

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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ROY RICH,

Plaintiff–Appellee,

v

SANDRA SUPPES,

Defendant–Appellant.

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UNPUBLISHED

November 1, 1996

No. 186718

LC No. 94-013447-DZ

Before: Corrigan, P.J., and Jansen and M. Warshawsky,\* JJ.

PER CURIAM.

Defendant appeals as of right from an order of judgment for plaintiff in the amount of \$6,876.68<sup>1</sup>. Plaintiff sued defendant for conversion of certain items that were awarded to him in the judgment of divorce. We affirm.

Following entry of the judgment of divorce, plaintiff filed suit against defendant to recover items that he claimed had been awarded to him in the judgment of divorce. Following a bench trial, the trial court ultimately held that defendant had converted certain property because defendant did not return the items within a reasonable time after the judgment of divorce was entered. The trial court computed the damages for the converted items to be \$2,289.98. The trial court then trebled damages pursuant to MCL 600.2919a; MSA 27A.2919(1).

Defendant first argues that the trial court erred when it denied her motion for directed verdict because there was insufficient evidence to prove that conversion had occurred because the record was devoid of any demand by plaintiff and refusal by defendant to return the property in question. A demand for the return of property is not necessary where the act of the defendant amounts to a conversion regardless of whether a demand is made. *Trial Clinic, PC v Bloch*, 114 Mich App 700, 706; 319 NW2d 638 (1982). The trial court properly ruled that defendant failed to comply with the judgment of divorce because she kept the property awarded to plaintiff in her possession and that such constituted conversion. *Carpenter v Carpenter*, 154 Mich 100, 102; 117 NW 598 (1908). There

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\* Circuit judge, sitting on the Court of Appeals by assignment.

was evidence presented supporting that defendant kept the property awarded to plaintiff in the judgment of divorce, accordingly the trial court did not err in denying defendant's motion for a directed verdict. *Thoma v Tracy Motor Sales, Inc*, 360 Mich 434, 438; 104 NW2d 360 (1960).

Defendant next argues that the trial court incorrectly awarded plaintiff the full value of items in which he had only fifty percent ownership. Contrary to defendant's argument, the trial court did not award plaintiff the full value of the computer, horns, coffee maker, adding machine, and clock radio. The trial court specifically stated that it would not award full market value for all the items claimed by plaintiff because they were not new items. The trial court awarded \$200 for the computer, \$50 for the horns, \$5 for the coffee maker, \$20 for the adding machine, and \$10 for the clock radio. We find no error with the trial court's computation of damages in this regard.

Defendant last argues that the trial court improperly trebled damages pursuant to MCL 600.2919a; MSA 27A.2919(1). In its opinion, the trial court awarded treble damages. MCL 600.2919a; MSA 27A.2919(1) provides:

A person damaged as a result of another person's buying, receiving, or aiding in the concealment of any stolen, embezzled, or converted property when the person buying, receiving, or aiding in the concealment of any stolen, embezzled, or converted property knew that the property was stolen, embezzled, or converted may recover 3 times the amount of actual damages sustained, plus costs and reasonable attorney's fees. This remedy shall be in addition to any other right or remedy the person may have at law or otherwise.

We find no error in the trial court's application of this statute. At the time that defendant had the property, she knew that plaintiff was entitled to receive certain items pursuant to the judgment of divorce which specifically awarded certain property to plaintiff. Defendant's claim that she was not told what to do with the property is simply not believable because there was a judgment of divorce awarding plaintiff certain marital property. Thus, the trial court properly concluded that defendant received converted property and she knew that plaintiff had been awarded that property pursuant to the judgment of divorce. The trial court properly applied § 2919a.

Affirmed.

/s/ Maura D. Corrigan  
/s/ Kathleen Jansen  
/s/ Meyer Warshawsky

<sup>1</sup> The order of judgment indicates that \$6,059.94 was for damages, \$285.52 was for interest, and \$531.22 was for costs, for a total judgment of \$6,876.68.