

Court of Appeals, State of Michigan

ORDER

Erica Davis v Stacy Renae Bingham

Docket No. 322610

LC No. 14-000004-ML

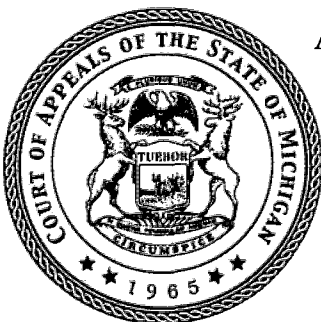
William B. Murphy, C.J.
Presiding Judge

David H. Sawyer

Jane M. Beckering
Judges

The Court orders that the application for leave to appeal is DENIED without prejudice to later raising the issues following completion of the circuit court case. The record presented to this Court is too incomplete to allow for clear resolution of whether the consent judgment of separate maintenance and MCL 552.101 can, by themselves, resolve respondent's rights to any parts of the estate of George C. Davis because that judgment and statute do not necessarily take into account respondent's argument that the judgment and statute do not preclude Davis from changing his mind after the consent judgment was entered because of new circumstances. Furthermore, there remain unresolved factual matters regarding whether Davis did in fact change his mind, and if he did change it, what he changed it to. This Court expresses no opinion on the effect of the consent judgment and the statute once factual matters identified in this order are resolved.

Because none of the unsubstantiated factual assertions of which petitioners complain in their motion to strike were used in deciding any issues, that motion is DENIED.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

DEC 16 2014

Date


Chief Clerk