

Court of Appeals, State of Michigan

ORDER

TOWNSHIP OF MACOMB V RONALD MICHAELS

Docket No. 284479

LC No. 95-004372-CZ

Elizabeth L. Gleicher
Presiding Judge

Mark J. Cavanagh

Deborah A. Servitto
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), the Court orders that the portion of the Macomb Circuit Court's February 27, 2008 opinion and order is VACATED to the extent the court ordered defendants to pay a fine which exceeded the statutory maximum of \$7500 set by 600.1715(1). The circuit court imposed a fine of \$250 per day for each day of noncompliance after December 31, 2007. The court may not exceed the statutory limit by assessing fines on a daily basis in this manner. *In re Contempt of ACIA*, 243 Mich App 697, 719; 624 NW2d 443 (2000); *In re Contempt of Johnson*, 165 Mich App 422, 429-430; 419 NW2d 419 (1988). Defendants' fine is therefore limited to a total of \$7500.

In all other respects the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

The motion for stay is DENIED as moot.

Servitto, J. did not participate.



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

MAR 28 2008

Date

Sandra Schultz Mengel
Chief Clerk