

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

DIVINE 4002, LLC,

Plaintiff,

v

IMPACT MINISTRIES CHURCH, INC.,
DONALD R. TODD, and LAVELLA J. TODD,

Defendants.

No. 16-312-CB

**ORDER RE: BUSINESS
COURT JURISDICTION**

At a session of said Court held in the City of Lansing,
County of Ingham, State of Michigan, on April 19,
2016.

PRESENT: Hon. Joyce Draganchuk
Circuit Judge

A two-count Complaint was filed in this case on April 15, 2016. Plaintiff requests a deficiency judgment and appointment of a receiver following a sheriff's sale. The face of the Complaint provides notice that the case should be assigned to the Business Court and the case was coded CB for a Business Court case.

This case has been reviewed for Business Court eligibility and it is not eligible. To be eligible for Business Court, either both parties must be business enterprises, MCL 600.8031(1)(c)(i), or "1 or more of the parties is a business enterprise and the other parties are its or their present or former owners, managers, shareholders, members, directors, officers, agents, employees, suppliers, or competitors, and the claims arise out of those relationships." MCL 600.8031(1)(c)(ii). A business enterprise is defined broadly to include many forms of business organization, but it "does not include an

ecclesiastical or religious organization.” MCL 600.8031(1)(b). Defendant Impact Ministries Church, Inc. is an ecclesiastical or religious organization. The individual Defendants are personal guarantors.

The Business Court does not have jurisdiction in this case. The case shall be retained by the judge to whom it was originally assigned by blind draw.

IT IS SO ORDERED. The clerk is hereby directed to change the circuit court case-type code from “CB” (Business Claims) to “CR” (Corporate Receivership). MCR 8.117(A)(5)(j).

/s/

Hon. Joyce Draganchuk (P39417)
Circuit Judge

PROOF OF SERVICE

I hereby certify that I served a copy of the above Order upon the attorneys/parties of record by placing same in sealed envelopes addressed to each and depositing them for mailing with the United States Mail at Lansing, Michigan, on April 19, 2016.

/s/

Michael G. Lewycky
Law Clerk/Court Officer