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The Lowell Ledger

Volume 23, Issue 13

Serving Lowell Area Readers Since 1893

Wednesday, January 3, 2001

SUBWAY ROBBED

◆◆◆ Lowell police arrest suspect roughly seven hours after he fled the restaurant with money from the cash register.

By Thaddeus J. Kraus
Lowell Ledger Editor

A 20-year-old Lowell man was arrested early Tuesday morning (Dec. 26) for an armed robbery at 2050 W. Main St. (Subway) Monday evening.

The robbery took place at approximately 6:30 p.m. Matthew David Brown, of Lowell, was arraigned Tuesday in the 63rd District Court in Cascade on armed robbery charges. Brown has two prior felony convictions. He is being held on a \$500,000 cash bond.

According to the Lowell Police Department, Brown entered Subway armed with a knife. He forced two employees into a walk-in cooler and locked the door. The subject then removed the cash from the register and fled out the back door.

Assistance of a tracking dog was requested from the Michigan State police post in Rockford. The dog ran a track a short distance from where it is believed the suspect got into a waiting car.

The subsequent investigation turned up the knife not far from the Subway building and led to the arrest.

The investigation continues as the Lowell Police Department awaits lab results of evidence recovered at the scene by the scientific support unit.

Pilot program decision conserves heating costs while preserving school's budget

By Thaddeus J. Kraus
Lowell Ledger Editor

The cost to heat school buildings this winter season is already eating into many district budgets.

Natural gas is currently running between 8 and 9.8 cents per million cubic feet (MCF).

Some schools in the West Michigan area are having to cut \$150-\$200,000 from their budget in order to cover the cost of heating classrooms this winter.

Because of a difficult decision handed down in February of 1998 by Connie Gillette, Lowell Area Schools' assistant superintendent to finance and personnel, and Larry Mikulski, transportation and maintenance supervisor, Lowell is not one of those districts.

Two years ago Gillette and Mikulski agreed to enter Lowell into a CMS energy marketing pilot program. The program locked the district into a two-year contract obligating it to pay 2.6 cents per MCF for natural gas.

"It was a difficult decision at the time because the rate was running between 2.5 and 2.7 cents per MCF," Mikulski explained.

While Gillette and Mikulski did their homework studying bills and budgets, and talked to a few companies which were offering similar programs before making a decision, Gillette said they were also lucky. "If the price goes down, the district loses money; then we don't look so good, but we're elated with how things have worked out," she said.

The school's contract runs through February at which time new terms and conditions will be established for providing a permanent gas customer choice program for residential and commercial customers.

It is unlikely that the lock-in rate will be as low as 2.6 cents per MCF.

"We'll have to wait and see to determine what a good

rate would be," Mikulski said. "We may try to hook up with two-three other districts to get a better rate."

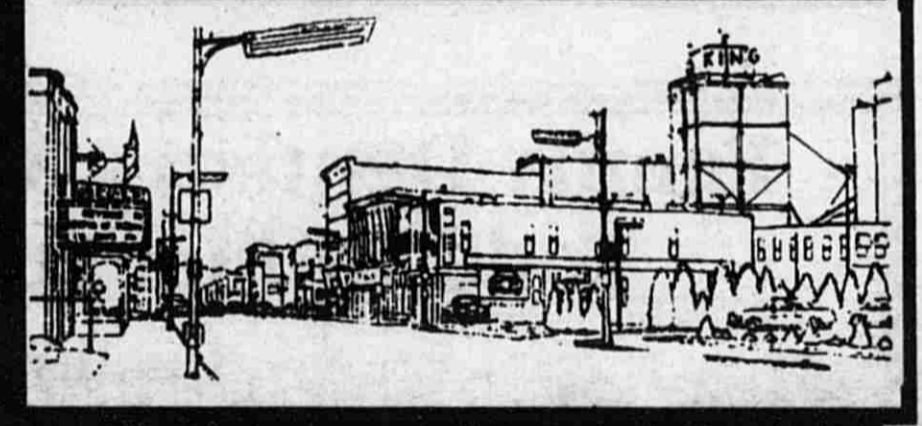
Either way, Gillette believes the current contract may get the district through the coldest months.

The school finance director noted that if Lowell were paying six cents, it would have \$17,000 left of its budgeted amount for heating rather than \$70,000 if it used the same amount of natural gas from February to the end of the heating season.

If the district were paying nine cents, the \$17,000 would already be gone plus another \$35,000.

The savings Lowell is enjoying has given the district a warmer, fuzzier feeling than most.

Along Main Street



NEW YEAR BRINGS ADDITIONAL HOURS TO LOCAL LIBRARIES

Beginning January 2001, the Englehardt Library will add eight open hours per week to better serve patrons. The new schedule is: Monday - Wednesday: Noon - 8 p.m.; Thursday and Friday: 9:30 a.m. - 5 p.m.; Saturday: 9:30 a.m. to 2:30 p.m.

The Alto Library will be open seven more hours per week: Monday and Saturday: 9:30 a.m. - 1:30 p.m.; Tuesday, Wednesday and Thursday: Noon - 8 p.m.

These additional hours were made possible with the approval of the Aug. 8, 2000 millage proposal.

CHRISTMAS TREE RECYCLING

If you care to recycle your Christmas tree, there are two locations nearby: Drop-off at designated location in Ada Township Park and a drop-off site at Cascade Township Park; now until Jan. 20.

