

STATE OF MICHIGAN
COURT OF APPEALS

SAMUEL FODALE,

Plaintiff-Appellant,

v

WASTE MANAGEMENT OF MICHIGAN, INC.,

Defendant-Appellee.

FOR PUBLICATION

May 2, 2006

9:05 a.m.

No. 253446

Oakland Circuit Court

LC No. 2002-040945-CK

Official Reported Version

Before: Saad, P.J., and Zahra and Schuette, JJ.

SAAD, P.J. (*concurring*).

I concur with the majority's conclusion that plaintiff waived his rights under the Uniform Commercial Code, MCL 440.9601 *et seq.*, by acquiescing in defendant's purchase of the collateral to satisfy the underlying debt obligation.

However, I would simply uphold the trial court's decision on this narrow basis and, thus, refrain from addressing the other issues in the majority opinion.

/s/ Henry William Saad