



Oakland County Legal News

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SHORT TAKES

Commissioners welcome Patterson for annual budget address Wednesday

The Oakland County Board of Commissioners announces an evening meeting scheduled for Wednesday, July 17, beginning at 7 p.m. This special evening meeting will be held in the Oakland County Board of Commissioners' Auditorium located at 1200 North Telegraph Road in Pontiac.

Oakland County residents will have the opportunity to hear the 2014-2016 Oakland County Budget Recommendations from Oakland County Executive L. Brooks Patterson.

"I am looking forward to working with the County Executive to adopt another three-year balanced budget that keeps Oakland County strong financially," stated Oakland County Board Chairman Michael J. Gingell.

The meeting will be webcast and recorded by Trenton based company SoundQue. The public will be able to view the "live" webcast at www.oakgov/boc or www.oakland.michiganliveevents.com

Following the budget presentation, a series of Finance Committee budget hearings are scheduled and will follow the committee's regular agendas beginning at 9:30 a.m. on these dates: Thursday, July 25; Thursday, Aug. 8; and Thursday, Aug. 22.

All budget hearing meetings are held in Committee Room A located at 1200 N. Telegraph Road in Pontiac near the Board of Commissioners' Auditorium. These meetings will be webcast and recorded. All meetings are open to the public.

Firm hosts update on legal developments in China, Mexico, India

Miller Canfield's international business lawyers will discuss the latest legal developments affecting subsidiary and joint venture operations in China, Mexico and India at an upcoming "Cappuccino With Counsel" on Thursday, July 25, from 7:30 to 9 a.m. in Bloomfield Hills.

"General counsel and company executives tasked with investing or looking to invest in China, Mexico or India will get an overview on latest legal developments affecting investment in these countries," said Thomas Appleman, a principal and leader of Miller Canfield's China Practice team.

Joining Appleman will be lawyers Margarita Escalante, of Miller Canfield's Chicago office, to discuss Mexican labor law and financial reforms; Gurinder Singh, of the New York City office, to discuss the Indian political climate and foreign direct investment reform; and Yanping Wang, from the Shanghai office, to discuss Chinese labor laws and taxation issues involving ex-patriots.

There is no cost to attend. Reservations are required to Sandy Bera at 248-267-3345 or bera@millercafield.com. Location details will be provided upon registration.

Pot baked goods off limits in some cases, court says

LANSING (AP) — Michigan's Court of Appeals has ruled that baked goods and other food containing marijuana's active ingredient aren't considered "usable marijuana" under state law unless they contain plant material.

Mlive.com reports the ruling released last Friday, however, says registered medical marijuana patients who possess THC-laced foods may still be able to claim immunity from prosecution under a section of Michigan's medical marijuana law.

Michigan voters approved marijuana for some chronic medical conditions in 2008.

The ruling comes in a case centering on a Jan. 27, 2011 traffic stop in Oakland County where the motorist was charged with possession of marijuana with intent to deliver. He was later convicted and sentenced to 33 days in jail and three years of probation.

DEDICATION RECOGNIZED

Retired judge earns Avadenka Memorial Award

BY DEBRA TALCOTT
Legal News

Although Dennis Drury officially retired as a judge for the Oakland County 52-4 District Court and as the presiding judge for its drug court component, he continues to garner admiration. For his years of dedicated service, Drury was named as this year's recipient of the prestigious Frances R. Avadenka Award presented by the Oakland County Bar Association (OCBA).

The honor is named in memory of the OCBA's first female president, who died in 1987 while in office. Frances Avadenka had been known and respected for her volunteerism, so the award in her memory is presented to an OCBA member who has made significant contributions to the community outside of the legal profession and not for monetary gain.

"I was thrilled to be recognized for my community service," says Drury. "I had the privilege of knowing Fran Avadenka as my law career began in Oakland County. She was greatly admired by lawyers in the metro Detroit area. By her example, she challenged everyone in the legal profession to give back to their community through voluntary service."

Drury and this year's recipients of other awards were honored at the OCBA Annual Meeting in June. His nomination came from the OCBA Criminal Law Committee.

"In 1966 Judge Drury was assigned to serve as a circuit judge for the Oakland County Drug Court," wrote Kari L. Melkonian in her letter of nomination. "He was active in changing the way cases were adjudicated. Specifically, Judge Drury's philosophy on the bench was that a majority of



Among the honorees at the Oakland County Bar Association Annual Meeting was retired Judge Dennis Drury flanked here by outgoing OCBA president Judy Cunningham and incoming president Jim Derian.

