

STATE OF MICHIGAN  
COURT OF CLAIMS

CHEMICAL BANK,

Docket No. 19-000078-MZ

Plaintiff,

Honorable Colleen O'Brien

v.

ELLIOT'S EATS, LLC d/b/a Handsome  
Henry's, a Michigan limited liability  
company, STEVEN L. DORNBOS, an  
individual; and MICHIGAN DEPARTMENT  
OF TREASURY,

Defendant.

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CLERK OF COURT  
COLLEEN O'BRIEN

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

Plaintiff, Chemical Bank, through its attorneys, Plunkett Cooney, by Lisa A. Hall, and Defendant, Michigan Department of Treasury, through its attorneys, James A. Ziehmer, Assistant Attorney General, stipulate as follows:

1. Plaintiff, Chemical Bank, named Defendant, the State of Michigan's Department of Treasury (Treasury) in this action because Treasury claims an interest in the property that is subject of this action as the result of State Tax Liens recorded with the

Michigan Secretary of State. 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, with Treasury's interest attaching to any sale proceeds in accord with the order.

2. Plaintiff holds a security interest in all business assets of ELLIOT'S EATS, LLC d/b/a Handsome Henry's, a Michigan limited liability company, as evidenced by a Security Agreement dated September 26, 2014 which is the subject of this lawsuit and attached as Exhibit D to the First Amended Complaint.

3. On October 7, 2014 Plaintiff, filed a UCC-1 Financing Statement with the Michigan Secretary of State against the personal property interests of ELLIOT'S EATS, LLC d/b/a Handsome Henry's, a Michigan limited liability company.

4. On April 3, 2018 and January 11, 2019 Treasury recorded Tax Lien # 1987940 and 2007310 with the Michigan Secretary of State against the personal property interests of ELLIOT'S EATS, LLC d/b/a Handsome Henry's, a Michigan limited liability company.

5. 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.

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

7. This Stipulation and Order does not affect Plaintiff's Complaint, as amended, against the remaining Defendants in *Chemical Bank v. ELLIOT'S EATS, LLC d/b/a Handsome Henry's, a Michigan limited liability company, STEVEN L. DORNBOS, an individual, Muskegon*

County Circuit Court Docket No.: 19-001140-CB, and Plaintiff's case against the remaining Defendants will proceed unaffected by this Stipulation and Order.

/S/LISA A. HALL  
Lisa A. Hall (P70200)  
Attorney for Plaintiff,  
Chemical Bank

/S/JAMES A. ZIEHMER  
James A. Ziehmer (P75377)  
Attorney for Defendant, State of  
Michigan Department of Treasury

Date: June 13, 2019

Date: June 13, 2019

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

At a session of said Court,  
held in the State of Michigan,  
on June 25, 2019.

PRESENT: HONORABLE COLLEEN O'BRIEN, Court of Claims Judge

As Stipulated above between Plaintiff, Chemical Bank and Defendant, State of Michigan Department of Treasury,

**IT IS SO ORDERED.**

**This is a Final Order and Resolves the last Pending Claim in this case.**

*Colleen A. O'Brien*

Colleen O'Brien  
COURT OF CLAIMS JUDGE

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