

STATE OF MICHIGAN
COURT OF CLAIMS

MERCANTILE BANK OF MICHIGAN,

Plaintiff,

No. 18-000068-MT

v

HON. COLLEEN A. O'BRIEN

MICHIGAN DEPARTMENT OF TREASURY

Defendant.

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Plunkett Cooney
Attorneys for Plaintiff
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**STIPULATION AND ORDER
SETTING PRIORITIES & INTERESTS BETWEEN PLAINTIFF
AND THE MICHIGAN DEPARTMENT OF TREASURY
AND DISMISSING CASE**

STIPULATION

Plaintiff, Mercantile Bank of Michigan, through its attorneys, Plunkett Cooney, by Lisa A. Hall, and Defendant, Michigan Department of Treasury, through its attorneys, BILL SCHUETTE, Michigan Attorney General, and Suann D. Cochran, Assistant Attorney General, stipulate as follows:

1. Plaintiff, Mercantile Bank of Michigan, 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 Isabella County Register of Deeds and 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 pursuant to an order that may be issued by the Court in this action.

2. Plaintiff holds a mortgage that was originally recorded on December 4, 2006, and a modification of mortgage that was recorded on December 12, 2014, with the Isabella County Register of Deeds against the real property interest of Central Michigan Catering, Inc., and on which is the subject of this lawsuit and that is more particularly described as:

Part of the Northeast 1/4 of Section 13, T14N, R4W, more particularly described as beginning at a point which is N 88°57'50"W, 695.00 feet and N 00°23'50" W, 510.71 feet from the East 1/4 corner of said Section 13; thence N 88°56'38" W, 319.90 feet; thence N 00°25'45" W, 149.18 feet to a point on the S'y line of "Enterprise Park" (as recorded in Liber 10 of Plats, Page 589, Isabella County, Michigan records); thence S 88°57'50" E, along said S'y Plat line, 319.98 feet; thence S 00°23'50" E, 149.29 feet to the point of beginning; Township of Union. SUBJECT to a 20 feet wide sanitary sewer easement being 10.0 feet on either side and parallel with the following described centerline: Being in the Southeast 1/4 of the Northeast 1/4 of Section 13, T14N, R4W, described as beginning at a point on the S'y Plat line of Enterprise Park (recorded in Liber 10 of Plats, Page 589, Isabella County Records); which is N 88°57'50" W, 895.00 feet from the SE monumented corner of said Enterprise Park; thence S 01°23'20" E, 430.00 feet to the terminus of said centerline. Existing sanitary sewer lies within this easement. ALSO SUBJECT to the use of an ingress/egress easement which begins at the SE'y corner of Outlot "A" of said "Enterprise Park"; thence S 00°25'45" E, 149.21 feet; thence N 88°58'38" W, 66.02 feet; thence N 00°25'45" W, 149.18 feet to the SW'y corner of said Outlot "A"; thence S 88°57'50" E, 66.02 feet to the point of beginning, Said easement being an extension of Outlot "A", S'y into the above described parcel. (Outlot "A" also being an extension, S'y of Enterprise Drive) ALSO including an easement for ingress and egress over and across Outlot "A" of Enterprise Park, according to the Plat recorded in Liber 10 of Plats, Page 589, Union Township, Isabella County, Michigan.

Tax Parcel ID: 37-14-013-20-043-07

More commonly known as: 2387 Enterprise Drive, Mt.
Pleasant, Michigan 48858.

3. On 03/28/16, Treasury recorded Tax Lien # 1939107 with the Isabella County Register of Deeds against the real property interests of Central Michigan Catering, Inc.

4. On 05/04/17, Treasury recorded Tax Lien # 1962982 with the Isabella County Register of Deeds against the real property interests of Central Michigan Catering, Inc.

5. On 12/11/06, Plaintiff, filed a UCC Financing Statement with the Michigan Secretary of State against the personal property interests of Central Michigan Catering, Inc.

6. On 11/01/11 and 06/28/2016, Plaintiff filed a UCC Financing Statement Continuation with the Michigan Secretary of State against the personal property interests of Central Michigan Catering, Inc.


7. On 03/22/16 Treasury recorded Tax Lien # 1939108 with the Michigan Secretary of State against the personal property interests of Central Michigan Catering, Inc.


8. On 05/02/17 Treasury recorded Tax Lien # 1962983 with the Michigan Secretary of State against the personal property interests of Central Michigan Catering, Inc.

9. 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.

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

11. This Stipulation and Order does not affect Plaintiff's Complaint against the remaining Defendants in *Mercantile Bank of Mich v. Central Mich Catering, Inc., et al*, Isabella County Circuit Court Docket No.: 18-14582-CB.


LISA HALL (P70200)
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Mercantile Bank of Michigan


SUANN D. COCHRAN (P35956)
Attorney for Defendant,
Michigan Department of Treasury

Date: 6/6/18

Date: 6/6/18

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


At a session of said Court, held in the State
of Michigan, on June 12, 2018.

PRESENT: Hon. Colleen A. O'Brien
Court of Claims

As Stipulated above between Plaintiff, Mercantile Bank of Michigan 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.


COURT OF CLAIMS JUDGE