

EXHIBIT 36

AFFIDAVIT OF ANN M. WIZINSKY

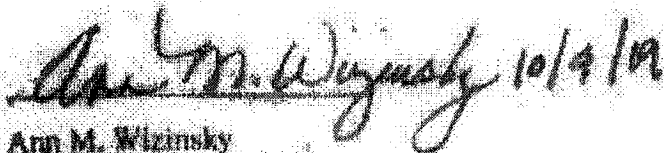
Ann M. Wizinsky first duly sworn deposes and states:

1. I am competent to testify to the facts contained within.
2. With all the horrible things that happened to us described in my husband's affidavit, as a woman, I did not feel safe and secure coming to the property, township and county. It is clear they want us gone and no matter what approvals, permits, Certificate of Occupancy, and even if they lose in litigation, they would continue their efforts and escalation.
3. With the confirmation by my husband, of racism of a county official whom my husband had known for years, and confirmation of racism by the Civil Rights Division, as a mother, I will not risk my daughter's life, because of my crazy neighbors. I did not know to what extent our neighbors would take. I was afraid that we would be in the home and they would burn us in our home; that is the fear I have. Specifically, the break-in and vandalism and theft by our neighbors was an act of violence against our property.
4. The hiring of a private detective proved the extreme extent of these people's desire to keep our family from using our home. It is simply crazy and extremely creepy and unsettling that we were watched by this man.
5. The fact that the County and Township governments were heavily involved in The Shores affairs through unlawful means to keep us off our property. I felt there would be no one to call for help that if violence occurred against my family by the Shores, County or Township.
6. When the mediator stated that they wanted us to sell the property, that they wanted us gone, with all the felonies committed against us over the proceeding years, we took that

as a direct threat against our lives. We were under duress to sign. We feared physical harm or death if we did not sign!

7. At the time of mediation, in a short discussion about the mutual release, the Township and County was unaware that a Federal Case was filed against them because they had not been served yet.
8. The mediator did not tell Todd Hoogland, Steve Patmore or Gaylen Leighton of the Federal Case filed.
9. In our discussion with the mediator and our attorney, our understanding of the signing of the settlement agreement would not adversely affect our right in filing and maintaining a Federal Action.
10. When my husband and I signed the Settlement Agreement, we believed it was final resolution of the State Court Case, only.
11. When my husband and I signed the Settlement Agreement, we believed with the mutual release drafted that reflecting our understanding in mediation, we could proceed with a Federal Action holding individuals liable for their actions.
12. My husband and I would not have signed a settlement agreement whereas we give up all our property rights, (since it was made clear in mediation, we would never be allowed to use our property in peace) without holding the individuals who did this to our family accountable.

Further affiant sayeth not.

 10/9/19

Ann M. Wizinsky

KEVIN CLEARY
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
MY COMMISSION EXPIRES 04/15/2024
NOTING IN DARK INK ONLY



EXHIBIT 37

AFFIDAVIT OF CARMINE P. AVANTINI, AICP

I am a professional certified planner and am competent to testify as an expert witness in zoning matters. I have worked directly for, and with, community planning and zoning departments for over 35 years and provide expert testimony for attorneys specializing in planning and zoning cases. See Attached my Qualifications.

Mr. Wizinsky had asked me to review his documents and case, including the following information provided by him.

BACKGROUND: ZONING AND CONSTRUCTION DEFINITIONS

The Leelanau Township Zoning Official has designated the subject structure **nonconforming**, which means that in 1992 when the building was built it was in compliance with all zoning requirements. The zoning requirements, such as setbacks, have changed since then but the structure has the same rights as today's building for repairs and renovations through the nonconforming regulations. This is established in the Township Zoning Ordinances Section 10.5(B)(5), Permitted Repairs, which states:

"Permitted repairs - Nothing in this Ordinance shall prevent the repair, reinforcement, reconstruction or other such improvements of a legal nonconforming building or structure, or part thereof, rendered necessary by wear and tear, deterioration, flood, fire or vandalism, provided the repair does not increase the established footprint or cubic content of the original nonconforming structure."

