

STATE OF MICHIGAN  
COURT OF APPEALS

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LORENZO CARUSO,

Plaintiff/Counter-Defendant-  
Appellant,

v

CAMBRIDGE INVESTMENT GROUP, INC.,  
and NICHOLAS HOMES WEST, L.L.C.,

Defendants/Counter-Plaintiffs-  
Appellees.

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UNPUBLISHED  
September 27, 2007

No. 269279  
Wayne Circuit Court  
LC No. 03-336626-CH

Before: Owens, P.J., and White and Murray, JJ.

WHITE, J. (*concurring*).

Nothing in the Construction Lien Act, MCL 570.1118(2), obliged the court to foreclose the lien against homeowners who had never been joined in the action, and who were never given an opportunity to show that they had paid the amounts due to plaintiff. Had the Homeowner Construction Lien Recovery Fund been added as a defendant, it no doubt would have brought a motion to compel joinder of the homeowners, and sought a determination whether the homeowners had paid the full amount under their contracts, if only to accurately determine the Fund's own liability.

/s/ Helene N. White