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\*ADMITTED TO PRACTICE IN  
MICHIGAN AND INDIANA

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JOHN T. SVENDSEN\*  
OF COUNSEL

November 2, 2010

Thomas J. Templin  
24624 Butternut  
Centreville, MI 49032

Re: Use of Old Road 16 – Logging Operation  
Our File: 14551

Dear Tom:

Several weeks ago the Island in the Hills Condominium Association Board of Directors became aware that you were considering the use of Old 16 Road for the removal of logs from Tract 46 by Roger Templin. As you know, the Board has recently performed substantial repairs to the road necessitated by the poor original construction and failure to have the road properly completed. The Board is very concerned that any use of Old 16 Road for removal of logs from Tract 46 will cause substantial damage to the road.

Because of that concern, the Board obtained an engineering report from Weaver Boos Consultants, LLC concerning the potential impact of removing logs across Old 16 Road. I enclose for your review a report dated October 24, 2010 from John J. Warner, Senior Project Manager, concluding that the use of Old 16 Road for a logging operation “would cause the roadway to suffer extensive damage to the asphalt surface” and that he would anticipate “additional and more severe cracking and rutting of the pavement as well as potential settlement of the roadway in areas of the organic deposits.” Roger Templin had indicated that he was considering performing the logging operation during the winter months and Mr. Weaver was asked to express an opinion as to whether or not that would mitigate against the anticipated damages. I have enclosed Mr. Warner’s supplemental report dated October 31, 2010 in which he expressed his opinion that conducting the logging operation during the winter months could possibly lead to faster deterioration of the roadway and that performing the logging operation in the winter months would not prevent or significantly reduce the potential for pavement deterioration.

Tom, the Island in the Hills Board is kindly asking you to abandon this project based

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upon the Warner reports. It believes it would be a breach of its fiduciary duty in protecting the interests of the Island in the Hills Condominium Association if it were to permit access across Old 16 Road for logging purposes. Unfortunately, due to the Board's concerns, the Board must take the position that any attempted use of Old 16 Road for logging purposes would constitute a trespass and would be cause for seeking injunctive relief to protect the road.

Should you or Roger Templin have any questions regarding this matter, please do not hesitate to contact me directly. Thank you for your anticipated cooperation.

Very truly yours,

**BIRD, SVENDSEN, BROTHERS,  
SCHESKE & PATTISON, PC**

Roger A. Bird

RAB:pc

Cc: Roger Templin  
Island in the Hills Board of Directors

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**WEAVER**

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**BOOS**

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October 24, 2010

**CONSULTANTS**

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Mr. Bob Griffioen  
Island Hills, LLC  
P.O. Box 340  
Sturgis, MI 49091

**RE: Pavement Observation  
Old 16<sup>th</sup> Road Project  
Island Hills Golf Club**

Dear Mr. Griffioen:

As requested and per our conversation we have reviewed the hand auger borings performed for the section of roadway referred to as the Old 16<sup>th</sup> Road project located at the Island Hills Golf Club. In addition to reviewing the hand auger borings performed by Schnoebelen's Soil Consulting we visited the subject site on October 21, 2010 to conduct a cursory inspection of the site. Subsequently we were asked to render an opinion on the existing condition of the roadway and if the road would suffer extensive damage if the road was to be used as a haul road for a proposed logging operation.

**Hand Auger Borings**

Based on review of the hand auger borings it there appears the asphalt pavement is approximately 2 inches thick in the area of the proposed haul road. There does not appear to be an aggregate base course beneath the pavement. The subgrade soil was called a pit run material used as fill. The soil beneath the pit run material appears to be sandy loam, loamy fine sand and sandy clay. A few of borings encountered organic soils, wood and fill material consisting of large pieces of broken asphalt. Due to the fill encountered (obstructions which could not be penetrated with a hand auger) some of the borings had to be terminated at a relatively shallow depth.

