

Order

Michigan Supreme Court
Lansing, Michigan

April 29, 2009

Marilyn Kelly,
Chief Justice

137974

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

ORCHARD ESTATES OF TROY
CONDOMINIUM ASSOCIATION, INC.,
CHRISTOPHER J. KOMASARA, and A. MARIA
KOMASARA,

Plaintiffs-Appellants,

v

SC: 137974
COA: 278514
Oakland CC: 2006-078471-CZ

FOUAD DAWOOD and NADIYA DAWOOD,
Defendants-Appellees.

On order of the Court, the application for leave to appeal the September 18, 2008 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we AFFIRM the Court of Appeals conclusion, under the provisions of the master deed and the restrictive covenants in this case, that neither the bylaws nor the restrictive covenants were binding on the defendants, because they were unrecorded. We VACATE the Court of Appeals majority's analysis of the Michigan Condominium Act, MCL 559.101, *et seq.*, because it is unnecessary to the decision in this case. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



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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.

April 29, 2009

Corbin R. Davis

Clerk