

**QUESTION 7 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III
OR IN EXAMPLIFY ANSWER SCREEN 7**

In the middle of a sunny Saturday afternoon in Springfield, Michigan, Mark Smith pulled into Grocery Time's parking lot to buy some groceries. After exiting the car, he walked through the parking lot toward the store entrance. Before reaching the end of the aisle of parked cars, Smith saw a large hole, roughly six-feet wide and three-feet deep, in the middle of the lot. Unbeknownst to Smith, a small sinkhole had just developed in this spot. Grocery Time employees, informed of the hole, were in the process of bringing orange cones to place around the hole, but had not yet put them in place. Because Smith was curious, he walked close to the edge of the hole in an attempt to see how deep it was. In doing so, his left foot slipped off the edge, causing Smith to tumble into the hole and injure himself.

Smith sued Grocery Time to recover damages for his injuries. After discovery closed, Grocery Time moved to dismiss, arguing that as a premises owner it was not liable for Smith's injuries.

Applying Michigan law, describe in detail what elements Smith must prove and whether he can succeed in his claim against Grocery Time.

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