

**COLA, MIDDLE CROW WING LAKE ASSOCIATION AND ED MUTSCH
v. HUBBARD COUNTY/REHKAMPS**

**APPEAL STATUS REPORT
JULY 27, 2011**

We just received the Appellate Briefs filed by the Rehkamps, Hubbard County and Hubbard County Board of Adjustments with the Court of Appeals. Their arguments are basically that COLA, Middle Crow Wing Lake Association and Ed Mutsch, as the Plaintiffs, did not have the right to bring the claims and that the District Court was incorrect in its decision that not all of the findings of fact of the Board of Adjustment regarding the Variance Application are supported by the record. These are the same arguments Rehkamps and the County made before Judge Rasmussen. They are requesting that the Court of Appeals reverse the decision of the District Court and enter an order upholding Hubbard County's grant of the variance for 11 boat slips to the Rehkamps.

As we did in the District Court case, we will oppose their arguments and request that the Court of Appeals affirm the decision by Judge Rasmussen that the Rehkamps are only entitled to 3 boat slips. We will file our Appellate Brief with the Court of Appeals around August 24th.

In addition to appealing Judge Rasmussen's decision, the Rehkamps have filed a new variance application requesting that the Board of Adjustments grant them a total of 7 slips for the PUD which includes 4 slips for Tier 1, even though there are only 3 units in Tier 1, and an additional 3 slips for 3 units in Tier 2. The Rehkamps are not entitled to the requested variance and we will oppose the variance request at the Board of Adjustment's public hearing on August 15th.

Chuck Diessner