STATE OF MICHIGAN

COURT OF APPEALS

GREG FREEMAN AND PAM FREEMAN,

Plaintiffs/Cross-defendants-Appellants,

v

CYNTHIA COOPER TRUST, by CYNTHIA COOPER, Trustee and Individually,

Defendants/Counter-plaintiffs-Appellee.

UNPUBLISHED
February 26, 2013

No. 308596
Barry Circuit Court
LC No. 10-000463-CH

Before: K. F. KELLY, P.J., and MARKEY and FORT HOOD, JJ.

PER CURIAM.

Plaintiffs appeal by right the trial court's order granting summary disposition to defendants in this dispute concerning alleged easements located on lakefront property. We affirm.

In the trial court proceedings, plaintiffs alleged that they possessed two easements on property located in Kotrba Park. One easement was located on lot 10 which defendants owned, and another was located on lot 11, which defendants did not own. The trial court granted summary disposition to defendants "for the reasons found within [defendants'] Motion for Summary Disposition" and because it found that plaintiff did not possess an interest in either of the easements. On appeal, plaintiffs only challenge the trial court's finding that they did not possess an easement on lot 11 and do not challenge the trial court's finding that they did not possess an easement on defendants' land. Plaintiffs also fail to challenge any of the reasons "found within [defendants'] Motion for Summary Disposition." "When an appellant fails to dispute the basis of the trial court's ruling, '[t]his Court . . . need not even consider granting plaintiffs the relief they seek.'" *Derderian v Genesys Health Care Sys*, 263 Mich App 364, 381; 689 NW2d 145 (2004), quoting *Joerger v Gordon Food Serv, Inc*, 224 Mich App 167, 175; 568 NW2d 365 (1997). Because plaintiffs fail to address the basis of the trial court's summary disposition ruling, particularly the part of the trial court's ruling where it found that plaintiffs had no interest in defendants' land, we need not grant relief to plaintiffs. *Id.*

Moreover, we reject the only argument plaintiff raised: They purport to possess an easement on lot 11, a lot defendants do not own. The easement on lot 11 benefited a back lot

plaintiffs formerly owned, lot 45. Plaintiffs conveyed lot 45 to a third party in 2009. When they did so, they transferred their interest in the easement. *Haab v Moorman*, 332 Mich 126, 144; 50 NW2d 856 (1952) ("Once established, the right-of-way was an easement appurtenant and therefore passed by the deed of the dominant estate although not expressly mentioned in the instrument of transfer, and even without the word 'appurtenances.'"). Thus, plaintiffs' lone argument on appeal is without merit.

We affirm. As the prevailing party, defendants may tax costs pursuant to MCR 7.219.

/s/ Kirsten Frank Kelly
/s/ Jane E. Markey
/s/ Karen M. Fort Hood