

EXHIBIT H

STATE OF MICHIGAN
IN THE OAKLAND COUNTY CIRCUIT COURT

JOEL Q. HACK, an individual, and
WREN BEAULIEU-HACK, an individual,

Plaintiffs,

Case No. 18-169268-CH
Hon. Martha D. Anderson

v

THE CHARTER TOWNSHIP OF MILFORD,
a Michigan municipal corporation, TOWNSHIP
OF MILFORD BOARD, a public body, DONALD
D. GREEN, in his personal capacity and in his
official capacity as Supervisor of Milford Township,
and TIMOTHY C. BRANDT, in his personal capacity
and in his official capacity as Building and Zoning
Administrator of Milford Township,

Defendants.

Maddin, Hauser, Roth & Heller, P.C.
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R.J. Cronkhite (P78374)
Attorneys for Plaintiffs
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AFFIDAVIT OF WILLIAM ROGERS

I, William Rogers, being first duly sworn deposed, state:

1. I make this affidavit on the basis of my own personal knowledge. If sworn as a witness I will be competent to testify to the matters stated herein.
2. I have decades of experience constructing residential homes through Michigan, including with Milford Township.
3. I am the owner of EBI, Inc., a home construction company.

4. I am the construction manager, and oversee, the construction activities occurring at property commonly known as 2610 Pearson Road, Milford Township, Michigan, 48380 (“Residential Property”).

5. The construction at the Residential Property involves a single-family detached residence, and accessory buildings, structures, and uses thereto, including a garage and driveway.

6. In November f 2017, I submitted Plaintiffs’ application for a new residence building permit and included the building plans (“Building Plans”) attached to Plaintiffs’ Verified Complaint as **Exhibit A**.

7. The Building Plans identified the scope of the proposed improvements, including, among other things, the following construction elements:

- A. A single-family, detached residential home, with a new basement and garage;
- B. A driveway—10–12 feet wide and 380 feet long—connecting the residential home to the County Roads; and
- C. A septic system, as required by state law.

8. Plaintiffs’ Building Plans did not propose any grading, excavation, or fill being placed other than would be incidental to normal construction of a driveway, house foundation and septic—all of which were displayed on the Building Plans.

9. There was no “filling and grading activity” taking place at the Residential Property other than that incidental to the submitted, and approved, Building Plans, including nominal amounts of gravel/dirt to level out the area for the driveway.

10. To carry out those Building Plans and the driveway dimensions therein, the total dirt to be added for the driveway is 168 square yards, mixed with 112 square yards of stone.

11. The total area of land touched by additional dirt and stone covers less than .05% of the Residential Property's 3.15 acres, which equates to 15,253.33 square yards.

12. I obtained other necessary permits incidental to construction of a new residential home, including applying for, and obtaining, a Residential Driveway Permit from the Oakland County Road Commission and an Onsite Sewage Disposal System (Septic System) Permit from the Oakland County Health Division.

13. Oakland County issued the above permits without any issues.

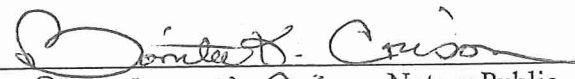
14. All construction on the Residential Property strictly included construction pursuant to the approved Building Plans and Building Permit, including construction of the aforementioned driveway.

15. With the onset of the winter months, construction will be substantially delayed and potentially be rendered impossible until the spring months, increasing the likelihood that Plaintiffs will be harmed and delaying Plaintiffs' use and enjoyment of their home and property.

FURTHER AFFIANT SAYETH NAUGHT.


WILLIAM ROGERS

Subscribed and sworn to before me
on this 17th day of October, 2018


Bonita K. Crison Notary Public
Macomb County, MI
Acting in Oakland, County, MI
My Commission Expires: 9-26-2020

BONITA K. CRISON
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Sep 26, 2020
ACTING IN COUNTY OF Oakland