

STATE OF MICHIGAN  
COURT OF APPEALS

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SUSAN KOLODY,

Plaintiff-Appellant,

v

MICHAEL J. DEVINE,

Defendant-Appellee.

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UNPUBLISHED

June 27, 1997

No. 190913

Oakland Circuit Court

LC No. 94-482988 NM

Before: Saad, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

Plaintiff appeals by right summary disposition in favor of defendant pursuant to MCR 2.116(C). This case is being decided without oral argument pursuant to MCR 7.214(E).

Although defendant moved for summary disposition pursuant to MCR 2.116(C)(8), the parties and the trial court looked beyond the four corners of the complaint to address the merits of the motion. Accordingly, summary disposition is reviewed as granted pursuant to MCR 2.116(C)(10). *Shirilla v Detroit*, 208 Mich App 434; 528 NW2d 763 (1995).

Plaintiff has failed to provide this Court with a record that supports her claim that the divorce judgment fails to accurately reflect the terms of the settlement agreement or that any purported deficiency in the judgment deprived her of a merited modification of her alimony award. *Lemanski v Ford Motor Co*, 82 Mich App 244, 252; 266 NW2d 775 (1978). Having failed in this burden, plaintiff cannot demonstrate the existence of a genuine issue of material fact and, consequently, has not demonstrated any entitlement to appellate relief. *Quinto v Cross and Peters Co*, 451 Mich 358; 547 NW2d 314 (1996); *Coleman v Gurwin*, 443 Mich 59; 503 NW2d 435 (1993); *Lemanski, supra*. Plaintiff's contentions with regard to attorney fees are not briefed and accordingly are treated as abandoned. *Mitcham v City of Detroit*, 355 Mich 182, 203; 94 NW2d 388 (1959).

Affirmed.

/s/ Henry William Saad

/s/ Harold Hood

/s/ Gary R. McDonald