UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Civil Case No. 10-14619

v.

16,374.42 SQUARE FEET OF LAND, MORE OR LESS, SITUATE IN ST. CLAIR COUNTY, STATE OF MICHIGAN, and THE STATE OF MICHIGAN, et al., HON. PATRICK J. DUGGAN Mag. Judge Mona K. Majzoub

Defendants.

ORDER FOR WITHDRAWAL OF CERTAIN ESTIMATED JUST COMPENSATION

This matter having come before the Court upon the application of certain interested parties, identified on Attachment A ("Applicants"), by and through their counsel, requesting distribution of certain estimated just compensation deposited in the Registry of the Court by plaintiff in the abovestyled case, plus any interest accrued thereon, no objections having been filed by any other party, and the Court having considered the application;

IT IS HEREBY ORDERED that the Clerk of the Court withdraw from the estimated just compensation funds deposited by the United States, and forthwith issue Registry checks for \$2,000.00 to each of the Applicants identified on Attachment A, and deliver same to applicants in care of their attorney, Boris K. Yakima, at Monaghan, PC, 33 Bloomfield Hills Parkway, Suite 260, Bloomfield Hills, MI 48304-2946.

IT IS FURTHER ORDERED that payment of the aforesaid estimated just compensation is conditioned upon the following:

- a. If the final award in this case ultimately exceeds the amount of the deposit of estimated just compensation, the amount paid to Applicants from said deposit, including any sums paid therefrom to others for taxes, liens and encumbrances, shall be partial payment of the final award;
- b. If it is finally determined that Applicants were not entitled to receive said deposits, or any part thereof, Applicants agree to refund into the Registry of this Court said sum paid to Applicants, or such part thereof as the Court may direct, with interest at the rate of 52-week Treasury Bills, calculated in accordance with the provisions of 40 U.S.C. § 258e-1 from the date of disbursal of the deposit to applicants to the date of repayment into the Registry of the Court;
- c. In the event that a final judgment is entered for just compensation in an amount less than that which has been paid to Applicants, including any amount expended for taxes, liens and encumbrances, Applicants agree to refund into the Registry of the Court the amount by which such payments exceed said judgment, with interest at the rate of 52-week Treasury Bills, from the date of disbursal of the deposit to Applicant to the date of repayment into the registry of the Court, calculated in accordance with the provisions of 40 U.S.C. § 258e-1; and
- d. This Order is made without prejudice to the Applicants' right to claim additional compensation for the taking of Applicants' property interests.
- e. Applicants agree that they will hold the United States and this Honorable Court harmless from any and all claims made by parties having liens or encumbrances, or

other parties who may have been entitled to such compensation or any part thereof

by reason of any recorded or unrecorded agreement.

<u>s/Patrick J. Duggan</u> Patrick J. Duggan United States District Judge

Dated: June 10, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 10, 2011, by electronic and/or ordinary mail.

<u>s/Marilyn Orem</u> Case Manager

ATTACHMENT A

Thomas E. Benigni and Rosemarie Benigni 2709 Pointe Tremble Road Algonac, Michigan 48001	Tax I.D. No. xxx-xx-6647
Robert D. Chase and Donna J. Chase 301 Butterfield Lane Algonac, Michigan 48001	Tax I.D. No. xxx-xx-6502
Charles A. Vassallo and Lola Vassallo 2651 Pointe Tremble Road Algonac, Michigan 48001	Tax I.D. No. xxx-xx-7180
Gary L. Mondello and Sandra L. Mondello 2653 Pointe Tremble Road Algonac, Michigan 48001	Tax I.D. No. xxx-xx-8151
Milton Anthony Garvonic, Trustee of the J. Paul McDonald Trust 2703 Pointe Tremble Road Algonac, Michigan 48001	Tax I.D. No. xxx-xx-9151
Carolyn Todd, Trustee of the Carolyn Todd Trust Dated September 14, 2005 5301 Alyssa Court Shelby Township, Michigan 48315	Tax I.D. No. xxx-xx-3037
Charles Strittmatter and Yong Strittmatter 2677 Pointe Tremble Road Algonac, Michigan 48001	Tax I.D. No. xxx-xx-4372
Elenor Wnuk (Alexander A. Wnuk, dec.) 209 Butterfield Lane Algonac, Michigan 48001	Tax I.D. No. xxx-xx-5465
Christopher Gardner and Michelle Gardner 2639 Pointe Tremble Road Algonac, Michigan 48001	Tax I.D. No. xxx-xx-3965