Photo by Kristen Dimich, courtesy of OCBA

cases were connected in some way to an offender's substance abuse problem. From there, Judge Drury became an integral part of the drug therapy court where he was a participant for 12 years."

Drury underwent training for implementing a drug therapy court with the Office of National Drug Control Policy (ONDCP) and the Department of Justice. His mentor was Mary Ann Solberg, who was the deputy director of ONDCP.

"Mary Ann Solberg had served as director of the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse for many years before being appointed to her position of deputy director (deputy drug czar)," says Drury.

Drury presided over the Drug Therapy Court for more than 10 years before his retirement.

"The treatment courts are the wave of the future," he says. "More than 80 percent of

all criminal activity is rooted in drug abuse, either directly—possession and use—or indirectly—crimes for money to support addiction."

For each offender, addiction treatment costs taxpayers about 1/10th of that for incarceration for one year, making treatment a practical as well as more humane approach to solving one of society's most prevalent problems.

In his years on the bench, Drury has observed his share of success stories, but those that have left the greatest impact on him involved pregnant offenders.

"One of the most difficult situations we face in the Drug Therapy Court is the expectant mother who is addicted to crack, methamphetamine, or heroin," Drury says. "The baby born to a user is addicted to the drug, just like the mother. The child is in a life-threatening condition at birth. Extraordinary treatment must be used to wean the (See DRURY, Page 2)

Grant program encourages trial courts to innovate, improve service

Michigan trial courts with great ideas for improving court performance and public service can get a boost from a new grant program administered by the State Court Administrative Office, the administrative agency of the Michigan Supreme Court.

Grant money will be provided by the Court Performance Innovation Fund, created by the state Legislature earlier this year as part of the FY 2014 budget. SCAO recently opened the grant application process to the courts.

State Court Administrator Chad C. Schmucker said that the fund will support the Michigan justice system's reform efforts.

"We're pursuing reforms on three fronts: technology, court performance, and efficiency—courts working smarter for a better Michigan," Schmucker explained. "And part of the reform process is unleashing the creativity of the trial courts."

Schmucker continued, "We are looking for innovative ideas that, if they're successful, can be emulated by other courts. With a grant, courts can explore innovations that they might not otherwise pursue for lack of funding."

Chief Justice Robert P. Young Jr. likened the grants to "research and development funding for the trial courts."

Young, who with Schmucker advocated for the Legislature to approve the Court Performance Innovation Fund, said, "I am convinced that our Michigan trial courts offer a rich, and to some extent untapped, source of creativity. One court's innovative idea may be the genesis for a statewide improvement. A relatively small grant from the innovation fund may yield untold benefits in the future."

Schmucker added that the grant program "is not about encouraging courts to add programs that have already been tried and adopted by many other courts. For example, we have had drug and sobriety courts in Michigan for many years, so a court that simply wants to add such a program would not be eligible for a grant."

SCAO will screen applications for grants from the \$1 million fund and will also monitor grant recipients' programs.

Courts are asked to complete a brief pre-application and submit it to SCAO by Aug. 1. Applicants that pass the initial screening will be invited by Aug. 15 to submit a full application, due Sept. 15. Grant awards will be announced Oct. 1.

For application forms and instructions, see <http://www.courts.mi.gov/administration/admin/pages/grant-opportunities.aspx>.



SCHMUCKER



YOUNG

Main Street Oakland County communities receive record number of accreditations

Oakland County Executive L. Brooks Patterson recently announced that a record number of Main Street Oakland County (MSOC) communities have received accreditation for 2012 from the National Main Street Center. The 10 Oakland County downtown communities to receive national accreditation are: Clawson, Farmington, Ferndale, Highland, Holly, Lake Orion, Oxford, Ortonville, Pontiac, and Rochester.

"Congratulations to all of our nationally accredited Main Street communities and to all of the individuals in each community who make that happen," Patterson said at a morning news conference at Leon & Lulu in Clawson. "Their hard work reflects well on all of Oakland County."

Each accredited community received a score of 10 out of 10 on their 2012 national evaluations. The accreditations were announced in May at the National Main Streets Conference in New Orleans. The 2014 National Main Streets Conference will be in Detroit from May 18-21.

During the news conference, Patterson highlighted Downtown Rochester which also received the distinct honor of the Great American Main Street Award for 2012 in May. Ferndale achieved that national recognition in 2010. Patterson also acknowledged two communities that joined MSOC earlier this year as associate level members: Oak Park and Lathrup Village.

