

NONDISCLOSURE OF ACCIDENT

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MylaFord

<probatereg@sanilaccounty.net>

unread,

Jan 12, 2021, 3:02:23 PM



to MADCM

Good morning.

Plaintiff purchased a motorcycle from a dealer. When he received the motorcycle it had a lot of body damage. He produced a history report that shows the bike had been in an accident and was a complete loss. The only information that I have at this time is the Plaintiff's statement in the small claims affidavit as follows:

Is there a requirement that a dealer must disclose if a vehicle was in an accident and if it has been deemed a complete loss by insurance?

I do not have any other facts such as if the Defendant inspected it, terms of the contract, etc.

Thanks in advance for any information.



sheldonlarky

<sheldonlarky@aol.com>

unread,

Jan 12, 2021, 3:49:02 PM





to madcm@googlegroups.com

There is no requirement for a dealer to reveal past problems of a used vehicle. Caveat emptor.

Shel Larky
Magistrate
52-4 District Court



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Boyer, Joseph
<Joseph.Boyer@36thdistrictcourt.org>
unread,
Jan 12, 2021, 4:41:07 PM



to madcm@googlegroups.com

Hey Shell! Great to hear from you. I hope all is well. I'm a Magistrate at 36th D now.

Joe Boyer
Magistrate
36th District Court

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From: 'Sheldon Larky' via MADCM <ma...@googlegroups.com>
Sent: Tuesday, January 12, 2021 3:48:56 PM
To: ma...@googlegroups.com <ma...@googlegroups.com>
Subject: Re: NONDISCLOSURE OF ACCIDENT



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Ramsey-Heath, Malaika
<Malaika.Ramsey-Heath@36thdistrictcourt.org>
unread,
Jan 13, 2021, 8:01:54 AM



to madcm@googlegroups.com

I am wondering if there isn't some breach of implied warranty, if the body damage renders the vehicle inoperable. But, there's a difference between previous declaration of complete loss and subsequent repair to make it operable and selling something that is not usable for the purpose at the time of purchase of course. Is it operable?

Sent via the Samsung Galaxy S9+, an AT&T 5G Evolution capable smartphone
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From: ma...@googlegroups.com <ma...@googlegroups.com> on behalf of Boyer, Joseph
<Joseph...@36thdistrictcourt.org>

Sent: Tuesday, January 12, 2021 4:41:04 PM



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MylaFord
<probatereg@sanilaccounty.net>

unread,
Jan 13, 2021, 8:07:56 AM



to madcm@googlegroups.com
Good morning.

Thank you for your response.

I do not know if it is operable. Good point though. It appears from the content of the small claims affidavit that he is not suing for the bike itself, but only the shipping charges incurred to ship the bike to another state. Makes me think he may have resolved the issue with the purchase of the bike, but is left with \$800 in shipping charges.

I'm posting the text of the small claims affidavit below because it appears not to show in the listserve emails:

"Shipping costs incurred from purchase of a motorcycle that was totaled in an accident without being disclosed."

Myla L. Ford
Probate Register
District Court Attorney Magistrate
Sanilac County Probate Court
60 West Sanilac Avenue, Room 213
Sandusky, MI 48471
[810-648-3221](tel:810-648-3221) x 8162
[810-648-2900](tel:810-648-2900) - Fax
proba...@sanilacounty.net

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From: "Ramsey-Heath, Malaika" <Malaika.Ra...@36thdistrictcourt.org>
Sent: 1/13/21 8:02 AM



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james brennan
<jamesbrennanlaw64@gmail.com>
unread,
Jan 13, 2021, 8:55:08 AM



§

□

to Jonathan Morse

I agree with Magistrate Larky, who wouldn't? □

□

□

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gsu...@houghtoncounty.net

<gsulisz@houghtoncounty.net>

unread,

Jan 13, 2021, 10:09:25 AM

□

§

□

to Jonathan Morse

Motorcycles in the state of Michigan are titled vehicles. A vehicle titled in the state of Michigan is either (clean and) Green or Orange. Orange titles are salvage titles. If an insurance company has paid out for a total on a titled vehicle in Michigan, it is then titled with an Orange title indicating that it is a salvage title. The color of the title should indicate that it was a previous insurance total. While not all states handle it this way, Michigan does. We had a local car dealer that got "tagged" for buying salvage vehicles from states who don't mark salvage titles, fixing them and titling them in Michigan as if they are Green & Clean Titles and pawning them off on unsuspecting purchasers by slipping a document in the middle of the purchasing and financing papers to obtain a signature that they had disclosed the accident to the individual. I know this from personal experience. Salvaged vehicles can only be insured for 50-80% of the value of a green titled vehicle and some insurance companies won't insure them at all. Not sure if this fits the scenario or not.

