

Order

Michigan Supreme Court
Lansing, Michigan

May 29, 2024

Elizabeth T. Clement,
Chief Justice

166228

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden,
Justices

MELVIN R. BERLIN REVOCABLE TRUST,
RANDY LAMM BERLIN REVOCABLE TRUST,
JANIS HEHMEYER TRUST, CAROLE J.
NEWTON REVOCABLE TRUST, JEAN I.
SMITH REVOCABLE TRUST, and STEPHEN
L. SMITH REVOCABLE TRUST,
Plaintiffs/Counterdefendants-
Appellees,

v

SC: 166228
COA: 359300
Berrien CC: 2019-000034-CH

THOMAS C. RUBIN, NINA D. RUSSELL, and
14288 LAKESHORE ROAD, LLC,
Defendants/Counterplaintiffs/
Third-Party Plaintiffs-Appellants,

and

SWIFT ESTATES ASSOCIATES, a/k/a
SWIFT ESTATES ASSOCIATES, INC.,
CHRISTOPHER HEHMEYER, and STEPHEN
L. SMITH,
Third-Party Defendants-Appellees.

On order of the Court, the application for leave to appeal the July 20, 2023 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall address whether a restrictive covenant limiting lot use to “single family residence purposes” unambiguously prohibits all short-term residential rentals. The time allowed for oral argument shall be 20 minutes for each side. MCR 7.314(B)(1).

The Real Property Section of the State Bar of Michigan is invited to file a brief amicus curiae. Other persons or groups interested in the determination of the issue 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.

May 29, 2024

Clerk