

Court of Appeals, State of Michigan

ORDER

Westwick Square Cooperative v Ernestine Hixon

Docket No. 343842

LC No. 17-016703-AV

Christopher M. Murray
Presiding Judge

Karen M. Fort Hood

Anica Letica
Judges

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

The motion to file a reply to the response to the motion to strike is GRANTED, and the proposed reply filed on July 30, 2018 is accepted for filing.

The motion to strike a portion of the reply brief is DENIED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(E)(2), the Court orders that the April 25, 2018 order of the circuit court is REVERSED. There was no genuine issue of material fact that plaintiff's affidavit did not comply with the requirements contained in the plaintiff's bylaws. MCR 2.116(C)(10). The bylaw provision at issue, Article III, §8(a), is unambiguous in that it requires the submission of the particular Westwick Square Cooperative application forms within 60 days of the decedent's death, and it is undisputed that plaintiff failed to submit those forms. We therefore REMAND for entry of an order reinstating the district court's grant of plaintiff's motion for summary disposition and judgment of possession.

The motion for stay is DENIED as moot.

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



SEP 27 2018

Date

Chief Clerk