

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

EDWARD HANNAFORD,

Plaintiff,

Case No. 95-4609-DM

-vs-

CHRISTINE LYNN MORRISON,

Defendant.

PROCEEDINGS

BEFORE THE HONORABLE PETER J. MACERONI, (P-16922) JUDGE

Mount Clemens, Michigan - Wednesday, September 1, 1999

APPEARANCES:

For the Plaintiff(s):

Harold A. Perakis (P-35921)
29199 Ryan Road
Warren, MI 48092
(810) 573-8900

ALSO PRESENT:

Charles T. Busse (P-49770)
31851 Mound Road
Warren, MI 48090
(810) 264-4800

REPORTED BY:

Susan L. Hassig, CSR-0939
Official Court Reporter
(810) 469-5851

④ COPY
orders
Sept 1
Sept 2

Cipriano - Judges friends

1 Mount Clemens, Michigan

2 Septembet 1, 1999 - at 3:10 p.m.

3 - - -

4 THE CLERK: Hannaford versus Morrison.

5 MR. PERAKIS: Ready your Honor.

6 MR. BUSSE: Ready, your Honor.

7 MR. PERAKIS: Good morning,
8 your Honor. Or good afternoon. I'm sorry.

9 THE COURT: Good afternoon.

10 MR. PERAKIS: Your Honor, Harold
11 Perakis appearing on behalf of the Petitioner,
12 Edward Hannaford, in this matter.

13 MR. BUSSE: Charles T. Busse,
14 your Honor, appearing on behalf of Betty Morrison.

15 MR. PERAKIS: Your Honor, we have had
16 some discussions. Mr. Busse and I have had some
17 discussions pertaining to Betty Morrison's
18 involvement in this matter, and we believe we have
19 come to some agreement on entry of a stipulated
20 order. The terms of that stipulated order are such
21 that they have agreed and Mr. Hannaford has also
22 // agreed to entering an order that says that the
23 quitclaim deed of July 6th, 1999 that had transferred
24 Christine Morrison's land contract vendee interest to
25 Betty Morrison will be set aside. // That's number one.

1 Number two, Betty Morrison has agreed
2 to placing on the record the fact that she does not
3 own or have any interest in anything that
4 Christine Morrison is, is, has an interest in.
5 Lastly, we would simply ask and it is something that
6 you and I have not resolved as of yet, is whether or
7 not Betty Morrison is aware of any assets of
8 Christine Morrison as of this date.

3^{12d}
Perakis

9 THE COURT: I think we did cover that,
10 but you told me one thing that I wasn't aware of in
11 our discussion in chambers. You said land contract
12 vendee interest.

13 MR. PERAKIS: That's correct.

14 THE COURT: The question becomes who
15 is the land contract vendor, number one, and number
16 two, are the monthly payments being made so that
17 there's not a forfeiture on that land contract?

18 MR. PERAKIS: Well, as it stands right
19 now, we don't know. We know who the land contractor
20 vendor is. We have provided the Court a copy of the
21 land contract. This is Exhibit 1 in our Complaint,
22 in our motion, excuse me, your Honor. I have no
23 problem whatsoever in this Court, in this, obligating
24 me to provide some type of notice to the land
25 contract vendor of these, of these proceedings. I

1 think it would be appropriate. But at this point,
2 your Honor, because there was no, there was no
3 obligation on my part to do so, up until now, I did
4 not do that.

5 THE COURT: All right. Well, the
6 Court would order that the land contract vendors who
7 are Joseph Cipriano and Frances Cipriano be made
8 aware of these proceedings.

9 MR. PERAKIS: We will gladly do that,
10 your Honor, as quickly as possible.

11 MR. BUSSE: Your Honor, if I may, we
12 are here as a result of the show cause request as
13 part of a restraining order. We present ourselves in
14 a timely fashion to address that directive by this
15 Court. What has been represented by Mr. Perakis is
16 an accurate reflection of our discussions and my
17 client's as to resolving the issue as to her
18 specifically, which is her position regarding the
19 property in Fraser on Clarkson, I believe is the
20 street of the property.

21 MR. PERAKIS: Clarkson; is that
22 correct?

23 MR. BUSSE: We stipulate to setting
24 aside the quitclaim and are not really of any, we are
25 not of any ability to actually define the nature of

1 that, but whatever it is that was quitclaimed to us
2 we stipulate to set aside, and ask obviously the,
3 whatever, whatever efforts we need to do in terms of
4 drafting the appropriate document consistent with
5 that with Mr. Perakis, that our offices cooperate
6 fully and accomplish that.

7 THE COURT: Thank you, Counsel.

8 MR. PERAKIS: Your Honor, we have a
9 yellow order today that we will probably be able to
10 enter.

11 THE COURT: All right.

12 MR. PERAKIS: Lastly, your Honor,
13 there was one thing and that was the restraining
14 order that is currently in effect as to Betty
15 Morrison because there is a 21-day appeal period. We
16 would ask that that restraining order at least last
17 through that appeal period at which time it can be
18 terminated.

19 THE COURT: I think if you put that in
20 your yellow order that would suffice.

21 MR. PERAKIS: That's fine. That's
22 fine.

23 MR. BUSSE: No objection.

24 MR. PERAKIS: But other than that,
25 your Honor, I also have a, the remainder of my motion

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be a deposition, and I think this can be concluded in no more than five questions.

MR. PERAKIS: Your Honor, to tell you the truth I think I really have two questions.

THE COURT: Okay. Let's get her sworn in.

THE CLERK: Raise your right hand, please.

Do you solemnly swear that the testimony you are about to give in this cause will be the truth, the whole truth, and nothing but the truth, so help you God?

