

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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CITY OF JACKSON,

Plaintiff-Appellee,

v

JAMES J. RUMLER,

Defendant-Appellant.

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UNPUBLISHED

March 30, 2001

No. 220684

Jackson Circuit Court

LC No. 98-89571

Before: Murphy, P.J., and Hood and Cooper, JJ.

PER CURIAM.

This action began with the filing of a complaint to abate a public nuisance whereby plaintiff engaged the court's authority in its continuing effort to compel defendant to bring his rental property up to code. Due to a lack of consequential improvement to the building, and the absence of a reasonable expectation that the significant funding needed to repair the building was forthcoming, the court eventually authorized demolition. Defendant now appeals as of right from the trial court's order authorizing demolition of the premises and assessing defendant with related costs. We affirm.

Defendant, inter alia, raises various procedural challenges to the court's actions and orders during each stage of the proceedings. Proceeding in propria persona, defendant is now and was at all times relevant to this action incarcerated in federal prison. However, throughout the proceedings in the trial court defendant has maintained and advanced his position through numerous motions. His interests have additionally been represented by family members and acquaintances, and their counsel, who possessed general power of attorney for defendant. At its heart this appeal seeks reversal of the court's final order authorizing demolition of the premises. With regard to that decision, we are satisfied that defendant's interests have been protected and that none of the alleged procedural deficiencies mandate reversal. Accordingly, pursuant to the following reasoning we find no merit to defendant's appeal.<sup>1</sup>

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<sup>1</sup> Defendant's generalized claim of relief seeks the return of belongings, monies and property he alleges to have been wrongfully seized. To the extent that defendant may have sustainable claims for either the return of personal property items collaterally impounded or the lifting of liens improperly imposed on sources of funds unrelated to the property in question, we cannot

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In its order authorizing demolition so as to abate the public nuisance, the court stated that there had been no objection from any party with an ownership interest in the property. At the final hearing, the court had interrupted the attempt of defendant's representative to object noting that he had no standing. This ruling was accepted by all parties present, no one contesting that pursuant to papers filed with the court defendant had deeded away his rights to the property to two separate mortgage companies.<sup>2</sup> Subsequently denying defendant's motion to stay demolition, the court held that the motion "sets forth no facts which alter the effect of the prior order with reference to the premises constituting a public nuisance." In so ruling, the court implicitly denied defendant's previously filed motion for reconsideration.

The only allegations of significance in defendant's motions concerned the fact that his efforts to deed away the property had been unsuccessful, one assignee deeding the property back and the other simply refusing to accept defendant's deed. As the court rightly held, nowhere did defendant allege facts contesting the determination that the property constituted a public nuisance. Pursuant to MCR 2.119(F)(3), a party moving for reconsideration "must demonstrate a palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error." We may presume that the court accepted defendant's allegations, and that it acknowledged that its original opinion was in part premised on the erroneous fact that defendant was no longer the owner of the property. We may also presume that the court accepted the motions as an appropriate objection to demolition by a party with standing. Notwithstanding this changed factual basis, given the absence of allegations that the property was not a public nuisance and that demolition was therefore inappropriate, we find that defendant failed to demonstrate a palpable error mandating a different disposition. Accordingly, the court did not abuse its discretion in denying reconsideration. See *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000).

Affirmed.

/s/ William B. Murphy  
/s/ Harold Hood  
/s/ Jessica R. Cooper

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presently resolve such issues because defendant has failed to identify the specific sources of these purported errors within the court's various orders regarding demolition. The appropriate avenue for potential relief with regard to these issues is a civil action against plaintiff, wherein defendant can clearly articulate any claims of misappropriation.

<sup>2</sup> Both at the hearing and in the demolition order the court also indicated that defendant's assignees had received notice but had raised no objection.