

Order

**Michigan Supreme Court
Lansing, Michigan**

March 27, 2006

Clifford W. Taylor,
Chief Justice

129687

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

CANTALUPO HOMES & DEVELOPMENT, INC.,
Plaintiff/Counterdefendant-
Appellant,

v

SC: 129687
COA: 261327
Oakland CC: 01-033851-CH

GP ENTERPRISES, INC., d/b/a VENUS DAY
SPA, NEWBERRY SQUARE, INC., and
AMERICAN TOWER DELAWARE
CORPORATION,
Defendants/Cross-
Defendants-Appellees,

and

LIVONIA BUILDING MATERIALS,
Defendant/Counterplaintiff/
Cross-Plaintiff/Third-Party
Plaintiff-Appellee,

and

LONG MECHANICAL, INC. and INTERCON
CORPORATION,
Defendants/Counterplaintiffs/
Cross-Plaintiffs/Cross-
Defendants-Appellees,

and

WALTER GOLABECK,
Third-Party Defendant-Appellee,

and

COLUMN FINANCIAL, INC., CHASE
MANHATTAN BANK, as Trustee for
COMMERCIAL MORTGAGE PASS,
ARBOR DRUGS, INC., and NEW PAR,
d/b/a AIR TOUCH CELLULAR,
Defendants/Cross-Defendants,

and

RAY DE STEIGER, INC., d/b/a RAY ELECTRIC,
Defendant/Counterplaintiff/
Cross-Plaintiff/Cross-Defendant.

On order of the Court, the application for leave to appeal the September 1, 2005 judgment of the Court of Appeals is considered, and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration of the question whether plaintiff is entitled to a continuing lien on the improvements under MCL 570.1107(3). We do not retain jurisdiction.



d0320

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.

March 27, 2006

Corbin R. Davis

Clerk