

**QUESTION 11 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV
OR IN EXAMPLIFY ANSWER SCREEN 11**

Sisters Mary and Ashley owned a mansion as tenants in common in Lake Peace, Michigan, out of which they operated a bed and breakfast establishment providing short-term lodging to visitors. Eventually, Ashley tired of the demands of the property and business, and without her sister's permission or knowledge, sold her interest in the mansion to Renee for \$500,000. Renee also owns a local apartment complex, and had rented a unit in the complex on a month-to-month basis to Mary's best friend, Marvin, for a number of years without incident or complaint by either.

From the beginning, Renee and Mary did not get along. After one particular disagreement, Renee told Mary "I'll fix you." Renee then promptly delivered to Marvin (who she knew was Mary's best friend) a notice to quit to terminate his tenancy. When Marvin did not move pursuant to the time-sufficient notice, Renee filed a summary proceedings action in the local district court seeking to recover possession of the unit. Marvin, who always timely paid rent, alleges that Renee is not entitled to a judgment of possession, because she is attempting to illegally evict him in retaliation for her troubles with Mary. Mary contends that Ashley's sale of her interest in the property to Renee should be rescinded, because Ashley's property interest could not be validly sold without Mary's permission.

Applying Michigan law, fully discuss:

1. Whether Marvin's retaliatory eviction allegation is a successful defense to Renee's request for entry of a possession judgment.

2. Whether Ashley's sale of her interest in the mansion can be successfully challenged on the basis that Mary had no prior knowledge of and gave no permission for the sale.

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