

STATE OF MICHIGAN
COURT OF APPEALS

JUDY A. POLICK,

Plaintiff-Appellant,

v

VINCENT POLICK,

Defendant-Appellee.

UNPUBLISHED

July 25, 1997

No. 194182

Oakland Circuit Court

LC No. 95-490047 DO

Before: Jansen, P.J., and Wahls and P.R. Joslyn*, JJ.

MEMORANDUM.

Plaintiff appeals as of right from April 10, 1996 orders denying her request to modify the divorce judgment and for relief from judgment. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court's findings that the terms of the property settlement, as set forth in the consent judgment of divorce, accurately reflected the terms of the settlement agreement were supported by the record and, therefore, not clearly erroneous. *Beason v Beason*, 435 Mich 791, 805; 460 NW2d 207 (1990). Accordingly, the trial court correctly denied plaintiff's motion to modify the judgment. *Keyser v Keyser*, 182 Mich App 268, 269-270; 451 NW2d 268 (1990); *Bers v Bers*, 161 Mich App 457, 463-464; 411 NW2d 732 (1987); *Marshall v Marshall*, 135 Mich App 702, 709; 355 NW2d 661 (1984).

The trial court also correctly denied plaintiff's motion for relief from judgment. Plaintiff failed to offer significant, specific allegations of fraud and misrepresentation in support of her request for relief. *Kiefer v Kiefer*, 212 Mich App 176, 179; 536 NW2d 873 (1995); *Rapaport v Rapaport*, 185 Mich App 12, 17; 460 NW2d 588 (1990); *Parlove v Klein*, 37 Mich App 537, 544; 195 NW2d 3 (1972). Instead, her request for relief is predicated on conjecture and speculation. Under these circumstances, the court did not abuse its discretion when it denied the request for relief without reopening discovery and without conducting a subsequent evidentiary hearing. *Young v David Young*, 342 Mich 505, 507-

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

509; 70 NW2d 730 (1955); *Kiefer, supra* at 179; *Nederlander v Nederlander*, 205 Mich App 123, 128; 517 NW2d 768 (1994).

Affirmed.

/s/ Kathleen Jansen

/s/ Myron H. Wahls

/s/ Patrick R. Joslyn