

September 27, 2023

To: The Property Definition Committee (PDC) File

Current board member, Heidi Wilson, who did not serve during the 2021/22 year when the PDC was active requested more information. I hope these notes provide more insight, not only to Heidi, but anyone interested now and in the future. The Exhibit references below are to the PDC final report located on the association website under the "Residents" tab.

Please note that the PDC committee was formed to address the Potocsky legal claim (Exhibit I). The Committee was formed by Board action on April 6, 2022, and designed as outlined in the PDC Outline (Exhibit I). There were no formal meetings of the committee as its mission was fact finding only with no decision-making or authority.

Ann Allard of Commerce Township recommended getting advice from Attorney Bruce Hug who has experience with the legalities of private road use similar to the Potocsky claim. On March 22, 2022, Scott, Carlo, and I participated in a learning discussion with Bruce. Bruce provided his services free of charge and offered to continue to be a resource to any of the three of us. I had multiple follow up communications with him.

Other helpful resources that I spoke with include the Road Commission of Oakland County Legal Department, Oakland County Clerk's Office and Register of Deeds, Oakland County Records Bureau, Oakland County Equalization Department, Oakland County Water Resource Commission, and documents obtained through multiple Freedom of Information Act requests.

I updated the board members who stayed following adjournment of the April 6, 2022, meeting about work in process. On April 7, 2022, the board mailed a general update letter about all RBA business to all members and included the Lot 194 reassignment information.

On July 14, 2022, following adjournment of the board meeting, I provided a written draft of the final report and was asked to report it to full membership at the August 15, 2022, General Membership Meeting. A letter was mailed to all members dated July 22, 2022, updating them on general RBA business and notifying them that the final PDC report will be posted at russellbeachassociation.com, and verbally presented at the August meeting with a Q & A session as documented in the meeting Minutes. Because the work of the committee was completed with no further need, the board voted to dissolve the PDC a year later at their July 10, 2023, meeting.

The three significant findings include:

1. The discovery of the Property Deed to the four parks and the stipulations in the Deed for their use (Exhibit B).*
2. The discovery of the reassignment report of Lot 194 by the Oakland County Equalization Department (Exhibit G).**
3. Both owners of the Guaranty Survey Co. agreed that their survey included in the Potocsky claim is incorrect because it does not mark the location of Lot 194 (Exhibit J, Pages 2 to 6)***

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Additional work completed/notes:

- To see if they exist, I searched for and did not find RBA Covenants & Restrictions.
- I reviewed all historical RBA documents passed on from previous boards including the RBA Constitution that was replaced by the first written Bylaws in 2014. Board and General Member Meeting Minutes became consistently available electronically beginning in the 2020/21 year.
- The discussion circled in yellow in the June 9, 2020, Board Meeting Notes/Minutes taken by Holli Woodward, happened before the Oakland County reassignment report split date of June 26, 2020 (Exhibit G).
- The mailing address used by Oakland County for Lot 194 before and after June 26, 2020, is the Commerce Township building (Exhibit G and attached LAMS Report dated August 15, 2019).
- I contacted the Oakland County Clerk's Office requesting that they input the four parcel numbers for the four parks in the system so they can be included in the Super Index Property Records Notification system, and they said that it cannot be done because of a system limitation.

*The discovery of the Deed was a surprise to former RBA President, Pete Rabaut, and general member Mike Drew. Mike noted that the Deed may have possible implications, but I did not attempt to discuss what those could be as it is outside the Scope of Work of the PDC. At the July 14, 2022, update after the board meeting, I relayed a comment made by Bruce Hug that, in his opinion, the Deed for the parks serves as the legal document needed for the RBA (combined with the Articles of Incorporation) to collect dues and make assessments but for the four parks only which does not include expenses for things like social activities or property outside the boundaries of the four parks.

**On August 19, 2022, I sent an email reminder to the 2021/22 board that the person who gave the title of "State Public Property" is Mike Glynn, Supervisor of Land Description & Mapping, Equalization Department of Oakland County. The narrow Scope of Work of the Property Definition Committee was restricted to property ownership documents filed at Oakland County. (Click the brown Property Definition Report button to see the Scope of Work or the yellow highlight an Exhibit I, Page 4). *Please don't shoot the messenger again!*

The email string also noted that Lot 194 was not deeded property owned by the RBA. Instead, it was attributed to the RBA. In the early 1970s a new computerized system centralized all parcels in Oakland County. The lot was put into the system on November 21, 1974, and the property taxes allocated among all lots in the subdivision.

***Because the original plat shows that a stake was not planted to mark the area that is now the intersection of Maple Road, originally platted Lot 194, and Long Lake, it is unknown if that will impact future property surveys if needed.

I hope the information in this additional note and the final report, which took hundreds of hours of my time, provides value to the future of the RBA. I really enjoyed doing the legwork and appreciate the opportunity to help.

Linda Obrec, former Investigator for the former RBA Property Definition Committee
Attachment: August 15, 2019, LAMS Report for Lot 194