JUNIOR SPORTFISHING GROUP TO FORM

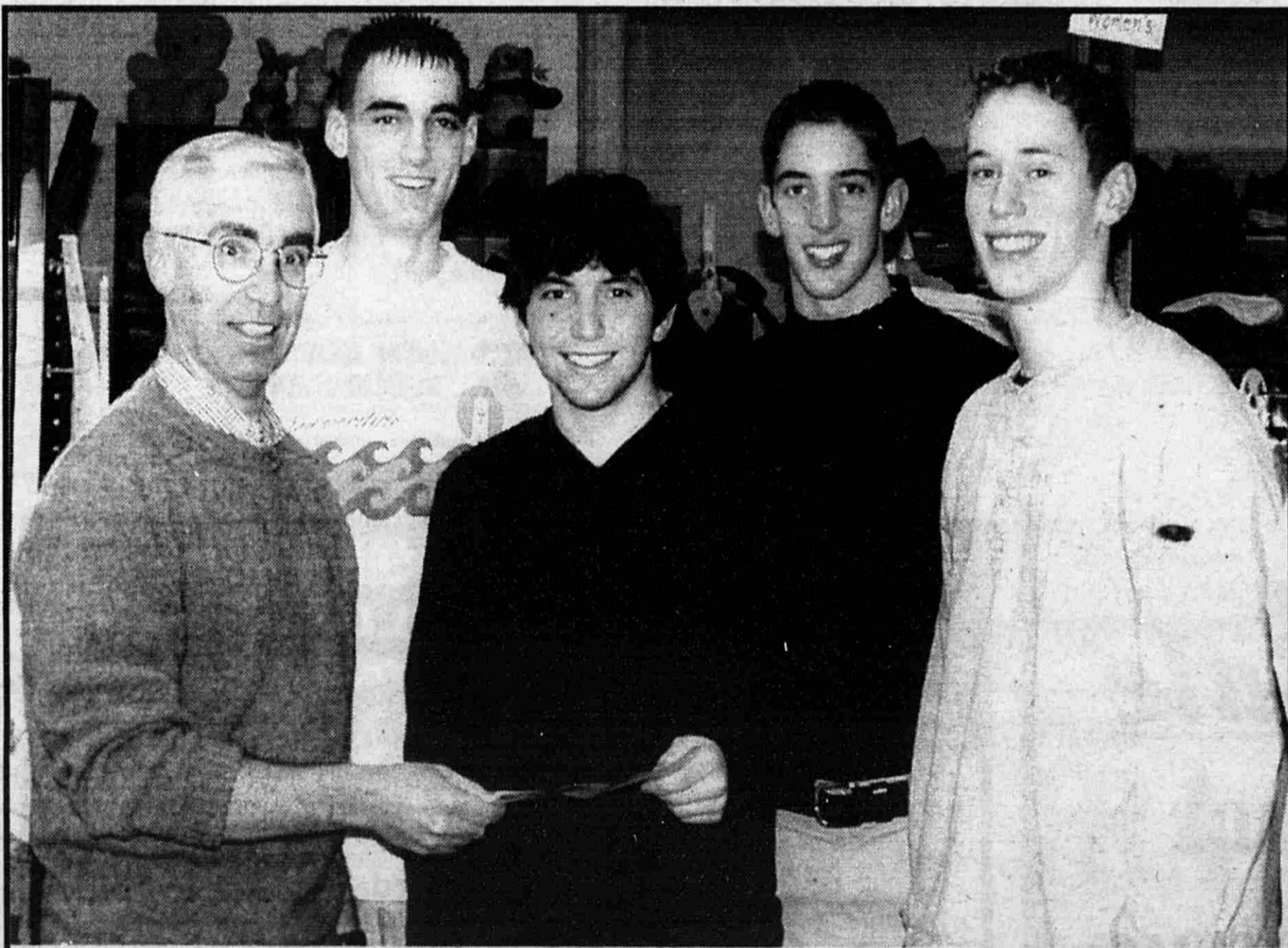
The Wittenbach Agriscience Center will be hosting, in partnership with MSU sportfishing and Trout Unlimited, a kickoff event for a junior sportfishing group on Thursday, Jan. 25 from 6 - 9 p.m.

The workshop on flytying and tackle-making is free but all interested students and parents should pre-register no later than Jan. 18 by calling Tammy DeBaar, center director, at 987-1002.

WEST MICHIGAN REGIONAL COMPETITION

Entry forms for the 15th annual West Michigan Regional Competition held at the Lowell Area Arts Council are available by calling 897-8545. The exhibition, which includes prizes and awards, will run from Feb. 25 - March 31.

Main Street, cont'd. pg. 8



LHS MEN'S CLUB DONATES TO THRIFT SHOP

The Lowell High School Men's Club raised \$525 through their Dec. 8 Bachelor Auction. The dance and dinner on Saturday, Dec. 16 for the young ladies who purchased a date at the auction, was catered by Lowell High School English teacher, Shelley Swift. The administration was a little skeptical at first, but things were done in a tasteful manner," said Kyle Hines, LHS Men's Club member. "Things went really well." The club's advisor is Steve Kampfschulte; Laurie Summerfield served as the auction's mistress of ceremonies. The proceeds were donated to Flat River Outreach Ministries. Presenting the check to Roger LaWarre was Hines, middle, and Mike Gustafson, right. Back row, left to right, are James Bosserd and Matt Trierweiler. LaWarre said the money would be used for the purchase of food and energy services.

Inside The Ledger
Bowne Township
Officials Forced
To Vacate Office,
Page 14

OBITUARIES

CALLIHAN - Charles LeRoy Callihan, aged 74, of Lowell, went home to be with his Lord and Savior on December 22, 2000. Mildred Callihan, his wife of 48 years, preceded him in death. Surviving are his wife of three years, Glenda Young and four stepchildren; five sons James (Goldie) Callihan, Gary (Joyce) Callihan, Tim (Liz) Callihan, Lloyd (Barb) Callihan, Charles (Dana) Callihan; also four daughters Charlene (Terry) Dawson, Sharon (Garald) Croshaw, Cindy (Maurie) Stanard, Sally (Doran) Loftus; 22 grandchildren and eight great-grandchildren. Also surviving are one sister Dorothea Dull of Hastings and one brother Kenneth Callihan of Caledonia. A memorial service was held at South Boston Bible Church on December 29. Donations may be made to the Mel Trotter Ministries.

COPRON - Wayne Dexter Copron, aged 71, of Jenison, passed away unexpectedly of complications from a long illness on December 26, 2000. He was born October 27, 1929 and worked as a truck driver for Kroger for 35 years, drove school bus for 13 years for St. Peter & Paul School and loved fishing, hunting, bowling and boxing. He is survived by his loving wife Lorraine; children Richard and Lorraine Copron of Hudson, Robert and Karen Copron of Jenison, Pamela and Charles Grubham of Lowell; grandchildren Brooke, Beth, Daniel, Ana, Jordon, Britni, Kim, Kurt, Laura, Chucki; two great-grandchildren; several brothers and sisters, aunts, uncles, nieces, nephews and many close friends. Funeral service was at Cook Memorial Chapel on December 29. In lieu of flowers, memorial contributions may be made to American Lung Association.

of Grand Rapids, passed away December 27, 2000. She was preceded in death by her husband Walter Mitchell and son Larry Mitchell. Mrs. Mankel is survived by her husband of 25 years, Kenneth; children Barbara Heyboer of Grand Rapids, Joy Yancy of Flagstaff, AZ., Linda Mitchell, Gloria (Charles) Rissi, Val Mitchell all of Grand Rapids, Kathleen (John) Sullivan, Peggy (Garth) Snyder all of Ada, Donna (James) Cody of Saranac; many grandchildren and great-grandchildren; and her cherished dog, Pudgy. Funeral services were held Saturday at Roth-Gerst Chapel, Lowell, Pastor John Prominski officiating. Memorial contributions may be made to the Humane Society.

COLLEGE NEWS

Lowell High School senior **Kate Gunberg** has been named a finalist in the 44th annual Michigan Mathematics Prize Competition.

She is among the top 1,030 students from 14,171 students in Part I of the competition. The test was given at 323 high schools throughout Michigan.

Part I is a multiple-choice exam with 40 problems.

Gunberg and the other finalists competed in Part II on Dec. 6. This exam consists of five challenging problems to which students must provide written explanations for their claims and mathematical proofs of their results.

