

STATE OF MICHIGAN
COURT OF APPEALS

MICHELLE HEIDT,

Plaintiff-Appellant,

v

IOSCO COUNTY HOUSING COMMISSION and
RORY SMITH,

Defendants-Appellees.

UNPUBLISHED

June 23, 2005

No. 252673

Iosco Circuit Court

LC No. 03-000144-CK

Before: O'Connell, P.J., and Schuette and Borrello, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the trial court order granting defendant's motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff sued the Iosco County Housing Commission for breach of contract, alleging that the Commission breached a housing improvement program contract. The Commission did not sign the contract but administered the contract by serving as an intermediary between plaintiff and the contractor to provide assistance, consisting primarily of inspection and approvals, in completing the work. The Commission moved for summary disposition, claiming that it was not a party to the contract and that the contract, which plaintiff signed, held the Commission harmless for any claim arising under the contract.

We find that the trial court properly granted defendant's motion on the basis that the Commission was not a party to the contract, and that even if it was a party to the contract, the contract specifically held the Commission harmless for any claim arising under the contract. Because the trial court did not rely on the doctrine of laches in reaching its decision, plaintiff's remaining issue is not properly before this Court.

Affirmed.

/s/ Peter D. O'Connell

/s/ Bill Schuette

/s/ Stephen L. Borrello