

STATE OF MICHIGAN
COURT OF APPEALS

KIRCO REALTY & DEVELOPMENT, LIMITED
and ALAN M. KIRILUK,

UNPUBLISHED

Plaintiff-Appellants,

v

BANKERS TRUST COMPANY and FIRST OF
AMERICA, S.E.,

No. 156384
Oakland County
LC No. 91 407347 CK

Defendant-Appellees.

BANKERS TRUST COMPANY,

Plaintiff-Appellee,

v

ALAN M. KIRILUK,

No. 180031
Oakland County
LC No. 91 412669 CK

Defendant-Appellant.

Before: Reilly, P.J., and White, and P.D. Schaefer,* JJ.

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

I concur as to Docket No. 156384.

As to Docket No. 180031, I conclude that the bank officer's deposition testimony is sufficient to create a genuine issue of material fact as to the question whether Kiriluk is entitled to reformation of section 6(e) of the guaranty.

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

/s/ Helene N. White