

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

THE ANNMARIE L. ROBY TRUST,

Plaintiff,

v

Case No. 20-182395-CB
Hon. James M. Alexander

PIETY HILL PLACE ASSOCIATION, ET AL.,

Defendants.

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OPINION AND ORDER REMOVING CASE FROM BUSINESS COURT

On July 17, 2020, Plaintiff filed a Complaint against Defendants in which Plaintiff seeks injunctive relief as well as declaratory relief in relation to the installation location of a washer/dryer unit in Plaintiff’s residential condominium. While Plaintiff has not filed a Notice of Assignment to the Business Court in this matter, Plaintiff does allege in Paragraph 12 of the Complaint that this matter qualifies for Business Court because the condominium association, namely Piety Hill Place Association, is a non-profit organization and the claims arise out of that party’s organizational structure, governance or finance, and the application of the condominium association documents and regulations as they apply to Plaintiff.

This Court has an obligation to question sua sponte its jurisdiction over the subject matter of an action. *Yee v Shiawassee Co Bd of Comm'rs*, 251 Mich App 379, 399; 651 NW2d 756 (2002). Subject matter jurisdiction is determined by the allegations in the pleadings. *Trost v Buckstop Lure Co, Inc*, 249 Mich App 580, 587-588; 644 NW2d 54 (2002).

Business court jurisdiction is limited to actions involving a “business or commercial dispute.” MCL 600.8035(3). Although this matter appears to fall within the definition of a

business or commercial dispute under MCL 600.8031(1)(c)(iii), the statute excludes certain types of disputes from business court jurisdiction.

Pursuant to MCL 600.8031(3)(k), business or commercial disputes expressly exclude “[I]and contract, mortgage, construction, and condominium lien foreclosure matters and actions involving the enforcement of condominium and homeowners associations governing documents.” The claims raised in Plaintiff’s lawsuit all arise out of a dispute concerning the “Rules and Regulations” of Piety Hill Place Association and the enforcement of those “Rules and Regulations” and the related Amendment. The Court notes that the “Rules and Regulations,” concerning the use of the condominium premises, were authorized in Article VI, Section 11 of the Bylaws. As a result, Plaintiff’s claims are excluded under MCL 600.8031(3)(k).

For these reasons, the lawsuit is excluded from business court jurisdiction and the Court orders the case reassigned to the general civil docket. The case will be coded CZ unless counsel files a stipulated order to change it otherwise.

IT IS SO ORDERED.

July 28, 2020
Date

/s/ James M. Alexander
Hon. James M. Alexander, Circuit Court Judge