

STATE OF MICHIGAN  
COURT OF CLAIMS

BANK OF AMERICA, N.A., successor by  
Merger to LaSalle Bank Midwest, N.A.,  
Formerly known as Standard Federal Bank,  
N.A., a national banking association

Plaintiff,

No. 19000072-MT  
HON. COLLEEN O'BRIEN

v

MATYOUS, INC., a Michigan corporation; A  
IMSAIAH, INC., a Michigan corporation; ALI  
A. IMSAIAH, an individual; LINCOLN  
EXPRESS, INC., a Michigan corporation;  
AURI INVESTMENTS, INC., a Michigan  
Corporation; AURI PROPERTIES, LLC, a  
Michigan limited liability company; WAYNE  
COUNTY TREASURER; and STATE OF  
MICHIGAN-TREASURY DEPARTMENT;

Defendants.

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Plunkett Cooney  
Attorneys for Plaintiff  
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Bloomfield Hills, MI 48304  
(248) 594-8613  
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Katherine C. Kerwin (P73070)  
Assistant Attorney General  
Attorney for Defendant  
State of Michigan Department of Treasury  
SCFRA & Collections Division  
3030 W. Grand Blvd., Ste 10-200  
Detroit, MI 48202  
(313) 456-0140

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**STIPULATION AND ORDER SETTING PRIORITIES AND INTERESTS  
BETWEEN PLAINTIFF AND DEFENDANT STATE OF MICHIGAN  
DEPARTMENT OF TREASURY  
AND  
DISMISSING CASE AGAINST DEFENDANT STATE OF MICHIGAN  
DEPARTMENT OF TREASURY**

## STIPULATION

Plaintiff, Bank of America, N.A., successor by merger to LaSalle Bank Midwest, N.A., formerly known as Standard Federal Bank, N.A., a national banking association, by and through its attorney, Emily M. Coyle, and Defendant State of Michigan, Department of Treasury, by and through its attorneys, Dana Nessel, Michigan Attorney General, and Katherine C. Kerwin, Assistant Attorney General, hereby stipulate and agree as follows:

1. Plaintiff Bank of America named Defendant State of Michigan Department of Treasury (Treasury) in this action because Treasury claims an interest in the property that is subject to this action as the result of State Tax Liens recorded with the Wayne County Register of Deeds against the real property and personal property identified in the Complaint. Plaintiff has no monetary claims against Treasury but is simply seeking to subject Treasury's interest in the property described below to any sale that may take place pursuant to an order that may be issued by the Court in this action.
2. Defendant Matyous, Inc. and Defendant A. Imsaiah, Inc. executed a Note in favor of Bank of America (the "Note") on April 29, 2005, as amended by that certain Amendment No. 1 to Note dated June 2, 2008.
3. The Note is secured by a commercial mortgage dated April 29, 2005 executed by Defendant A. Imsaiah, Inc. and Defendant Matyous, Inc. in favor of Bank of America securing all indebtedness owing to Bank of America and recorded

on May 9, 2005, in the Wayne County Register of Deeds office in Liber 42649, Page 1623, as modified by that Modification Agreement dated June 14, 2010, encumbering real property known as 12700 E. McNichols, Detroit, MI 48205, against the real property interest of which is the subject of this lawsuit and that is more particularly described as:

PREMISES SITUATED IN THE CITY OF DETROIT COUNTY OF WAYNE AND STATE OF MICHIGAN DESCRIBED AS LOTS 54 AND 55 BLOCK C GRATIOT HIGHLAND SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 22 PAGE 42 OF PLATS WAYNE COUNTY RECORDS.

Tax ID: 21/020031 002L

4. The repayment of the Note was further guaranteed by a Security Agreement granting Bank of America a security interest in all assets of Defendant Matyous, Inc. and Defendant A. Imsaiah, Inc. dated April 29, 2005, which was executed by Defendant Matyous, Inc. and Defendant A. Imsaiah, Inc. pledging it a security interest in all of its assets. A UCC Financing Statement was recorded against A. Imsaiah, Inc. on June 20, 2005.

5. Treasury recorded State Tax Lien against the real property interests of Defendant Matyous, Inc. as follows:

Lien #:	Perfected:
1930438	12/06/15
1942084	5/6/16

6. Treasury recorded State Tax Liens against the personal property interests of Defendant Matyous, Inc. as follows:

Lien #:	Perfected:
1930437	12/10/15

1942085 05/03/15

7. Treasury recorded a State Tax Lien against the real property interest of Defendant Ala G. Imsaiah as follows:

Lien #:	Perfected:
1949489	12/13/16

8. Treasury recorded State Tax Liens against Defendant Auri Investments, Inc. as follows:

Lien #:	Perfected:
2001581	10/04/18
2001582	10/13/18

9. Treasury recognizes and affirms that the interest claimed by the Plaintiff in the property, which is the subject of this cause, is senior, superior, and prior in all respects to the interest claimed by Treasury. Further, that Treasury's interests in the property described above shall be subjected to and extinguished by any judicial sale, unless the property is redeemed from said sale as provided for by statute. Further, Treasury's lien shall transfer to any excess proceeds derived from the sale, over and above the amount necessary to satisfy Plaintiff's claim.

