

STATE OF MICHIGAN
IN THE COURT OF CLAIMS

JPMORGAN CHASE BANK, N.A.,

Case No. 20-000007-MZ

Plaintiff,

Hon. Colleen A. O'Brien

v

COREY WESTMORELAND,
STATE OF MICHIGAN, by the Michigan
Department of Treasury, and
THE HUNTINGTON NATIONAL BANK,

Defendants.

TROTT LAW, P.C. By: Robert J. Kinggo III (P68442) Attorneys for Plaintiff 31440 Northwestern Hwy Ste. 200 Farmington Hills, MI 48334-5422 248.593.0496 Trott File No. 441163L05	Michael R. Bell (P47894) Attorney for MI Dept of Treasury, on behalf of the State of Michigan Michigan Dept of Attorney General, Revenue and Tax Division PO Box 30754 Lansing, MI 48909 517.335.7584
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STIPULATED ORDER DISMISSING DEFENDANT, THE STATE OF MICHIGAN,
WITH PREJUDICE

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

On February 5, 2020
Present Hon. Colleen A. O'Brien

WHEREAS, Plaintiff, JPMorgan Chase Bank, N.A. (the "Plaintiff"), filed this case on December 18, 2019 in the Kent County Circuit Court to quiet title to the real property and premises commonly known as 5448 Mills Ridge Dr. SW, Wyoming, MI 49418 (the "Property"), which is more fully described as being:

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HIGHWAY, SUITE 145
FARMINGTON HILLS, MI
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PHONE - 248.642.2515
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Lot 19, Mills Ridge, part of the Northwest 1/4, Section 32, Town 6 North, Range 12 West, City of Wyoming, Kent County, Michigan, as recorded in Instrument No. 20060619-0069134

Tax ID No. 41-17-32-179-012.

WHEREAS, on, or about, December 10, 2010 Defendant, Corey Westmoreland, acquired title to the Property;

WHEREAS, on, or about, December 10, 2010 Defendant, Corey Westmoreland, granted Mortgage Electronic Registration Systems, Inc., as nominee for Founders Bank & Trust and its successors and assigns, a mortgage upon the Property dated December 10, 2010 and recorded on December 20, 2010 as Instrument No. 20101220-0106739 of the Kent County Records (the "Mortgage");

WHEREAS, the Mortgage was assigned to Plaintiff as evidenced by the assignment of mortgage dated July 6, 2016 and recorded on July 12, 2016 as Instrument No. 201607120057276 of the Kent County Records;

WHEREAS, Defendant, the State of Michigan, claims an interest in the Property by way of a Notice of State Tax Lien dated June 6, 2017 and recorded on June 21, 2017 as Instrument No. 20170621-0052809 of the Kent County Records (the "State Tax Lien");

WHEREAS, the Mortgage was foreclosed pursuant to the provisions of MCL § 600.3201, *et seq.* (the "Foreclosure") and a sheriff's sale for the Property was held on October 2, 2019 (the "Sheriff's Sale");

WHEREAS, Plaintiff was the successful purchaser at the Sheriff's Sale and was granted a sheriff's deed to the Property dated October 2, 2019 and recorded on October 9, 2019 as Instrument No. 201910090077507 of the Kent County Records (the "Sheriff's Deed");

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WHEREAS, Plaintiff has filed this suit to set aside the Sheriff's Deed, revive the Mortgage and restore title in the Property back to Defendant, Corey Westmoreland;

WHEREAS, Defendant, the State of Michigan, 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 Defendant, Corey Westmoreland;

WHEREAS, Defendant, the State of Michigan, stipulates and agrees that if, and when, the Sheriff's Deed is set aside and the Mortgage is revived that the State Tax Lien, by operation of law, will itself be revived and will continue as a valid lien encumbering the Property subject and inferior in right, title, interest and time to the Mortgage and will have the same priority in interest it 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 premise(s),

IT IS HEREBY ORDERED THAT:

1. If, and when, the Kent County Circuit Court sets aside the Sheriff's Deed, revives the Mortgage and restores title in the Property back to Defendant, Corey Westmoreland, that the State Tax Lien, by operation of law, will itself be revived and will continue as a valid lien encumbering the Property subject and inferior in right, title, interest and time to the Mortgage and will have the same priority in interest it had immediately prior to the Sheriff's Sale, as if the Mortgage was never foreclosed and the Sheriff's Sale never occurred;

2. Plaintiff shall immediately provide the State of Michigan's attorney, Michael R. Bell, with a copy of a/the final order entered by the Kent County Circuit Court, whenever

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it may be entered; and

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

IT IS SO ORDERED.

This order does resolve the last pending claim and does close the case.¹


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

Dated: February 5, 2020


Colleen A. O'Brien

Hon. Colleen A. O'Brien

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



Robert J. Kinggo III (P68442)
Attorney for Plaintiff



Michael R. Bell (P47894)
Attorney for MI Dept of Treasury

Dated: 1/31/20

Dated: 1/31/20

**w/permission
RJ Kinggo III (P68442)*

**When recorded return to:
Robert J. Kinggo III
31440 Northwestern Hwy., Ste. 145
Farmington Hills, MI 48334**

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¹ This order has no effect or bearing upon Plaintiff's claims that remain pending in the Kent County Circuit Court of Michigan (Case No. 19-11166-CH).