

STATE OF MICHIGAN
COURT OF APPEALS

HBI CORPORATION,

Plaintiff-Appellee,

and

GREWAL DEVELOPMENT, L.L.C., and
GREWAL REAL ESTATE, L.L.C.,

Intervening Appellees,

v

LOCKE TOWNSHIP,

Defendant-Appellant.

UNPUBLISHED

October 5, 2004

No. 244795

Ingham Circuit Court

LC No. 00-092263-CZ

Before: Hoekstra, P.J., and Cooper and Kelly, JJ.

MEMORANDUM.

Defendant Locke Township appeals as of right from the trial court's final judgment, enjoining defendant "from enforcing the Locke Township Zoning Ordinance, 1999 Revision, in any manner which interferes with [p]laintiff HBI Corporation's proposed use and development of [certain] real property ... as a licensed manufactured housing community (also known as a 'mobile home park')." We dismiss this appeal as moot.

This case arises from defendant's denial of plaintiff's request that a certain 101-acre parcel of property zoned A1 (agriculture) under defendant's zoning ordinance be rezoned to MP (mobile home park).¹ Plaintiff filed the instant complaint, seeking declaratory and injunctive relief, and specifically requesting, among other things, an injunction preventing defendant from interfering with plaintiff's proposed use of the subject property for a manufactured housing community. Following a bench trial, the trial court enjoined defendant from enforcing defendant's ordinance in any manner that interferes with plaintiff's proposed use and development of the subject real property as a licensed mobile home park. This appeal ensued.

¹ There is no land within defendant township designated under the MP zoning classification.

On May 2, 2003, this Court granted the motions to intervene submitted by Grewal Development, LLC, and Grewal Real Estate, LLC. At oral argument, intervening appellees clarified that plaintiff no longer possesses ownership of the property at issue. Because plaintiff no longer owns the property and will not be the developer of the property and the trial court's injunction order is specific to plaintiff, this appeal is moot. "A case is moot when it presents only abstract questions of law that do not rest upon existing facts and rights." *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998).

Appeal dismissed as moot.

/s/ Joel P. Hoekstra

/s/ Jessica R. Cooper

/s/ Kirsten Frank Kelly