**On-Site Observations**

The golf course superintendent accompanied us during our cursory observation of the roadway and informed us as to the location of the potential logging operation. He also informed us of a section of roadway that had settled approximately 12 to 18 inches and was recently filled, graded and re-paved. We notice numerous cracks and potholes in the existing pavement. Some of the cracks resembled "Alligator Cracks" which is caused by subgrade failure and poor subsurface soil conditions. While some of the pavement deterioration is caused by normal aging (we do not know the age of the existing pavement) it is anticipated some of the pot holes and settlement cracks are due to poor subgrade soil conditions. Adjacent to the pond it appears the road was

Island Hills, LLC  
Mr. Bob Griffioen

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constructed over organic soil conditions. Based on the asphalt thickness and lack of an aggregate subbase it appears the road was constructed for only light duty traffic.

#### Summary

We do not know the weight equipment or the traffic count associated with the proposed logging operation. However, we would anticipate traffic consisting of dump trucks and trailers carrying heavy logging equipment and semi tractors and trailers carrying the logging product over the roadway.

The roadway is already showing signs of deterioration due to age, construction of the roadway over poor subgrade and subsurface soil conditions and the lack of sufficient asphalt thickness. In our opinion the addition of heavily loaded logging equipment and semi traffic, that may be associated with a logging operation, would cause the roadway to suffer extensive damage to the asphalt surface. We would anticipate additional and more severe cracking and rutting of the pavement as well as potential settlement of the roadway in the areas of the organic deposits.

The opinions expressed in this report are based on the results of the hand auger borings performed by others, our observations of the existing roadway and our knowledge of road construction, design parameters and problems associated with poor subgrade conditions and lack of sufficient pavement sections.

We trust this information is sufficient for your needs at this time if you have any questions please contact this office.

Sincerely,  
Weaver Boos Consultants, LLC



John J. Warner, LPG  
Sr. Project Manager

**WEAVER**  
**BOOS**  
**CONSULTANTS**

October 31, 2010  
Project No. 2818-351-21

Mr. Bob Griffioen  
Island Hills, LLC  
P.O. Box 340  
Sturgis, MI 49091

**RE: Pavement Observation  
Old 16<sup>th</sup> Road Project  
Island Hills Golf Club**

Dear Mr. Griffioen:

As requested we were asked to comment, based on our report dated October 24, 2010, as to if the proposed logging operation was conducted in the winter months, with the ground beneath the pavement frozen, that it would reduce the likelihood of pavement deterioration from heavily loaded vehicles.

As we noted in our October 24<sup>th</sup> report we do not know the weight and frequency of traffic associated with the proposed logging operation. However, base on review of the existing pavement section and subsurface soil conditions it is our opinion conducting the logging during the winter months could possibly lead to faster deterioration of the roadway. We mention this for the following reasons.

Based on the hand auger borings some of the subsurface soil conditions consist of frost susceptible soils. These frost susceptible soils expand and contract with freezing and thawing temperatures. Loading the pavement surface with heavy traffic during these conditions can create potholing.

The addition of water to the subsurface soils, from surface snow melt, either on top of the pavement or along the edges and a subsequent freeze will add to the expansion and contraction of the frost susceptible soils.

Additionally, asphalt pavement tends to become more brittle with freezing temperatures. With a pavement thickness of only 2 inches the asphalt pavement may break and/or crack at the weak joints (i.e. existing cracks) under heavy loading conditions.

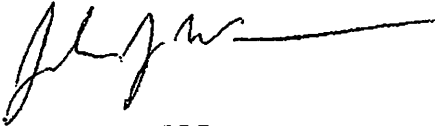
In summary, it is our opinion performing the proposed logging operation in the winter months will not prevent or significantly reduce the potential for pavement deterioration.

Island Hills, LLC  
Mr. Bob Griffioen

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We trust this information is sufficient for your needs at this time if you have any questions please contact this office.

Sincerely,  
Weaver Boos Consultants, LLC

A handwritten signature in black ink, appearing to read 'J. Warner', followed by a long horizontal line extending to the right.

John J. Warner, LPG  
Sr. Project Manager