

STATE OF MICHIGAN
COURT OF APPEALS

JERRY SPENCE and JENNIFER SPENCE,

Plaintiffs-Appellants,

v

VILLAGE OF SEBEWAING and COUNTY OF
HURON,

Defendants-Appellees.

UNPUBLISHED

September 10, 2026

10:49 AM

No. 370638

Huron Circuit Court

LC No. 2023-105859-CZ

Before: M. J. KELLY, P.J., and O'BRIEN and LIEVENSE, JJ.

PER CURIAM.

Plaintiffs, Jerry and Jennifer Spence, appeal as of right the trial court order granting summary disposition to defendants Sebewaing Village and Huron County under MCR 2.116(C)(4). For the reasons stated in this opinion, we affirm.

I. BASIC FACTS

The basic facts are undisputed. In 2015, the Spences purchased waterfront property in Sebewaing Village with the intent of building a house. On October 24, 2016, the County granted the Spences' application for a soil erosion permit. Over a year later, the Spences submitted a building permit application and a copy of their finalized planning documents to Mark Epperson, who worked in the County's Planning, Building, and Zoning Department. A few days later, they submitted their zoning permit application to the Village. The Village approved their zoning permit on April 2, 2018. Subsequently, the County approved their building permit on April 23, 2018.

On July 24, 2018, the Spences informed the County that they were unable to begin construction on their house “due to budgeting issues.” In their e-mail, they noted that the soil erosion permit had an expiration date, but that the building permit did not. In response, the County advised that “[t]he building permit is good for one year but as long as there's ongoing activity it may stay open longer.” On March 19, 2019, the soil permit was extended.

Construction began on the property in August 2019. By September 2019, excavation was completed, the foundation was formed and poured, and—according to the Spences' complaint—

“all inspections were complete and signed off by the proper agencies.” No further progress was made on the construction of the house. Instead, on April 1, 2020, the Spences’ informed the County that they could not proceed with construction in 2020 due to the COVID-19 pandemic. The Spences asked the County what was needed to keep their building permit active for an anticipated “build date Spring of 2021.” Epperson, on behalf of the County advised, “Your permit will remain open for now. If we decide a renewal fee is necessary we’ll contact you and the fee is only \$50.” Later, in February 2021, the Spences informed the County that they remained unable to proceed with building their house because of the economic impact caused by the pandemic. They again asked what was necessary from the County in order “to keep the building permit in Active status for an expected build date Spring of 2022.” In response, Epperson responded that “[b]ecause of the covid we are not charging any extension fees so rest well.”

The Spences finally contacted the Village in November 2021. At that time, they asked if they could park a recreational vehicle on the property while the construction on their house was being completed. The Village denied that request. In addition, the Village advised them that their “building permits have expired, and [that they would] need to apply for new permits at the village level and county level.” More specifically, the version of the Village’s zoning ordinance in effect at the time the original zoning permit was issued provided that “[a]ll building for which a zoning permit is issued shall be completed within two years of the date the zoning permit is issued, unless extended by action of the Village Council.” Sebewaing Ordinances, 153.228(F).¹ Thus, by operation of law, the zoning permit expired in April 2020.

On December 10, 2021, the Spences submitted a new application for a zoning compliance permit. Attached to the application was a copy of the original site plan and a foundation plan with handwritten notes showing a sump-pump enclosure room that had been added to the construction. In addition, the Spences contacted the County to inquire whether their building and soil erosion permits were still active. The County answered that the permits remained active.

After the Spences submitted their request for a new zoning compliance permit, Matt Bumhoffer, a zoning administrator for the Village, sent them an e-mail advising that the application did not meet the deadline for the February planning commission meeting and that it would instead go before the March planning commission meeting.

A few hours later, the County sent an e-mail informing the Spences that they had been incorrectly advised that the permits were active and that, due to a lack of progress, the permits had actually expired. The County further noted that it had received notice that their zoning compliance permit had expired and that the Spences had applied to the Village for a new one. The County invited the Spences to file a new application for a building permit and soil erosion permit after they resolved the zoning issues on the property. The Spences did not apply for a new building or soil-erosion permits with the County. They also did not challenge the County’s assertion that the permits had expired due to lack of progress.

¹ This rule is substantially similar to the current version of the Village’s zoning ordinance. See Sebewaing Ordinance, § 153.137(E).