10. In the event that the subject real property is sold, pursuant to the enforcement of Plaintiff's rights, then any excess proceeds derived from said sale, over and above the amount necessary to satisfy Plaintiff, be promptly paid into the Court subject to further order of the Court as to priorities, with Treasury being entitled to apply for payment of such surplus proceeds. Plaintiff's counsel shall give written notice of any surplus to undersigned

counsel for Treasury within 10 days after receipt of sale proceeds.

11. In the event that the subject personal property is sold, pursuant to the enforcement of Plaintiff's rights, that any excess proceeds derived from said sale, over and above the amount necessary to satisfy Plaintiff, be promptly paid into the Court subject to further order of the Court as to priorities, with Treasury being entitled to apply for payment of such surplus proceeds.

Plaintiff's counsel shall give written notice of any surplus to undersigned counsel for Treasury within 10 days after receipt of sale proceeds.

12. That this Stipulation and Order affects State Tax Liens as to the subject real and personal property identified in Paragraphs 5 through 8 above only, and does not extinguish Treasury's lien rights as to other real and personal property.

13. Treasury reserves the right to present any and all evidence necessary to substantiate the existence of its liens, the amount of its liens, and the respective priority of its liens with respect to any lien holders other than the Plaintiff so as to protect its right to any surplus proceeds from any foreclosure action.

14. Plaintiff will send Treasury a True Copy of any report of sale or final judgment of this lawsuit.

15. Treasury is dismissed without prejudice and without costs as a Defendant in this matter.

16. This Stipulation and Order does not affect Plaintiff's Complaint against the

remaining Defendants in *Bank of America v. Matyous, Inc., et al*, Wayne

County Circuit Court Docket No.: 18-012216- CB.

Stipulated to by:

Emily M. Coyle (w/consent)  
(KCK)

Emily M. Coyle (P74123)  
Plunkett Cooney  
Attorney for Plaintiff

Katherine C. Kerwin

Katherine C. Kerwin (P73070)  
Assistant Attorney General  
Attorney for Defendant  
State of Michigan Department of Treasury

Date: 1/4/19

Date: 1/4/19

ORDER BASED ON STIPULATION SETTING PRIORITIES AND  
INTERESTS BETWEEN PLAINTIFF AND DEFENDANT STATE OF  
MICHIGAN DEPARTMENT OF TREASURY  
AND  
DISMISSING CASE AGAINST DEFENDANT STATE OF MICHIGAN  
DEPARTMENT OF TREASURY

At a session of said Court, held in the Court  
of Claims, State of Michigan on  
January 16, 2019.

PRESENT:

HON. Colleen A. O'Brien

Colleen O'Brien  
Court of Claims Judge

As Stipulated above between Plaintiff, Bank of America, N.A., successor by merger to LaSalle Bank Midwest, N.A., formerly known as Standard Federal Bank, N.A., a national banking association, and Defendant, State of Michigan Department of Treasury,

IT IS SO ORDERED.

This is not a final order and does not resolve the last pending claim in this case.

*Colleen A. O'Brien*

Court of Claims Judge

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2019 JAN 10 PM 1:34  
COURT OF CLAIMS JUDGE  
COLLEEN A. O'BRIEN

STATE OF MICHIGAN

COURT OF CLAIMS

BANK OF AMERICA, N.A., successor by  
Merger to LaSalle Bank Midwest, N.A.,  
Formerly known as Standard Federal Bank,  
N.A., a national banking association

Plaintiff,

No. 19-000012-MT  
HON. COLLEEN O'BRIEN

v

MATYOUS, INC., a Michigan corporation; A  
IMSAIAH, INC., a Michigan corporation; ALI  
A. IMSAIAH, an individual; LINCOLN  
EXPRESS, INC., a Michigan corporation;  
AURI INVESTMENTS, INC., a Michigan  
Corporation; AURI PROPERTIES, LLC, a  
Michigan limited liability company; WAYNE  
COUNTY TREASURER; and STATE OF  
MICHIGAN-TREASURY DEPARTMENT;

Defendants.

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Assistant Attorney General  
Attorney for Defendant  
State of Michigan Department of Treasury  
SCFRA & Collections Division  
3030 W. Grand Blvd., Ste 10-200  
Detroit, MI 48202  
(313) 456-0140

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**ORDER CLOSING CASE**

At a session of said Court, held in the Court  
of Claims, State of Michigan on  
January 24, 2019.

PRESENT:

HON. Colleen A. O'Brien

Colleen O'Brien



Court of Claims Judge

As Stipulated above between Plaintiff, Bank of America, N.A., successor by merger to LaSalle Bank Midwest, N.A., formerly known as Standard Federal Bank, N.A., a national banking association, and Defendant, State of Michigan Department of Treasury,

**IT IS SO ORDERED** that this case is closed.

*Colleen W. O'Brien*

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Court of Claims Judge