Albion College will host a grading session in January to score the students' work on Part II. Mathematicians from 73 colleges and universities that comprise the Michigan Section of the Mathematical Association of America will volunteer their time and expertise toward the annual project of the Michigan section.

The students with the top 100 scores on the two parts will be invited to an awards day program next March at Albion College.

The top 50 students will be presented with scholarships ranging from bronze awards of \$540 to the first place gold medalist of \$2,500.

This national mathematics competition takes place in early June and is held simultaneously at the campuses of Penn State University, University of Iowa, and the University of Nevada at Las Vegas.

Albion College student **David M. Barry** is a new member of the Gerald R. Ford Institute for Public Service.

The Ford Institute is designed to give exceptional students a chance to broaden their education through concentrated study in areas of government and public service, regardless of their major. Students participate in a city government simulation and complete course work concerning political science, history and ethics.

Barry is a first-year student at Albion College. He is the son of Gordie and Susan Barry of Lowell and a 2000 graduate of Lowell High School.

HEYDENBURG - Audrey H. (Palmer), aged 93, went through Heaven's Gate December 15, 2000. Waiting for her on the other side were those who preceded her: husband Arthur, daughters Joyce Whittington (Richard), Karen Nyenhuus (Edward), son Donald, and granddaughter Beth Marie (Heydenburg) Christian. Surviving her are daughters Arlene (Roy) Eckert of Sand Lake, Yvonne (Roger) Wynsma of Arizona, and sons A. Jack (Rozanne) of West Olive, Keith (Virginia) of Lowell, Douglas (Nancy) Heydenburg of Marne; 32 grandchildren, nine great-grandchildren and 11 great-great-grandchildren. Services were held at the Grandville Bible Church December 19 with Rev. John Kaufeld officiating.

MANKEL - Eva Helen Mankel, aged 82, of Ada,

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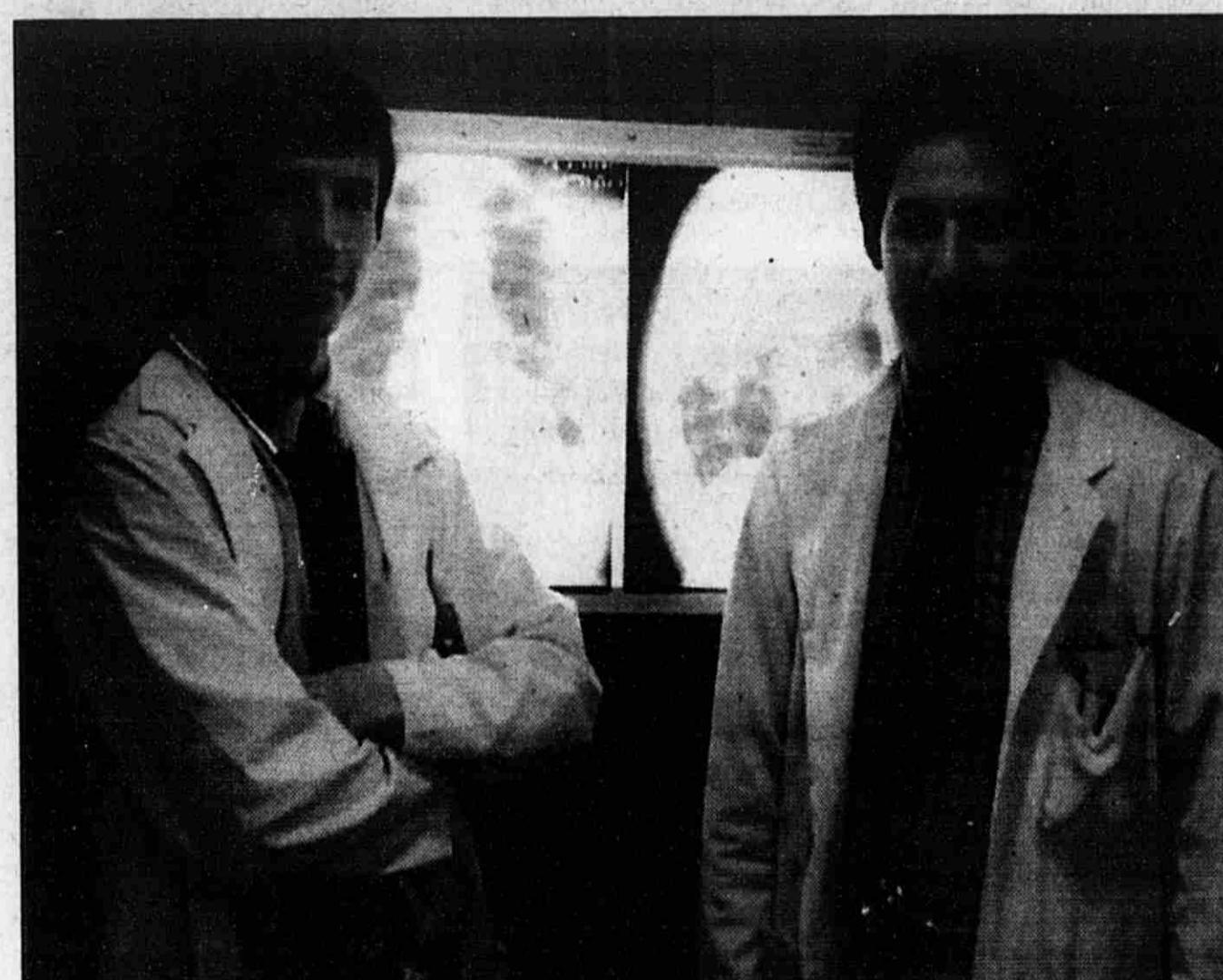
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Fresh from medical school at Michigan State University, two young doctors returned to the Lowell area to start their own practice. Doctors Jim Lang and Paul Gauthier are celebrating 20 years in Lowell. They recently moved into their facility at 2550 West Main St.



Local doctors open new West Main medical facility

By **Thaddeus J. Kraus**
 Lowell Ledger Editor

The new Lowell Family Medical Center has given Metropolitan Hospital a presence in the Lowell community and with it has provided Lowell osteopaths, Paul Gauthier and James Lang with a new home for their independent practice.

"We're leasing building space from Metro, but we employ our own staff," Gauthier explained.

This is a hybrid approach for Metro. The hospital provides outpatient service centers in other communities, but this is the first time it has leased space to local practitioners.

"This provides us with a lot more room and will keep us fully functional for the next 20 years," Lang said.

Lang and Gauthier renovated a small house into the Lowell Family Medical Center, 147 N. Center, 20 years ago (Aug. 1980).

Services which used to require a trip into Grand Rapids can now be attained locally. Physical therapy, X-ray, ultra sound, dexa scan (bone density) and mammography services are now available in Lowell.

"The move will enable us to provide more conveniences for our patients and obviously the aesthetics have also been enhanced," Gauthier said.

In addition, the facility has a community room which can be used for diabetic education, hypertension screening and health education with a video set up available for classes.