The Spences attended the March meeting of the Village's Planning Commission. At the meeting, the Planning Commission "summarily denied reinstatement" of the original zoning permit because it did not comply with set-back requirements. The minutes from the Planning Commission meeting reflected compliance issues with the original zoning permit and stated that the Spences would have the property surveyed and review the setbacks.

The Spences allege that, during the month after that meeting, they "provided [to the Village] proof of compliance with the original approved Zoning Permit related to the front yard set-back with help from [their] designer." In a subsequent e-mail to the Village, the Spences asked what they needed to do in order to reach "a solution and a path to finish [their] house." The Village responded by directing them to the Village's zoning board of appeals.

On April 27, 2022, the Spences submitted an application to the zoning board of appeals. On the application, they checked the box for "variance request" and the box for "appeal from administrative decision." In the description of the request, they wrote, "Not exactly sure if [we are] asking for a variance or an appeal." They answered the questions related to a variance request and provided a copy of their survey and the final site plan that had been used in their original application for a zoning compliance permit.

The zoning board of appeals met on May 29, 2022. On June 13, 2022, the board sent a letter to the Spences denying their request for a zoning compliance permit and their request for a variance. A copy of the meeting minutes was attached to the letter.

On July 20, 2022, the Spences sent a survey of their property to Bumhoffer, the Village's zoning administrator. They allege that the survey demonstrated their compliance with their original zoning permit and building permit. They also acknowledged that their driveway was encroaching on the neighboring property and agreed to correct that error. In response, the Village referred the Spences to the meeting minutes for the June meeting of the zoning board of appeals (which voted to approve the denial letter and the May meeting minutes) and provided the Spences with information related to filing an appeal with the zoning board of appeals.² The correspondence noted that a timely appeal of the zoning board of appeals' decision had not been received, that another application to appeal could not be submitted for a one-year period, and that the Village "considers this matter closed." The Planning Commission did not further consider the matter.

In April 2023, the Spences filed a complaint against the Village and the County, raising claims of temporary taking in violation of federal and state constitutional protections, violation of state and federal procedural and substantive due process, violation of the fair and just treatment clause of the Michigan Constitution, Const 1963, art 1, § 17, and violations of their civil rights. They requested superintending control, a declaratory judgment, an injunction, and monetary

² The website referenced in the letter contains information related to appealing the zoning board's decision to the circuit court. See https://codelibrary.amlegal.com/codes/sebewaing/latest/sebewaing_mi/0-0-0-8190#JD_153.123 <last accessed July 31, 2026> No references to appeals to the circuit court were included in the letter, however.

damages. Initially, the matter was removed to federal court. After the complaint was amended to remove all federal claims, the federal court declined to exercise supplemental jurisdiction over the state-law claims and remanded the matter to the state court.

Subsequently, in state court, the Village filed a motion for summary disposition under MCR 2.116(C)(4) and (C)(8). The County also moved for summary disposition under MCR 2.116(C)(4), (C)(8), and (C)(10). Before the motions were heard, the Spences filed a notice of taking the depositions of Epperson and Bumhoffer. A few days later, the Spences filed a motion seeking to (1) correct the court record so that documents filed in the federal action could be considered in the state action, (2) schedule a pretrial conference for entry of a scheduling order, (3) adjourn the motions for summary disposition, (4) and to compel the depositions of Epperson and Bumhoffer. Following a hearing on the motions, the trial court ordered the record to reflect the documents that had been filed in federal court, scheduled a pretrial hearing, and adjourned the motions for summary disposition. The court did not, however, enter an order compelling the requested depositions, but it noted that it would allow the parties to reschedule the requested depositions.

On February 12, 2024, the Spences filed a second motion to compel and to adjourn the rescheduled motions for summary disposition. In their supporting brief, they asserted that, despite their attempts to reschedule the depositions of Bumhoffer and Epperson, the lawyer for the Village and the lawyer for the County would not provide them with any deposition dates prior to the date scheduled for the motions for summary disposition. They maintained that this was the second time that both the Village and the County “have sought to gain an unfair advantage in this case by refusing to equally, in good faith, extend any professional courtesy under MCR 1.105 to schedule depositions, in addition to refusing to adjourn their Motions for Summary Dispositions” Following a hearing on the second motion to compel, the trial court entered an order denying the Spences’ second motion to compel because the court was not persuaded that factual development was necessary to resolve the matters presented in the pending motions for summary disposition.

