

Court of Appeals, State of Michigan

ORDER

Bombay Bazaar & Sweets Inc v Farm Bureau General Insurance Co

Docket No. 308592

LC No. 11-004515-CK

Kurtis T. Wilder
Presiding Judge

Kirsten Frank Kelly

Michael J. Riordan
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to file a reply to the answer is GRANTED.

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the February 6, 2012, order of the Wayne Circuit Court denying defendant's motion for summary disposition hereby is REVERSED. An insured's failure to timely file a sworn proof of loss bars recovery on a claim. See *Fenton v Nat'l Fire Ins Co*, 235 Mich 147, 151; 209 NW 42 (1926). The case is remanded to the circuit court for further proceedings consistent with this order.

The motion for stay is DENIED.

This order is to have immediate effect, MCR 7.215(F)(2).

The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

MAY 11 2012

Date


Chief Clerk