

Order

Michigan Supreme Court
Lansing, Michigan

November 27, 2013

Robert P. Young, Jr.,
Chief Justice

147611

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

FARM BUREAU MUTUAL INSURANCE
COMPANY OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 147611
COA: 311811
Gratiot CC: 11-011662-CK

LAURIE BOWERS, CARL BOWERS,
JULIE BOWERS and NICHOLAS BOWERS,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the July 9, 2013 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 and we REMAND this case to the Gratiot Circuit Court for further proceedings. A bailment existed as a matter of law between the boat's owners and the defendant Nicholas Bowers. See, *Godfrey v City of Flint*, 284 Mich 291 (1938). He also had, as a matter of law, custody or use of the watercraft at the time of the incident. Therefore, he was an insured under the terms of the insurance policy because he was "legally responsible" for and had "custody or use" of the watercraft at the time of the incident.



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I, Larry S. Royster, 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.

November 27, 2013


Clerk