Thereafter, the Spences filed a motion in response to the Village’s motion for summary disposition and to the County’s motion for summary disposition. Following a hearing on the motions, the trial court granted summary disposition under MCR 2.116(C)(4). This appeal follows.

II. SUMMARY DISPOSITION

A. STANDARD OF REVIEW

The Spences argue that the trial court erred by dismissing their entire complaint under MCR 2.116(C)(4). Summary disposition under MCR 2.116(C)(4) is proper if the trial court “lacks jurisdiction of the subject matter.” “Subject-matter jurisdiction is a prerequisite for a court to hear and decide a claim.” *Core Values Constr, LLC v Sheehan's on the Green, Inc*, ___ Mich App ___, ___; ___ NW2d ___ (2025) (Docket No. 369250); slip op at 4 (quotation marks and citation omitted). “[W]hether a trial court had subject-matter jurisdiction over a claim is a question of law that is reviewed de novo.” *Harris v Vernier*, 242 Mich App 306, 309; 617 NW2d 764 (2000). A motion for summary disposition under MCR 2.116(C)(4) may be supported by affidavits, depositions, or other documentary evidence. MCR 2.116(G)(2). “For jurisdictional questions

under MCR 2.116(C)(4), we determine whether the affidavits, together with the pleadings, depositions, admissions, and documentary evidence, demonstrate a lack of subject matter jurisdiction.” *Wells Fargo Rail Corp v Michigan*, 344 Mich App 351, 358; 1 NW3d 373 (2022) (quotation marks and citation omitted). A trial court may make factual findings when resolving a challenge to subject-matter jurisdiction. See *Smith v Smith*, 218 Mich App 727, 733; 555 NW2d 271 (1996).

B. ANALYSIS

1. CLAIMS AGAINST THE VILLAGE

We conclude that the trial court did not err by dismissing the Spences’ claims against the Village under MCR 2.116(C)(4). “Subject-matter jurisdiction is a court’s abstract power to determine a case of a particular kind or character.” *Zelasko v Charter Township of Bloomfield*, 347 Mich App 141, 155; 14 NW3d 441 (2023). “Circuit courts have original jurisdiction to hear and determine all civil claims and remedies, except where exclusive jurisdiction is given in the constitution or by statute to some other court or where the circuit courts are denied jurisdiction by the constitution or statutes of this state.” MCL 600.605. Additionally, the Michigan Constitution provides that circuit courts “have original jurisdiction in all matters not prohibited by law” Const 1963, art 6, § 13. “The circuit court also has certain appellate jurisdiction.” *Zelasko*, 347 Mich App at 155. As explained in *Zelasko*,

The circuit court has jurisdiction of an appeal of right filed by an aggrieved party from “a final order or decision of an agency from which an appeal of right to the circuit court is provided by law.” MCR 7.103(A)(3). Specifically, the Michigan Zoning Enabling Act (the MZEA), MCL 125.3101 *et seq.*, provides for judicial review of all decisions of a local government; under § 605 of the MZEA, MCL 125.3605, a decision of a zoning board of appeals is final, subject to appellate review by the circuit court. [*Id.*]

See also MCL 125.3605 (stating that the “decision of the zoning board of appeals shall be final” and that “[a] party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided under [MCL 125.3606]).”

MCL 125.3606(3) sets forth time limits for filing an appeal of a decision from the zoning board of appeals. See also MCR 7.122(B) (proving that an appeal from a zoning-ordinance determination “must be filed within the time prescribed by the statute applicable to the appeal.”). “The time limit for filing an appeal in the circuit court is jurisdictional; a circuit court lacks jurisdiction over an untimely filed claim of appeal.” *Quality Market v Detroit Bd of Zoning Appeals*, 331 Mich App 388, 393; 952 NW2d 603 (2019); see also MCR 7.104(A). As a result, when a party does not timely claim an appeal under MCL 125.3606(3), the circuit court lacks subject-matter jurisdiction to hear an original action challenging the zoning board of appeals’ decision. *Zelasko*, 347 Mich App at 161. Such an action constitutes an impermissible collateral attack on the decision by the zoning board of appeals. *Id.*

In this case, the Spences filed an application with the Village’s zoning board of appeals on April 27, 2022. Their application included a request for either an “appeal from administrative

decision” or a “variance request.” At the May 2022 zoning board of appeals meeting, the zoning board of appeals denied their appeal and their request for a variance. A letter detailing the denial and a copy of the minutes from the meeting were mailed to the Spences. The Spences did not appeal the decision of the zoning board of appeals in the circuit court. Instead, in May 2023, almost one year after the zoning board of appeals issued its decision denying their request, the Spences filed an original action against the Village.

