

## PEOPLE HAVE ASKED “WHAT ELSE CAN I DO TO MOVE CONSTRUCTION FORWARD?”

**4LakesForward is an independent group of property owners seeking to** promote the restoration of the 4 lakes within the Four Lakes Special Assessment District (FLSAD) to retain property values and the lake life disrupted by the disaster of May 2020 coupled with the Heron Cove Association (HCA) legal action designed to delay the necessary work to complete reconstruction. 4LakesForward has no financial relationship with the lake associations, county, townships or FLTF.

**We are contemplating the communities’ interest in suing HCA members for Abuse of Process. The people making up HCA provided delay, not plans. HCA is committed to delaying construction through at least 2025; this Abuse of Process litigation will NOT add additional delays in the ongoing HCA appeals process.**

Abuse of Process is the improper use of legal proceedings for an ulterior purpose.

To prove Abuse of Process, we must show HCA has an ulterior motive for bringing legal action with evidence such as:

- A history of making false accusations.
- Filing repeated legal actions with no evidence or support.
- Statements suggesting an ulterior motive.
- Inconsistencies in their story.

We believe there is evidence of Abuse of Process by the HCA Board and their individual members.

### HOW WE REACHED THIS POSITION

We have always agreed there is a statute to provide property owners an opportunity to appeal their special assessment to the Circuit Court. After having their appeal **DENIED** at the Midland Circuit Court due to “**lack of credible evidence,**” HCA chose to appeal the court's decision to the Michigan Court of Appeals. HCA appealed this decision to the Appellate Court, knowing this is an administrative review, not a “do over.”

HCA knew the appeal would:

- 1) **PREVENT** FLTF obtaining bonds or loans;
- 2) **STOP** construction on all dams; and
- 3) **COST** millions more for all lake residents.

**HCA Delays Timelines:** If the HCA appeal ended in the next few months, work could restart in early Spring 2025. **HCA will not let this happen.** HCA delays every step of the way. Even if we receive an Appellate Court decision in spring of 2025, HCA vows it will continue appealing to the Michigan Supreme Court. Another Delay!

What does this mean? **No construction in 2025.** With HCA continual obstruction, the Michigan Supreme Court may not deny HCA’s Appeal until December 2025. Work could possibly restart in spring 2026, meaning...at best...some lakes possibly filled in Spring 2027. Even the smallest delays could realistically move this time frame to Spring 2028.

**All of this being driven by HCA. HCA is responsible for the delay and added costs.** Each \$20 million in additional costs represents thousands of dollars for each property. The people funding HCA appeal and lawsuits can drop the legal action against FLTF and Counties at any time. FLTF could then issue bonds to continue work.

Individual people joined HCA to pay attorney fees to file an appeal and lawsuits. They were told explicitly the evidence needed and refused to obtain it. Because the evidence—the law—does not support their position.

**Were people misled?** During the recruitment process to join HCA, their leaders made several statements that FLTF could secure alternative funding and construction will not stop. They knew this was false. They didn't care. **If you provided HCA with money, and feel you were misled, we have lawyers available to talk with you.**

**MOVING FORWARD:** Interested property owners can come together to hold people accountable for their actions. **We can begin the process of filing the Abuse of Process lawsuit now.**

Bruce Townley is an attorney with property on Secord. When one hires an attorney, they seek someone that understands the issues, has skin in the game and will fight for their clients. Bruce led the effort with three other attorneys with property on the 4 Lakes to write the Amicus Brief on behalf of the 4 Lake Associations. Despite numerous attempts by HCA to deny, this brief was accepted by the Appellate Court. Bruce understands the nuance of the challenges since the breach in 2020. You can read the amicus brief here:

[https://www.restorethelakes.org/files/ugd/cd86dd\\_9c3d1042c70345999791abf2dfc7cc0a.pdf](https://www.restorethelakes.org/files/ugd/cd86dd_9c3d1042c70345999791abf2dfc7cc0a.pdf)

As a property owner, you can sign a retainer agreement focused on Abuse of Process with Bruce Townley to represent your interests (email [4LakesForward@gmail.com](mailto:4LakesForward@gmail.com) to obtain retainer agreement). This will require payment or payments by the property owners represented by Mr. Townley. Using cost sharing should allow meaningful value to all. Additional details for your review will arrive with the retainer agreement.

People may also participate without signing a retainer agreement – details toward the bottom of next page.