Physical therapy is now available for patients recovering from accidents and surgery. "There will be a physical therapist here three days a week," Lang explains. "More when needed."

The move will enable us to provide more conveniences for our patients and obviously the aesthetics have also been enhanced.

Paul Gauthier, DO

 Never bear more than one trouble at a time. Some people bear three kinds—all they have had, all they have now, and all they expect to have.
 —Edward Everett Hale

Thank you all,
 Dave, Donna, Jessie, Justin,
 Jordan Warren,
 Louis & Louise King

VERGENNES TOWNSHIP NOTICE

The Vergennes Township Board will meet the third Monday of every month at the Township Hall located at 10381 Bailey Dr. at 7:00 p.m. Phone 897-5671 for further information.

THE VERGENNES TOWNSHIP BOARD MEETINGS FOR 2001 ARE SCHEDULED AS FOLLOWS:

January 15	July 16
February 19	August 20
March 19	September 17
April 16	October 15
May 21	November 19
June 18	December 17

THE PLANNING COMMISSION MEETINGS FOR 2001 ARE SCHEDULED AS FOLLOWS:

January 8	July 9
February 5	August 6
March 5	September 10
April 2	October 1
May 7	November 5
June 4	December 3

All Planning Commission meetings are held at 7:00 p.m. in the Township Hall.

The Zoning Board of Appeals meets as required or requested.

Mari Stone, Vergennes Township Clerk

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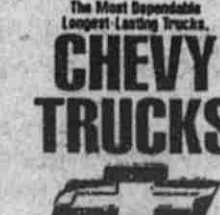
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Along Main Street

VARSITY SOCCER FUNDRAISER

On Saturday, Jan. 6, the Lowell varsity soccer team will be collecting refundable bottles and cans as a fundraiser from 1-4 p.m.

SENIOR PICTURES NEEDED

Parents: Pictures are needed by the end of January of your son or daughter for the Senior video. Put name and tel. # on the back of the pictures along with a SASE and drop them off in the drop box in the high school office.

WINTER ART CLASSES FOR CHILDREN AND ADULTS

The Lowell Area Arts Council winter arts classes begin Jan. 29. Offerings for ages 8-14 include acting, watercolor painting, woodcarving, clay creations, drawing, and book illustration and design. Ages 14 and up are offered oil painting, pastel painting, drawing, clay sculptures, watercoloring and mixed media. Call 897-8545 for more information.

Lowell Lions Club offers Saturday storytime

Volunteers from the Lowell Lions Club will present a Saturday storytime for children ages six and under and their families at the Englehardt Library on Saturday, Jan. 13 at 11 a.m. Cookies and punch will be served. A storytime hour will also be held on Saturday, Feb. 10 at 11 a.m. For more information, contact the Englehardt Library at 897-9596.

LOWELL ELEMENTARY STUDENTS' EXHIBITION

On display at the Lowell Area Arts Council (149 S. Hudson St.) from Jan. 9 - 27 are two- and three- dimensional artworks created by students from Bushnell, Alto and Cherry Creek Elementary schools. Gallery hours are Tuesday, Wednesday and Friday from 12 - 5 p.m.; Thursday from 12 - 7 p.m. and Saturday from 1-4 p.m. An opening reception is on Jan. 9 from 5:30 to 7 p.m. The public is welcome.

LHS ATHLETIC BOOSTERS MEETING

The Lowell High School Athletic Boosters will hold their

regular meeting one week later than usual on Monday, Jan. 15 at 7 p.m. in the high school staff lounge.

HOMAGE- TRIBUTE TO LORETTA SAILORS, A STUDENT EXHIBITION

The Lowell Area Arts Council is pleased to present a student exhibition as a tribute to watercolor instructor, Loretta Sailors. The exhibition is on display at Huntington Bank, 414 E. Main St. in Lowell from Jan. 2 - Feb. 6 during regular business hours. For more information call the LAAC at 897-8545.

Seminar to educate individual land owners on preserving open space

By Thaddeus J. Kraus
Lowell Ledger Editor

The Vergennes Township master plan addresses the desire of its residents to preserve its rural character.

A grant from the Lowell Area Community Fund will enable MSU Extension of Kent County to conduct a multiple week training seminar for Lowell area citizens.

The grant will aid the Lowell Area Citizen Planner Leadership Development Project in its charge to increase awareness and leadership capacity of participants in the areas of land use planning and environmental decision-making.

One way this is currently being done is through developers' request to set aside open space as new housing projects are being built.

The seminar will arm individual landowners - of both large and small acreage - with the knowledge of how they, too, can preserve open space.

The seminar will be designed to meet the needs of the community through a project design team of Lowell area community members. "The program will be an interactive experience for citizens and decision-makers interested in learning about land-use planning," said Mari Stone, Vergennes Township clerk.

Topics to be addressed in the program include:

- Land use and resource conservation
- Sustainable development
- Land use planning practices, policies, and law
- Organization and community leadership

Community and issues conflict management. Instructors of the program will be professionals from the West Michigan community, MSU Extension agents and MSU faculty members, as well as land use experts from around the state. MSU Extension plans to

launch the seminar in February. Citizens interested in participating in the project should contact David Guikema, director of Kent/MSU Extension at (616) 336-3265, or Kendra Gunter, project coordinator, at 458-6805.

The program will be an interactive experience for citizens and decision-makers interested in learning about land-use planning.

Mari Stone
Vergennes Township clerk

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LOCATION: Collins Elementary Gym, 4368 Heather Lane (Forest Hill & M-21)

January 7, 3:00 - 5:00 PM
"None of These Diseases," by Dr. Bruce Hyde, MD
Bruce R. Hyde, MD serves as Medical and Lifestyle Director at the Battle Creek Lifestyle Health Center. Dr. Hyde is a 1986 graduate of Loma Linda University School of Medicine, emphasizing Lifestyle Medicine.

January 14, 3:00 - 5:00 PM
"Rx: Healthful Living is the Healing Remedy," by Dr. Bruce Hyde, MD
Dr. Hyde also served in the U.S. Air Force, in Emergency Medicine. Consistently for over 10 years, Lifestyle Medicine has been his underlying commitment in medical practice, resulting in the blessing of seeing so many restored to health. Dr. Hyde has a special interest in diabetes.

January 21, 3:00 - 5:00 PM
"In the World but Not of It - Overcoming Heavy Metal Toxicity," by Jann Gentry Glander
Jann Gentry is the Vice President for Public Affairs at the Battle Creek Lifestyle Health Center. Jann's special field of health interest is in environmental toxicities. She has recovered from heavy metal poisoning using natural methods and is eager to share her story with others.

January 28, 3:00 - 5:00 PM
"Networking for a Healing Solution," Amiable blending of traditional medicine & lifestyle medicine, by Tim Heischberg
Tim Heischberg serves as the Operations Manager at the Battle Creek Lifestyle Health Center in Battle Creek. He has a strong interest in nutrition, health, and natural remedies, spanning nearly two decades.

