

Court of Appeals, State of Michigan

ORDER

Jaclyn Shoshana Levine v Briarwood Homeowners Association of
Okemos

Docket No. 315363

LC No. 12-001032-CZ

Donald S. Owens
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

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

In lieu of granting the application for leave to appeal, the Court orders that the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED. The trial court erred in finding that there was a genuine issue of material fact regarding the timeliness of defendant's rejection of plaintiff's application. The applicable covenant provides that an application is deemed approved if it is not disapproved within 30 days of being submitted. The affidavit of defendant's president indicating that the rejection was sent on or before September 29, 2009 is insufficient to show that the application was disapproved within 30 days of the submittal. The matter is REMANDED for entry of summary disposition in favor of plaintiff.

The motion for stay pending appeal is DENIED as moot.

We do not retain jurisdiction.



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

APR 26 2013

Date

A handwritten signature in black ink, appearing to read 'Larry S. Royster', is written over a horizontal line. Below the line, the words 'Chief Clerk' are printed.

Chief Clerk