcel of land described as: All that part of a strip of land 250 feet in width off from and along the West side of that part of the East Half of the East Half of the Northeast Fractional Quarter of Section Thirteen (13), Township Four (4) South, Range Nineteen (19) West, lying South of the Paw Paw River as relocated, containing Two and 98/100 (2.98) acres of land, more or less, in the City of Benton Harbor, Berrien County, Michigan.

Also, all that part of a strip of land 250 feet in width off from and along the West side of that part of the East Half of the Northeast Quarter of the Southeast Fractional Quarter of Section Thirteen (13), Township Four (4) South, Range Nineteen (19) West, lying North of the present Klock Boulevard, containing One and 32/100 (1.32) acres, more or less, in the City of Benton Harbor, Berrien County, Michigan.

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 part ies of the second part and to their heirs and assigns, FOREVER. And the said part ies of the first part, for their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said part ies of the second part their heirs and assigns, that at the time of the enscaling and delivery of these presents are well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever

and that they will, and their heirs, executors, administrators shall Warrant and Defend the same against all lawful claims whatsoever,

In Witness Whereof, The said part ies of the first part have hereunto set their hand^s and seal^s the day and year first above written.

Signed and Delivered in Presence of

Mildred W. Callis
Mildred W. Callis
Chester H. Keeler
Chester H. Keeler

Elwood B. McDorman
Elwood B. McDorman

Evelyn V. McDorman
Evelyn V. McDorman

RECEIVED FOR RECORDS - 10-55 At 11:00AM

Catherine Weber

STATE OF MICHIGAN.

COUNTY OF Berrien

On this 8th day of June 19 55

before me, a Notary Public, Elwood B. McDorman and Evelyn V. McDorman

to me known to be the same person^s described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

My commission expires Dec. 30 19 57

Mildred W. Callis
Mildred W. Callis
Notary Public,
Berrien County, Michigan

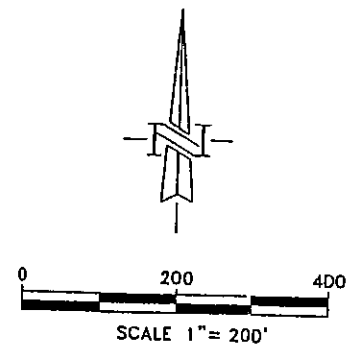
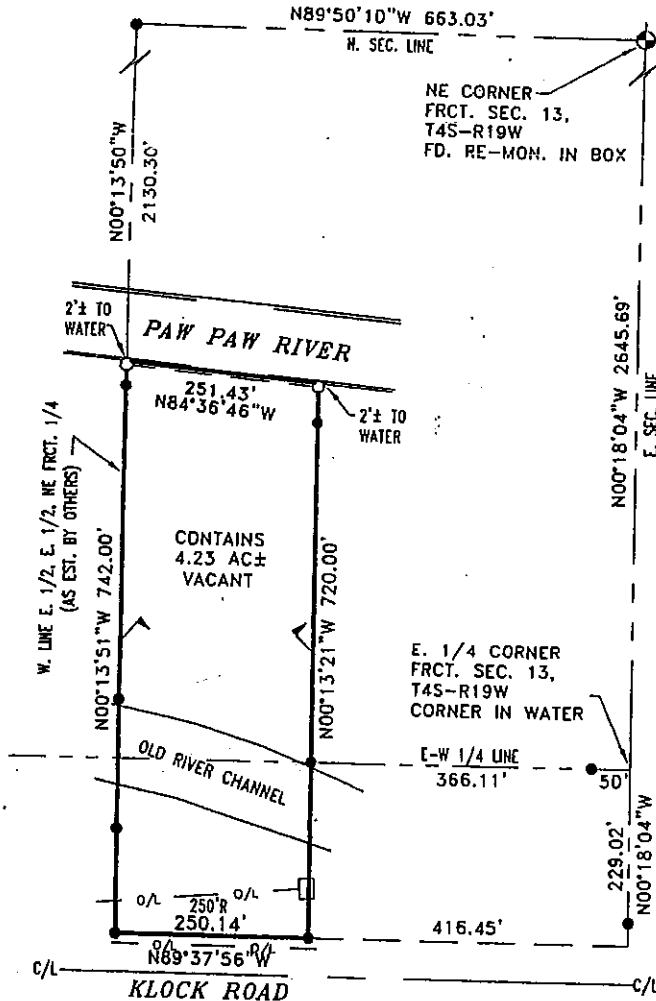
172 HIGMAN PARK Pt 13'010 Pt 4'30" A

INSTRUMENTARY STAMPS

CERTIFICATE OF SURVEY:

DESCRIPTION PROVIDED:
LAND SITUATED IN THE CITY OF BENTON HARBOR, COUNTY OF BERRIEN, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

ALL THAT PART OF A STRIP OF LAND 250 FEET IN WIDTH OFF FROM AND ALONG THE WEST SIDE OF THAT PART OF THE EAST 1/2 OF THE EAST 1/2 OF THE NORTHEAST FRACTIONAL 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, LYING SOUTH OF THE PAW PAW RIVER, AS RELOCATED, ALSO ALL THAT PART OF A STRIP OF LAND 250 FEET IN WIDTH OFF FROM AND ALONG THE WEST SIDE OF THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST FRACTIONAL 1/4 OF SECTION 13, TOWNSHIP 4 SOUTH, RANGE 19 WEST, LYING NORTH OF THE PRESENT KLOCK BOULEVARD.



BEARING BASIS IS USING GPS
OBSERVATIONS (GEODETIC NORTH).
ALL BEARINGS AND DISTANCES ARE FIELD
MEASURED UNLESS OTHERWISE NOTED.

LEGEND

- IRON PIN SET
- IRON PIN FOUND
- △ SPIKE SET
- ▲ SPIKE FOUND
- P.K. NAIL SET
- P.K. NAIL FOUND
- CONC. MON. FOUND
- R RECORD
- D/L SET WOOD LATH OVERHEAD LINE
- PEDESTAL

SHEET 1 OF 1 SHEETS
07506C

NOTE: THIS DOCUMENT CERTIFIES THE BOUNDARY ONLY. ALL BUILDING LOCATIONS ARE FOR VISUAL PROXIMITIES ONLY AND SHOULD NOT BE USED FOR ANY TYPE OF CONSTRUCTION PURPOSES.

ADDRESS: KLOCK ROAD
DATE: 11/29/07
SCALE: 1" = 200'
DRAWN BY: DMS
TC: NONE

NOTE: THIS SURVEY MADE FROM DESCRIPTION FURNISHED.
TO: CLYDE DANIEL

I, THOMAS A. STEPHENSON, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION.



Thomas A. Stephenson
THOMAS A. STEPHENSON, PS #46689



e mail: sls@stephensonis.com

MAIN OFFICE 27873 White Street • Cassopolis, Michigan 49031 • Office 269 / 445-8903 • Fax: 269 / 445-8510
VICKSBURG BRANCH 625 West Prairie St. • Vicksburg, Michigan 49097 • Office 269 / 649-1036 • Fax: 269 / 445-8510
NILES OFFICE 269 / 687-1787 • Fax 269 / 445-8510