



Thomas Ryan <sylvanlawtr@gmail.com>

148 N. Main Street

Biehl Thomas <tbiehl@hrc-engr.com>
To: Thomas Ryan <sylvanlawtr@gmail.com>
Cc: Kevin Gleeson <kgleeson@swbta.com>

Mon, Mar 30, 2015 at 10:26 AM

The hold harmless has no value, if they don't: (1) own the property or (2) have any assets in the LLC or (3) have insurance which could be collected against. I'm not the attorney, but that is what I would think Clarkston would want for the it's protection against any claims . Kevin, what is your take? If they give us a hold harmless without owning the property, having assets in the LLC or having some form of insurance on the LLC, what would you collect against? If they own the property or have assets in the LLC, then insurance likely wouldn't be an issue. Also, does their engineer have coverage? If so, that might cover if it's the typical 2 million or more.

Just my thoughts

Tom

From: Thomas Ryan [mailto:sylvanlawtr@gmail.com]
Sent: Monday, March 30, 2015 9:45 AM
To: Biehl Thomas
Cc: Kevin Gleeson
Subject: Re: 148 N. Main Street

Tom:

We asked for the Hold Harmless Agreement and I don't think we can ask for insurance as we have to move forward on this and not backward.

Sincerely,

Tom

On Fri, Mar 27, 2015 at 5:33 PM, Biehl Thomas <tbiehl@hrc-engr.com> wrote:

They are an LLC likely with limited or no assets in the LLC. Will they own the property? Maybe a two million dollar insurance policy would be preferable. Kevin, what do you think?

Sent from my iPhone

On Mar 27, 2015, at 5:10 PM, Thomas Ryan <sylvanlawtr@gmail.com<mailto:sylvanlawtr@gmail.com>> wrote:

Gentlemen:

Please see the email below from Neil Wallace relative to his proposed Hold Harmless Agreement for your review and comment.

Sincerely,

Tom

----- Forwarded message -----

From: <newall@aol.com<mailto:newall@aol.com>>
Date: Fri, Mar 27, 2015 at 4:42 PM
Subject: Re: 148 N. Main Street
To: sylvanlawtr@gmail.com<mailto:sylvanlawtr@gmail.com>

Here it is

Let me know

-----Original Message-----

From: Thomas Ryan <sylvanlawtr@gmail.com<mailto:sylvanlawtr@gmail.com>>
To: Neil Wallace <newall@aol.com<mailto:newall@aol.com>>
Sent: Fri, Mar 27, 2015 12:12 pm
Subject: Re: 148 N. Main Street

Neil:

Thank you for identifying the proper party. Please send me a Hold Harmless Agreement that you feel would be appropriate.

Sincerely,

Tom

On Fri, Mar 27, 2015 at 11:36 AM, <newall@aol.com<mailto:newall@aol.com>> wrote:
To Tom Ryan, Clarkston City Attorney

The hold harmless you drafted is not acceptable for these reasons:

- * The wrong party is named. Your demand for indemnity was a requirement made of my client GPL is merely the land contract holder and will not sign this draft My client is Clarkston Corners LLC
- * The draft is overly broad. This indemnity requirement made by the city was because of its concern that the proposed system design might push the existing contamination plume, despite the evidence we have provided that this would not happen. Your draft goes beyond that to include anything that might happen as a result of the storm water system. That is not acceptable

Neil Wallace

-----Original Message-----

From: Thomas Ryan <sylvanlawtr@gmail.com<mailto:sylvanlawtr@gmail.com>>
To: Neil Wallace <newall@aol.com<mailto:newall@aol.com>>
Cc: Carol Eberhardt <eberhardtc@villageofclarkston.org<mailto:eberhardtc@villageofclarkston.org>>
Sent: Thu, Mar 26, 2015 1:43 pm
Subject: 148 N. Main Street

Dear Neil:

Please find attached a draft of a Hold Harmless Agreement relative to the above

matter for your review and comment.

Sincerely,

Tom

--

Thomas J. Ryan, Esquire
2055 Orchard Lake Road
Sylvan Lake, MI 48320
(248)334-9938<tel:%28248%29334-9938> - office
(248)858-8508<tel:%28248%29858-8508> - fax

--

Thomas J. Ryan, Esquire
2055 Orchard Lake Road
Sylvan Lake, MI 48320
(248)334-9938<tel:%28248%29334-9938> - office
(248)858-8508<tel:%28248%29858-8508> - fax

--

Thomas J. Ryan, Esquire
2055 Orchard Lake Road
Sylvan Lake, MI 48320
(248)334-9938 - office
(248)858-8508 - fax
<Hold+Harmless+Agreement NW 3-27-2015.doc>

--

Thomas J. Ryan, Esquire
2055 Orchard Lake Road
Sylvan Lake, MI 48320
(248)334-9938 - office
(248)858-8508 - fax