

# Order

Michigan Supreme Court  
Lansing, Michigan

July 1, 2013

Robert P. Young, Jr.,  
Chief Justice

146520 & (88)

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

LEON V. BONNER and  
MARILYN E. BONNER,  
Plaintiffs/Counter-Defendants-  
Appellees,

v

SC: 146520  
COA: 302677  
Livingston CC: 09-024680-CZ

CITY OF BRIGHTON,  
Defendant/Counter-Plaintiff-  
Appellant.

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On order of the Court, the application for leave to appeal the December 4, 2012 judgment of the Court of Appeals is considered, and it is GRANTED. The Brighton Code of Ordinances § 18-59 creates a presumption that an unsafe structure shall be demolished as a public nuisance if the cost to repair the structure would exceed 100% of the structure's true cash value as reflected in assessment tax rolls before the structure became unsafe and does not afford the owner of such a structure an option to repair as a matter of right. The parties shall address whether § 18-59 is facially unconstitutional on the basis that the ordinance violates: (1) substantive due process; and/or (2) procedural due process. These issues are to be briefed separately by the parties.

The motion for leave to file brief amicus curiae is GRANTED. The Public Corporation Law and the Real Property Law Sections of the State Bar of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



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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.

July 1, 2013

  
Clerk