From: ma...@googlegroups.com <ma...@googlegroups.com> on behalf of james brennan <jamesbre...@gmail.com>

Sent: Wednesday, January 13, 2021 8:54 AM

To: Jonathan Morse



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MylaFord

<probatereg@sanilacounty.net>

unread,

Jan 13, 2021, 10:36:39 AM



to Jonathan Morse

Very helpful information. I was aware of the salvage title issues but never handled a case involving it. I had a friend this happened to.

Myla L. Ford

Probate Register

District Court Attorney Magistrate

Sanilac County Probate Court

60 West Sanilac Avenue, Room 213

Sandusky, MI 48471

[810-648-3221](tel:810-648-3221) x 8162

[810-648-2900](tel:810-648-2900) - Fax

proba...@sanilacounty.net

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From: Ginger Sulisz <gsu...@houghtoncounty.net>

Sent: 1/13/21 10:09 AM

To: Jonathan Morse <ma...@googlegroups.com>

Subject: Possible Spam: Re: NONDISCLOSURE OF ACCIDENT

Motorcycles in the state of Michigan are titled vehicles. A vehicle titled in the state of Michigan is either (clean and) Green or Orange. Orange titles are salvage titles. If an insurance company has paid out for a total on a titled vehicle in Michigan, it is then titled with an Orange title indicating that it is a salvage title. The color of the title should indicate that it was a previous insurance total. While not all states handle it this way, Michigan does. We had a local car dealer that got "tagged" for buying salvage vehicles from states who don't mark salvage titles, fixing them and titling them in Michigan as if they are Green & Clean Titles and pawning them off on unsuspecting purchasers by slipping a document in the middle of the purchasing and financing papers to obtain a signature that they had disclosed the accident to the individual. I know this from

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From: ma...@googlegroups.com <ma...@googlegroups.com> on behalf of james brennan <jamesb_renna...@gmail.com>

Sent: Wednesday, January 13, 2021 8:54 AM
To: Jonathan Morse
Subject: Re: NONDISCLOSURE OF ACCIDENT

I agree with Magistrate Larky, who wouldn't? ☹

On Wed, Jan 13, 2021, 8:07 AM Myla L. Ford <proba...@sanilacounty.net> wrote:
Good morning.

Thank you for your response.

I do not know if it is operable. Good point though. It appears from the content of the small claims affidavit that he is not suing for the bike itself, but only the shipping charges incurred to ship the bike to another state. Makes me think he may have resolved the issue with the purchase of the bike, but is left with \$800 in shipping charges.

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From: "Ramsey-Heath, Malaika" <Malaika.Ra...@36thdistrictcourt.org>
Sent: 1/13/21 8:02 AM
To: "ma...@googlegroups.com" <ma...@googlegroups.com>

Subject: Re: NONDISCLOSURE OF ACCIDENT

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From: ma...@googlegroups.com <ma...@googlegroups.com> on behalf of Boyer, Joseph
<Joseph...@36thdistrictcourt.org>
Sent: Tuesday, January 12, 2021 4:41:04 PM
To: ma...@googlegroups.com <ma...@googlegroups.com>
Subject:Re: NONDISCLOSURE OF ACCIDENT

Hey Shel! Great to hear from you. I hope all is well. I'm a Magistrate at 36th D now.

Joe Boyer
Magistrate
36th District Court

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jbreanna
<jbreanna@ferndalecourt.com>
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Jan 13, 2021, 10:48:14 AM



to madcm@googlegroups.com


Thanks Ginger, great information, easy to remember " clean and green ".


Sent from my Verizon, Samsung Galaxy smartphone



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