

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

MARILYN FROLING REVOCABLE LIVING  
TRUST,

Plaintiff-Appellant,

v

BLOOMFIELD HILLS COUNTRY CLUB,  
DONALD DREYFUSS, ELISA DREYFUSS,  
MARY D. BRIGHT TRUST,  
NANCY R. VLASIC REVOCABLE LIVING  
TRUST, JOHN RAKOLTA, JR.,  
TERRY RAKOLTA, and THOMAS  
VARBEDIAN,

Defendants,

and

ALAN KIRILUK, MARILYNNE KIRILUK,  
ROGER B. SMITH, BARBARA SMITH,  
GREGG WILLIAMS, CINDI WILLIAMS,  
and CITY OF BLOOMFIELD HILLS,

Defendants-Appellees.

FOR PUBLICATION  
April 9, 2009

No. 275580  
LC No. 2004-062223-CZ

Advance Sheets Version

---

MARILYN FROLING REVOCABLE LIVING  
TRUST,

Plaintiff-Appellant,

v

ALAN KIRILUK, MARILYNNE KIRILUK,  
ROGER B. SMITH, BARBARA SMITH,  
GREGG WILLIAMS, CINDI WILLIAMS,  
and CITY OF BLOOMFIELD HILLS,

Defendants-Appellees,

---

No. 277438  
LC No. 2004-062223-CZ

and

BLOOMFIELD HILLS COUNTRY CLUB,  
DONALD DREYFUSS, ELISA DREYFUSS,  
MARY D. BRIGHT TRUST,  
NANCY R. VLASIC REVOCABLE LIVING  
TRUST, JOHN RAKOLTA, JR.,  
TERRY RAKOLTA, and THOMAS  
VARBEDIAN,

Defendants.

---

MARILYN FROLING REVOCABLE LIVING  
TRUST,

Plaintiff-Appellant/Cross-Appellee,

v

No. 278383  
LC No. 2004-062223-CZ

BLOOMFIELD HILLS COUNTRY CLUB,  
DONALD DREYFUSS, ELISA DREYFUSS,  
MARY D. BRIGHT TRUST,  
NANCY R. VLASIC REVOCABLE LIVING  
TRUST, JOHN RAKOLTA, JR.,  
TERRY RAKOLTA, and THOMAS  
VARBEDIAN,

Defendants,

and

ALAN KIRILUK, MARILYNNE KIRILUK,  
ROGER B. SMITH, BARBARA SMITH,  
GREGG WILLIAMS, and CINDI WILLIAMS,

Defendants-Appellees/Cross-  
Appellants,

and

CITY OF BLOOMFIELD HILLS,

Defendant-Appellee.

---

Before: Murphy, P.J., and Sawyer and Whitbeck, JJ.

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

I concur in affirming in part and reversing in part. Summary disposition in favor of defendants was appropriate because the statute of limitations had expired, *Garg v Macomb Co Community Mental Health Services*, 472 Mich 263; 696 NW2d 646 (2005), amended 473 Mich 1205 (2005); *Terlecki v Stewart*, 278 Mich App 644; 754 NW2d 899 (2008), and the claim was untimely under MCL 600.5805(10). Further, I agree with the majority that summary disposition under the facts presented was not premature. I also agree with the majority's discussion regarding governmental immunity and inverse condemnation, as well as its analysis of the attorney fee and cost issues. I fail to see any point, however, in citing unpublished opinions in this appeal when published opinions with precedential value exist.

/s/ William B. Murphy