BACKGROUND: LEELANAU TOWNSHIP

From the record provided, it appears that Leelanau Township has charged Mr. Wizinsky in court proceedings with a zoning violation without following proper procedures. The Michigan Zoning Enabling Act requires specific steps be followed for charging a possible zoning violation. Instead, the Wizinskys were sued directly in a court of law without first applying the required

administrative remedies. In doing so, Leelanau Township denied The Wizinskys the protections under the MZEA, MCL.125. 3407, which states:

“The legislative body shall in the zoning ordinance enacted under this act designate the proper official or officials who shall administer and enforce the zoning ordinance and do 1 of the following for each violation of the zoning ordinance:

- (a) Impose a penalty for the violation.
- (b) Designate the violation as a municipal civil infraction and impose a civil fine for the violation.
- (c) Designate the violation as a blight violation and impose a civil fine or other sanction authorized by law.”

The Wizinskys were required by law to be issued with a citation or fine describing the violation. Typically, the property owner is given a chance to correct the violation on their own, prior to a fine, within a certain time period. If they do not agree to the violation, the law requires they have a right to appeal that decision to a Zoning Board of Appeals, MCL 125.3604. If the homeowners are unhappy with that decision, they can appeal that decision to the Circuit Court as per the statute, MCL 125.3606.

When the Wizinskys were sued citing the Nuisance Per Se Section under MCL 125. 3407 and Section 10.6 of the Township Zoning ordinances, the State Act and Township Zoning Ordinance required a fine or citation first, not direct litigation.

If there was a violation, a fine could have been issued per the MZEA. The Township Ordinance Section 10.6 also requires a fine:

A. “Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

First Offense \$100.00 “

CONCLUSION

Based upon the above information, by suing the Wizinskys directly without seeking administrative remedies, Leelanau Township denied them the protections and due process provided them under the MZEA and the Township Zoning Ordinance.

I swear the testimony in this Affidavit is the truth.

COMMUNITY IMAGE BUILDERS

("Consultant")



By: Carmine P. Avantini

Its: President

CAROL S. COUTURE
Notary Public, Genesee Co. MI
My Comm. Expires Dec. 2, 2021

STATE OF MICHIGAN)

) ss

COUNTY OF GENESEE)

The foregoing Contract was acknowledged before me by Carmine P. Avantini, President, on behalf of Community Image Builders, on the 26th day of August, 2020.



Notary Public

Genesee County, Michigan

Acting in Genesee County, Michigan

My Commission Expires: 12/2/2021

CARMINE P. AVANTINI, AICP



For over 37 years, Carmine has provided innovative solutions to community planning, zoning & development challenges.

Carmine specializes in community planning, zoning, public involvement, economic development, downtown planning, small town development, site redevelopment, and project implementation. He works with a wide range of municipalities to find creative solutions to challenging development issues and sees them through to implementation; recognizing that projects are not truly completed until construction is finished.

Carmine is also active in the preparation and implementation of several redevelopment strategies and projects including the Wixom Village Center Area (VCA); the Downtown Fenton Redevelopment Plan including removal of the pedestrian mall and re-opening of the street; and currently redevelopment of the former Ford Wixom Assembly Plant into a mixed-use commercial, industrial, office and R&D center. Carmine is also the zoning instructor for the MEDC Redevelopment Ready Communities (RRC) Best Practices training program.

Prior to starting CIB Planning, Carmine was a co-founder of LSL Planning, the Director of Planning and Community Development for Utica, NY, Executive Director of the Herkimer County, NY, Development Corporation and City Planner for Rome, NY. He also worked as a Project Manager with CRM Commercial Properties where he was responsible for the redevelopment of two different former industrial complexes into mixed-use facilities.



17195 Silver Parkway, #309 Fenton, MI 48430
avantini@cibplanning.com
810-734-0000
810-335-3800

Community Planning

Accelerate Regional Prosperity & CEDS Plan
City of Fenton (MI) Master Plan, Zoning Ordinance & Ongoing Services
City of Swartz Creek (MI) Master Plan & Ongoing Services
City of Lapeer (MI) Master Plan, Zoning Ordinance
City of Wixom (MI) Master Plan, Zoning Ordinance, Vision 2020 Plan & Ongoing Services
City of Imlay City (MI) Master Plan & Ongoing Services
City of Cedar Springs (MI) Master Plan, Ongoing Services & Image Building Program
City of South Lyon (MI) Master Plan, Zoning Ordinance & Ongoing Services
City of Sturgis (MI) Master Plan & Public Workshop
City of Owosso (MI) Master Plan
Delhi Township (MI) Cost of Community Services Study
Mundy Township (MI) Corridor Improvement Authority Plan
Rogers City (MI) Downtown Plan & Public Involvement
Shelby Township (MI) Master Plan Update
Village of Spring Lake (MI) Special Zoning Projects

