

STATE OF MICHIGAN
COURT OF APPEALS

FARMERS PETROLEUM COOPERATIVE, INC.,

UNPUBLISHED

Plaintiff-Appellee,

v

No. 191490

Eaton Circuit

MUTUAL SERVICE CASUALTY INSURANCE
COMPANY,

LC No. 95-000059-CK

Defendant-Appellant.

Before: Saad, P.J., and Neff and Jansen, JJ.

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

I fully concur in the result reached by the majority opinion and in the reasoning of § I regarding the notice issue. However, I respectfully dissent from the conclusion of § II that the trial court erred in finding the policy language to be ambiguous. I agree with the trial court's analysis and opinion regarding ambiguity and adopt them as my own. I would affirm on both grounds.

/s/ Janet T. Neff