

STATE OF MICHIGAN
COURT OF APPEALS

LEEANN KENDALL,

Plaintiff-Appellant,

v

BEVERLY PARADOWSKI,

Defendant-Appellee.

UNPUBLISHED

September 23, 1997

No. 197462

Monroe Circuit Court

LC No. 96-004417 NO

Before: Markey, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of defendant in this premises liability action arising from a slip and fall on defendant's front porch and stairs. This case is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

Plaintiff's purpose for being on the premises, a condolence call, was social. For plaintiff to have invitee status, her visit would have to reasonably be said to confer or anticipate a business, commercial, monetary or other tangible benefit on the occupant. *Socha v Passino*, 105 Mich App 445, 447-448; 306 NW2d 316 (1981). Where plaintiff, as a member of a group of acquaintances was on the premises merely to fulfill a social obligation, she did not cease to be a licensee or social visitor even if her visit relieved defendant's loneliness. *LaVeque v LaVeque*, 41 Mich App 127, 131; 199 NW2d 675 (1972), quoting *Pandiscio v Bowen*, 342 Mass 435, 437-438; 173 NE2d 634 (1961). This visit did not involve a reciprocal and mutually beneficial exchange of services as in *White v Badalamenti*, 200 Mich App 434, 436-437; 505 NW2d 8 (1993), or *LaVeque, supra*, and the trial court correctly ruled that, as a matter of law, plaintiff had the status of a licensee. *Socha, supra*.

Given that licensee status, defendant's duty of care is that set forth in Restatement 2d of Torts, §342. *Preston v Sleziak*, 383 Mich 442, 453; 175 NW2d 759 (1970). That duty of care does not include the duty to clean up leaves, sticks, or twigs which naturally fall from trees on defendant's property. *Bradford v Feedback*, 149 Mich App 67, 71; 385 NW2d 729 (1986). As a social guest, plaintiff was expected to take the premises as defendant herself used them and was not entitled to expect preparation for her reception or precautions for her safety in any manner in which defendant did

not prepare or take precautions for her own safety or that of members of her family. *Preston, supra* at 451 quoting Restatement 2d of Torts, §330, comment h.

Affirmed.

/s/ Jane E. Markey

/s/ Janet T. Neff

/s/ Michael R. Smolenski