

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

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PAUL D. MACIVER

UNPUBLISHED

Plaintiff-Appellant,

v

No. 181393

LC No. 94-000158-DM

PAMELA J. MACIVER,

Defendant-Appellee.

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Before: McDonald, P.J., and White and P.J. Conlin,\* JJ.

WHITE, J. (concurring in part and dissenting in part)

I concur with the majority in concluding that the trial court erred in imposing an equitable lien on the property and in computing the value of defendant's expectancy interest. I would not, however, overturn the court's decision to award plaintiff some amount based on defendant's expectancy interest in the property and the manner in which the parties dealt with the property during the marriage. I do not agree that the court's determination with regard to the division of marital assets between the parties must be based on a finding that defendant was defrauded. Since the lien is being vacated, no third-party rights are involved, and only the parties' property will be affected by the court's distribution.

/s/ Helene N. White

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