

STATE OF MICHIGAN
COURT OF APPEALS

CUSTOMIZED AUTO CREDIT SERVICES, INC.,

Plaintiff-Appellant,

v

CRYSTAL YOLANDA PASHA,

Defendant-Appellee.

UNPUBLISHED

December 11, 1998

No. 208427

Wayne Circuit Court

LC No. 97-728921 CK

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

MEMORANDUM.

Plaintiff appeals a December 19, 1997 order compelling plaintiff to return a repossessed automobile to defendant. We vacate that order and remand the case for reconsideration of the matter. We note that the December 19, 1997 order is not a final order that may be appealed by right, since it does not dispose of all of the claims in the case. See generally MCR 7.202(8)(a); *Children's Hosp of Michigan v Auto Club Ins Ass'n*, 450 Mich 670; 545 NW2d 592 (1996). However, in the interest of judicial economy, we exercise our discretion to treat plaintiff's appeal as on leave granted. See, e.g., *Schultz v Auto-Owners Ins Co*, 212 Mich App 199, 200 n 1; 536 NW2d 784 (1995).

A review of the trial court's bench opinion reveals that the sole basis for the ruling was the trial court's belief that repossession of the vehicle was somehow a violation the order entered three days earlier dismissing plaintiff's complaint for lack of proper service. While the November 13, 1997 dismissal order could be viewed as invalidating the trial court's previous order of October 24, 1997 authorizing plaintiff to repossess the vehicle, this would not affect any right plaintiff may have had to pursue the statutory and common law remedy of self-help repossession without judicial process. See MCL 440.9503; MSA 19.9503; *Hill v National Bank of Detroit*, 58 Mich App 430, 436-437; 228 NW2d 407 (1975).

We express no opinion as to whether there exists any alternative basis for concluding that the repossession was improper, such as defendant's claim that the repossession violated the agreement that the parties reached in early November of 1997, since the trial court apparently never reached the issue.

The December 19, 1997 order of the Wayne Circuit Court compelling plaintiff to return the repossessed automobile to defendant is vacated, and the case is remanded for further proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ David H. Sawyer

/s/ Myron H. Wahls

/s/ Joel P. Hoekstra