

STATE OF MICHIGAN
COURT OF APPEALS

SHEREE LONGS TOLBERT, Personal
Representative of the Estate of CHRISTOPHER LEE
NELSON, Deceased,

Plaintiff- Appellant,

v

DEPARTMENT OF NATURAL RESOURCES,

Defendant- Appellee.

UNPUBLISHED
November 21, 1997

No. 196580
Court of Claims
LC No. 96-016148 CM

Before: Jansen, P.J., and Fitzgerald and Young, JJ.

MEMORANDUM.

Plaintiff's decedent drown at a public access site owned and operated by defendant. Plaintiff appeals as of right from the summary dismissal of her action brought pursuant to the recreational land use act (RUA), MCL 300.201; MSA 13.1485. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

In *Ballard v Ypsilanti Twp*, 216 Mich App 545; 549 NW2d 885 (1996), this Court ruled that governmental immunity bars a claim brought under the RUA against a governmental entity. We are bound by *Ballard*. MCR 7.215(H). Because we are bound by *Ballard* and because plaintiff's complaint fails to allege an exception to governmental immunity, summary disposition properly entered.

Affirmed.

/s/ Kathleen Jansen
/s/ E. Thomas Fitzgerald
/s/ Robert P. Young, Jr.