

STATE OF MICHIGAN
COURT OF APPEALS

STANDALE LUMBER & SUPPLY COMPANY, a
Michigan corporation,

UNPUBLISHED
November 26, 1996

Plaintiff-Appellant,

v

No. 177450
LC No. 94-000247-CH

WILLIAM L. BENEFIEL and NANCY H.
BENEFIEL, husband and wife, FIRST OF AMERICA
BANK - MICHIGAN, N.A., and THE
HOMEOWNER CONSTRUCTION LIEN
RECOVERY FUND,

Defendants-Appellees,

and

FARRER BUILDERS, INC.,

Defendant.

Before: Sawyer, P.J., and Griffin and M.G. Harrison,* JJ.

PER CURIAM.

Plaintiff appeals from an order of the circuit court granting summary disposition in favor of defendants. We reverse.

Defendants Benefiel contracted with defendant Farrer Builders to build a single family residential home on Lot 31 of Lake Forest Estates, in section 3 of Comstock Township, Kalamazoo County. Plaintiff provided materials for the construction of the home and filed a construction lien. However, the claim of lien incorrectly listed the lot number as Lot 21 instead of Lot 31. However, the owners were correctly identified, the street address was correct, as was the name of the subdivision. Plaintiff filed the

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

instant action after defendant Farrer Builders failed to pay the balance owed for the materials supplied to build the Benefiels' home.

The trial court granted summary disposition in favor of defendants, concluding that the construction lien statute required strict construction. The trial court concluded that plaintiff failed to strictly comply with the statute by listing an incorrect legal description.

The only issue on appeal is whether the lien is enforceable despite the incorrect legal description. We conclude that it is. The construction lien act provides that the act is to be liberally construed and that substantial compliance is sufficient to establish a valid lien. MCL 570.1302; MSA 26.316(302); see also *Brown Plumbing & Heating, Inc v Homeowner Construction Lien Recovery Fund*, 442 Mich 179; 500 NW2d 733 (1993). We are satisfied that plaintiff substantially complied in filing a lien that correctly identified the property owner and street address of the property against which the lien was filed.¹ Accordingly, the trial court erred in granting summary disposition to defendants.

Reversed and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction. Plaintiff may tax costs.

/s/ David H. Sawyer
/s/ Richard Allen Griffin
/s/ Michael G. Harrison

¹ Furthermore, we note that this is not a situation in which it is claimed that the lien was undiscovered because of the error in the legal description. Indeed, the trial court noted in its opinion on reconsideration that the lien would be discoverable through the Grantor/Grantee index.