

STATE OF MICHIGAN
COURT OF APPEALS

RICHARD W. HAVENS,

Plaintiff-Appellant,

v

RICHARD G. WOOLL,

Defendant-Appellee.

UNPUBLISHED

August 3, 1999

No. 209144

Alpena Circuit Court

LC No. 97-002465 CK

Before: White, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

Plaintiff appeals by right from the trial court's order granting summary disposition to defendant in this action to set aside a deed to real estate. We affirm.

On appeal, plaintiff contends that his attorney in fact exceeded the scope of the power of attorney by altering the deed, after it had been signed by plaintiff, in order to sell plaintiff's real estate for \$7,000, instead of for \$7,500 as originally indicated on the deed. We disagree. The power of attorney purports to give plaintiff's attorney in fact full authority to sell the property "for such price and on such terms and conditions as he/she shall deem proper," with express authority to execute any deeds or other documents on plaintiff's behalf, including the altered deed through which the sale was ultimately accomplished. That the attorney in fact may have violated his instructions or otherwise defrauded plaintiff does not provide a basis for setting aside the deed. See, e.g., *Margolis v Benton*, 343 Mich 34; 72 NW2d 213 (1955); 3 Am Jur 2d, Agency, § 273, pp 776-777.

Affirmed.

/s/ Helene N. White

/s/ Jane E. Markey

/s/ Kurtis T. Wilder