Register at Door: \$10 per Seminar or \$30 for entire Series
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MISS CONGENIALITY (PG-13) 12:00, 2:15, 4:35, 7:10, 9:40
CASTAWAY (PG-13) 12:50, 3:40, 6:30, 9:20
EMPEROR'S NEW GROOVE (G) 1:00, 2:45, 4:25, 6:40, 9:30
HOW THE GRINCH STOLE CHRISTMAS (PG) 12:25, 2:35, 4:45, 7:00, 9:15

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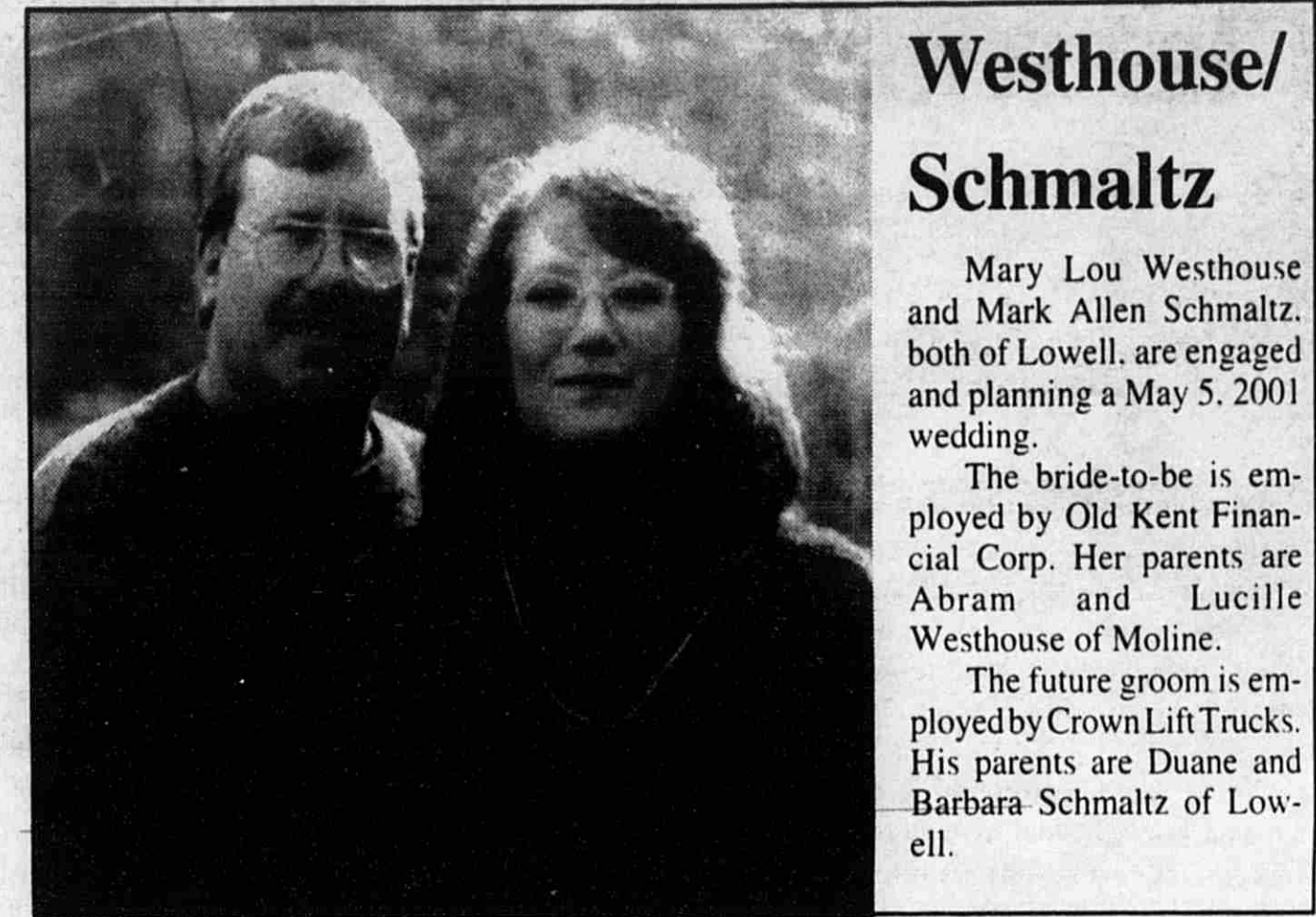
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Englehardt presents winter storytime series

The Englehardt Library presents the winter storytime series, featuring stories, songs, crafts and other book-related fun with a different theme each week. The program is for ages 3 to 6, and registration is required.

Storytime takes place at 1:30 p.m. on Monday, Jan. 8, 22 and 29 and Feb. 5, 12, 19 and 26, and at 10:30 a.m. on Thursday, Jan. 11, 18 and 25, Feb. 1, 8, 15 and 22, and March 1.

For more information or to register for the storytime series, contact the Englehardt Library at 897-9596.



Westhouse/Schmaltz

Mary Lou Westhouse and Mark Allen Schmaltz, both of Lowell, are engaged and planning a May 5, 2001 wedding.

The bride-to-be is employed by Old Kent Financial Corp. Her parents are Abram and Lucille Westhouse of Moline.

The future groom is employed by Crown Lift Trucks. His parents are Duane and Barbara Schmaltz of Lowell.

IN THE SERVICE

Douglas P. Reed enlisted in the United States Air Force Delayed Entry Program (DEP), according to SrA Timothy Rosenau, Air Force recruiter.

Reed is a 2001 graduate of Lowell High School and is scheduled for enlistment in the Regular Air Force on July 17, 2001. Upon graduation from the Air Force's six-week basic training course near San Antonio, Texas, he is scheduled to receive technical training in the electronics area and be assigned to an Air Force duty station.

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City winds up another busy year full of activities

Editor's Note: The complete story highlighting city accomplishments during the year 2000 follows. Only part of the story appeared in the Dec. 27 edition of the Lowell Ledger.

By J.N. Boorsma
Contributing Writer

Another year has passed and the city has several milestones of accomplishments including the purchasing of property for the City Hall/police station project.

"We were able to lay the foundation for the development of the City Hall/police station project which in turn will have an impact on future projects," said Lowell mayor, Michael Blough.

The project was something the city has been working on for the past several years. For 2000, it became more of a reality when the city purchased part of the Runciman School property and the VFW Hall for the expansion of the building and the development of new parking.

But the City Hall/police station project was not the only accomplishment of the city for the year 2000; there was also the upgrading of the Wastewater Treatment Plant.

"Again, this is laying another foundation for the city as the initial work on the plant will have an impact on the residents of Lowell along with the plant's other customers," Blough said.

The refurbishing of the plant, including the upgrade of filters, was designed to help provide better service and increase capacity as the entire community of Lowell grows.

