

STATE OF MICHIGAN
COURT OF APPEALS

DAVID O'NEAL,

Plaintiff-Appellant,

v

RITA DUCA,

Defendant-Appellee.

UNPUBLISHED

August 22, 1997

No. 189666

Muskegon Circuit Court

LC No. 95-033088-CH

Before: Sawyer, P.J., and Bandstra and E. A. Quinnell*, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition under MCR 2.116(C)(7), lack of standing, granted in defendant's favor by the Muskegon Circuit Court. We affirm.

Plaintiff purchased the property in question on land contract from defendant and defendant's husband on February 15, 1991. On May 17, 1991, plaintiff assigned his interest in the land contract to Angela Morin, and recorded this assignment, which was witnessed and which recited the receipt of valuable consideration, on May 29, 1991.

Subsequently, Morin fell into arrears on her payments, and in lieu of foreclosure proceedings she quitclaimed all interest in the property to defendant. Plaintiff then filed this action, claiming that he retained an interest in the property. However, the assignment establishes that plaintiff has no interest in the property.

Plaintiff contends that because the assignment was not acknowledged or accepted by Angela Morin, it is invalid. This argument is without merit. As plaintiff claims to have had valuable equity in the property, the assignment was economically beneficial to Angela Morin and her acceptance of it is presumed. *Kaufman v State Savings Bank*, 151 Mich 65, 66-67; 114 NW 863 (1908). Furthermore, Morin's execution of a quitclaim deed represents a subsequent ratification of the

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

assignment, which is permissible. 6 Am Jur 2d, Assignments, § 93. The trial court therefore properly concluded that plaintiff had no remaining interest in the property and lacks standing to pursue this action.

Affirmed.

/s/ David H. Sawyer

/s/ Richard A. Bandstra

/s/ Edward A. Quinnell