

## Cathy Pullen

---

**From:** Ferguson Law <fergusonlaw@jamadots.com>  
**Sent:** Thursday, April 25, 2019 3:32 PM  
**To:** Cathy Pullen; Mary L. Bluschke; C Nebel  
**Subject:** Re: Hanley Airfield

This supplements my email from this morning.

Karen Maidlow called me again this afternoon. She wanted to talk about concerns she had if the donation from Munising Lands failed because something happened that torpedoed the land exchange with USFS after the County took title to the Munising Lands land. If the donation to a governmental agency fails the County will have to pay the withdrawal penalty that was waived by MDNR, under the statute, but conditioned on the land actually ending up in and staying in a governmental agency. I told her the County could not keep the land if the exchange failed and she said if that is so the penalty will have to be paid. I told her I can't recommend the County assume that kind of exposure (I assume the penalty in this instance will be substantial). So we came up with a slightly modified approach the closing.

She will accept and act upon an application to withdraw the Munising Lands land from the County before the County is actually in title. She will process the application and have the withdrawal certificate signed. She will provide the signed certificate to you, Mary, with the understanding you will record it as part of the closing but only if the whole closing (Munising Lands to County to USFS) actually happens and, if it doesn't, you will send the original, unrecorded certificate back to her. That way, if the closing fails, the withdrawal will be treated as never having happened so a penalty will not be in play. Recognize this probably isn't completely the way this business is supposed to be done but she is helping us out.

So, we will continue with the plan to get the application to Karen in two weeks. The difference is that the withdrawal certificate won't be recorded, which means withdrawal won't have happened, until everything is recorded. I think this is an excellent resolution of a major chicken/egg problem.

If anyone has any questions or concerns about this, touch base. Otherwise, I will get the agreement done next week, as stated earlier.

robb

---

**From:** "D. Robb Ferguson" <fergusonlaw@jamadots.com>  
**Date:** Thursday, April 25, 2019 at 11:56 AM  
**To:** Cathy Pullen <cpullen@AlgerCourtHouse.com>, "Mary L. Bluschke" <mbluschke@baytitle.com>, C Nebel <cnebel@jamadots.com>  
**Subject:** Hanley Airfield

I just finished a very productive conversation with Karen Maidlow at MDNR.

She explained there is a particular provision of the Commercial Forest Act we must meet (MCL 324.51108(6)(a)) which deals with donated CFA lands. For donated lands the donee/grantee files the withdrawal application instead of the donor/grantor, but this is particular to donated lands only. So she confirmed we need to get the County in title to proceed.

There is no withdrawal application fee and no withdrawal penalty for donated lands.

Donated lands withdrawal applications move through the system very quickly. Basically, I get her the application, she processes it immediately, she has her supervisor sign the withdrawal certificate, sends/emails me a copy, and she records the certificate. I asked, if I got her a completed application within two weeks, is our anticipated 7/15/19 closing date realistic and she said "absolutely".

So I will work on a very simple, straightforward agreement between the County and Munising Lands that says if the deal with Hanley goes south the County will reconvey the land to Munising Lands, at the County's expense, and assist Munising Lands, as needed, to get the land back into CFA. I will get that done and off to you, Chuck and Cathy, early next week.

Robb