The county executive was joined by representatives from the 10 accredited communities, the two new associate level member communities, and Oakland County's Economic Development & Community Affairs Department. Members of the Clawson High School orchestra, cheerleaders and a baton twirler performed prior to the news conference.

MSOC is Oakland County's economic development program for its 32 downtown communities with a historic preservation philosophy and an emphasis on "sense of place." It helps local governments develop their downtowns as vibrant, successful districts that serve as the heart of their communities. Patterson established MSOC in 2000 as the nation's first county-wide Main Street program. Since its inception through 2012, more than \$685 million in public and private investment has created a net of 8,000 new fulltime jobs and established 818 new businesses.

There are currently 18 member downtown communities in the MSOC program. The 12 selected level/full service member communities are Clawson, Farmington, Ferndale, Franklin, Highland, Holly, Lake Orion, Oxford, Ortonville, Pontiac, Rochester and Walled Lake. The six associate level member communities are Birmingham, Clarkston, Lathrup Village, Leonard, Oak Park, and Waterford. For more information, click on AdvantageOakland.com.

Civil Panel speaks to students

As one of its final events, the annual Just the Beginning Foundation Summer Legal Institute conducted a Civil Panel on Monday, June 24, at the T. Levin U.S. District Courthouse in Detroit. The panel featured (left to right) Mark Fancher of the ACLU of Michigan, U.S. District Court Judge Victoria A. Roberts, Eastern District of Michigan; Linda Rexer of the State Bar of Michigan Foundation; and John C. Philo of the Maurice & Jane Sugar Law Center for Economic and Social Justice. Also on the panel, but not pictured, was Emily Hall of the Fair Housing Center of Metropolitan Detroit. The institute is designed to provide high school students who aspire to become lawyers with an introduction to the rule of law and the legal profession. It is presented by the Chicago-based Just the Beginning Foundation (www.jtbf.org), in partnership with Thomas M. Cooley Law School, Oakland University, Walmart, the ABA Council of Legal Education Opportunity, and the U.S. District Court, Eastern District of Michigan.

Photo by John Meiu



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Civil rights case vs. George Zimmerman won't be simple.

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Minutes of Federal Reserve policy meeting show sharp divisions

BY CHRISTOPHER S. RUGABER
AND MARTIN CRUTSINGER
AP Economics Writers

WASHINGTON (AP) — Federal Reserve officials seem far from a consensus on the question that's consumed investors for months: When will the Fed slow its bond purchases?

Minutes of their June 18-19 policy meeting show many of the 19 officials felt the job market's improvement would have to be sustained before the Fed would scale back its bond purchases, which have helped support spending and growth, lifted stocks and kept mortgage rates near record lows?

Many thought the purchases should extend into 2014, according to a summary of economic forecasts that are released with the minutes.

Still, several thought a slowdown in purchases could start soon.

And one faction favored an aggressive timetable: According to a summary of economic forecasts released with the minutes, about half the "participants" favored ending the bond purchases late this year — months earlier than Chairman Ben Bernanke has indicated. Participants include voting and non-voting officials on the Fed's policy committee.

The divisions revealed last week by the minutes reflect the difficulty investors have had deciphering the Fed's intentions. Bernanke has carved out a measured stance: At a news conference after last month's meeting, he said the Fed would likely slow its bond purchases later this year and end them around mid-2014 if the economy continued to strengthen. The Fed has been buying \$85 billion in Treasury and mortgage bonds each month since late last year.

Most investors and analysts interpreted Bernanke's remarks to mean the Fed would likely announce after its September meeting that it will scale back its bond buying.

Many Fed officials side with Bernanke's approach. But the minutes were a reminder that some officials feel Bernanke's timetable for slowing the bond buying is too cautious.

Some analysts think the Fed, in the end, will back the chairman's notion of slowing the purchases

later this year — if the outlook for the economy continues to strengthen.

The minutes suggest that a slowdown in the bond buying in September "is not quite a done deal," said Michael Hanson, U.S. economist at Bank of America Merrill Lynch. "For a taper in September, we may still need to see some more improvement in the economy."

Yet even the analysts differ. Dana Saporta, an economist at Credit Suisse, said she still thinks the Fed will start pulling back its purchases in September.

The jobs report for June, which was recently released, "went at least some way towards satisfying those who were looking for more improvement in labor market conditions," Saporta said.

Unless the economic data significantly worsen in July and August, "it seems like most Fed officials expect tapering to begin in September," she said.