BETTY MORRISON: I do.

THE COURT: Before we get started, for the record, please, your full name.

CHRISTINE MORRISON: Betty Jane Morrison.

THE COURT: Thank you. Counsel.

MR. PERAKIS: Mrs. Morrison, you are the stepmother-

BETTY MORRISON: Yes.

MR. PERAKIS: -of Christine Morrison; is that right?

BETTY MORRISON: Yes. Right.

MR. PERAKIS: For the record today we

1 would like you to answer two questions. One is: Do
2 you have any knowledge of any assets owned by
3 Christine Morrison at this time of any kind?

4 BETTY MORRISON: No.

5 THE COURT: Of course other than the--

6 MR. PERAKIS: The house and the
7 property.

8 MR. BUSSE: Subject property in
9 Fraser.

10 MR. PERAKIS: And the property inside
11 of it.

12 Two, do you have--are you aware or do
13 you have any interest whatsoever in any property that
14 is currently owned by Christine Morrison or entitled
15 in her name?

16 BETTY MORRISON: No.

17 MR. PERAKIS: Okay. One question we
18 had talked about, and the one question I did talk, we
19 did talk about is do you have any objections to this
20 Court sealing the contents of that, of that house on
21 Clarkson and ordering an inventory of the contents?

22 MR. BUSSE: If I can ask for a moment,
23 your Honor, we have stipulated on the record that our
24 interest is no longer a valid one on the property and
25 I don't know that we really have any standing,

1 your Honor, to make a representation as to whether or
2 not it should or should not be sealed or who should
3 have access.

4 MR. PERAKIS: I have no problem with
5 that, your Honor. That's fine.

6 MR. BUSSE: Thank you, your Honor.

7 THE COURT: Miss Morrison, thank you
8 very much for coming in.

9 BETTY MORRISON: Thank you. Thank
10 you.

11 THE COURT: All right. Mr. Perakis,
12 what else do you have, sir?

13 MR. PERAKIS: Your Honor, the other
14 request for relief that we have made known to this
15 Court by way of our verified motion is, number one,
16 we would ask that a lien order be entered that allows
17 us to have a lien on the subject property and its
18 contents. Secondly, we would ask that that lien
19 order be consistent with the, a money judgment to be
20 entered today.

21 THE COURT: That money judgment and
22 lien representing what?

23 MR. PERAKIS: The money judgment and
24 lien representing past due child support as well as
25 the cost that we have incurred as a result of the

illegal attorney fees \$2165

1 defendant's behavior which amounts to just over two
2 thousand dollars.

3 THE COURT: That's granted.

4 MR. HANNAFORD: That's granted. Thank
5 you, your Honor. So the relief that in terms of the
6 money judgment that we have requested in our motion
7 is granted; is that right?

8 THE COURT: Yes, for back child
9 support and the cost incurred to collect that child
10 support.

11 MR. PERAKIS: That's correct. And
12 also, your Honor, we would ask that the lien be
13 placed on the property and the content of the
14 property. I have a lien order that this Court can
15 sign today.

16 THE COURT: Granted.

17 MR. PERAKIS: And lastly, we would ask
18 that a receiver be appointed to allow for the sale of
19 the property after the judgment period, appeal period
20 has passed which would actually be on September 22nd.

21 *Judges Friends* THE COURT: All right. Would Mr. and
22 Mrs. Cipriano have a say in that since they are land
23 contract vendors?

24 MR. PERAKIS: Well, your Honor, the
25 question becomes this, first of all, if, if, if the

1 land contract vendee interest is out, is out there,
2 any land contract vendee can indeed sell a property,
3 as long, as long as, as long as the lien is paid off.
4 Now, there is nothing in the land contract that talks
5 about consent to assignment, all right; however, I
6 will see to it, your Honor, that, that the parties,
7 and one thing I can put in my order, your Honor, in a
8 separate order is that we will see to it that they
9 are provided all notices pertaining to transferring
10 the property by the receiver. *Cipriano S*

11 THE COURT: Mr. Perakis, I must be
12 missing something because your Exhibit 1 is a land
13 contract dated January 6th, 1997.

14 MR. PERAKIS: Right.

15 THE COURT: Entered into by Joseph and
16 Frances Cipriano.

17 MR. PERAKIS: Right.

18 THE COURT: And Christine L. Morrison,
19 which is a ten-year contract.

20 MR. PERAKIS: That's correct.

21 THE COURT: And unless Mr. Hannaford
22 wants to pay off the land contract and then sell it,
23 but there's no way that Mr. and Mrs. Cipriano are
24 agreeing to a sale, so I'm not going to order a sale
25 nor a receiver.

*Judges
friends*

*how did Judge know
"no way"*

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MR. PERAKIS: Your Honor, then, then I guess what I am asking you then is this, is that in the event that they have, that, that the land contract does not restrict a, the land contract vendee from selling, right, or, as long as of course the land contract vendor's interest is protected.

THE COURT: Exactly.

MR. PERAKIS: Then what I am saying is that if that, if those conditions are met then a receiver would be appropriate.

THE COURT: Well, you supply Mr. and Mrs. Cipriano with notice of whatever is going on.

MR. PERAKIS: That's fine, your Honor. We will do that. Then I'll prepare the appropriate orders. I have a judgment and a lien order that I'll provide the Court. Oh, your Honor, the last thing, that's right, I'm sorry, is that we would like the property to be sealed at this point.

THE COURT: I already said yes. *When did he say yes*

MR. PERAKIS: That's okay? And we can obtain an inventory of it. We were just going to do it, a video tape inventory.

THE COURT: That's fine.

MR. PERAKIS: That okay?

THE COURT: Yes.

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