

STATE OF MICHIGAN
COURT OF CLAIMS

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THE HUNTINGTON NATIONAL BANK, a
national banking association,

Case No. 18-000248-MZ

Plaintiff,

Hon. Colleen A. O'Brien

v

HOME CRISIS CARE, INC., a Michigan
corporation; ROWLAND MANOR, LLC, a
Michigan limited liability company;
CHRYSOSTOM C. ROWLAND, an
individual; UNTIED STATES OF
AMERICA-INTERNAL REVENUE
SERVICE ; and MICHIGAN
DEPARTMENT OF TREASURY

Defendants.

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PLUNKETT COONEY
Attorneys for Plaintiff
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(616) 752-4615

Michael R. Bell (P47890)
Attorney for Defendant
Michigan Dept of Treasury
Michigan Dept. of Attorney General
Revenue and Tax Division
PO Box 30754
Lansing, MI 48933
(517) 373-3203

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

STIPULATION

Plaintiff, The Huntington National Bank, through its attorneys, Plunkett Cooney, by
Lisa A. Hall, and Defendant, Michigan Department of Treasury, through its attorneys,
Michael R. Bell, Assistant Attorney General, stipulate as follows:

1. Plaintiff, The Huntington National 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 entered by the Kent County Circuit Court in *Huntington National Bank v Home Crisis Care Inc, et al.* Docket Number 18-09510-CBB.

2. Plaintiff holds a security interest in all business assets of Home Crisis Care, Inc. as evidenced by a Security Agreement dated January 11, 2018 which is the subject of this lawsuit and attached as Exhibit F to the Complaint.

3. On June 21, 2016 and January 25, 2018, Plaintiff, filed a UCC Financing Statement with the Michigan Secretary of State against the personal property interests of Home Crisis Care, Inc.

4. On January 3, 2018 Treasury recorded Tax Lien # 1978195 with the Michigan Secretary of State against the personal property interests of Home Crisis Care, Inc.

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 against the remaining Defendants in *The Huntington National Bank v. Home Crisis Care, Inc*, Kent

County Circuit Court Docket No.: 18-09510-CBB, and Plaintiff's case against the remaining

Defendants will proceed unaffected by this Stipulation and Order.

Lisa Hall

LISA HALL (P70200)
Attorney for Plaintiff,
The Huntington National Bank

Date: 1-25-19

Michael R. Bell

Michael R. Bell (P47890)
Attorney for Defendant, State of
Michigan Department of Treasury

Date: 1-25-19

**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 January 29, 2019.

PRESENT:

HON: Colleen A. O'Brien
Court of Claims Judge

As Stipulated above between Plaintiff, The Huntington National 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

COURT OF CLAIMS JUDGE

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done
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MRS*