

Order

Michigan Supreme Court
Lansing, Michigan

December 10, 2010

Marilyn Kelly,
Chief Justice

142190 & (13)(14)

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

BERNARD A. STUDLEY and
JANET L. STUDLEY,
Plaintiffs-Appellees,

v

SC: 142190
COA: 300782
Ogemaw CC: 09-657196-CH

HILL TOWNSHIP, OGEMAW COUNTY
ROAD COMMISSION, OGEMAW COUNTY
DRAIN COMMISSION, DEPARTMENT OF
TRANSPORTATION, DEPARTMENT OF
TREASURY, DEPARTMENT OF NATURAL
RESOURCES, SHADY SHORES PARK
LOT OWNERS ASSOCIATION, GEORGE
R. ALASKA, ET UX, DONALD D. ASHER
TRUST, WILBURT AND PHYLLIS BAILER
TRUST, JOSEPH M. BANNASCH SR., JOSEPH
M. CAROLAN, VICKIE L. CAROLAN, BRUCE
DAWSON, CONSTANCE E. DEBUSSCHERE,
DAVID L. AND JO ANN HALL TRUSTS,
EDWARD L. HALL, ET UX, ROBERT E.
HENGY, GARY JOHN HUISKENS, ET UX,
PAMELA M. HUNTER, ROBERT P. AND
CAROL KANDALL TRUSTS, TRAVIS W.
KANGAS, AMANDA M. KANGAS, BRIDGET
KAY KANICKI, JOHNNIE G. KARL, KELLI R.
KIRK, MICHAEL P. MARTIN, CLIFFORD
MARTIN, RICHARD J. MAZUR, CONSTANCE
MAZUR, GREGG P. MILES, RHONDA S.
MILES, CHARLES RANDOLPH, ET UX, PAUL
J. SHEMON, DAWN L. SHEMON, WENDY K.
SLIGER, STEVEN R. SLIGER, JACK L. STOWE,
KURT P. TRAUTNER, ROMAN F. VANTHOMME,
GRACE M. VANTHOMME, SCOTT E. WELLNITZ,
SHELLE E. WELLNITZ, DAVID T. WEST,
ANDREA J. WEST, DAVID M. WILLIAMS,
DENISE SUZANNE WILLIAMS, MARK WILSON,
LETISIA WILSON, CAROL A. YOE, AND
CLAUDE H. YOE, SR.,
Defendants,

and

TERRY LEE ELLISON,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The application for leave to appeal the December 1, 2010 order of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should now be reviewed by this Court. The motion for stay is DENIED.

YOUNG, J. (*concurring*).

I concur in the order denying leave. This case comes to us on an interlocutory appeal, and the defendants have not shown that their rights will be *irreparably* damaged by the failure of this Court to intervene at this time.

The defendants claim that, contrary to *Tomecek v Bavas*, 482 Mich 484 (2008), the plaintiffs are attempting to effect a change in substantive property rights through proceedings under the Land Division Act (LDA), MCL 560.101 *et seq.* However, the record below is simply not sufficiently developed to determine the merits of defendants' claim, especially since no final order has affected defendants' substantive property rights. Furthermore, the defendants may appeal by right any final order or judgment that purports to alter their substantive property rights. Accordingly, there is no need for this Court to intervene at this time.



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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.

December 10, 2010

Corbin R. Davis

Clerk