

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF LAPEER

In the Matter of North Branch of Mill Creek
Intercounty Drain Drainage District

Case No. 2019- 039 352-ML

Hon. Justus C. Scott

Stacy L. Hissong (P55922)
Ross K. Bower (P70574)
FAHEY SCHULTZ BURZYCH RHODES PLC
Attorneys for the North Branch of Mill Creek
Intercounty Drain Drainage Board
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ORDER FOR APPOINTMENT OF SPECIAL COUNTY DRAIN COMMISSIONER

At a session of said Court, held in the Lapeer
County Probate Court, State of Michigan, this
11th day of June, 2019.

PRESENT: Honorable Justus C. Scott, Probate Judge

On reading of the filed Petition for Appointment of Special County Drain Commissioner
in this case:

IT IS HEREBY ORDERED that, because the Lapeer County Drain Commissioner
owns lands in the North Branch of Mill Creek Intercounty Drain Drainage District ("Drainage
District"), he shall be disqualified to participate in: (1) the North Branch of Mill Creek
Intercounty Drain Drainage Board's decision to add or remove lands from the Drainage District
and (2) the making of the apportionment of benefits for said drain.

IT IS FURTHER ORDERED that pursuant to MCL 280.382,
Jeff Wright, is appointed as Special

Commissioner to the North Branch of Mill Creek Intercounty Drain Drainage Board for the purposes of considering and potentially taking actions under sections 197 and 154 of the Michigan Drain Code, Public Act 40 of 1956, as amended (“Drain Code”), including but not limited to adding or removing lands to the Drainage District and making the apportionment of benefits of the Drain. The Special Commissioner shall make and complete, prior to the Day of Review of Apportionments, an apportionment of benefits for the North Branch of Mill Creek Intercounty Drain, and file the same with the Lapeer County Drain Commissioner.

IT IS FURTHER ORDERED that said apportionment of benefits shall be adopted for the North Branch of Mill Creek Intercounty Drain, subject to the same rights of appeal as provided in the Michigan Drain Code, MCL 280.1 *et seq.*, as amended.

THIS ORDER RESOLVES THE LAST PENDING CLAIM AND CLOSSES THE CASE.

JUSTUS C. SCOTT

, Probate Court Judge

Order prepared by:
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PROBATE COURT
LAPEER COUNTY
JUN 11 2019
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Intercounty Drain Drainage District

Case No. 2019- 039352-MC

Hon. Justus C. Scott

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**PETITION FOR APPOINTMENT
OF SPECIAL COUNTY DRAIN COMMISSIONER**

NOW COMES the Lapeer County Drain Commissioner, in his capacity as a member of the North Branch of Mill Creek Intercounty Drain Drainage Board, by and through its attorneys, FAHEY SCHULTZ BURZYCH RHODES PLC, and for his Petition for Appointment of Special Drain Commissioner for the North Branch of Mill Creek Intercounty Drain, states:

1. The North Branch of Mill Creek Intercounty Drain ("Drain") is an established intercounty drain, pursuant to the Michigan Drain Code, Act 40 of 1956, as amended ("Drain Code").

2. The Drain is partially located in Lapeer County, and is under the jurisdiction of the North Branch of Mill Creek Intercounty Drain Drainage Board ("Drainage Board"). The Drainage Board members are the Lapeer County Drain Commissioner, the Sanilac County Drain Commissioner, the St. Clair County Drain Commissioner, and the Director of the Michigan Department of Agriculture and Rural Development.

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3. The Lapeer County Drain Commissioner owns lands in Lapeer County located within the North Branch of Mill Creek Intercounty Drain Drainage District (“Drainage District”) that would be liable to an assessment for benefits.

4. Pursuant to Section 381 of the Drain Code, the Lapeer County Drain Commissioner is disqualified to take actions under section 197 and 154 of the Drain Code, including but not limited to adding or removing lands to a drainage district and making an apportionment of benefits. MCL 280.381, MCL 280.197, & MCL 280.154.


WHEREFORE, the Lapeer County Drain Commissioner respectfully requests that this Court appoint a disinterested commissioner of an adjoining or nearby county to the Drainage Board for the purposes of considering and potentially taking actions under sections 197 and 154 of the Drain Code, including but not limited to adding or removing lands to the Drainage District and making the apportionment of benefits of the Drain.

Respectfully submitted,

FAHEY SCHULTZ BURZYCH RHODES PLC
Attorneys for North Branch of Mill Creek
Intercounty Drain Drainage Board

Dated: June 6, 2019

By: _____


Stacy L. Hissong (P55922)
Ross K. Bower (P70574)