STATE OF MICHIGAN
BERRIEN COUNTY TRIAL COURT – CIVIL DIVISION
811 Port Street, St. Joseph, Michigan 49085 Telephone: 269-983-7111 Ext. 8764

Coloma Charter Township, a
Michigan Charter Township,
Plaintiff,

File No. 10-0378-CH-D

Hon. John E. Dewane

v

Coloma Rod and Gun Club, a
Michigan Domestic Nonprofit Corporation,

Defendant.

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St. Joseph, MI 49085
269-983-1400

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JUDGMENT ABATING NUISANCE PER SE

In order to abate the nuisance per se I found in the Opinion and Order Declaring a Nuisance Per Se entered on November 27, 2012, created by the Six Outdoor Shooting Ranges existing on the real estate described in Paragraph 2 of this Judgment, and in accordance with the Opinion on Abatement of the Nuisance Per Se entered on October 17, 2013, I enter Judgment in favor of the Plaintiff Coloma Charter Township and against the Defendant Coloma Rod and Gun Club as follows:

1. Effective January 31, 2014, I vacate the Preliminary Injunctive Order entered on December 17, 2010.

2. Effective January 31, 2014, I permanently enjoin the discharge of firearms for any purpose at any time at the Six Outdoor Shooting Ranges on the New Parcel currently owned by the Defendant Coloma Rod and Gun Club located at 3471 Angling Road, Coloma Charter Township, described in the Warranty Deed dated March 1, 1984, attached to this Judgment as Exhibit 1.

3. The injunction in paragraph 2 of this Judgment is binding on the Defendant, its officers, directors, members, agents, servants, employees and attorneys, and on all persons in active concert with any of them who receive actual notice of this Judgment by personal

service or otherwise. Within 28 days hereof, the Defendant shall serve a copy of this Judgment on the Berrien County Sheriff and the Chairperson of the Berrien County Board of Commissioners by personal service, on Attorney Donna B. Howard, Berrien County Corporate Counsel, by first class mail, and on the Commander, Michigan State Police District 5, Director, City of St. Joseph Public Safety Department, Executive Director, United States Practical Shooting Association and President, International Practical Shooting Confederation, by certified mail, return receipt requested. Within 42 days hereof, the Defendant shall file with the Court and serve on the Plaintiff proof of each such service.

4. The Defendant shall distribute a copy of this Judgment to each member attending its next monthly membership meeting; shall enter and thereafter permanently maintain a copy of this Judgment in the minutes of its next monthly membership meeting; shall enter and thereafter permanently maintain a copy of this Judgment in the minutes of its next Board of Directors meeting; shall distribute a copy of this Judgment to each member attending its next annual membership meeting held pursuant to MCL 450.2402; and shall enter and thereafter permanently maintain a copy of this Judgment in the minutes of its next annual membership meeting held pursuant to MCL 450.2402.

5. Within 28 days hereof, the Defendant shall post and thereafter permanently maintain a copy of this Judgment on the membership bulletin board or other prominent and conspicuous place in its clubhouse for posting membership information.

6. Within 28 days hereof, the Defendant shall distribute copies of this Judgment to its entire current membership and shall distribute copies of this Judgment to all new members when membership is granted.

7. Within 28 days hereof, a notice of this Judgment, with a link to a copy of this Judgment, shall be posted and thereafter permanently maintained on all websites maintained or sponsored by the Defendant, including its current web site www.http://colomarodandgunclub.com.

8. Not later than February 14, 2014, the Defendant shall erect and thereafter permanently maintain a weatherproof wood or metal sign mounted at a height of between four and six feet on a sturdy weatherproof wood or metal post embedded in the ground at least two feet at the entrance of each of the Six Outdoor Shooting Ranges on the New Parcel declaring:

SHOOTING PROHIBITED

By Judgment of the
Berrien County Trial Court,
Discharge of Firearms in this Range
is Prohibited.

The background of each sign shall be white with red letters, and each sign shall be not less than 36 inches wide and 20 inches high with the "**SHOOTING PROHIBITED**" lettering in not less than 108 point type and the remaining lettering in not less than 72 point type. Not later than February 21, 2014, the Defendant shall file with the Court and serve on the Plaintiff a photograph of each sign as erected.

9. Within 28 days hereof, the Defendant shall record a certified copy of this Judgment with the Berrien County Register of Deeds, and this Judgment shall thereafter bind all successors in interest to the Defendant, run with the land, and inure to the benefit of all successors in interest to the Plaintiff. Within 42 days hereof, the Defendant shall file a recorded copy of this Judgment with the Court and serve a copy on the Plaintiff.

