

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

Brad, Dave and Greg are brothers whose parents died, leaving the family cottage in western Michigan jointly to the siblings as tenants in common.

While initially all the siblings used the cottage, both individually and as a group, Brad and Dave began using the cottage less frequently as the years passed. Indeed, several years ago Brad moved out of Michigan, and Dave had increasingly little time to take vacations and thus could rarely visit the cottage. Greg, however, lived closest to the cottage and thus undertook its maintenance. In 2012, Greg installed a new septic system when the prior system failed.

In early 2013, Greg decided to rent the cottage to vacationers. As part of this process, Greg and the various renters entered into written rental agreements allowing the renters the non-exclusive use of the property for one week. None of the renters are aware that there are other co-owners of the cottage, and Greg has not shared any of the rental income with his brothers.

Recently, Brad and Dave learned the above facts. Brad and Dave refuse to share their cottage with strangers and demand that Greg immediately stop renting the cottage to third parties and that he disburse to them two-thirds of the rent that he has thus far collected. Greg refuses and instead claims that Brad and Dave must contribute their proportionate shares of the cost of the new septic system that Greg had installed. Greg is also threatening to sell the cottage to a third party--an action that his brothers adamantly oppose.

Applying Michigan law, discuss: (1) whether Brad and Dave may force Greg to stop renting the cottage; (2) whether Brad and Dave are entitled to revenue from the rent that Greg has collected; (3) whether Brad and Dave must contribute to the cost of the septic system; and (4) what right any one brother or grouping of brothers has to dispose of the cottage. Explain your answers.

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