

STATE OF MICHIGAN
COURT OF APPEALS

EDWARD H. GRAFT and RICHARD P.
GRIZZEL,

UNPUBLISHED
January 3, 2003

Plaintiffs/Counter-Defendants-
Appellees,

v

No. 233679
Grand Traverse Circuit Court
LC No. 98-018389-CZ

KENNETH P. MURRAY,

Defendant/Counter-Plaintiff-
Appellant,

and

GREEN HILLS, INC.,

Defendant.¹

Before: Hood, P.J., and Whitbeck, C.J., and O’Connell, J.

MEMORANDUM.

Defendant appeals as of right from the trial court’s judgment for plaintiff. We affirm.

The parties’ business relationship became acrimonious, and this litigation was commenced. The parties entered into a settlement agreement which resolved the monetary division through the use of appraisals. Although the parties agreed to the appraisers, concern with the manner in which the appraisals were carried out caused the parties to submit questions seeking the foundation and any assumptions utilized in reaching a valuation. If the parties could not agree with the appraisers’ determinations, the trial court was given the authority to adjust the appraisal amounts based on assumptions and information it determined to be accurate.

Defendant alleges that the trial court’s determinations of valuation were improper. We disagree. A trial court’s findings of fact are reviewed under the clearly erroneous standard with due deference given to the superior position of the trial judge to determine credibility. *Badon v*

¹ Green Hills, Inc. was a necessary party in the trial court, but is not a party to this appeal.

General Motors Corp, 188 Mich App 430, 438; 470 NW2d 436 (1991). A trial court's factual findings are clearly erroneous if there is no evidence to support them or there is evidence to support them, but the reviewing court is left with a definite and firm conviction that a mistake has been made. *Zine v Chrysler Corp*, 236 Mich App 261, 270; 600 NW2d 384 (1999). Based on the parties' agreement to the manner of submission and the limited standard of review, we cannot conclude that the trial court's factual findings regarding the valuations were clearly erroneous.

Affirmed.

/s/ Harold Hood
/s/ William C. Whitbeck
/s/ Peter D. O'Connell