

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MANISTEE

SUZANNE SCHWING,

Plaintiff,

v.

Case No.. 12-14654-AW
Honorable James M. Batzer
Circuit Court Judge

HELEN MATHIEU, CLERK, ONEKAMA TOWNSHIP
Defendant.

Rudolph L. Milasich, Jr. (P70347)
Attorney for Plaintiff
8497 Mill Street
Onkama, MI 49675
(231) 889-0813

TRUE COPY
JILL M. NOWAK
Manistee County Clerk

AFFIDAVIT OF SUZANNE SCHWING

STATE OF MICHIGAN)
) ss.
COUNTY OF MANISTEE)

I, Suzanne Schwing, being duly sworn, state, as follows:

1. My name is Suzanne Schwing , and I reside within the boundaries of the Village of Onkama ("Village") at 4362 Prospect Avenue, Onkama, MI 49675. I am a registered elector of the Village, and I am eligible to vote in the primary election scheduled to be held on August 7, 2012.
2. The documents appended to the Affidavit as Attachment 1 are true and correct copies of petitions which were circulated in the Village during August of 2011. Charles Reed and Mary Reed are known to me to be residents and electors of the Village. Daniel

Behring was also known to me to be an elector of Onekama Township who resided in the Township outside the boundaries of the Village. I now know that Marilyn Acker is also an elector of Onekama Township who resides in the Township outside the boundaries of the Village. I have reviewed the petitions, and from August 1 through August 23, the two Village electors had obtained 28 valid signatures of Village electors. In four days from August 19 through August 23, the two Township electors who reside outside the boundaries of the Village obtained 35 valid signatures.

3. I was present at the September 21, 2011 meeting of the Village Council. The document appended as Attachment 2 to this Affidavit is a true and correct copy of the Minutes of the September 21, 2011 Village Council meeting
4. I was present at the December 21, 2011 meeting of the Village Council. Prior to that meeting and after the September 21, 2011 meeting, I received an e-mail on my phone from Village President Blackmore informing me that I had been appointed to the Village of Onekama Disincorporation Commission.
5. The first meeting of the Village of Onekama Disincorporation Commission was held on January 10, 2012. At that meeting, Village President Blackmore announced that I was the Commission Chairman. Thereafter, the Commission met on Mondays through March 26, 2012, and all Commission Meetings were open to the public.
6. A document entitled "Update on Disincorporation of the Village of Onekama" was discussed at the Commission's meetings. The Update document was approved by the Commission at its February 13, 2012 meeting. The Commission's attorney, Peter Doren, was present at that meeting. It was my understanding, at that meeting, that the

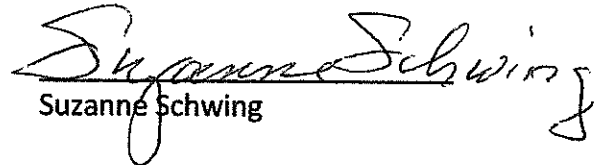
explanation of the voting procedure contained in the Update document was that, if there was no Commission plan, there would still be a vote on the disincorporation issue but that it would have to pass by a 2/3 majority vote in the Village and by a separate 2/3 majority vote in the Township. The Update document was sent by the Township to the taxpayers in the Township and the Village as an enclosure with the assessment notices. The document appended to this Affidavit as Attachment 3 is a true and correct copy of the Update on Disincorporation of the Village of Onekama.

7. The Commission adopted a Plan at its March 26, 2012 Meeting, but I voted against the Plan. Page 6 of the Plan was a flow chart, entitled "Onekama Village Disincorporation Process", and the document appended to this Affidavit as Attachment 4 is a true and correct copy of page 6 of the Plan. The flow chart states that if either the Township Board or Village Council failed to approve the plan, the question of Village disincorporation would go to a vote at the primary election on August 7th with a 2/3 majority required of the Village voters and a 2/3 majority required of the Township voters to pass.
8. At its regular meeting on April 3, 2012, the Township Board voted in favor of the Commission Plan, and I was at that meeting when the vote was taken. At the regular Village Council meeting held on April 18, 2012, a motion to approve the Plan failed, and I was at that meeting.
9. I obtained from the Village Clerk copy of a June 7, 2012 letter which was sent by the Manistee County Clerk, Jill Novak, to W. Peter Doren, who was the lawyer for the already disbanded Disincorporation Commission. The document which is appended to


this Affidavit as Attachment 5 is a true and correct copy of Novak's June 7, 2012 letter.

10. I did not learn that the Township Clerk had decided to cumulate the votes of the Township and Village on the disincorporation ballot issue until on or about July 16, 2012.
11. On August 1, 2012, I met with the Township Clerk to discuss the procedure that will be followed for the August 7th election. The Township Clerk told me that there will be one voting machine; that there will be two tables; that one table will be for district 5 with a large number of registered voters from the Township and Village; that the other table will be for district 1 which will have a smaller number of only registered Township voters; and, that at the end of the day they will take the readings for each district and add them together to create the final vote.
12. I make this Affidavit based upon my personal knowledge and everything in this Affidavit is true and accurate to the best of knowledge.

Dated: August 3, 2012


Suzanne Schwing

On this 3rd day of August, 2012, before me, a Notary Public, in and for the County of Manistee, Michigan, personally appeared Suzanne Schwing, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be her free act and deed.


Notary Public, Manistee County, Michigan
My commission expires: 3-16-14

Ruth M. Hudson
Notary Public - State of Michigan
County of Manistee
My commission exp. 03/16/2014
Acting in the County of Manistee