

# Order

Michigan Supreme Court  
Lansing, Michigan

June 20, 2012

144356-7

RONALD W. LECH II,  
Plaintiff/Counter-Defendant/Appellee,

v

HUNTMORE ESTATES CONDOMINIUM  
ASSOCIATION,  
Defendant/Counter-Plaintiff/Appellee,

and

JACOBSON ORE CREEK LAND  
DEVELOPMENT, L.L.C. and SCOTT R.  
JACOBSON, d/b/a S.R. JACOBSON LAND  
DEVELOPMENT, L.L.C.,  
Defendants-Appellants.

Robert P. Young, Jr.,  
Chief Justice

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

SC: 144356-7  
COA: 296489; 297196  
Livingston CC: 08-024045-CH

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On order of the Court, the application for leave to appeal the October 6, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals as it applies to the Jacobson defendants and REINSTATE the Livingston Circuit Court's order granting the Jacobson defendants' motion for summary disposition. The Court of Appeals erred in finding that the plaintiff could assert the rights of LANS Development Corporation because a covenant against encumbrances is personal and does not run with the land. *Pease v Warner*, 153 Mich 140, 151-152 (1908); *McMurtry v Smith*, 320 Mich 304, 308 (1948). Moreover, the orders entered by the Livingston Circuit Court in the interpleader action, Case No. 05-021757-CH, did not confer upon the plaintiff the right to assert the rights of LANS Development Corporation. With respect to Count IV of the plaintiff's complaint, MCL 559.184a was not applicable because, under the unique circumstances of this case, the plaintiff was not a "prospective purchaser."



h0613

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.

June 20, 2012

*Corbin R. Davis*

Clerk