

Order

Michigan Supreme Court
Lansing, Michigan

June 5, 2013

Robert P. Young, Jr.,
Chief Justice

146436

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

SALLY J. KRANZ,
Plaintiff-Appellant,

and

BRETT STAMATS and AMY J. STAMATS,
Plaintiffs,

v

SC: 146436
COA: 305198
Lenawee CC: 10-003817-CH

ROGER D. TERRILL and DARLENE
G. TERRILL,
Defendants-Appellees.

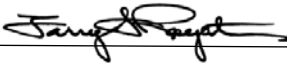
On order of the Court, the application for leave to appeal the September 20, 2012 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE those portions of the Court of Appeals and Lenawee Circuit Court judgments holding that the defendants established a prescriptive easement to construct and maintain a dock at the terminus of the easement, and to moor boats to the dock. The affidavit of the plaintiff-appellant's predecessor in interest averred that from 1990 until 2003, when she and her husband sold Lot 1 to the plaintiff-appellant, "any use of a dock or boat moorings on or at the easement was done with our permission and consent." We REMAND this case to the Lenawee Circuit Court for further consideration in light of this affidavit and this Court's decision in *Fractional School Dist No 9 in Waterford and Pontiac Twps, Oakland Cty v Beardslee*, 248 Mich 112, 116 (1929) (holding that a period of permissive occupancy cannot be tacked onto a period of hostile occupancy, to show adverse possession).



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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.

June 5, 2013


Clerk