

Court of Appeals, State of Michigan

ORDER

Carol Garrett v Department of Consumer & Industry Services

Docket No. 279670

LC No. 02-014200-CH

Helene N. White
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood
Judges

In lieu of granting the delayed application, the Court orders, pursuant to MCR 7.205(D)(2), that the May 2, 2007, order of the Monroe Circuit Court granting plaintiffs' motion for relief from judgment hereby is VACATED to the extent that it directed the Department of Consumer & Industry Services (DCIS) to approve plaintiffs' amended plat. That portion of the order is not consistent with the trial court's judgment of March 11, 2004, where the court properly directed plaintiffs to file an amended plat in accordance with Michigan law. At the hearing on May 2, 2007, the trial court correctly acknowledged that plaintiffs and the DCIS disagreed as to whether the amended plat complied with the Land Division Act (LDA), MCL 560.101 *et seq.* The LDA mandates that the State Treasurer (or, in this case, the DCIS) approve the plat, MCL 560.229(3). Therefore, the trial court should have directed plaintiffs to prepare a new plat to be submitted to the DCIS for approval, pursuant to MCL 560.229(1). The case is REMANDED to the circuit court for further proceedings consistent with this order.

The motion for stay is DENIED AS MOOT.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 21 2007

Date

Sandra Schultz Mengel
Chief Clerk