

STATE OF MICHIGAN  
COURT OF APPEALS

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EDWARD NOWITZKE TRUST and KRISTINE  
M. GILLEGERTEN, TRUSTEE,

UNPUBLISHED  
August 5, 2008

Plaintiffs/Counter-Defendants-  
Appellees,

v

RONALD DEYOUNG,

No. 269597  
Cheboygan Circuit Court  
LC No. 04-007391-CH

Defendant/Counter-Plaintiff-  
Appellant.

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Before: Bandstra, P.J., and Zahra and Owens, JJ.

OWENS, J. (*dissenting*)

I respectfully dissent. The trial court judge did not err in concluding that insufficient consideration supported the option contract. I agree that as found by the trial court, consideration of one dollar for an option to purchase lakefront property that was “appreciating at a very significant rate” at the time the option was granted was indeed “so grossly unfair that it shocks the conscience and therefore must be set aside.” *Rose v Lurvey*, 40 Mich App 230, 235–236; 198 NW2d 839 (1972), *Hake v Youngs*, 254 Mich 545, 550; 236 NW 858 (1931).

/s/ Donald S. Owens