If a plaintiff fails to file a timely claim of appeal, the circuit court lacks jurisdiction to hear their original complaint if their complaint amounts to a collateral attack on the decision of the zoning board of appeals. *Id.* Thus, because the Spences failed to timely file a claim of appeal of the decision of the zoning board of appeals, the question is whether their original complaint is nothing more than an impermissible collateral attack upon that decision. *Zelasko* instructs that, in order to determine whether the plaintiffs were required to file a claim of appeal instead of a separate action under MCR 7.122(A)(2), the court must consider whether the gravamen of the plaintiffs’ separate complaint amounts to a challenge to the zoning board of appeals’ decision. *Id.* at 159. “The gravamen of the complaint is determined by reading the complaint as a whole and looking beyond mere procedural labels.” *Id.* “A party cannot avoid the dismissal of a cause of action through artful pleading.” *Id.* (quotation marks and citation omitted).

Here, in Count I of their first amended complaint, the Spences asserted that the Village had effected a temporary or de facto taking of their property when it denied the zoning compliance permit and variance request after the Spences had already begun construction on their property in reliance upon the originally issued permits. The same factual basis was used in support of the Spences’ claims for violation of procedural due process (Count II) and substantive due process (Count III) and their claim that the fair-and-just-treatment clause of the Michigan Constitution had been violated (Count IV). In Count V, they asked that the trial court impose superintending control upon the zoning board of appeals so as to force them to “properly consider” the Spences’ application for a zoning compliance permit or a variance request. In Count VI, they further requested that the court enter a declaratory judgment and injunction. For declaratory relief, they sought a declaration that the Village’s conduct effected a taking of their property without just compensation, that it violated the Spences’ due-process rights, and that the conduct violated the Spences’ rights under the Fair and Just Treatment Clause of the Michigan Constitution. They asked the court to enter an injunction preventing the Village from obstructing the Spences’ right to build on their property as allowed by the originally issued zoning permit. In addition to the declaratory and injunctive relief, the Spences sought damages in excess of \$25,000. Considered as a whole and looking beyond the procedural labels used in the first amended complaint, it is clear that the Spences’ sought reversal of the decision by the zoning board of appeals so that they may complete construction on their house in accordance with the 2018 permits. As such, their goal is to overturn the decision of the zoning board of appeals, i.e., their complaint is a de facto appeal of that decision. And, because they did not timely file an appeal of that decision in the circuit court, the circuit court was without jurisdiction to decide the dispute.

Rather than argue that their complaint is distinct from an appeal of the decision of the zoning board, the Spences maintain that they have an unfettered right under MCR 7.122(A) to either appeal the decision of the zoning board of appeal to the circuit court or to bring “a complaint for relief relating to a determination under a zoning ordinance.” The *Zelasko* Court recognized that “under certain circumstances,” MCR 7.122(A)(2) “does not restrict the right of a party to bring

a separate complaint for relief relating to a zoning determination.” *Zelasko*, 347 Mich App at 159. The *Zelasko* Court did not identify the “certain circumstances” under which such a separate claim could be brought. Instead, as noted above, it looked to see whether the separate action was actually an improper appeal of the decision of the zoning board of appeal and concluded that, if it were, it was an impermissible collateral attack for which the circuit court lacked subject-matter jurisdiction. *Id.* at 159.

The Spences argue that the *Zelasko* Court’s interpretation of MCR 7.122(A) was incorrect because it added a “certain circumstances” exception to the right to bring a separate action instead of an appeal. We disagree.

“When called on to construe a court rule, this Court applies the legal principles that govern the construction and application of statutes.” *Grievance Administrator v Underwood*, 462 Mich 188, 193; 612 NW2d 116 (2000). Thus, the first step is to consider “the plain language of the court rule” and if that language “is unambiguous, we must enforce the meaning expressed, without further judicial construction or interpretation.” *Id.*

MCR 7.122 addresses appeals from zoning ordinance determinations. MCR 7.122(A) provides:

(1) This rule governs appeals to the circuit court from a determination under a zoning ordinance by any officer, agency, board, commission, or zoning board of appeals, and by any legislative body of a city, village, township, or county authorized to enact zoning ordinances. Unless this rule provides otherwise, MCR 7.101 through MCR 7.115 apply. This rule does not apply to legislative decisions of a city, village, township, or county, such as the adoption of or amendment to a zoning ordinance.

