

STATE OF MICHIGAN
COURT OF APPEALS

GRACE VAUGHAN, KAREN MURPHY,
DONNA J. WESTON, EDWARD R. WESTON,
PATRICIA S. WILSON, and ROSEMARY
COOK,

UNPUBLISHED
August 23, 2007

Plaintiffs-Appellants,

and

BARNEY MCCOURT, MARGARET
MCCOURT-BEDES, PATRICIA E. O'MALLEY,
and ROBERT H. REEVE,

Plaintiffs/Counter Defendants/Cross-
Defendants-Appellants,

v

RITA THOMAS and RITA THOMAS
REVOCABLE TRUST,

No. 267396
Iosco Circuit Court
LC No. 00-002849-CH

Defendants/Counter
Plaintiffs/Cross-Plaintiffs-
Appellees,

and

DEPARTMENT OF CONSUMER & INDUSTRY
SERVICES, DEPARTMENT OF NATURAL
RESOURCES, IOSCO COUNTY ROAD
COMMISSION, and TOWNSHIP OF OSCODA,

Defendants/Counter
Defendants/Cross-Defendants-
Appellees,

and

TOWNSHIP OF AUSABLE,

Counter Defendant/Cross-
Defendant/Third-Party Defendant-
Appellee,

and

IOSCO COUNTY DRAIN COMMISSION,
STATE TRANSPORTATION DIRECTOR,
JERRY N. THOMAS, KATHLEEN THOMAS,
JOAN M. RYAN, DEANNA RUCKMAN,
BOBBIE N. RUCKMAN ET UX, LAUREL J.
ISHAM, JOHN LANE, JENNY E. LANE,
WILLIAM S. LOTT, JILL A. LOTT, GEORGE
EGERVARI, KELLIE SWYNTAK, GALLANT
SWYNTAK, KIMBERLY SWYNTAK,
ROSEMARY RYAN WELCH, KAREN
MURPHY, DAVID M. WYGANT, MOLLY T.
WYGANT, VIRGINIA J. MALLROY, JOHN
SMITH ET UX, PETER B. MAPES, NONA I.
MAPES, and DOROTHY M. THOMAS ET AL,

Counter Defendants/Cross-
Defendants-Third Party-Defendants.

Before: Murphy, P.J., and Zahra and Servitto, JJ.

ZAHRA, J., (*dissenting*).

I respectfully dissent from the majority's conclusion that the Land Division Act (LDA), MCL 560.101 *et seq*, provides authority to alter substantive property rights through the plat revision process. I conclude that the LDA merely allows a court to revise a plat so that it may reflect a change in the underlying substantive property interests of the fee holders, such as changes brought about by abandonment of an easement or acquisition of an interest by adverse possession or acquiescence. *Tomecek v Bavas*, ___ Mich App ___; ___ NW2d ___, (2007). I urge the Supreme Court to grant any application filed in this case to consider this significant legal question.

/s/ Brian K. Zahra