10. Within 56 days hereof, the Defendant shall file with the Court and serve a copy on the Plaintiff of a survey the New Parcel depicting the Six Outdoor Shooting Ranges on the New Parcel with the dimensions and GPS locations of each, along with dimensions to landmarks, such as survey irons.

11. The Defendant may move to modify or vacate this Judgment in the event of a change in circumstances such as the grant of a special land use permit by the Plaintiff to the Defendant or its successors in interest which would allow use of one or more of the Six Outdoor Shooting Ranges for discharge of firearms or for other good cause. The Plaintiff may move to modify or vacate this Judgment in the event of a change in circumstances, including to seek demolition of the Six Outdoor Shooting Ranges in the event of repeated serious violations of the injunction in Paragraph 2 of this Judgment or for other good cause.

12. As the prevailing party, Plaintiff may tax its costs as provided in MCR 2.625.

13. Pursuant to MCR 2.518(B), each party shall retrieve the exhibits submitted by that party. If a party fails to retrieve the exhibits submitted by that party within 56 days of the entry of this Judgment, the recorder may properly dispose of the exhibits without notice to the parties.

14. This Judgment disposes of the last pending claim and closes this case.

I so order.

John E. Dewane
Presiding Judge, Civil Division
November 20, 2013

007 1236 3/05/84 20.35 TT
007 1236 3/05/84 3.00 DE
007 1236 3/05/84 1.00 TC

WARRANTY DEED

The Grantor, EDWARD P. YESKE, survivor of Gertrude C. Yeske, a single man, whose address is 539 N. West Street, Coloma, MI 49038, conveys and warrants to COLOMA ROD AND GUN CLUB, a Michigan corporation, whose address is 6828 Johnson Road, Coloma, MI 49038, the following described premises situated in the Township of Coloma, County of Berrien and State of Michigan.

Part of the Southwest Quarter of Section 28, Township 3 South, Range 17 West, Coloma Township, Berrien County, Michigan, described as follows: Commencing at a point on the West line of said Section 28, 379.83 feet North of the Southwest corner of said section, thence South 89° 05' 54" East parallel with the South line of said section 1146.75 feet, thence North 379.83 feet, thence South 89° 05' 54" East 565.00 feet to the West line of the East 28 acres of the South Half of the Southwest Quarter of said section, thence North 0° 01' 07" West along said West line 556.50 feet to the North line of the South Half of the Southwest Quarter of said section, thence North 89° 05' 40" West along said North line 1117.67 feet to the East line of the West 18 acres of the North Half of the Southwest Quarter of said section, thence North 0° 00' 33" West along said East line 169.00 feet to the Southerly line of Interstate Highway 94, thence South 88° 08' 48" West along said Southerly line 594.10 feet to the West line of said section, thence South along said West line 1076.87 feet to the place of beginning, containing 33.92 acres, more or less; SUBJECT to an easement over the West 33 feet thereof for public street and highway purposes;

for the sum of Eighteen Thousand Five Hundred ($18,500.00) Dollars; subject to easements and building and use restrictions of record. This deed is given pursuant to a land contract between the parties hereto dated as of the 1st day of November, 1980, and no warranty is made as to any act or negligence of parties other than the grantor herein, or as to taxes or assessments on said premises subsequent to the 1st day of November, 1980.

Dated this 1st day of March, 1984.

Signed in presence of:

Lester E. Page

Karen F. Smith

Signed by:

EDWARD P. YESKE

EDWARD P. YESKE REAL ESTATE TRANSFER TAX

STATE OF MICHIGAN)
) ss.
County of Berrien)

The foregoing instrument was acknowledged before me this 1st day of March, 1984, by EDWARD P. YESKE, survivor of Gertrude C. Yeske, a single man.

Lester E. Page
Notary Public, Berrien County, Mich.
My commission expires: Nov. 2, 1987.

Prepared by:
Lester E. Page

RECORDED

MAR 5 2 52 PM '84

Register of Deeds
REGISTER OF DEEDS
BERRIEN COUNTY MICHIGAN

LAW OFFICES OF
BUTZBAUGH, PAGE,
BUTZBAUGH & DEWANE
911 Main St.
ST. JOSEPH, MICH.

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 to 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, Flat except, Deferred Special Assessments, if any, under Act No. 225, Public Acts of 1975, as amended.
Berrien County Treasurer

Date MAR. - 5 1984
No. 3615

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11-08-0028-0007-01-5

EXHIBIT 1