

Court of Appeals, State of Michigan

ORDER

Leila Weber v Landmarc Building/Development, Inc.

Docket No. 325004

LC No. 2013-009967-AV

Jane M. Beckering
Presiding Judge

David H. Sawyer

Joel P. Hoekstra
Judges

Pursuant to MCR 7.205(E)(2), in lieu of granting the application for leave to appeal, the Court VACATES the November 17, 2014 order of Oakland Circuit Court and the July 8, 2013 order of Oakland District Court and REMANDS this matter to the district court for further proceedings. Summary disposition was prematurely granted. The content of plaintiff's affidavit and her realtor's letter create a genuine issue of material fact regarding whether that arched window modification was indicated on the architectural drawings at the time plaintiff signed and initialed the drawing memorializing her consent to the changes appearing on the document and, hence, whether the arched window modification is actually part of the standard building contract as modified. *Debano-Griffin v Lake County*, 493 Mich 167, 175; 828 NW2d 634 (2013).



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

MAY 29 2015

Date


Chief Clerk