(2) This rule does not restrict the right of a party to bring a complaint for relief relating to a determination under a zoning ordinance. A party may seek a stay of enforcement under MCR 7.123(E).

(3) An appeal under this section is an appeal of right.

Again, the Spences contend that they may either file an appeal under MCR 7.122(A)(1) or a separate claim for relief under MCR 7.122(A)(2). However, at the outset, MCR 7.122(A)(2) only provides that MCR 7.122 does not “restrict” the right to bring a separate complaint that is related “to a determination under a zoning ordinance.” The fact that the court rule does not restrict the right to file a separate complaint does not mean that the court rule authorizes such a complaint under any circumstance. Indeed, there is no language in the court rule indicating that litigants may forego an appeal of a decision of a zoning appeals board and then bring a separate action challenging that same decision after the time for such an appeal has expired. The Legislature could have indicated that a litigant could choose either an appeal under subdivision (A)(1) or an original action under subdivision (A)(2), but it did not.

In addition, the Spences’ interpretation renders nugatory the remainder of MCR 7.122, which sets forth the timing requirements for an appeal, the manner of filing an appeal, whether

bond is required on appeal, what materials constitute the record on appeal and how that record is transmitted to the circuit court, the requirements for the appellate briefs, what type of decision must be rendered by the trial court to resolve the appeal, and that the notice of decision on appeal must be served on the parties. None of those requirements would need to be satisfied under the Spences' interpretation of MCR 7.122(A)(2) because a party could easily avoid them by just filing a separate action challenging the zoning board's decision. "The maxim that every word of a court rule should be given meaning, and that courts should not render any part of a court rule surplusage, is well-settled." *Grievance Administrator*, 462 Mich at 195.

Another problem exists with the Spences' interpretation. As noted above, MCL 125.3605 expressly provides that "[t]he decision of the zoning board of appeals shall be final," but that it may be appealed to the circuit court as provided in MCL 125.3606. In turn, MCL 125.3606(3) sets forth the timeline for an appeal from a decision of a zoning board of appeals, and it is well-established that the time limit for such an appeal is jurisdictional. See *Quality Market*, 331 Mich App at 393-394; MCR 7.104(A). If the Spences' interpretation of MCR 7.122(A)(2) as allowing, without restriction the filing of either an appeal or an original complaint, were correct, then an aggrieved party would be able to avoid the jurisdictional limits imposed by the timeline for an appeal under MCL 125.3606 simply by framing its challenge to the decision of the zoning board of appeals as an original complaint instead of an appeal from the zoning board's decision. Such an interpretation would lead to absurd results. See *Rafferty v Markovitz*, 461 Mich 265, 270; 602 NW2d 367 (1999) (noting that court rules "must be construed to prevent absurd results, injustice, or prejudice to the public interest).

In light of the foregoing, we discern no error with the *Zelasko* Court's determination that MCR 7.122(A)(2) allows an original action under certain circumstances, but that it may not be maintained as a collateral attack to a decision that was required to be appealed under MCL 125.3605.

The Spences further argue that, even if *Zelasko* was correctly decided, we should conclude that it only applies prospectively. We disagree. In general, judicial opinions are given full retroactive effect. *Pohutski v Allen Park*, 465 Mich 675, 695; 641 NW2d 219 (2002). The dispositive question is whether the decision at issue articulated a new principle of law. *Id.* For retroactivity purposes, a law is new when it either overrules established precedent or addresses a matter of first impression that was not foreshadowed by prior appellate authority. *People v Phillips*, 416 Mich 63, 68; 330 NW2d 366 (1982). Here, the *Zelasko* decision did not announce a new principle of law. Instead, it relied upon the plain language of MCL 125.3605, MCL 125.3606, MCR 7.122(A), and several cases, including *Quality Market*, 331 Mich App at 394-395, which plainly held that the circuit court lacked subject-matter jurisdiction if the plaintiff fails to timely appeal a decision of the zoning board of appeals. As no new rule of law was announced in *Zelasko*, there is no basis upon which to give it a prospective application.

