

STATE OF MICHIGAN
COURT OF APPEALS

RONALD ABDELLA,

Plaintiff-Appellant,

v

STATE STREET REALTY, LLC, and BRENDA
J. MCNALLY,

Defendants-Appellees.

UNPUBLISHED
May 10, 2018

No. 338081
Saginaw Circuit Court
LC No. 17-032131-CB

Before: SHAPIRO, P.J., and M. J. KELLY and O'BRIEN, JJ.

SHAPIRO, P.J. (*concurring*).

I agree that the trial court properly granted summary disposition to defendant because plaintiff did not satisfy the contractual requirement to obtain a conventional mortgage covering the entire sale price. I write separately to note my disagreement with the majority's conclusion that the contract did not require defendant to provide proof of the loan commitment. I would conclude that the contract implicitly included such a requirement and that defendant's failure to provide such proof provided an alternative basis for the grant of summary disposition.

/s/ Douglas B. Shapiro