DRAIN APPEALS

1. The Ottawa County Drain Commission will set a day for review of apportionment to determine the cost to each land owner for a Drain Special Assessment District. Thereafter, if you believe your assessment is unfair, you may appeal the drain assessment pursuant to Section 155 of the Drain Code of 1956 within 10 days after your review hearing (includes weekends). The specific language is as follows:

   "280.155. Bids; appeal; application for board of review, bond

   Sec. 155. The owner of any land in the drainage district or any city, township, village, district or county having control of any highway which may feel aggrieved by the apportionment of benefits so made by the commissioner, may, within 10 days after the day of review of such apportionments, appeal therefore and for such purpose make an application to the probate court of the proper county for the apportionment of a board of review, by filing with said probate court a notice of appeal and at the same time filing with said court a bond in such sum as the judge of probate may required, with 1 or more sureties to be approved by the judge of probate, conditioned upon the payment of all costs in case the apportionment made by the commissioner shall be sustained. Such appeal may be taken by the county or district road commissioners on behalf of the county, the mayor of any city on behalf of the city, by the supervisor on behalf of any township, or by the president of any village on behalf of the village when authorized by the village or city council, township board or road commission, respectively. Only 1 board shall be appointed by such probate court."

2. In accord with the above, a Notice to Appeal and Application for Appointment of Board of Review must be filled in (see below) and a filing fee of $150 (non-refundable) paid pursuant to MCL 280,72(3); MCL 600.880(1).

3. In accord with the above, a Cash Bond for Payment of Costs form must be filled out (see below). This is a $600 cash bond; the Probate Court can only accept payment in the form of cash. This bond is refundable if you prevail with your appeal; if not, the $600 goes toward the costs and is non-refundable.

If you have any questions, feel free to call the Probate Court @ 616-786-4110 or Office of the Water Resources Commissioner @ 616.994.4525. When presenting the $600 cash bond, please pay at the Probate Court at 414 Washington Ave Room 200, Grand Haven, MI 49417.

STATE OF MICHIGAN

IN THE PROBATE COURT FOR THE COUNTY OF OTTAWA

NOTICE OF APPEAL AND APPLICATION FOR APPOINTMENT OF BOARD OF REVIEW

IN THE MATTER OF THE _____ DRAIN
(name of Drain)
(_____)
List the City/Township where Drain is located

FILE NUMBER _____ (Probate Court will assign)

The undersigned appellant(s) states that he/she/they own(s) land described by property tax identification number or legal description as follows:
(indicate your address in this space)

In _____, (name of township/city), Ottawa County, which have been apportioned a percent of benefits for the _____ (Name of Drain) Drain, located in _____ (Name of township/city) Ottawa County, and that this apportionment of a percent of benefits was made by the Ottawa County Drain Commissioner and was subject to a day of review held on _____ (indicate the date of your review hearing; month/day/year).

The appellant(s) state(s) further that he/she/they is/are aggrieved by the apportionment of benefits and hereby gives notice of appeal and makes application to the Ottawa County Probate Court for the appointment of a Board of Review, to which Board an appeal from the apportionment of benefits will be taken.

Dated: _____

_____	_____
Appellant signature	Appellant signature
_____	_____
Appellant name (type or print)	Appellant name (type or print)
_____	_____
Address	Address
_____	_____
City, State, Zip Tel. #	City, State, Zip Tel. #

STATE OF MICHIGAN

THE PROBATE COURT FOR THE COUNTY OF OTTAWA

$600.00 CASH BOND FOR PAYMENT OF COSTS

IN THE MATTER OF THE _____ (Name of Drain) DRAIN
_____ (Township/City where Drain is located)

FILE NUMBER _____ (Probate Court will assign)

The undersigned principal, the owner of land in the _____ (Name of Drain) Drain district, has appealed an apportionment of benefits for certain improvements to the _____ (Name of Drain) Drain, which was subject to a day of review held on _____ (indicate date of review hearing; month/date/year). The principal has appealed the apportionment of benefits for the _____ (Name of Drain) Drain pursuant to Section 155 of the Drain Code of 1956, as amended, which provides in part that it is a condition of perfecting an appeal that the appellant file with the Probate Court a bond.

The principal hereby posts a $600.00 cash bond in lieu of posting a corporate surety bond in the amount of $600.00. The principal agrees that, if the apportionment of the Ottawa County Drain Commissioner for the _____ (Name of Drain) Drain project with respect to the lands owned by the principal is sustained by the Board of Review, the principal will pay all costs and expenses of the appeal by the principal, such costs and expenses to be ascertained and determined by the Ottawa County Probate Judge.

_____ _____
Signature of Principal Address

_____ _____
Print/Type Name City, State, Zip

$_____
Deposit