

VILLAGE OF STOCKBRIDGE  
RESOLUTION NO. 2023-09-06.005  
(Enacted September 6, 2023)

**RESOLUTION APPROVING INSTALLMENT PURCHASE  
AGREEMENT UNDER ACT 99 OF THE PUBLIC ACTS OF 1933**

WHEREAS, the Village has determined to purchase real property for the purpose of a new Village Hall via a land contract in a form attached hereto as Exhibit A from JS Properties III, LLC.

WHEREAS, the JS Properties III, LLC advised that it would enter into an installment purchase contract with the Village for the \$192,000.00 set forth above at five and one-half percent (5.5%) interest.

WHEREAS, the Contract is for ten (10) years, which satisfies the requirement of Act 99 of 1933 that it be for no more than fifteen (15) years.

WHEREAS, the Village of Stockbridge's Clerk, Heather Armstrong, has certified that the outstanding balance of all property purchased on installments by the Village of Stockbridge presently outstanding, exclusive of interest, does not exceed 1.25% of the taxable value of the real and personal property of the Village, as of December 2023.

WHEREAS, the Village Attorney has issued a legal opinion confirming his opinion that this Purchase is legal under Act 99 of the Public Acts of 1933, which makes it a valid and binding obligation and properly authorized under the laws of the State of Michigan.

IT IS RESOLVED:

1. The President of the Village of Stockbridge is authorized to sign said land contract on behalf of the Village with JS Properties, LLC, at a price not to exceed \$240,000.00 with a \$48,000 down payment and to obtain an installment purchase contract financing in the amount of \$192,000.00 under MCL 123.721, et al, substantially in the form presented to Council (the "Obligation"), under which the Village shall pay the purchase price, together with financing charges at the rate of 5.5% per annum, in installments as follows:
  - 1.1 Equal Monthly Installments of \$1,569.00, beginning on the first day of each month starting November 1, 2023 and continuing until maturity on October 1, 2038.
  - 1.2 Payments shall be made to JS Properties III, LLC at 311 South Clinton Street, MI 49285.

- 1.3 There is a pre-payment penalty if the Village pre-pays the land contract in the first 60 months, then the Village owes all the Seller the unaccrued interest between the date of pre-payment the 60<sup>th</sup> interest installment under the contract in full satisfaction of the pre-payment penalty, plus any principle amount.
  
- 2. The Village represents and warrants that:
  - 3.1 it has complied with the provisions of Act 99, Public Acts of Michigan, 1933, as amended (“Act 99”), and all other applicable laws and regulations pertaining to the authority of the Village to borrow, and all acts or conditions precedent to the execution of this Installment Purchase Contract.
  - 3.2 the entry into this Installment Purchase Contract does not require any approval or consent of any holders of any indebtedness or obligations of Village, and does not contravene any law, regulation or order binding on the Village or contravene the provisions of, or constitute a default under, or result in the creation of any lien or encumbrance upon the property of the Village under an indenture, mortgage, contract or other agreement to which the Village is a party, or by which it may be bound or affected.
  - 3.3 this Installment Purchase Contract constitutes a legal and valid and binding obligation of the Village enforceable against the Village in accordance with its terms.
  - 3.4 there are no pending or threatened actions or proceedings before any court or administrative agency which will materially adversely affect the condition or operation of Buyer or the ability of Buyer to perform its obligations under this Installment Purchase Contract.
  - 3.5 attached hereto is an Opinion Letter of the Village Attorney that this purchase is legal under Act 99 of the Public Acts of 1933, which the Council has relied upon in adopting this Resolution.

Moved By: Howlett

Seconded By: Mullins

Adopted at a Regular Meeting of the Village Council held on the 6th day of September, 2023.

YEAS: Morehouse, Mullins, Cattell, Fairbotham, Howlett, Ogden

NAYS: None

ABSENT: None



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Jill Ogden, Village President

**CERTIFICATION**

I certify that the above is a true and complete copy of Resolution No. 2023-09-06.005 adopted by the Village Council at a Regular Meeting held on the 6th day of September, 2023.



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Heather Armstrong, Village Clerk

Drafted by: John L. Gormley (P-53539)  
Attorney for the Village of Stockbridge  
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