Employers added 195,000 jobs in June, and revisions showed that another 70,000 jobs were added in the previous two months. The unemployment rate was unchanged at 7.6 percent.

Fed members also struggled at last month's meeting over how best to convey the Fed's thinking about its timetable for bond purchases, the minutes showed.

Some wanted to explain it in the post-meeting statement. Others felt the statement might be misinterpreted. In the end, most participants thought Bernanke should lay out the Fed's thinking in his news conference — and stress that any pullback in bond purchases would depend on the economic outlook.

Bernanke stressed at the news conference last month that if the economy weakens, the Fed wouldn't hesitate to step up its bond purchases again. Still, stocks and bonds plunged after his remarks, and interest rates surged.

Several Fed members helped steady stock markets in the days that followed by noting that any pullback in bond buying would hinge on the economy's health, not a target date. Stocks have since regained most of their losses, in part because of encouraging data about the job market and corporate earnings.

Ultra-low rates have encouraged more Americans to buy homes and cars, helped support

the economy and cheered the stock market. Investors worried that once the Fed starts scaling back its bond buying, home loans would start to cost more, corporations would pay more to borrow and bond investors would be squeezed.

But steady job gains have raised the likelihood that the Fed will announce after its September meeting that it's reducing its bond purchases.

Still, economic growth has been subpar. The economy grew at an annual rate of just 1.8 percent in the January-March quarter. Economists think growth stayed below a 2 percent annual rate in the April-June quarter. If so, it would mark a third straight quarter of weak growth.

Most think growth will pick up in the second half of the year but stay around 2 percent for the year.

The Fed's forecasts are rosier: It predicts growth of 2.3 percent to 2.6 percent this year and more than 3 percent in 2014. It also expects unemployment to fall as low as 7.2 percent by the end of this year and as low as 6.5 percent by the end of 2014.

Many analysts think the Fed could begin slowing its bond purchases from \$85 billion a month to around \$65 billion in September and gradually shrink them before ending them by next summer. That would likely happen, though, only if the job market and the economy continued to strengthen. Bernanke has said the bond-buying would end when the unemployment rate would be around 7 percent. It's now 7.6 percent.

Even after it scales back its bond purchases, the Fed will still be providing considerable support to the economy. That's because it plans to keep its investment holdings — now at a record \$3.4 trillion — constant to avoid causing long-term rates to rise too quickly. The end of the bond program would mean only that the Fed's balance sheet would no longer be growing.

The Fed has also said it plans to keep short-term rates at record lows at least until unemployment slides to 6.5 percent. And Bernanke has emphasized that 6.5 percent unemployment is a threshold, not a trigger: The Fed might decide to keep its benchmark short-term rate near zero even after unemployment falls that low.

New car too pricey? Used car prices are dropping

BY DEE-ANN DURBIN
AP Auto Writer

DETROIT (AP) — Is that new set of wheels out of your price range? Used cars have gotten more affordable, especially if you're looking for a small car or a hybrid.

Used car prices have been falling since 2011, and they're expected to decline gradually for the remainder of this year. That's good news for those joining or re-entering the workforce, or anyone else who might find a payment on a new car too steep.

There is some volatility. Prices for used cars are typically higher at the start of the year, when dealers buy cars at auctions in advance of the spring selling season. They decline as the year goes on. The price of a 3-year-old car fell 4 percent between April and June, estimates Alex Gutierrez of car-pricing company Kelley Blue Book.

Used-car dealers get many of their cars from auctions run by companies like Manheim, a division of Cox Enterprises of Atlanta. The average price for a used car at auction was \$11,031 in June, down 6 percent from its peak in May 2011. Manheim reported this week. The 2011 peak was the highest price Manheim had seen since 1995, when it began collecting data.

At Manheim-run auctions, banks and auto company financing operations sell cars that have come back after leases expire. Rental car companies and car dealers also sell cars there. Dealers buy the cars, mark them up and sell them for a profit.

Auction values also help set prices for individuals who want to sell their cars at the market rate. In 2009, new vehicle sales fell to a 30-year low of 10.4 million. Two years later, used cars were in

short supply and prices got so high that it made sense for consumers to buy new.

Things have turned around. New car sales picked up starting in 2010 and now there are far more used cars in the pipeline. Buyers shopping for a 3-year-old used car can expect to pay 25 or 30 percent less than the manufacturer's suggested retail price for a current new model.

