

Court of Appeals, State of Michigan

ORDER

Frances Andry v Matthew D Baghdoian

Docket No. 278503

LC No. 06-001475-CZ

Richard A. Bandstra
Presiding Judge

Michael R. Smolenski

Jane M. Beckering
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court VACATES the circuit court's May 16, 2007 order denying defendants' motion for summary disposition, and REMANDS this matter to the circuit court with direction to enter an order granting that motion. The factual issue that the court identified, involving as it does an event that occurred approximately 15 years after title had vested, *Gorte v Dep't of Transportation*, 202 Mich App 161, 168; 507 NW2d 797 (1993); *Sackett v Atyeo*, 217 Mich App 676, 682; 552 NW2d 536 (1996), is not material to the issue of whether there was acquiescence for the statutory period. *Sackett, supra*; *Neal v Friendship Manor Nursing Home*, 113 Mich App 759, 763; 318 NW2d 594 (1982), citing *Partrich v Muscat*, 84 Mich App 724, 730-731; 270 NW2d 506 (1978). The record reveals no other factual dispute on any issue relative to the doctrine of acquiescence. Therefore, defendants were entitled to judgment as a matter of law and summary disposition was appropriate pursuant to MCR 2.116(C)(10). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 25 2007

Date

Sandra Schultz Mengel
Chief Clerk