Our goal is to raise \$100,000 to support legal action. We believe at least 1,000 property owners within the FLSAD will join the campaign hence the initial payment is established at a minimum of \$100 per property. Individual participating people with property within the FLSAD will be listed as the client or 'plaintiff.'

While \$100,000 is an initiative goal, we seek a \$30,000 collective retainer to engage Bruce's legal services.

Communication will be a key benefit of the campaign. Participants can expect legal updates via email. We will also utilize a Frequently Asked Questions (FAQ's) format to answer questions so all can benefit. We will utilize the email [4LakesForward@gmail.com](mailto:4LakesForward@gmail.com) for all communications.

**Why join this legal action?** We are frustrated at HCA's actions and will no longer sit on the sidelines. We have watched since March 2024 as a small group of people purposely disrupted progress out of spite and malice. We watched as they appealed **without even attempting** to obtain credible evidence. We watched as they

imposed more delay in the Appellate Court. We watched them shift blame to avoid their own responsibility as construction of the dams ceased and crews moved on to other projects. It is time to say “enough” and hold these people accountable for their actions.

**Abuse of Process litigation will NOT add additional delays in the ongoing HCA appeals process.**

**What does a “win” look like in this situation?** We seek to explain to a Judge HCA member action is a waste of time, money and resources. We will explain that these people need to be held responsible and accountable for their misuse of the legal system. When successful, we seek the Judge to rule these people abused the legal system by continuing their legal appeals with “lack of credible evidence.” We will seek a financial judgement for damages due to the loss of time and increase in costs occurred by deliberate HCA member actions. The Judge may then: 1) Render monetary relief the Court finds just and equitable, 2) Instruct HCA and their members they may not file any additional legal action in this matter, 3) Provide additional instruction or rulings as deemed appropriate by the Judge.

The Judge cannot end the current legal action HCA has in place, rather simply render the action abuse of process, issue a monetary ruling, and instruct HCA they cannot bring any additional legal action forward in this matter.

**Our goal is the resolution of all HCA legal issues as soon as possible to allow the FLTF to secure grants to lower assessments for ALL property owners, while issuing bonds or securing loans to continue construction. We invite all to work together towards securing funding to improve the affordability of the capital assessment. Removing all legal issues places the FLSAD in a stronger position to seek help.**

### **How do you join this effort?**

- 1) Send an email to [4LakesForward@gmail.com](mailto:4LakesForward@gmail.com) Ask for a retainer agreement and FAQ’s to learn more.
- 2) With the signed retainer agreement, provide initial payment of a minimum of \$100. Checks payable to **Zeigler Townley P.C. Attorneys**. Reference 4LakesForward in the memo section of the check. Credit card payment is available with a 4% processing fee. There is a section on the retainer agreement cover page for credit card information.
- 3) Mail your signed retainer agreement and check to:  
**4LakesForward**  
**PO Box 361**  
**Gladwin, MI 48624**

You can also donate to the initiative **without** a retainer agreement - - checks payable to **Zeigler Townley P.C. Attorneys** sent to the same address (4LakesForward PO Box 361, Gladwin, MI 48624)

Based on feedback, we have Frequently Asked Questions (FAQ’s). The FAQ’s will be included in the email along with the Retainer Agreement.

For all questions, comments, or ideas, please contact us at [4LakesForward@gmail.com](mailto:4LakesForward@gmail.com)

About: **Bruce L. Townley**, Zeigler Townley P.C. Attorneys and Counselors at Law  
3001 W Big Beaver Road, Suite 408, Troy, MI, 48084

**Bruce has owned property on Secord Lake since 2016 and is very engaged in the journey to restore the lakes.**

**Relevant Areas of Practice:** General Civil Litigation; Real Estate; Land and Title Disputes; Estate Planning; Probate Litigation; Contract Dispute; Criminal, including all felonies and misdemeanors.

Bruce has handled matters in every local court, including the State District Courts, State Circuit Courts, U.S. Federal District Courts, U.S. Bankruptcy Court, and U.S. Immigration Court.

**Court Admission**

1992: Admitted to the State Bar of Michigan and all Michigan Courts

1992: Admitted to practice in U.S. District Court for the Eastern District of Michigan

1999: Admitted to practice in U.S. Court of Appeals, Sixth Circuit.

Community: Bruce has practiced law for over 30 years. He has varied practice from Criminal Defense to Civil Litigation to Family Law to Probate. He has obtained substantial jury awards in civil matters.

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