The average retail price of a used car fell by \$1,000 per car in the last half of 2012. Gutierrez expects a similar decline in the second half of this year. Keep in mind that used car prices vary widely based on the age of the car and the miles it has been driven.

The price declines will be gradual. While more inventory is helping to lower prices, demand is rising as more people get jobs and need vehicles for work.

Gutierrez estimates that a 3-year-old car cost an average \$19,000 in June. By comparison, a new car averaged \$31,663 last month. That's up \$307 — or around 1 percent — from April.

Used cars are big business. Every year around 40 million are sold in the U.S., compared with 14 or 15 million new cars.

If you're looking for a used car, check prices online and then decide whether you want to go through a dealer or through an individual. Private sellers will often give you a better deal, but dealerships offer certified pre-owned cars that have gone through inspections and may offer better warranties.

Here's what you can expect to pay right now for 2010 model-year vehicles, according to Kelley Blue Book:

Small Cars: Prices on the smallest and most fuel-efficient used vehicles fell rapidly between April and June as gas prices moderated and carmakers enticed buy-

ers with deals on new models. The price of a 2010 Toyota Prius fell 15 percent over the last three months, from \$18,600 to \$15,800. Prices of small cars like the Honda Civic and Ford Focus are down 8.5 percent. The average price of a 3-year-old small car was \$13,000 in June.

Midsize Cars: The value of midsize cars like the Toyota Camry and Hyundai Sonata have been hurt by the arrival of several new or redesigned models that hit the market in the last year, including the Ford Fusion, Honda Accord and Nissan Altima. Prices for used midsize cars are down 6.9 percent to \$14,503.

Luxury Cars: Luxury cars held steady, with used-car prices falling just 1 percent to \$28,692. But Gutierrez expects a steeper drop in July, when luxury vehicle values tend to fall as owners anticipate new models coming in the fall.

Small and Midsize SUVs: Prices of hot-selling midsize SUVs like the Jeep Grand Cherokee and Ford Explorer are down just 4 percent, to an average of \$20,581. Small SUVs like the Ford Escape and Honda CR-V are down 7 percent to an average of \$17,548.

Trucks: Pickup trucks are in demand, as small businesses replace older trucks. Prices for used full-size pickups like the Chevrolet Silverado stayed flat between April and June, at \$21,854. Prices of small pickups like the Toyota Tacoma are down 1 percent to \$17,119.



Miller, Canfield, Paddock, & Stone PLC hosted a reception and viewing of the Detroit-Windsor International Fireworks on Monday, June 24, at its downtown Detroit offices. Among those enjoying the festivities were (left to right) Miller Canfield Principal Joe Gustavus, Debbie Gabriel, John Gabriel, Susie Ganyard, and Christine Gabriel. Photo by John Meiu

Fireworks festivities

DRURY: Judge now works in ADR

(Continued from page 1) baby from the drugs. The distress of the baby is heart wrenching to the medical personnel who render treatment. The treatment is very expensive. I have heard estimates of the cost to be between \$250,000 and \$500,000. During my 10 years presiding over the Drug Therapy Court, we had three addicted expectant mothers come into the program. All three managed to remain drug free throughout the balance of their pregnancy. All three gave birth to non-addicted, healthy babies, and each of the moms was able to care for their baby. Now that's a success story any way that you look at it."

The judge has spent the seven months since his retirement enjoying spending more time with his two grandchildren, 9-year-old Violet and 7-year-old Christian.

"They are teaching me to use my universal remote and my electronic and computer equipment," says the proud grandfather.

However, when someone is as dedicated to his profession and his community as Drury has been, he cannot be expected to walk away from his profession "cold turkey."

"So my time has been devoted to organizing and training to serve as a neutral in arbitration media-

tion and facilitation. My new career is in Alternative Dispute Resolution (ADR)."

Drury also continues to teach law classes at Walsh College and Cooley Law School.

Born and raised in East Lansing, Drury considers himself fortunate to have grown up near Michigan State University.

"I went to school with the children of professors, administrators, coaches, and even the university president. This provided me with exceptional adult role models, and it provided me with access to all of the facilities at one of the great learning institutions in the country."

With an undergraduate degree from MSU and a law degree from the University of Michigan, Drury is poised to participate in any conversation about the rivalry between the two institutions.

"If anyone shows a preference for either institution, I can chime in with, 'Oh, that's where I got my degree,'" he quips.

Likewise, Drury's education path means that receiving the Avadenka Award likely will not be the last time he is a winner.

"It also serves well for wagers since I can bet that my alma mater always wins when Michigan State and Michigan play each other."

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