

STATE OF MICHIGAN  
COURT OF APPEALS

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JOHN BYRNE ADDISON and VIRGINIA ADDISON,

Plaintiffs-Appellants,

August 18, 1993

v

No. 148623  
LC No. 88 348680 NI

DAVID LEONARD STOLL, and BUCKHORN  
SERVICE, INC., a Michigan corporation,  
jointly and severally,

Principal Defendants,

and

AUTO CLUB INSURANCE ASSOCIATION,

Garnishee Defendant-Appellee.

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Before: Reilly, P.J., and Sawyer and P.J. Clulo,\* JJ.

PER CURIAM.

Plaintiffs appeal as of right from a circuit court order granting summary disposition to the garnishee defendant, Auto Club Insurance Association (ACIA). We affirm.

In their garnishment action, plaintiffs sought reformation of an insurance policy issued by ACIA, claiming that ACIA's agent misrepresented the coverage being provided for the premium the insured agreed to pay. According to plaintiffs, ACIA's agent represented that the policy would provide \$250,000 liability coverage, but in fact provided only \$100,000 coverage. The premium charged was the usual rate for \$100,000 coverage. ACIA paid \$100,000 under the policy for injuries sustained in an auto accident. For purposes of ACIA's motion for summary disposition, ACIA admitted all of plaintiffs' allegations.

We agree with the trial court that there were no issues of material fact and ACIA was entitled to judgment as a matter of law. MCR 2.116(C)(10); Admiral Ins Co v Columbia Casualty Ins Co, 194 Mich App 300, 309-310; 486 NW2d 351 (1992).

The trial court determined that plaintiffs were estopped from obtaining the equitable relief of reformation because the policy, as originally written fifteen months prior to the accident, clearly stated that the coverage was \$100,000. The policy was subsequently renewed twice, each time for a six-month period. We find no error in the trial court's ruling that the insured's failure to read the policy and seek corrective action during the fifteen-month period constituted estoppel. Drogula v Federal Life Ins Co, 248 Mich 645; 227 NW 692 (1929).

Affirmed.

/s/ Maureen Pulte Reilly  
/s/ David H. Sawyer  
/s/ Paul J. Clulo

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\*Circuit Court judge, sitting on the Court of Appeals by assignment.