

STATE OF MICHIGAN
COURT OF APPEALS

MIC GENERAL INSURANCE CORPORATION,

June 11, 1993

Plaintiff-Appellant,

v

No. 135156

RENEE GUYER, Personal Representative
of the Estate of JEFFREY S. KAY, deceased,

Defendant-Appellee.

BEFORE: Neff, P.J., and Gribbs and Brennan, JJ.

PER CURIAM.

Plaintiff appeals as of right from an order granting summary disposition in favor of defendant under MCR 2.116(C)(10). We reverse.

Plaintiff claims on appeal that the trial court erred in granting defendant's motion for summary disposition. Plaintiff contends that the setoff provisions which were included in the instant policy were unambiguous and valid. Consequently, plaintiff argues that the trial court should have granted its motion for summary disposition. We agree. This Court's decision in Nankervis v Auto-Owners Ins., 198 Mich App 262; ___ NW2d ___ (1993), is controlling of the issue presented in this case. In Nankervis, *supra*, this Court determined that setoff provisions, like those contained in the instant policy, were unambiguous as written and enforceable. We believe, therefore, that the trial court erred in its reading of the instant policy and find, contrary to the trial court's conclusion, that plaintiff's maximum liability for underinsured coverage in this case was limited to the difference between defendant's coverage and the other motorist's coverage. Nankervis, *supra*; see also Parker v Nationwide Mutual Ins., 188 Mich App 354; 470 NW2d 416 (1991); Schroeder v Farmers Ins., 165 Mich App 506; 419 NW2d 9 (1987). In light of our findings, we conclude that the trial court erred in granting defendant's motion for summary disposition. We reverse the trial court's order and remand for entry of an order granting summary disposition in favor of plaintiff.

Reversed and remanded.

/s/ Roman S. Gribbs
/s/ Thomas J. Brennan