

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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FRED W. BRZOZOWSKI and LAVERNE S.  
BRZOZOWSKI,

Plaintiffs-Appellees/Counter-  
Defendants/Cross-Appellants,

v

ARTHUR W. WONDRASEK and MARY  
WONDRASEK,

Defendants-Appellants/Counter-  
Plaintiffs/Cross-Appellees,

and

SHEILA FINK,

Intervening Plaintiff.

UNPUBLISHED  
November 10, 2005

No. 256701  
Berrien Circuit Court  
LC No. 01-003847-CH

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FRED W. BRZOZOWSKI and LAVERNE S.  
BRZOZOWSKI,

Plaintiffs-Appellees/Counter-  
Defendants,

v

ARTHUR W. WONDRASEK and MARY  
WONDRASEK,

Defendants-Appellants/Counter-  
Plaintiffs,

and

SHEILA FINK,

Intervening Plaintiff.

No. 259098  
Berrien Circuit Court  
LC No. 01-003847-CH

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Before: Bandstra, P.J., and Neff and Donofrio, JJ.

BANDSTRA, P.J., (*concurring in part and dissenting in part*)

I concur with the decision of the majority opinion except with regard to damages to the value of plaintiffs' home. I would conclude that the trial court's decisions on that issue were appropriate and "within the range of the evidence" presented below. *Triple E Produce Corp v Mastronardi Produce, Ltd*, 209 Mich App 165, 177; 530 NW2d 772 (1995). Plaintiffs' expert testified that the value of the home was between \$1,200,000 and \$1,300,000, from which the trial court appropriately deduced that the value was \$1,250,000. The trial court further found that the value of plaintiffs' property should have been \$172,000 higher than that amount, considering the evidence that Lake Michigan property values have doubled in the past few years. That determination had nothing to do with the orientation of plaintiffs' home on the lot. I do not conclude that the trial court erred in deciding that defendants should not be liable for the full \$172,000 of lost value, in light of the fact that there was testimony regarding how the placement of plaintiffs' home on their lot negatively impacted the value of their property, something that defendants had no control over and for which they should not be liable. Further, I do not conclude that the trial court erred in reducing the damages to plaintiffs by one half of the \$172,000 in lost value.

/s/ Richard A. Bandstra