

STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SMITH, ROGER, B, JR
V
GREENBURY, KAY, E

Plaintiff,
Defendant,

NO:
HON

OAKLAND COUNTY 12-794194-DO



JUDGE CHERYL A. MATTHEWS
SMITH, ROGER, B v GREENBURY, KA

2013 AUG -9 PM 1:20

In the matter of:

Def

BY: DEPUTY CLERK **ORDER REGARDING MOTION**

Motion Title: The Law Firm of John F. Schaefer's Notice and Verified Motion to Enforce Attorney's Lien

*(Illegal) Liens
Should Have
Been Removed
Immediately*

The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

In addition: The Consent Judgment of Divorce indicates that each attorney is awarded a lien on the property awarded to that attorney's respective client. However, there is not a sum certain identified in the Judgment and there is dispute over the amount and propriety of the liens.

The court has discretion to allow the former attorney to intervene and enforce his rights under the divorce judgment. MCR 2.209 However, the court finds that an adjudication on the attorney fee dispute is required and a trial on attorney fees in family court will unduly delay the adjudication. Furthermore, disposition of the action in a separate civil action does not impair or impede the former attorney's ability to protect its interest.

Petitioner's request to intervene in the divorce action to litigate its attorney fee dispute is denied.

IT IS SO ORDERED.

DATED: 08/06/2013

[Signature]
HON. CHERYL A. MATTHEWS
Circuit Court Judge

FROM : AVALON FARM

FAX NO. : 248 684 1539

Jun. 14 2013 02:26PM P3

RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS

2013 JUN -4 PM 2:51

148958
LIBER 45876 PAGE 704
\$13.00 MISC RECORDING
\$4.00 REINUMENTATION
06/04/2013 02:51:00 P.M. RECEIPT# 77929
PAID RECORDED - OAKLAND COUNTY
LISA BROWN, CLERK/REGISTER OF DEEDS

ATTORNEY/JUDGMENT LIEN

Notice is hereby given that pursuant to a Judgment of Divorce entered on May 8, 2013 in the Oakland County, Michigan, Circuit Court, in Case No. 2012-794194-DO, by the Honorable Cheryl A. Matthews, a copy of which is attached hereto, KAY E. GREENBURY granted to THE LAW FIRM OF JOHN F. SCHAEFER a lien interest in the following described premises situated in the Village of Milford, County of Oakland, and State of Michigan, to wit:

See attached Exhibit A.

Parcel Identification Number 16-29-201-013
Commonly known as: 2703 Zenith Drive, Milford, Michigan 48380

The lien claimant's current outstanding total current balance, including extras and costs, presently is One Hundred Fifty-Four Thousand Three Hundred Forty and 47/100 Dollars (\$154,340.47). The lien claimant therefore claims a lien upon the above-described real property in that amount. If payment is not made in full, the lien claimant may invoke the power of sale and foreclosure of the property along with any other remedies permitted by law.

Date: June 3, 2013

LIEN CLAIMANT
THE LAW FIRM OF JOHN F. SCHAEFER

BY: [Signature]
JOHN F. SCHAEFER (P19949)
380 North Old Woodward Suite 320
Birmingham, MI 48009
(248) 642-6655

20
P

STATE OF MICHIGAN)
COUNTY OF OAKLAND) SS

On this 4th day of June, 2013, before me, a Notary Public for the county and state aforesaid, personally appeared the above named JOHN F. SCHAEFER, by me first duly sworn and says that he has read the foregoing authorization by him subscribed and that he knows the contents to be true.

SARA R. LACROIX
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Aug 26, 2016
NOTARY IN COUNTY OF Oakland

[Signature]
NOTARY PUBLIC Sara R. LaCroix
My Commission Expires: 8/26/2016

When Recorded Return To:
B. Andrew Rifkin, Esq.
380 N. Old Woodward Ave. Suite 320
Birmingham, Michigan 48009

Drafted By:
B. Andrew Rifkin
380 N. Old Woodward Ave. Suite 320
Birmingham, Michigan 48009

OK-2013

FROM : AVALON FARM

FAX NO. : 248 684 1539

Jun. 14 2013 02:26PM .P4

EXHIBIT A

Part of the Northeast ¼ of Section 29, Town 2 North, Range 7 East, Beginning at point distant South 00 degrees 00 Minutes 15 seconds East, 707 feet from North ¼ corner, thence North 89 degrees 19 minutes 15 seconds East 80 feet; thence North 00 degrees 10 minutes 05 seconds West, 89.98 feet, thence North 89 degrees 19 minutes 15 seconds East, 375.53 feet, thence South 00 degrees 10 minutes 05 seconds East, 694.42 feet, thence South 89 degrees 29 minutes 00 seconds West 457.26 feet, thence North 00 degrees 00 minutes 15 seconds West, 603.18 feet to beginning.

Together with a Private Road and Public Utility Easement

A 60 foot wide non-exclusive private road and public utility easement, the centerline of which is described as:

Commencing at the North ¼ of said Section 29; thence North 89 degrees 19 minutes 15 seconds East, 171.52 feet to the Point of Beginning of said centerline description; thence South 00 degrees 10 minutes 05 seconds East, 677.00 feet; thence North 89 degrees 19 minutes 15 seconds East, 30.00 feet to the Center of a 60 foot turning radius and Point of Ending of said centerline description, as created by instrument recorded in Liber 9119, Page 770, Oakland County Records.