For the foregoing reasons, we affirm the trial court order dismissing the complaint against the Village under MCR 2.116(C)(4).

2. CLAIMS AGAINST THE COUNTY

The County argued that because the Spences did not challenge the expiration of their permits, their claims for temporary takings and violation of due process are not ripe and must be dismissed. The trial court agreed and dismissed the claims against the County under MCR 2.116(C)(4).

The rule of finality provides that “[a] claim that the application of government regulations effects a taking of a property interest is not ripe until the government entity charged with implementing the regulations has reached a final decision regarding the application of the regulations to the property at issue.” *Cummins v Robinson Twp*, 283 Mich App 677, 711; 770 NW2d 421 (2009). “The rule of finality applies to all constitutional ‘as applied’ challenges to land use regulations and ensures that a plaintiff has suffered an actual, concrete injury.” *Id.* (quotation marks and citation omitted). Here, based upon the allegations in the first amended complaint, the Spences argue that the County took the following actions and inactions: (1) they granted a soil erosion permit in 2016; (2) they granted a building permit in 2018 after the Village issued the original zoning compliance permit, (3) through written correspondence the County assured the Spences that their permits remained active in 2019, 2020, 2021, and 2022, (4) the County then reversed course and announced that the permits had expired as of February 15, 2022 because there was a lack of progress on the construction, and (5) the County invited them to reapply for the permits after resolving any zoning issues with the Village. The Spences never re-applied for any permits with the County, nor did they challenge the decision to “expire” or “revoke” the previously granted permits.

The County points out that the Spences could have pursued administrative remedies by going before the Construction Board of Appeals. See MCL 125.1514. On appeal, the Spences maintain that such an action would have been futile because their application to the Village’s zoning board of appeals was denied. The matter before the zoning board of appeals, however, concerned the zoning compliance permit, not the building permit. Thus, the denial of relief from the Village does not excuse the Spences from needing to comply with the rule of finality with respect to their claims against the County.

Because the matter was not ripe for appellate review in light of the Spences complete failure to challenge any aspect of the County’s decision, the trial court did not err by dismissing their complaint under MCR 2.116(C)(4).

III. MOTION TO COMPEL

A. STANDARD OF REVIEW

The Spences next contend that the trial court erred by denying their second motion to compel. Challenges to a court’s denial of a motion to compel are reviewed for an abuse of discretion. *Ligouri v Wyandotte Hosp and Med Ctr*, 253 Mich App 372, 375; 655 NW2d 592 (2002).

B. ANALYSIS

The Spences argue that the trial court abused its discretion by denying their second motion to compel. They note that their motion to compel was denied because the trial court was not persuaded that factual development was necessary in order for them to respond to the pending motions for summary disposition. They maintain that reasoning was incorrect because motions for summary disposition under MCR 2.116(C)(4) and (C)(10) can require factual development. We agree that motions under (C)(4) and (C)(10) can certainly require factual development. However, “the mere fact that the discovery period remains open does not automatically mean that the trial court’s decision to grant summary disposition was untimely or otherwise inappropriate.” *Marilyn Froling Revocable Living Trust v Bloomfield Hills Country Club*, 283 Mich App 264, 293; 769 NW2d 234 (2009). If a party is opposing summary disposition on the grounds that additional discovery is required, that party must identify the disputed issue and “must offer the required MCR 2.116(H) affidavits, with the probable testimony to support its contentions.” *Id.* Here, beyond proclaiming that they needed to take Epperson and Bumhoffer’s depositions in order to respond to the motions for summary disposition, the Spences did not identify any disputed issues, nor did they offer the affidavits required under MCR 2.116(H).

As such, we conclude that the trial court did not abuse its discretion by denying the second motion to compel.

IV. OTHER ISSUES

The Spences argue numerous other issues in this brief on appeal. Their statement of questions presented, however, only identifies the above two issues. “An issue not contained in the statement of questions presented is waived on appeal.” *English v Blue Cross Blue Shield of Mich*, 263 Mich App 449, 459; 688 NW2d 523 (2004); *Seifeddine v Jaber*, 327 Mich App 514, 521; 934 NW2d 64 (2019). Accordingly, the additional issues have been waived and are not properly before this Court.

Affirmed. The Village and the County may tax costs as the prevailing parties. MCR 7.219(A).

/s/ Michael J. Kelly
/s/ Colleen A. O’Brien
/s/ Andrew J. Lievens