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STATE OF MICHIGAN
IN THE COURT OF CLAIMS

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DUETSCHKE BANK NTL TRUST CO,

No. 20-000018-MZ

Plaintiff,

HON. COLLEEN A. O'BRIEN

v

STATE OF MICHIGAN, DEPARTMENT
OF TREASURY,

Defendant.

Matthew D. Levine (P62160)
Trott Law, P.C.
Attorney for Plaintiff
31440 Northwestern Hwy
Ste 145
Farmington Hills, MI 48331
(248) 723-5533

Michael S. Hill (P73084)
Assistant Attorney General
Attorney for Defendant
Michigan Dep't of Treasury
Revenue and Tax Division
PO Box 30754
Lansing, MI 48909
(517) 335-7584

**STIPULATED ORDER DISMISSING DEFENDANT, THE STATE OF
MICHIGAN DEPARTMENT OF TREASURY WITH PREJUDICE**

At a session of said Court held at Michigan Court of Claims
On the 9th day of March, 2020

PRESENT: Hon. Colleen A. O'Brien

WHEREAS, Plaintiff, Deutsche Bank National Trust Company, as Trustee for Novastar Mortgage Funding Trust, Series 2006-4 Novastar Home Equity Loan Asset-Backed Certificates, Series 2006-4 by Its servicer, PHH Mortgage Corporation (Plaintiff), filed this case on December 30, 2019, in the Ingham County Circuit Court to set aside and hold naught the sheriff's deed on mortgage sale of

real property commonly known as 1882 Hagadorn Rd., Mason, MI 48854 (the “Property”) , which is more fully described as:

Beginning at the Southwest corner of the North 50 acres of the West ½ of the Northwest ¼ of Section 20, Town 3 North, Range 1 West, Alaiedon Township, Ingham County, Michigan, thence East 400 feet, thence North 283 ½ feet, thence West 400 feet, thence South 283 ½ feet to the place of beginning. Also, a right of way for ingress and egress along the South side of the foregoing premises, said right of way being described as: Commencing 967 feet North of the West ¼ post of Section 20, Town 2 North, Range 1 West, thence East 45 rods, thence North 2 rods, thence West 45 rods, thence South 2 rods to beginning.

WHEREAS, Daniel D. Dudley and Kimberly C. Dudley (the “Dudleys”), acquired title to the Property by way of a quit claim deed dated June 10, 1999, and recorded June 28, 1999, in Liber 2782, Page 311 of the Ingham County Records as well as by a warranty deed dated September 28, 1998, and recorded May 26, 1999, at Liber 2768, Page 406 of the Ingham County Records;

WHEREAS, on, or about July 7, 2000, the Dudleys granted a mortgage to Novastar Mortgage, Inc, recorded on July 18, 2000 in Liber 2858, Page 1072 of the Ingham County Records (the “Mortgage”).

WHEREAS, the Mortgage was assigned to Plaintiff through a Corrective Assignment of Mortgage recorded December 9, 2013, as Instrument No. 2013–054830 of the Ingham County records;

WHEREAS, Defendant, State of Michigan Department of Treasury claims an interest in the Property by way of three Notices of State Tax Lien. The first is dated October 10, 2013, and recorded on October 21, 2013, as Instrument No. 2013–049188 of the Ingham County Records. The second is dated July 17, 2014, and

recorded September 16, 2014, as Instrument 2014–035991 of the Ingham County Records. The third is dated March 24, 2017, and recorded April 5, 2017, as Instrument No. 2017–013752 of the Ingham County Records (the “State Tax Liens”);

WHEREAS, the Mortgage was foreclosed pursuant to the provisions of MCL § 600.3201, et seq. (the “Foreclosure”) and a Sheriff’s sale occurred with a Sheriff’s Deed, granting the subject property to Plaintiff, was recorded on December 15, 2011, as Instrument Number 2011–044579 of the Ingham County Records (the “Sheriff’s Deed”);

WHEREAS, the Mortgage was reinstated prior to the sheriff’s sale so an Affidavit to Expunge Sheriff’s Deed was recorded on March 6, 2012, as Instrument 2012–008429 of the Ingham County Records;

WHEREAS, Plaintiff filed an action to set aside the Sheriff’s Deed, revive the Mortgage, and restore title in the Property back to the Dudleys in the 30th Circuit Court of Ingham County, Michigan, Case No. 19–957–CH. Defendant removed the portion of the case as to the State of Michigan Department of Treasury to the Court of Claims pursuant to MCL 600.6404;

WHEREAS, Defendant, State of Michigan Department of Treasury does not object to or contest Plaintiff’s request to set aside the Sheriff’s Deed, revive the Mortgage, and restore title in the Property back to the Dudleys;

WHEREAS, Defendant State of Michigan Department of Treasury stipulates and agrees that if, and when, the Sheriff’s Deed is set aside and the Mortgage is

revived that the State Tax Liens, by operation of law, will reattach and continue as valid liens encumbering the Property subject and inferior in right, title, and interest and time to the Mortgage and will have the same priority in interest they had immediately prior to the Sheriff's Sale, as if the Mortgage was never foreclosed and the sheriff's sale never occurred;

Pursuant to the stipulations set forth above, the agreement of the parties and this Court being otherwise fully advised in its premises,

IT IS HEREBY ORDERED THAT:

1. If, and when, the 30th Circuit Court of Ingham County Michigan sets aside the Sheriff's Deed, revives the Mortgage and restores title in the Property back to Daniel D. Dudley and Kimberly C. Dudley, that the State Tax Liens, by operation of law, will themselves be revived and will continue as valid liens encumbering the Property subject and inferior in right, title, interest, and time to the Mortgage and will have the same priority in interest they had immediately prior to the Sheriff's sale, as if the Mortgage was never foreclosed and Sheriff's sale never occurred.

2. Plaintiff shall immediately provide Defendant's attorney, Michael S. Hill, with a copy of a/the final order entered by the 30th Circuit Court of Ingham County, whenever it may be entered; and

3. Defendant, the State of Michigan Department of Treasury is dismissed from this case with prejudice and without any away of fees or costs.

4. This order may be recorded with the Ingham County Register of Deeds.

5. This order resolves the last pending claim and closes this case.

Colleen A. O'Brien

Hon. Colleen A. O'Brien

Approved as to form and substance.
Notice of entry waived:



Matthew D. Levine (P62160)
Attorney for Plaintiff

Dated: 2/27/2020



Michael S. Hill (P73084)
Attorney for the Defendant, State of
Michigan Department of Treasury

Dated: 2-28-20