

STATE OF MICHIGAN
COURT OF APPEALS

PAULINE I. LEGAULT,

Plaintiff-Appellant,

v

No. 116541

AUTO CLUB INSURANCE ASSOCIATION,

Defendant-Appellee.

Before: Holbrook, Jr., P.J., and Murphy and Jansen, JJ.

PER CURIAM.

Plaintiff appeals the trial court's order and judgment granting defendant a summary disposition. We affirm.

Plaintiff lived with George Luca, who died as a result of an automobile pedestrian accident. Plaintiff and Mr. Luca were not married although Mr. Luca apparently provided for plaintiff financially. Plaintiff was employed full time as a film copier and receptionist at Mr. Luca's business at the time of his death. Approximately six months after Mr. Luca's death, plaintiff was diagnosed as having multiple sclerosis and subsequently ceased working.

The sole issue presented in this appeal is whether plaintiff is entitled to survivor loss benefits under the no-fault act, MCL 500.3108; MSA 24.13108. To be entitled to survivor benefits under the no-fault act, one must be a dependant as defined by MCL 500.3110; MSA 24.13110 which categorizes who is a dependant and how long the dependency continues.

Since plaintiff was not married to Mr. Luca, she is not conclusively presumed to be his dependant. MCL 500.3110(1)(a); MSA 24.13110(1)(a). Further, at the date of Mr. Luca's death, plaintiff was either not a dependant under MCL 500.3110(2); MSA 24.13110(2) based on the facts presented, or if she was, that dependency was terminated under MCL 500.3110(3); MSA 24.13110(3).

See Vovak v DAIIE, 98 Mich App 81, 84; 296 NW2d 193 (1980).

The trial court properly granted defendant summary disposition.

Affirmed.

/s/ Donald E. Holbrook, Jr.
/s/ William B. Murphy
/s/ Kathleen Jansen