

STATE OF MICHIGAN
COURT OF APPEALS

CHARLES ANTHONY ROBINSON and
STEPHANIE ANN ROBINSON,

UNPUBLISHED

Plaintiffs-Appellees,

v

No. 178946

LC No. 92-214834 NI

MILLPOINTE OF WESTLAND, GREENPOINTE
II, INC., d/b/a/ MILLPOINTE OF WESTLAND,
CROSSWINDS COMMUNITIES, and BETSY
JONES,

Defendants-Appellants.

Before: Corrigan, P.J., and Jansen and M. Warshawsky,* JJ.

CORRIGAN, P.J. (concurring).

I concur in the opinion but write separately to clarify my view of the case. This Court apparently granted defendant's application for leave to appeal because of serious questions regarding plaintiffs' qualifications to purchase *any* real estate whatsoever. Indeed, defendants counterclaimed against plaintiffs because plaintiffs reneged on their agreement to purchase a more expensive home from defendants in the same subdivision.

The evidence shows that plaintiffs lied outright regarding Charles Robinson's occupation and annual income, failed to file tax returns, and failed to provide verification to the lender of statements on their mortgage application, all circumstances that would have disqualified them from obtaining financing. To counter this evidence, plaintiffs seemed to contend that they did not need to qualify for a mortgage and could make a cash payment.

* Circuit judge, sitting on the Court of Appeals by assignment.

Plaintiffs' evidence seems highly incredible and their proofs regarding their mortgage qualifications are weak. Nonetheless, under our state's governing standards, a jury and not appellate judges must resolve credibility issues. Accordingly, I join the opinion affirming the denial of summary disposition.

/s/ Maura D. Corrigan