

# Michigan Lakes & Streams Foundation

YOUR GIFT LIVES FOREVER.  
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## WHAT IS THE MICHIGAN LAKES & STREAMS FOUNDATION?

The Michigan Lakes & Streams Foundation is a 501(c)(3) nonprofit, charitable organization established in 2004 by Michigan Lake & Stream Associations, Inc. (MLSA) to provide an endowed fund) for developing a stable and permanent financing source to help support MLSA's many programs and initiatives.

## WHY AN ENDOWED FUND?

An endowed fund ensures the principal from all gifts will always be there to help provide funding to MLSA. Only interest earned will be utilized. The principal will remain untouched.

## WHY SUPPORT ML&SA?

MLSA's membership consists of more than 300 Lakes & Streams Associations statewide, representing more than 100,000 members interested in protect-

ing the future of Michigan's water resources. For 45 years, Michigan Lake & Stream Associations, Inc., has labored on your behalf - most likely without you even knowing about it. On a national, regional and state level, MLSA represents its members through involvement in a variety of programs and issues involving state waters. Some of the key issues MLSA is currently dealing with include:

- Riparian rights
- Lake and stream water quality
- Controlling invasive species
- Lake/stream watershed management
- Other MLSA activities - MLSA is actively supporting numerous programs; MLSA is also your voice in Lansing, representing you.

## HOW CAN I CONTRIBUTE?

There are four ways you can make a difference in the future of Michigan's lakes and streams:

FOR 48 YEARS, MLSA HAS PROVIDED ALL OF THESE BENEFITS AND RESOURCES TO ITS MEMBERS AND THE CITIZENS OF MICHIGAN ON A LIMITED BUDGET - RELYING ALMOST ENTIRELY ON VOLUNTEERS. IF WE ARE TO CONTINUE TO BE EFFECTIVE AS THE LEADER IN THE STATE IN PROTECTING OUR WATER RESOURCES FOR FUTURE GENERATIONS AND CONTINUE TO BE YOUR VOICE IN LANSING AND CONTINUE TO DEFEND YOUR RIPARIAN RIGHTS ...

... WE NEED YOUR SUPPORT!

- 1) You can leave a percentage of your estate through your will to the Foundation. No matter what kind of assets are in your estate, and regardless of the value, the percentage you specify will be given by your personal representative.
- 2) You may also wish to name a fixed-dollar amount or other specific property as your gift. This ensures a definite gift regardless of other bequests.
- 3) After bequests are made to other heirs, you can leave whatever is left from your estate to the Foundation. This assures that others are taken care of first, but that something goes to the Foundation that is important to you.
- 4) Make a cash contribution any time.

Consult your own attorney or accountant for further ideas on the most appropriate way to make your bequest. FOR MORE INFORMATION, contact Franz Mogdis, President of the Board of Directors of the Foundation, at 989-831-5261; or Pearl Bonnell, Treasurer of the Foundation, at 989-257-3583 or phonnell@mi-riparian.org.

## FISH FOR STOCKING

- Giant Hybrid Bluegills - Up to 8 inches
  - Walleye - Up to 8 inches
  - Largemouth Bass - Up to 8 inches
- Rainbow Trout - Fingerlings to Adult
  - Smallmouth Bass - Fingerlings
- Channel Catfish - Fingerlings to Adult
  - Yellow Perch - Up to 8 inches
  - Northern Pike - Fingerlings
  - Fathead Minnows

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## A Pro-Riparian Case

The Michigan Court of Appeals issued an interesting recent opinion in the case of *Sullivan v Tillman* (unpublished Court of Appeals Case No. 285195, dated June 2, 2009). The properties at issue were in a plat on Big Crooked Lake in Van Buren County. The plaintiff owned a lot which was separated from the lake by a narrow strip of land dedicated as a "beach" in the original plat. Adjacent to plaintiff's lot (and running along the side lot line) was an area dedicated as a "walk" which stretches from the road to the lake. Defendants owned an off-lake property or backlot. Defendants erected a dock at the end of the walk at the lake and moored boats at that dock.

Plaintiff filed a lawsuit in an attempt to force the removal of defendants' dock and boats at the terminus of the walk at the lake. In the lawsuit, the defendants also argued that the plaintiff's lot was not riparian, as the narrow property designated as "beach" was located between plaintiff's lot and the lake.

The Court of Appeals reached two important decisions in this case. First, the Court held that plaintiff's lot is a lakefront or riparian lot despite the fact that it is separated from the waters of Big Crooked Lake by the

narrow dedicated beach area. The Court found that the area dedicated as a beach was actually an easement for beach purposes, such that the side lot lines of plaintiff's lot extended through and under the beach area and to the lake. The language in the plat dedication, which stated that the beach was dedicated "to the use of" the lot owners, did not transfer title to all of the property owners within the plat, but simply created an easement for beach purposes for all of the lot owners.

The second important holding in this case is that the walk is for ingress and egress purposes only to access the lake. Accordingly, defendants, as backlot property owners, are not riparian property owners and have no right to install or maintain a dock or boat moorings at the termination of the walk at the lake. The Court specifically held that overnight boat mooring is prohibited. The defendants were also prohibited from keeping storage containers on the walk.

Although this is an unpublished decision by the Court of Appeals and is not technically binding precedent, it nevertheless can be persuasive to trial courts throughout Michigan.