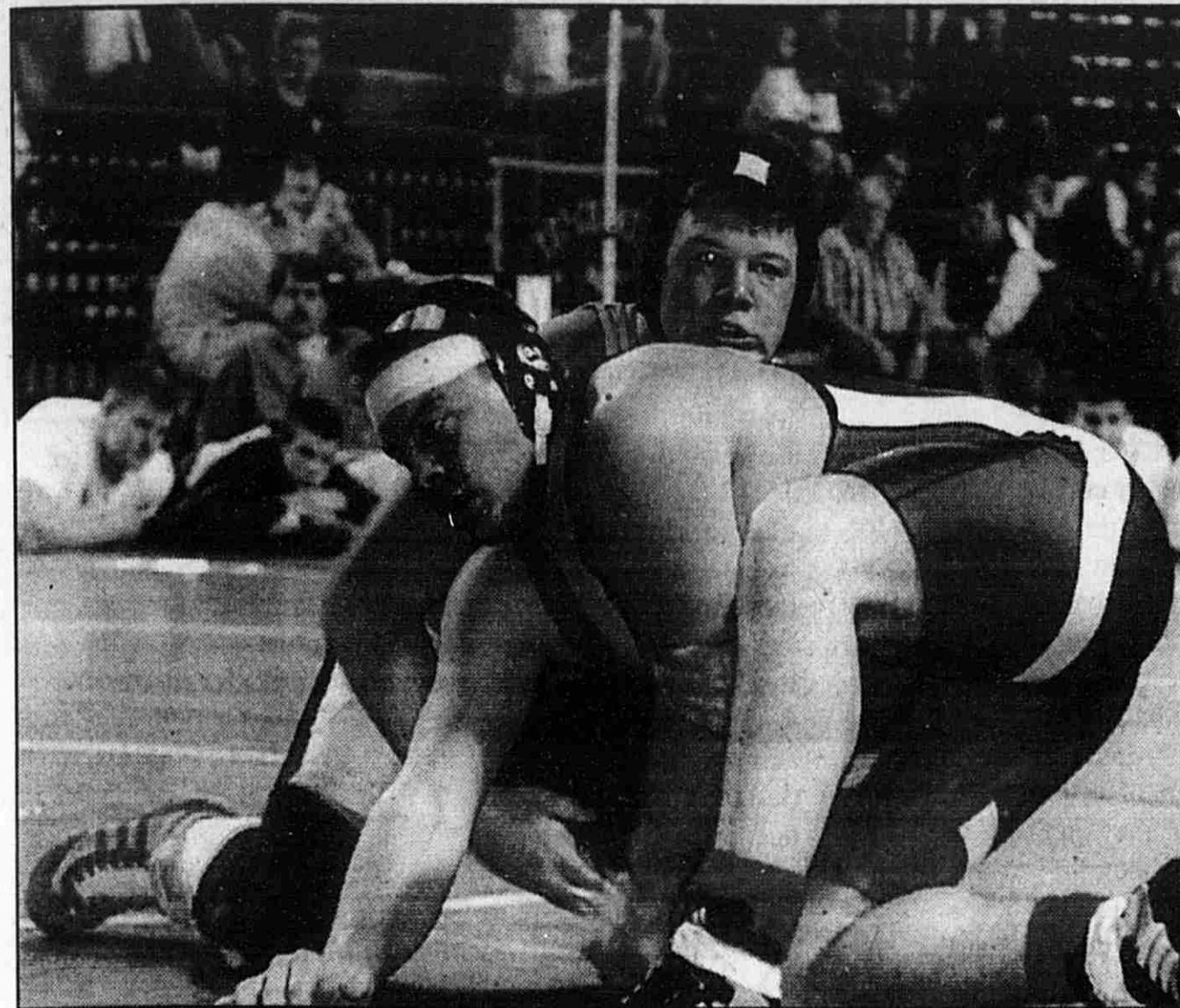
Another tool that will be used for the city's growth is the development and completion of a Streets and Sidewalks Master Plan to aid the city in determining which areas need immediate attention. The plan will also help the city foresee future road and sidewalk projects.

Other accomplishments that Lowell city manager, David Pasquale mentioned included the placement of the Downtown Historic District on the National Register of Historic Places, completion of a report of the Citizen's Advisory committee on Lowell Cable TV programs; the initiation of a study to re-rate the Wastewater Treatment Plant, and the adoption of a Communications Tower Ordinance. Still in progress is the water main/Flat River project.

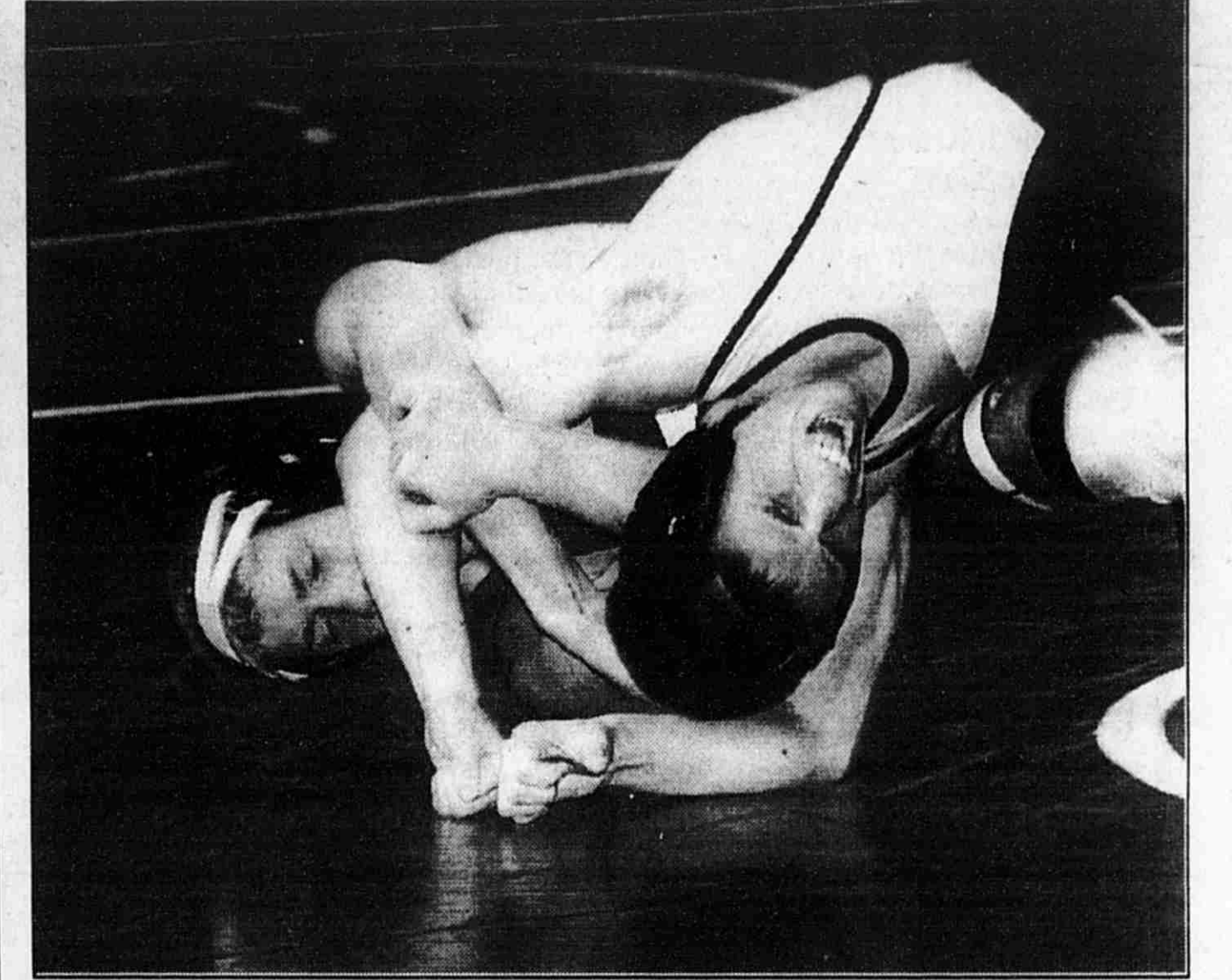
"I am very happy with the efforts of the city staff to work in conjunction with different organizations around this area," Blough said, adding that this cooperation was key in the completion of so many quality projects.