FROM : AVALON FARM

FAX NO. : 248 684 1539

Jun. 17 2013 04:36PM P4

(00:50-LWS) WMLH:01 10Z/01/90 WFA
JUN. 10. 2013 9:47AM 290 300 0544

NO. 2411 P. 2

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

ROGER B. SMITH, JR.,

Plaintiff/Counter-Defendant,

Case No. 12-794194-DO

HON. CHERYL A. MATTHEWS

KAY E. GREENBURY,

Defendant/Counter-Plaintiff

ABBOTT NICHOLSON, P.C.
BY: TIMOTHY J. KRAMER (P26223)
Attorneys for Plaintiff
300 River Place
Suite 3000
Detroit, Michigan 48207
(313) 566-2500

THE LAW FIRM OF JOHN F. SCHAEFER
BY: JOHN F. SCHAEFER (P19948)
B. ANDREW RIEKIN (P46147)
COLLEEN E. JOHNSON (P71417)
Attorneys for Defendant
330 North Old Woodward Avenue
Suite 320
Birmingham, Michigan 48009
(248) 642-6655

13 JUN -6 PM 7:58

TO: Wells Fargo Advisors
Attn: Ms. Virginia E. Hathorne
22260 Haggarty Rd., Sta. 230
Northville, Michigan 48167

The Law Firm
OF
JOHN F. SCHAEFER
22260 Haggarty Rd., Sta. 230
Northville, Michigan 48167
(248) 642-6655

NOTICE OF ATTORNEYS CHARGING LIEN

FROM : AVALON FARM

FAX NO. : 248 684 1539

Jun. 17 2013 04:36PM P5

(00:00-LWS) MULT:01 2102/01/90 WFA
JUN 10 2013 9:42AM 248 308 0380

NO. 2411 P. 5

PLEASE BE ADVISED that The Law Firm of John F. Schaefer hereby asserts an attorneys charging lien in the amount of \$154,340.47 on the assets/money of Kay Ellen Greenbury that are now in your possession or under your control. Consistent with the terms of this lien, you are instructed not to release such assets/money from your custody and/or control until such time as you receive notice from us or a court order instructing you that the lien has been satisfied.

THE LAW FIRM OF JOHN F. SCHAEFER

BY: *J. Schaefer*
JOHN F. SCHAEFER (P19948)
B. ANDREW RIFKIN (P46147)
COLLEEN E. JOHNSON (P71417)

Attorneys for Defendant
360 N. Old Woodward Avenue Suite 320
Birmingham, Michigan 48009
(248) 642-6655

PROOF OF SERVICE

I hereby affirm that a copy of the foregoing document was served on the above named persons and entities, and all counsel of record at the address(es) shown above via:

Hand delivery

U.S. Mail (first class, postage prepaid)

Facsimile transmission

on this 10th day of June, 2013.

Sam. H. [Signature]

THE LAW FIRM
OF
JOHN F. SCHAEFER
BIRMINGHAM, MICHIGAN 48009
TEL: (248) 642-6655 FAX: (248) 642-6655

* He was No Longer my Attorney of Record so why was He billing me?

THE LAW FIRM OF JOHN F. SCHAEFER

380 North Old Woodward Avenue
 Suite 320
 Birmingham, Michigan 48009
 (248) 642-6655

GREENBURY, KAY ELLEN
 PERSONAL AND CONFIDENTIAL
 2703 ZENITH DRIVE
 MILFORD, MICHIGAN 48380

September 06, 2013

Invoice Number: 15593
 JOHN F SCHAEFER

For professional services rendered through August 31 2013

GREK

Date of Service	Attorney	Description of Service	Time
(DOM) DOMESTIC RELATIONS			
Fees:			
08/06/2013	BAR	E-MAIL CORRESPONDENCE FROM TIM KRAMER	0.10
08/08/2013	BAR	E-MAIL CORRESPONDENCE WITH SARA LACROIX	0.10
	BAR	RECEIPT AND REVIEW OF CORRESPONDENCE FROM OPPOSING COUNSEL; E-MAIL CORRESPONDENCE WITH SARA LACROIX	0.10
<u>08/09/2013</u>	JFS	<u>RECEIPT AND REVIEW OF ORDER DENYING LFJFS MOTION TO ENFORCE ATTORNEY'S LIEN</u>	0.20
	BAR	E-MAIL CORRESPONDENCE WITH SARA LACROIX; RECEIPT AND REVIEW OF ORDER DENYING MOTION TO INTERVENE TO ENFORCE ATTORNEY'S LIEN	0.30
08/19/2013	BAR	E-MAIL CORRESPONDENCE FROM STEVE COHEN	0.10
	BAR	E-MAIL CORRESPONDENCE FROM TIM KRAMER	0.10
08/20/2013	BAR	E-MAIL CORRESPONDENCE FROM TIM KRAMER	0.10
	BAR	TELEPHONE CONFERENCE WITH SARA LACROIX; DRAFTING AND PREPARATION OF PROPOSED STIPULATED ORDER RE: DESTRUCTION OF DOCUMENTS	0.40



Total Fees: 1.50 Hours \$565.00

Allocation of Fees by Attorney

	Time	Rate	Value
ANDREW RIFKIN (BAR)	1.30	\$350.00	\$455.00
JOHN F SCHAEFER (JFS)	0.20	\$550.00	\$110.00
Total:	1.50		\$565.00

Costs: