

STATE OF MICHIGAN  
COURT OF CLAIMS

FLAGSTAR BANK, FSB,

Plaintiff,

Case No. 18-000072-MZ

Hon. Colleen A. O'Brien

v

MICHIGAN DEPARTMENT OF TREASURY,

Defendant.

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Robert J. Kinggo III (P68442)  
Trott Law, P.C.  
Attorney for Plaintiff  
31440 Northwestern Hwy,  
Ste. 145  
Farmington Hills, MI 48334  
(248) 593-0496

James A. Ziehmer (P75377)  
Attorney for Defendant  
Michigan Dep't of Attorney General  
Revenue and Tax Division  
P.O. Box 30754  
Lansing, MI 48933  
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**STIPULATED ORDER ESTABLISHING PRIORITY AND DISMISSING  
DEFENDANT WITH PREJUDICE**

At a session of said court, held in the  
City of Troy, County of Oakland,  
State of Michigan

On June 5, 2018

Present Hon. Colleen A. O'Brien

Upon agreement of the parties as evidenced by their attorneys' signatures  
below and this Court being advised in its premise,

**IT IS HEREBY ORDERED THAT:**

1. The mortgage, now held by Plaintiff, Flagstar Bank, FSB ("Flagstar"), dated October 20, 2008 and recorded on October 29, 2008 in Liber 1505, Page 452 of the St. Joseph County Records (the "Mortgage") is senior and prior to the interest(s) claimed by Defendant, Michigan Department of Treasury ("Treasury") in the real property and premises commonly known as 19712 M 86, Centreville, MI 49032 (the "Property"), which is more fully described as being:

**PARCEL 1: All that part of the West half of the Southeast quarter of Section 22, Township 6 South, Range 11 West, described as follows: Commencing at the Southeast corner of said Section 22 and running thence South 89 degrees 58 minutes West, along the Section line, 1326.86 feet to the Southeast corner of the West half of the Southeast quarter of said Section, which is the point of beginning of this description: the boundary runs thence continuing South 89 degrees 58 minutes West, along said Section line, 449.18 feet; thence North 00 degrees 16 minutes 29 seconds West 484.88 feet; thence North 89 degrees 58 minutes East 449.18 feet; thence South 00 degrees 16 minutes 29 seconds East, along the eighth line, 484.88 feet to the point of beginning.**

**PARCEL 2: All that part of the West half of the Southeast quarter of Section 22, Township 6 South, Range 11 West, described as follows: Commencing at the Southeast corner of said Section 22 and running thence South 89 degrees 58 minutes West, along the Section line, 1326.86 feet to the Southeast corner of the West half of the Southeast quarter of said Section, thence North 00 Degrees 16 minutes 29 degrees West 484.89 feet, which is the point of beginning of this description: the boundary runs thence South 89 degrees 58 minutes West, parallel to said Section line 449.18 feet; thence North 00 degrees 16 minutes 29 seconds West 296.928 feet; thence North 89 degrees 58 minutes East 449.18 feet; thence South 00 degrees 16 minutes 29 seconds East, along the eighth line, 290.928 feet to the point of beginning.**

**Tax Parcel ID: 009-022-013-00;**

2. In the event that Plaintiff's claims that remain pending in the St. Joseph County Circuit Court (Case No. 18-283-CH) result in sale of the Property, Plaintiff's attorney will send notice of sale to the Department of Attorney General, Revenue & Tax Division. Any excess proceeds from said sale, over and above the

amount necessary to satisfy the Plaintiff's claim(s), will be applied to the amounts due and owing on any junior lien holders in accordance with the priority of their interest;

3. The Treasury shall have a right to redeem the Property pursuant to MCL § 600.3140 and the statutory redemption period provided therein; and

4. The Treasury is dismissed from this case with prejudice and without any award of costs or fees.

**IT IS SO ORDERED.**

**This is a final order in this Court and does resolve all claims in this Court.**

**This order may be recorded with the St. Joseph County Register of Deeds.**

Dated: June 5, 2018

Colleen A. O'Brien  
Hon. Colleen A. O'Brien

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

/s/ Robert J. Kinggo III  
Robert J. Kinggo III (P68442)  
Attorney for Plaintiff

/s/ James A. Ziehmer \*  
James A. Ziehmer (P75377)  
Attorney for Defendant

Dated: June 1, 2018

Dated: June 1, 2018

\* w/ permission RJKIII

Drafted by/when recorded return to:

Robert J. Kinggo III (P68442)  
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