

Order

Michigan Supreme Court
Lansing, Michigan

September 15, 2006

Clifford W. Taylor,
Chief Justice

130377

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

DANIEL KNUE and JACQUELINE KNUE,
Plaintiffs/Counter-
Defendants/Appellees,

v

SC: 130377
COA: 255702
Ottawa CC: 02-043890-CE

JOAN SMITH, STEVE SMITH, and
CORNELIUS CASEY SMITH, a/k/a
CASEY SMITH,
Defendants/Counter-
Plaintiffs/Appellants.

On order of the Court, the application for leave to appeal the December 13, 2005 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(G)(1). The parties shall submit supplemental briefs within 28 days of the date of this order addressing whether attorney's fees and costs may be assessed pursuant to MCR 2.405(D) in a case involving an equitable claim to quiet title, and whether the \$3,000 offer in plaintiffs' counsel's letter of May 16, 2003 was an offer of judgment under MCR 2.405(A)(1), in light of that rule's requirement of a "sum certain," and given the plaintiffs' additional demand for a quitclaim deed. The parties should avoid submitting a mere restatement of the arguments made in their application papers.



s0912

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 15, 2006

Corbin R. Davis

Clerk