Implementation & Redevelopment

City of St. Clair (MI) Riverview Plaza Revitalization Plan
City of Wayne (MI) Downtown Redevelopment Plan
City of Fenton (MI) Downtown Plan, Implementation & Façade Improvement Program Update
City of Westland (MI) Central City Parkway Plan
City of Wixom (MI) DDA Plan & VCA Design Guidelines
City of Grand Blanc (MI) DDA Plan & Redevelopment Implementation
City of Novi (MI) Fox Run Senior Housing Community PUD
City of Wixom (MI) Ford Plant Site Redevelopment
City of Taylor (MI) NSP Implementation
City of Wixom LDFA Plan Update
Northwest Georgia & Southeast Tennessee Regional Sustainability Grant Project
Grosse Ile (MI) DDA Plan & Business Park Redevelopment Plan
Jasper County (SC) Point South Redevelopment Plan
Meridian Township (MI) DDA Plan Update & Village of Shelby Funding Strategy
MEDC Redevelopment Ready Communities Technical Assistance
City of Luna Pier (MI) Economic Development Strategy
Shelby Township (MI) DDA Plan Update & Project Implementation


Education

Bachelors in Political Science, with Honors, University of Buffalo
Masters in Community Planning, High Honors, University of Cincinnati

Professional Associations

American Institute of Certified Planners (AICP)
Michigan Association of Planning, Board of Directors
American Planning Association
National Charrette Institute (NCI)
Fenton Education Foundation, Board of Directors

EXHIBIT 38

Pergola**From:** James Zimmerman <jimzimmerman.ags@gmail.com>**To:** wwizinsky@aol.com**Date:** Fri, Aug 28, 2020 9:55 am Chapter 6 Michigan R...pdf (83 KB)

Hello Bill,

In regards to the pergola we spoke about, I am still at a loss of what would be considered a non-permanent foundation as far as the building code goes. It is not defined in any of our current code books or in the BOCA code book I have dated in the 90s.

If the pergola was permitted as a "temporary structure", which is in our code and the BOCA codes used at the time of construction, it should have been listed on the permit as "Temporary" and given the time allowed for the structure to remain in place.

According to the current (2015) Michigan Building Code:

[A] 108.1 General

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

[A] 108.2 Conformance

Temporary structures and uses shall comply with the requirements in Section 3103.

3103.1.1 Conformance

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

The BOCA Code was in use at the time your original structure was built and my 1999 version of the BOCA Code states exactly the same provisions with the exception that the limits for temporary construction is limited to one year.

I would think that the original pergola you are referring to would have been assumed to be more of a permanent structure as one does not build such a structure with the intention of disassembling it within a year. I'm thinking the original DNR permit may have a different definition of "non-permanent foundation"?

The current structure that you wish to work on would now fall under the 2015 Michigan Rehabilitation Code for Existing Buildings:

502.1 Scope

Repairs, as defined in Chapter 2, include the patching or restoration or replacement of damaged materials, elements, equipment or fixtures for the purpose of maintaining such components in good or sound condition with respect to existing loads or performance requirements.

502.2 Application

Repairs shall comply with the provisions of Chapter 6.

502.3 Related Work

Work on nondamaged components that is necessary for the required repair of damaged components shall be considered part of the repair and shall not be subject to the provisions of Chapter 7, 8, 9, 10 or 11.

I have attached a copy of Chapter 6 in its entirety for your information.

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Thanks

Jim Zimmerman

Building Department - Code and Safety

Benzie County, Manistee Township, City of Cadillac

EXHIBIT 40

R110.2 Change in Use

A change in the character or use of an existing structure shall not be made, except as specified in the Michigan building code, R 408.30401 to R 408.30499.

R 408.30510

R110.3 Certificate Issued

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. A description of that portion of the structure for which the certificate is issued.
4. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
5. The name of the building official.
6. The edition of the code under which the permit was issued.
7. Any special stipulations and conditions of the building permit.

R 408.30510