

STATE OF MICHIGAN
COURT OF APPEALS

GEORGE EDWARD LYONS,

Plaintiff-Appellant,

v

JAMES EDWARD BRADY,

Defendant-Appellee.

UNPUBLISHED

March 2, 2010

No. 289567

Livingston Circuit Court

LC No. 07-023338-CH

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

PER CURIAM.

Plaintiff appeals as of right from a Livingston Circuit court order dismissing his claims. We affirm.

At the heart of the appeal is property located in Pinckney, Michigan. In 1994, plaintiff asked Karl and Marian Kopp, two of his neighbors, to loan him \$90,000. As security, plaintiff and his ex-wife gave the Kopps a warranty deed to the property. The deed was recorded a week after closing. The Kopps then sold the property back to plaintiff and his ex-wife for \$90,000, on a five-year land contract with no money down, nine percent interest, and a monthly payment of \$724.16. After receiving no payments on the land contract for three years, the Kopps commenced a land contract forfeiture action. Plaintiff and his ex-wife failed to appear and default was entered against them. The case was dismissed with prejudice. Further, the court enjoined plaintiff from recording any documents related to the property with the Livingston County Register of Deeds. It appears that plaintiff's current claims stem from his belief that the Kopps wrongfully acquired the property from him before subsequently selling the property to defendant.

Pursuant to the circuit court's scheduling order, this civil action was submitted to a case evaluation panel in October 2008. The panel unanimously determined that the claims raised by plaintiff were frivolous. Defendant accepted the determination, but plaintiff rejected it. When plaintiff did not file a motion asking the trial court to review the evaluation or post a bond to continue the action in accordance with the procedure set forth in MCR 2.403(N)(3), defendant moved to dismiss. The trial court agreed and dismissed plaintiff's case.

Plaintiff first argues that because cause of action consisted of both equitable and tort claims, the bond and dismissal provisions of MCR 2.403(N)(3) do not apply. Plaintiff is correct that a trial court may not dismiss the non-tort claims under MCR 2.403(N)(3) if a complaint

states claims in addition to tort claims. MCR 2.403(A); *Wilcoxon v Wayne Co Neighborhood Legal Services*, 252 Mich App 549, 555; 652 NW2d 851 (2002). Thus, the issue is whether all of plaintiff's underlying claims sound in tort.

In determining the exact nature of plaintiff's claims, this Court must look beyond the procedural labels and read the complaint as a whole. *Tipton v William Beaumont Hosp*, 266 Mich App 27, 33; 697 NW2d 552 (2005). Plaintiff argues that although his complaint is difficult to read and not labeled as a quiet title action, the "crux" of the complaint is to quiet title to the property, which is an equitable claim. Plaintiff asserts that the property was the subject matter of the case, that he has always been the owner of the property, and that he was requesting its immediate return "with clear title." These assertions reasonably appear to state a quiet title cause of action. Thus, because his action sounded in equity and not tort, MCR 2.403(N) did not apply and the trial court incorrectly dismissed his claims on that basis. *Wilcoxon*, 252 Mich App at 552.

However, we believe that the court reached the merits of plaintiff's quiet title action. At the hearing on defendant's motion to dismiss the court said, "My review of the file indicates that it is in fact frivolous So I am therefore going to dismiss the lawsuit." Upon de novo review, *Mason v City of Menominee*, 282 Mich App 525, 527; 766 NW2d 888 (2009), we agree that the quiet title action was frivolous. As noted, plaintiff's claim against the Kopps was dismissed with prejudice, and title to the property was vested in the Kopps. Plaintiff now alleges that a few days after the court quieted title in the Kopps, the Kopps transferred ownership of the property back to plaintiff and his ex-wife. In support, plaintiff provides a copy of a warranty deed drafted by plaintiff transferring the property from the Kopps to plaintiff and his ex-wife, which was recorded (in violation of the court's explicit order) with the Livingston County Register of Deeds on May 31, 2005. The deed is dated and was notarized on March 11, 1994. This is the same day that the warranty deed transferring the property to the Kopps for \$90,000 was executed.

Because plaintiff was a party to the quiet title action, any interest he had in the property was extinguished by the circuit court order vesting and quieting title to the property in the Kopps. MCR 3.411(H) ("Except for title acquired by adverse possession, the judgment determining a claim to title . . . determines only the rights and interest of the known and unknown persons who are parties to the action."). The subsequent recording of the deed did not vest title of the property in plaintiff because the Kopps transferred the property to plaintiff before the court's order vesting title in the Kopps. Thus, plaintiff's claim to Camelot based on a deed issued before the quiet title action is without merit.

Although the trial court gave the wrong authoritative support for its decision, it reached the correct result when it dismissed plaintiff's claims. We will not reverse a decision that reaches the correct legal result, albeit for the wrong reason. *In re People v Jory*, 443 Mich 403, 425; 505 NW2d 228 (1993).

Plaintiff next argues that the trial court erred by finding his complaint to be frivolous without first conducting an evidentiary hearing. In support of this assertion, plaintiff cites *Knoke v Michlin Chemical Corp*, 188 Mich App 456; 470 NW2d 420 (1991). However, *Knoke* is distinguishable because in that case the trial court dismissed the plaintiff's claim because he failed to post a bond pursuant to MCR 2.403(N) without making an independent finding on the

merit of the claim. *Id.* at 458-460. In contrast, in the present case, the trial court expressly found that plaintiff's claim was frivolous.

Affirmed.

/s/ E. Thomas Fitzgerald

/s/ Mark J. Cavanagh

/s/ Alton T. Davis