

**STATE OF MICHIGAN  
IN THE 52-3 DISTRICT COURT**

PEOPLE OF THE CITY OF  
CITY OF ROCHESTER HILLS,

Plaintiff,

v

CASE NO. 07-002124  
Hon. Nancy Tolwin Carniak

KATHRYN JOY-HUGHES GRUITS,

Defendant.

\_\_\_\_\_/

Ann D. Christ (P45100)  
Hafeli Staran Hallahan Christ & Dudek, P.C.  
Attorneys for Plaintiff  
4190 Telegraph Road, Ste. 3000  
Bloomfield Hills, MI 48302-2082  
(248) 731-3080

Barry L. Brickner (P26354)  
Attorney for Defendant  
32270 Telegraph Road, Ste. 285  
Bingham Farms, MI 48025  
(248) 258-4930

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52-3 DISTRICT COURT  
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**CONSENT JUDGMENT**

At a session of said Court held in the City  
of Rochester Hills, Oakland County,  
Michigan, on June 28, 2007.

PRESENT: HONORABLE NANCY TOLWIN CARNIAK, DISTRICT JUDGE

This matter having come before this Court on June 28, 2007, for hearing for a citation issued to the Respondent, Kathryn Joy Hughes Gruits, for violating Section 114-56 of the City of Rochester Hills Code of Ordinances for unapproved filling and grading on the property located at 1331 New Love Lane, Rochester Hills, Michigan ("Property"), without first obtaining necessary permits. In lieu of trial, the parties have agreed to resolve this case through this Consent Judgment which provides a schedule for Respondent to bring the Property into compliance.

IT IS HEREBY ORDERED AND ADJUDGED that Respondent shall forthwith submit a proper and complete application for a Conditional Letter of Map Revision–Based on Fill (“CLOMR-F”) from the Federal Emergency Management Agency (“FEMA”), and shall obtain and submit such Conditional Letter to the City as soon as reasonably possible, but no later than March 20, 2008.

IT IS FURTHER ORDERED AND ADJUDGED that Respondent shall forthwith submit a proper and complete application for a Part 301 Inland Lakes or Streams Wetland Permit and Part 31 Floodplain/Water Resources Protection Permit by the Michigan Department of Environmental Quality (“MDEQ”), and shall obtain and submit those permits to the City as soon as reasonably possible, but no later than March 20, 2008.

IT IS FURTHER ORDERED AND ADJUDGED that Respondent shall forthwith submit a proper and complete application for an updated Soil Erosion and Sediment Control Permit from the Oakland County Drain Commissioner, and shall obtain and submit the permit to the City as soon as reasonably possible, but no later than March 20, 2008.

IT IS FURTHER ORDERED AND ADJUDGED that Respondent shall forthwith submit proper and complete applications for and obtain a Land Improvement Permit from Rochester Hills Engineering Services; a Wetland Use Permit from the City Council; a Floodplain Use Permit from the City Council and a Right-of-Way Use Permit (for work within the New Love right-of-way) from Engineering/Traffic Services.

IT IS FURTHER ORDERED AND ADJUDGED that if Respondent fails to forthwith submit proper and complete applications to the appropriate agencies for the aforesaid permits, or fails to reasonably and diligently supplement, amend or process Respondent’s application(s) as required or requested by the appropriate agencies, or if Respondent fails to obtain all permits

required herein or has her permit application(s) denied or disapproved by the appropriate agency, or if Respondent otherwise fails to meet the time schedule set forth in this Consent Judgment to obtain and submit permits, the City shall be entitled to obtain from the Court an order to show cause compelling Respondent to appear in Court to show cause why the Respondent should not be held in contempt for violating the terms of this Consent Judgment, fined and penalized for contempt and for violating City ordinance, required to remove all unapproved grading and filling, and further required to fully restore Respondent's property to its prior condition. The City shall serve a copy of any such order to show cause on Respondent at least ten (10) days prior to the hearing date.

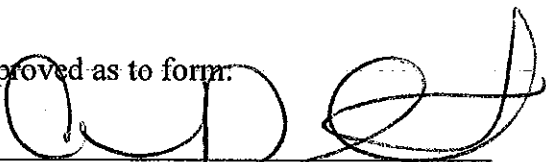
IT IS FURTHER ORDERED AND ADJUDGED that Respondent will not be held in contempt if Respondent has made all proper applications to FEMA, MDEQ, Oakland County Drain Commission, and the City of Rochester Hills and Respondent is waiting for these agencies to act.

IT IS FURTHER ORDERED AND ADJUDGED that Respondent is enjoined and shall refrain from any further grading or filling on the property or adjacent properties without first obtaining all necessary permits and approvals, except to return the grading to the original levels.

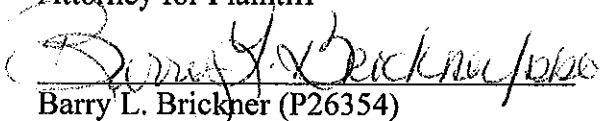
NANCY TOLWIN GARNIAK  
DISTRICT COURT JUDGE

P37601  
8/27/07

Approved as to form:

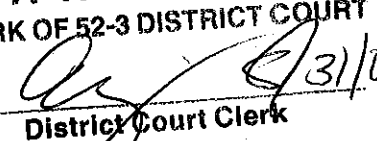


Ann D. Christ (P45100)  
Attorney for Plaintiff



Barry L. Brickner (P26354)  
Attorney for Defendant

& permission to sign via fax  
(attached)

**A TRUE COPY**  
CLERK OF 52-3 DISTRICT COURT  
BY  8/31/07  
District Court Clerk

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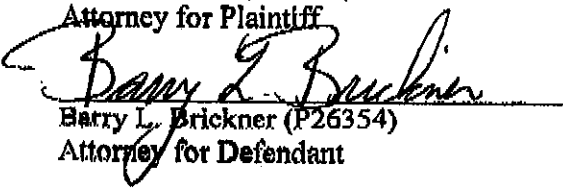
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DISTRICT COURT JUDGE

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 Attorney for Plaintiff

  
 Barry L. Brickner (P26354)  
 Attorney for Defendant