We were able to lay the foundation for the development of the City Hall/police station project which in turn will have an impact on future projects.

Michael Blough
Lowell Mayor



Ben Fleet (215 pounds) tussles with his Tri County counterpart. The Red Arrow posted a decision in Lowell's 46-28 win over the Vikings.



Lowell's Ian DeRath grabs control early on in his win against Eaton Rapids.

Eaton Rapids quiets Lowell in the finals at Grandville

By Thaddeus J. Kraus
Lowell Ledger Editor

Scott Warriner and Dave Strejcek did not overplay Eaton Rapids' 39-24 win over Lowell in Grandville's Frederick-Tate dual wrestling tournament Thursday.

"We have some work to do to get where we expect to be," Strejcek explained. "There is still time to correct things."

The Red Arrow wrestling coach made reference to his club's 14-point early-season loss to Eaton Rapids a year ago. "Didn't we come back and beat them in the state semifinals last year?"

Warriner, while very pleased with his club's performance, was guarded about the victory. "We know we can do better and we know Lowell was short a few wrestlers today."

Lowell got into the finals by roughing up Cedar Springs (60-12) and then defeating a strong Tri County squad 46-28.

"We wrestled real well in our first two matches. After having a war with Tri County, we were beat up a little. When you're already beat up and wrestle a team the caliber of Eaton

Rapids, you're going to pay the price," Strejcek said.

The Red Arrows won five of the first eight matches and led 24-18 going into the match at 152.

The Greyhounds won that match and the five that followed in earning a 15-point win.

"Going in we thought 152, 171 and 189 were key matches and we were able to win all three," Warriner explained. "I also thought 119 was a key match, but Lowell won that one."

Red Arrow Ian DeRath decisioned Austin Carmody 10-6. That followed David Kropf's pin at 103 and Brandon Kinney's 12-2 decision over Nate Smith at 112 pounds. Three matches in, Lowell had itself a 13-0 lead.

The Greyhounds broke through at 125 with a pin at 5:52 of the third period against Red Arrow, Matt Muha.

John Mendez, 130, answered with a pin of his own against Lewis Kidder at 1:28 of the first period, extending Lowell's lead to 19-6.

Eaton Rapids closed the gap to one (19-18) with pins against Beau Wilder (135) and Jim Kelly (140).

Caleb O'Boyle, 145 pounds, posted Lowell's last win of the match with a decisive 21-3 victory over Sean Grant.

J.J. Wilder (152) lost 9-4; Tim VanLaan (160) lost 12-6; Matt Oesch (171) lost 3-2; B.J. Frasier (189) lost 12-7; Ben Fleet (215) lost 4-2; and Ben Vaught (HWT) was pinned at 1:36 of the first period.

"Our upper weight wrestlers did well earlier in the day, but were out toughed by Eaton Rapids. We're not in peak condition," Strejcek said. "It's time to dig in and see if the boys want it. One step at a time. We've been working on technique, now comes conditioning. It takes both to win a state title."

The win improved Eaton Rapids' record to 8-0 while Lowell falls to 4-3.

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VERGENNES TOWNSHIP PUBLIC NOTICE

A Public Hearing for a Special Exception Use Permit Application will be held at the regularly scheduled meeting of the Vergennes Township Planning Commission on **Monday (second Monday) January 8, 2001 at 7:00 p.m.** at the Township offices located at 10381 Bailey Dr., Lowell for the purpose of receiving comment from the public.

Precise Engineering, located at 683 Lincoln Lake Ave. S.E., Lowell, in the NE 1/4 of Section 34, parcel #41-16-34-299-001, is requesting a Special Exception Use Permit Amendment to construct an addition to their existing building and to construct a new building with an addition planned for 2003 to allow for expansion of their business.

The complete application and site plan is available for public inspection at the Township Offices on Mondays, Wednesdays and Fridays from 9:00 a.m. to 3:00 p.m.

Written comments will be considered if received by the Township Clerk or Planning Coordinator before 7:00 p.m. on January 8, 2001. Written comments can be mailed to the Township offices, dropped in the mail slot in the door or faxed to 897-5674.

Vergennes Township Planning Commission

LEGAL NOTICES

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF KENT

NOTICE TO CREDITORS
Decedent's Estate
FILE NO. 00-170,638 DE

Estate of RALPH MEGGITT
Social Security #368-09-8097

unless presented to ANNA L. PHILPOTT, named personal representative, or to both the probate court at 320 Ottawa Ave., N.W., Grand Rapids, MI 49503 and the named personal representative within 4 months after the date of publication of this notice.

December 4, 2000

TO ALL CREDITORS: NOTICE TO CREDITORS: The decedent, RALPH MEGGITT, who lived at 1134 Hollywood, N.E., Grand Rapids, Michigan died 11/24/00. Creditors of the decedent are notified that all claims against the estate will be forever barred

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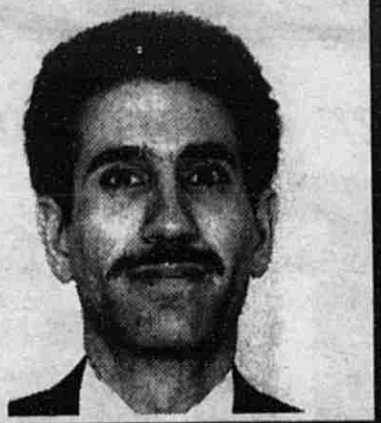
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LEGAL EASE

By
Jonathan David



DEAR JONATHAN: Last year my wife and I set up testamentary trusts with a lawyer that we have known for years. One of the reasons we set up the trusts was so that the survivor of the two of us, as well as our children, would not have to deal with having to go through probate when we died. I was recently reading a magazine article, however, and that article indicated that in order to avoid probate we have to re-title our assets into the trust. Is this true? If so, why weren't we told this at the time we created our trusts?

