

## **PRESS RELEASE**

### **TOWNSHIP PREVAILS FOR SECOND TIME OVER OBSTINATE TENANT IN TOWNSHIP BUILDING.**

Like a houseguest that overstayed her welcome and refused to leave when asked to do so, Linda Hamilton had snubbed the Salem Township Board and continued to occupy office space in the Township's building, even though the Township had repeatedly requested her to move out. The Township offices are very small and overcrowded and the Township repeatedly told Hamilton that it needed the office space that she was occupying for Township business.

The Township's Rider House, a small historical building where Hamilton ran a contract post office, is also occupied by the Township Clerk, Deputy Clerk, Township Building Administrator, and the Elections Coordinator. Hamilton had leased the space from the Township for the past 11 years but had never signed a written lease and the prior Township Board, of which Hamilton was a member, had never requested any increase in the \$250 per month rent she was paying, even though the Township's costs for maintenance and upkeep of the leased space had increased to between \$700 and \$800 per month. The net effect was that the Township was providing a substantial monthly subsidy to Hamilton at the public's expense. Hamilton also refused to pay any increase in rent over \$250 per month, yet would not move out of the Township office.

As a result of Hamilton's actions, the Township was forced to file a court action in the Washtenaw Circuit Court seeking to have the Court determine that the Township had a constitutional right to control its public buildings, including the Rider House, and that the Township had the right to demand that Hamilton move out of the Township's building.

After a hearing in the Circuit Court on March 24, 2011, Judge Archie Brown entered an Order granting the Township's Motion for relief and ordering that "the Township has a constitutional right to control its public buildings", including the right "to demand that Defendant Hamilton immediately vacate the Township's municipal complex."

However, Hamilton then objected to Judge Brown's Order and claimed that the Township had not prevailed in the Court action and filed a document disagreeing with everything that Judge Brown had ordered.

On April 21, 2011, the Township requested that it be awarded its Attorney Fees from Hamilton based upon the frivolous defenses she raised to the Township's Court action and for the reason that Hamilton's actions had unnecessarily delayed and needlessly increased the Township's costs and attorney fees in the litigation. Hamilton's attorney, Steven Matta, responded to the Township's request for attorney fees by again claiming that the Township had not prevailed in the Court action and that it should be Hamilton who should be awarded her costs and attorney fees.

Judge Archie Brown agreed with Salem Township and on May 9, 2011, issued an Opinion and Order Granting the Township's request for sanctions against Hamilton and further awarding the Township its costs and attorney fees. The Court specifically found that Hamilton's opposition to the Township's Court action was "without merit and frivolous." The Court further stated in its

opinion that the services provided to the Township by the Township's attorney, Edward Plato, were "due to the actions of Defendant (Hamilton)" and were "clearly reasonable." The Court then ordered Hamilton to pay the Township \$9,767.50 in attorney fees and costs. Hamilton was ordered to pay the full amount to the Township by July 11, 2011. If she fails to pay the full amount by noon on July 11, 2011, she must then pay judgment interest on the full amount retroactive to May 9, 2011, and the interest will continue to accrue until the full balance is paid to the Township.

Hamilton finally moved out of the Rider House on March 26, 2011, two days after the hearing and ruling by Judge Archie Brown.