

STATE OF MICHIGAN
COURT OF APPEALS

CLEO HUDSON and BARBARA HUDSON,

Plaintiffs-Appellants,

v

SERVICE CENTERS CORPORATION,
Individually and d/b/a CREDIT UNION FAMILY
SERVICE CENTERS, a Michigan Corporation,

Defendant-Appellee,

and

JOHN DOE,

Defendant.

UNPUBLISHED

December 4, 1998

No. 201924

Wayne Circuit Court

LC No. 96-621101 NO

Before: Sawyer, P.J., and Wahls and Hoekstra, JJ.

MEMORANDUM.

Plaintiffs appeal by right an order granting summary disposition for defendants in this premises liability case. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff Cleo Hudson fell while walking across the raised landscape garden area that separates defendants' credit union building and parking lot from the adjoining public sidewalk. Judging from the photographs of the area presented by the parties, the landscape garden is essentially a large planter containing trees and shrubs planted in soil covered with wood chips, enclosed by wooden landscaping cross ties stacked to form a retaining wall. The area also contains a row of thick hedges, although there appear to be one or two narrow gaps in the hedges large enough for a person to walk through. Mr. Hudson did not notice any other pedestrian route to the building at the time, so he took the route that he had observed another customer taking across the raised landscape area.

The trial court correctly granted summary disposition. While the edge of the particular landscaping cross tie that Mr. Hudson tripped over may not have been visible to him at the time, it should have been obvious to any casual observer that the raised landscape garden area itself was not a route designed and maintained for safe pedestrian access to the credit union building. In order to approach the building by this route, one had to step up into the landscape area, trod across wood chips and plants, and negotiate a fairly narrow gap in a row of hedges before stepping down into the credit union parking lot on the other side. The photographs of the area plainly show that there were other, level and paved areas providing access to the building entrance. Although other pedestrians may have beaten a path across the landscape garden, defendants had no duty to make this “short cut” safe for pedestrian travel.

Affirmed.

/s/ David H. Sawyer

/s/ Myron H. Wahls

/s/ Joel P. Hoekstra