JONATHAN SAYS: The magazine article you read is correct in that setting up a trust does not in and of itself cause an estate to avoid probate. In order to have your estate avoid probate, not only do you need to create a living trust, but once the trust is created, you have to physically

change titles on assets so that when you are done the trust actually owns those assets. This is what is known as funding a trust.

In your question you indicated that you and your wife had set up testamentary trusts. If this is true, then you created the wrong type of trust if probate avoidance was one of the objectives you had in mind when you created the trusts. A testamentary trust is part of a last will and testament and it does not go into effect until after you die. Consequently, it is not the type of trust that is able to receive assets during your lifetime; it only receives assets after your death and after the completion of probate.

The type of trust that is required to be used for probate avoidance purposes is a living trust, which is created during your lifetime and is effective upon its creation.

I would go back to the

lawyer who drafted your documents and find out if in fact the type of trusts you and your wife created were testamentary trusts and not living trusts and if so, why, given your objective of avoiding probate. If, on the other hand, you discover that you actually created living trusts, then you should tell your lawyer that you would like to now fund your trusts for the purpose of avoiding probate. He or she will then review your asset holdings with you and your wife and discuss the details of how to go about re-titling those assets into the names of your trusts.

DEAR JONATHAN: My father has had several heart attacks and about a year ago he gave me his power of attorney to act for him if he can't act for himself due to any further health problems he experiences. I don't believe the document was prepared by a lawyer. I think it is something that he got off the computer. I just want to make sure that this document will be honored in the event my father has any further health problems. I raised this issue with my dad and told him that he should have a lawyer prepare this on his behalf but he felt the document was adequate. What do you think?

JONATHAN SAYS: I cannot give you any opinion as to the adequacy of the document without actually seeing it. However, if it is simply a general power of attorney and not a durable power of attorney, you could run into problems upon your father's disability or incompetence. This is because under a general power of attorney, an agent's authority terminates upon the disability or incompetence of the principal. With a durable power of attorney, however, the agent's authority continues unabated even upon the disability or incompetence of the principal.

In order to make a general power of attorney a durable power of attorney, special language has to be inserted

such as the following: "This power of attorney shall not be effected by the disability of the principal" or "This power of attorney shall become effective upon the disability of the principal" or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding his disability.

Another potential problem with the power of attorney that your father created is that it isn't going to help in the event he needs medical treatment. Under Michigan law, your father needs to create a separate durable power of attorney for health care in the manner provided by law which allows him to appoint another, called a patient advo-

cate, to make medical care decisions on his behalf. Neither a general power of attorney or durable power of attorney will accomplish this purpose.

I recommend that you advise your father to meet with an estate planning attorney who can prepare both a general durable power of attorney and a durable power of attorney for health care which conform with Michigan law, which will allow you to act on his behalf in the event of a medical problem or otherwise. At the same time, the lawyer can explain to your father what other types of estate planning documents might benefit him.

Think safety and fun on trails this snowmobile season

A 25 percent rise in snowmobile deaths last winter despite a shortened season has officials urging snowmobilers to make safety and fun equal goals on the trail this winter, says AAA Michigan.

Forty snowmobilers lost their lives in 39 accidents between December 1999 and February 2000," says AAA Michigan Community Safety Services manager, Jerry Basch. That's 22 percent more than the 1998-99 season.

"So far this winter, at least five snowmobilers have died. These tragic incidents do not have to occur," Basch says. "Most can be prevented by following known safety rules and reducing the high risks that lead to crashes."

As of early November, Michigan leads the nation with an estimated 300,000 registered snowmobiles, say State Department of Natural Resources (DNR) officials.

"That figure fluctuates through the season as machines are registered or sold, but this year's early snow is prompting more snowmobilers who are taking to the trail for the first time, and they need to know and obey the rules to have safe fun," Basch says.

Those rules include new regulations prohibiting motorists with suspended automobile driver licenses from operating a snowmobile, and assessing driving points against snowmobilers convicted of drunk or impaired operation.

Basch says common factors in last season's fatalities include:

- **Speed.** Law enforcement officials say it's a contributing factor in nearly all fatal crashes. Many of today's machines are capable of exceeding 100 mph," Basch says. "Combine speed with driver inexperience or other factors and it is a deadly combination."

- **Alcohol.** Fifty percent of last winter's deaths involved alcohol.

- **Inexperience.** The average age of those killed was 33 and all but three were male. The youngest was age 14, the oldest 72. Eleven fatalities occurred during collisions with a fixed object such as a tree or a sign; 14 missed a curve or lost control and were thrown from their sleds, while four hit other vehicles or snowmobiles. Five snowmobilers drowned crossing dangerous ice. One fatality involved a pedestrian. The cause was not determined in five.

- **Darkness.** Twenty-seven fatalities occurred in darkness. "At speeds above 40 mph in darkness, snowmobilers run the risk of 'overdriving' their headlights, which are not nearly as powerful as a car's," Basch points out.

The DNR and 47 law enforcement agencies statewide will patrol roads, special events and approximately 6,100 miles of snowmobile routes this season. In addition, three Upper Peninsula regions and counties in Northwest Lower Michigan are earmarked for special trail patrols.

Snowmobilers can contribute to keeping the trails safe by following these rules:

- **Avoid alcohol.** It slows reaction time, reduces vision especially at night, impairs judgment and causes body temperatures to drop, increasing the possibility of hypothermia. Last winter, half of all the fatalities involved alcohol.

- **Dress for the trail.** Full-face helmets protect best against injury from twigs, flying debris and frostbite. Wear a snowmobile suit, boots and mittens and facemask in extremely frigid weather or on long rides.

- **Always travel with a buddy.** Tell someone where you are going and when you'll return. Take frequent breaks to avoid fatigue.

- **Pack a first-aid kit,** compass or portable GPS or cell phone, waterproof matches, survival blanket, tool kit, rope, extra ignition key and high-energy foods.

- **If you must cross a road,** stop, look and listen, then proceed. Even then, never assume the way is clear.

- **Stay on marked trails.** Be alert for fences, culverts, wildlife, ditches, stumps, posts, dry spots and hidden wires.

- **Never assume ice is safe** on lakes and rivers. Stay off rivers, where currents vary thicknesses. Never travel single file on ice.

- **Keep your machine in top condition.** Take your keys when parked and secure it and your trailer with a chain and trailer lock when unattended.

- **Drive at a safe speed.** Never exceed a speed that would cause loss of control or hinder your ability to stop within a clear distance.



Showboat Stewards

Showboat's Board of Directors, left to right, Mike Sprenger and Chuck Myers and Ivan Blough present Lowell mayor, Mike Blough with a check for roughly \$6,000. Through an agreement with the Showboat and the Lowell Chamber of Commerce, the city is now the steward of the boat. The money will be used to help with maintenance and insurance costs.



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