

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

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COLLEEN CHRISTMAN,

Plaintiff/Counter-Defendant-  
Appellant,

v

CHICAGO TITLE, MIDSTATE  
TITLE AGENCY, L.L.C., and  
NEDERVELD, INC.,

Defendants,

and

ROGER L. BRONKHORST and  
MELVA A. BRONKHORST,

Defendants/Counter-Plaintiffs-  
Appellees,

and

RICHARD R. KING and LINDA KING,

Defendants-Appellees.

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Before: M. J. KELLY, P.J., and SAWYER and HOEKSTRA, JJ.

PER CURIAM.

Plaintiff/counter-defendant Colleen Christman appeals by right from a judgment of the Allegan Circuit Court imposing sanctions on plaintiff's counsel for filing frivolous complaints in violation of MCR 2.114(D) and (E). We affirm.

MCR 2.114 provides, in relevant part, as follows:

(D) Effect of Signature. The signature of an attorney or party, whether or not the party is represented by an attorney, constitutes a certification by the signer that

(1) he or she has read the document;

(2) to the best of his or her knowledge, information, and belief formed after reasonable inquiry, the document is well grounded in fact and is warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law; and

(3) the document is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(E) Sanctions for Violation. If a document is signed in violation of this rule, the court, on the motion of a party or on its own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the document, including reasonable attorney fees. The court may not assess punitive damages.

As previously explained by this Court, MCR 2.114(D) and (E) “impose an affirmative duty on each attorney to conduct a reasonable inquiry into the factual and legal viability of a pleading before it is signed.” *Attorney Gen v Harkins*, 257 Mich App 564, 576; 669 NW2d 296 (2003). Further, “[t]he reasonableness of the inquiry is determined by an objective standard,” and an “attorney’s subjective good faith is irrelevant.” *Id.* However, the reasonableness of the inquiry also depends on what, objectively, would be reasonable based on the facts and circumstances of each individual case. *Id.*

Whether a claim is frivolous within the meaning of MCR 2.114 depends on the facts of the particular case. *Kitchen v Kitchen*, 465 Mich 654, 662; 641 NW2d 245 (2002). When reviewing an award of sanctions pursuant to MCR 2.114, “[a] trial court’s finding that an action is frivolous [within the meaning of MCR 2.114] is reviewed for clear error. A decision is clearly erroneous where, although there is evidence to support it, the reviewing court is left with a definite and firm conviction that a mistake has been made.” *Id.* at 661-662 (citations omitted).

In the present case, plaintiff contested the existence of an easement that the Bronkhorst and King defendants claimed benefited their respective properties. However, the record supports the trial court’s finding that the title commitment documents prepared for plaintiff by defendant Chicago Title Insurance Company before plaintiff purchased the property clearly reference the easement in dispute. In addition, the conveyance documents establishing the existence of the easement over the property were publicly recorded. Following a review of these documents, the trial court found that there was no genuine issue of fact as to the existence of the easement, and it granted the Bronkhorsts and Kings summary disposition pursuant to MCR 2.116(C)(10). In addition, based on the availability of this information establishing the existence of the disputed easement, the trial court found that, contrary to MCR 2.114(D)(2), plaintiff’s claims against the Bronkhorsts and Kings were not well grounded in fact; therefore, the trial court also granted the Bronkhorsts’ and Kings’ motions for sanctions pursuant to MCR 2.114.

This Court has found that a recorded document in a chain of title establishing an easement and a reference to an easement in a title commitment are sufficient to put a purchaser on notice of the easement. *Little v Kin*, 249 Mich App 502, 505-506; 644 NW2d 375 (2002), and *Royce v Duthler*, 209 Mich App 682, 691; 531 NW2d 817 (1995). As set forth above, in the

present case, the record supports a finding that both of these sources of information were readily available to plaintiff's counsel before the original complaint was filed. Therefore, we find that the trial court did not clearly err when it found that plaintiff's claims against the Bronkhorsts and Kings disputing the existence of the easement were frivolous and that sanctions against plaintiff's counsel were appropriate pursuant to MCR 2.114(D) and (E).

Affirmed.

/s/ Michael J. Kelly  
/s/ David H. Sawyer  
/s/ Joel P. Hoekstra