

**STATE OF MICHIGAN
IN THE 14B JUDICIAL DISTRICT COURT FOR THE COUNTY OF WASHTENAW**

HARBOUR COVE CONDOMINIUM ASSOC,
Plaintiff,

vs.

ALICIA ADZIMA AND ALL OCCUPANTS
OF 9699 HARBOUR COVE,
Defendant.

FILE NO. 21C-0310
HON. ERANE C. WASHINGTON

Adam Randall (P73758)
Attorney for Plaintiff
21800 Haggerty Rd, Ste 218
Northville, MI 48167
248-349-6203

Joseph Lloyd (P26008)
Attorney for Defendant
220 E. Huron St., Suite 110
Ann Arbor, Michigan 48107
734-668-1522

**OPINION AND ORDER FOLLOWING HEARING ON CROSS-MOTIONS FOR
SUMMARY DISPOSITION**

After hearing and testimony being providing in this matter, the court finds as follows:

The matter is before the court for a termination of tenancy. The Defendant Alicia Adzima is a tenant of the premises located at 9699 Harbour Cove, Unit #49, Ypsilanti MI 48197. She leases the property from her former fiancé and father of her two children, Kyle Clossick, who is a co-owner of the condominium association and owner of the unit in question.

The Plaintiff, Harbour Cove Condominium Association, seeks to terminate Ms. Adzima's tenancy due to numerous complaints from other tenants and/or co-owners in the building that Ms. Adzima conduct was/is a nuisance. The allegations are numerous but include continuous loud noises stemming from the unit and attempts to entangle other co-owners in a dispute between Ms. Adzima and Mr. Clossick in their legal matters. The Board of Directors sent a

notice pursuant to MCL 559.212(4) to Mr. Clossick of the alleged violations. MCL 559.212(4) provides as follows:


(4) If the association of co-owners determines that the tenant or nonco-owner occupant failed to comply with the conditions of the condominium documents, the association of co-owners shall take the following action:

(a) The association of co-owners shall notify the co-owner by certified mail, advising of the alleged violation by the tenant. The co-owner shall have 15 days after receipt of the notice to investigate and correct the alleged breach by the tenant or advise the association of co-owners that a violation has not occurred.

(b) If after 15 days the association of co-owners believes that the alleged breach is not cured or may be repeated, it may institute on its behalf or derivatively by the co-owners on behalf of the association of co-owners, if it is under the control of the developer, an action for both eviction against the tenant or nonco-owner occupant and, simultaneously, for money damages against the co-owner and tenant or nonco-owner occupant for breach of the conditions of the condominium documents. The relief provided for in this section may be by summary proceeding. The association of co-owners may hold both the tenant and the co-owner liable for any damages to the general common elements caused by the co-owner or tenant in connection with the condominium unit or condominium project.

Defense counsel argued at the hearing that the Defendant was not provided with notice or an opportunity to be heard due to the context of this particular case. On November 19, 2019, the owner of the unit, Mr. Kyle Clossick, was convicted of assaulting Ms. Adzima in this same court. As a part of the sentence, he was ordered to have "no contact" with Ms. Adzima. Additionally, Mr. Clossick's parents (who hold power of attorney for the unit) filed an action to evict her from the unit using the summary proceedings statute. Those proceedings were stayed by my predecessor, Judge Charles Pope, pending decision from Judge Darlene O'Brien with respect to matters pending in the Circuit Court as to custody and child support. Counsel argued that Mr. Clossick had not contacted Ms. Adzima since November 10, 2019 and never notified her of the charges made by the association. Therefore, counsel argued that Ms. Adzima had not had an opportunity to be heard on the validity of the third party assertions which gave rise to the basis for the eviction. The Plaintiff argued that pursuant to MCL 559.212(4), Ms. Adzima has no standing and is not entitled any more due process than afforded in the statute. The Defense challenged the constitutionality of the statute as it applies in this matter and by application, how it applies in general.

This court finds that the statute is valid and provides notice to the co-owner of the unit as is required by law. The procedural due process which must be afforded in the particular case applies to the owner of the unit and not to the tenant. Therefore, the Plaintiff's motion for summary disposition is granted and the Defendant's cross-motion is denied. The Defendant shall have until June 30, 2021 to vacate the premises or a writ of eviction may issue.


Erane C. Washington
District Court Judge

6-16-21