

STATE OF MICHIGAN
COURT OF APPEALS

ORONDE SHAWN MANSON,

Plaintiff-Appellant,

v

HAROLD STEHLIK and JERRY E. STEHLIK,

Defendants-Counterplaintiffs-
Appellees.

UNPUBLISHED

March 22, 2002

No. 227504

Wayne Circuit Court

LC No. 98-839563-CH

Before: O’Connell, P.J., and White and Cooper, JJ.

WHITE, J. (*dissenting*).

I respectfully dissent. I do not agree that service of notice on Herman Manson constituted service on plaintiff under MCL 211.140(6) under the circumstances presented here.

The notice served on Herman Manson was directed to Herman Manson himself. It was not a notice intended for plaintiff, but left with Herman under MCL 211.140(6). The return of service did not show that Herman had been served for plaintiff, or that a notice directed to all occupants of the house generally had been served. The return of service showed that notice had been served on Herman Manson, occupant, “to whom said notice was addressed.”

While the statute permits service on a person by serving a family member of mature age at the person’s residence, it nevertheless contemplates that the service be intended for the person entitled to notice; i.e., the statute permits a specific person to be served by leaving the notice at that specific person’s usual place of residence with a member of that specific person’s family. The statute provides an alternative means of serving a person entitled to notice. The statute does not state that service upon any member of a household shall constitute service upon all members of the household, or that if several members of a household are entitled to service, only one need be served. Here, Herman Manson was served for himself, not as a means of alternative service on plaintiff, and plaintiff was never served.

I would reverse.

/s/ Helene N. White