

STATE OF MICHIGAN
COURT OF APPEALS

VIRGIL E. DAVIS, LLOYD ARTHUR DAVIS,
GENE CLEMENTS, KATHERINE CLEMENTS,
DONALD KRUMRIE, ALBERT HOSKINS, and
WARREN SPAULDING,

UNPUBLISHED
August 3, 1999

Plaintiffs-Appellants,

v

WEESAW TOWNSHIP BOARD OF TRUSTEES,

No. 209863
Berrien Circuit Court
LC No. 96-000149 NZ

Defendant-Appellee.

Before: Holbrook, Jr., P.J., and Murphy and Talbot, JJ.

MEMORANDUM.

Plaintiffs appeal by right the trial court's order granting summary disposition to defendant under MCR 2.116(I)(2) in this declaratory judgment action. We dismiss the appeal as moot.

In 1994, the citizens of Weesaw Township rejected a special millage to fund a police department for the township. In April 1995, defendant decided to fund the police department out of the general fund. Then on January 3, 1996, defendant decided to once again place the special millage issue before the voters in March of that year. One week later, defendant changed its mind, voting to remove the special millage from the March ballot. Funds for the police department were allocated by defendant to the general fund in March 1996.

However, prior to the trial court's ruling on plaintiffs' third motion for summary disposition,¹ defendant voted to disband, and no longer fund the township police department. Given this action, coupled with the parties' stipulation that regardless of how the trial court ruled, "no award of damages, costs or attorney's fees shall be awarded to either party," we conclude that the issues before us are now moot. "As a general rule, an appellate court will not decide moot issues. A case is moot when it presents only abstract questions of law that do not rest upon existing facts or rights." *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998) (citation omitted). In this case, we can provide no meaningful relief. *Id.* Nor do we feel compelled to decide the issues presented,

because we do not believe any potential future recurrence of those issues would evade judicial review. *Conseti v Attorney General*, 164 Mich App 217, 278; 416 NW2d 410 (1987).

Appeal dismissed as moot.

/s/ Donald E. Holbrook, Jr.

/s/ William B. Murphy

/s/ Michael J. Talbot

¹ Plaintiffs brought motion for summary disposition under MCR 2.116(C)(10) after the filing of their original complaint, their second amended complaint, and their third amended complaint. Plaintiffs' first two motions were denied by the trial court.