

STATE OF MICHIGAN
COURT OF APPEALS

ROBERT PICHULO,

Plaintiff-Appellant,

v

AUTO OWNERS INSURANCE COMPANY and
AL BOURDEAU INSURANCE SERVICES,
INC.,

Defendants-Appellees.

UNPUBLISHED
December 1, 2005

No. 262653
Genesee Circuit Court
LC No. 04-079042-CK

Before: Davis, P.J., and Fitzgerald and Cooper, JJ.

COOPER, J. (*concurring*).

I agree with the result reached by the majority opinion. I write separately only to express my concern about designating a specific length of time a home may be kept “under construction” before it is deemed “vacant.” There are many circumstances where a home may remain under construction for an extended period of time, even 27 months. However, in this situation, repairs were not underway during the lengthy period and it was reasonable to deem the home “vacant.” The length of time is not the critical issue in making the designation; rather, it is the type of activity that occurs during this period.

/s/ Jessica R. Cooper