

APPENDIX A

NOT RECOMMENDED FOR PUBLICATION

No. 19-1290

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Apr 28, 2020

DEBORAH S. HUNT, Clerk

In re: **LAURA MARIE SCOTT.**)
Debtor.)

LAURA MARIE SCOTT,)
Plaintiff-Appellant,)
v.)
CITY OF HAMTRAMCK, MI, TREASURER;)
WAYNE COUNTY, MI; STATE OF MICHIGAN,)
Defendants-Appellees.)
ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
MICHIGAN

ORDER

Before: COLE, Chief Judge; GUY and BUSH, Circuit Judges.

Laura Marie Scott, a Michigan resident proceeding pro se, appeals a district court judgment denying her motion for leave to proceed in forma pauperis and dismissing her appeal from a bankruptcy court decision in an adversary proceeding. Scott has also filed a motion to proceed in forma pauperis, a motion for injunctive relief requesting waiver of the filing fee for her appeal to the district court, and a motion to compel the city of Hamtramck to comply with the judgment of the bankruptcy court. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See Fed. R. App. P. 34(a).*

As a result of delinquent water bills and property taxes, Scott filed a petition for relief under Chapter 7 in the Bankruptcy Court for the Eastern District of Michigan. Scott then commenced

an adversary proceeding seeking the reimbursement of taxes, disputing the accuracy of her outstanding water bill, challenging the validity of liens, and alleging violations of the Truth in Lending Act, 15 U.S.C. § 1601, *et seq.*, and the Fourteenth Amendment. After conducting an evidentiary hearing, the bankruptcy court determined that Scott was overcharged on her water bills, rejected her remaining claims as lacking merit, issued a judgment in favor of Scott in the amount of \$589.25, and certified that that any appeal would not be taken in good faith. Scott appealed and moved for leave to proceed in forma pauperis before the district court. The district court denied the motion and dismissed the appeal.

On appeal, Scott argues that the district court erred in dismissing her appeal and that the bankruptcy court lacked the authority to require her to pay an appellate filing fee. To the extent that Scott raises new arguments on appeal, these claims are not properly before the court because they were not raised before the bankruptcy court. *See United States v. Ellison*, 462 F.3d 557, 560 (6th Cir. 2006). Additionally, Scott has forfeited review of any arguments that were raised before the bankruptcy court but were not raised in her appellate brief. *See Agema v. City of Allegan*, 826 F.3d 326, 331 (6th Cir. 2016).

We review a district court's decision denying leave to proceed in forma pauperis for an abuse of discretion. *See Phipps v. King*, 866 F.2d 824, 825 (6th Cir. 1988). "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). An appeal is not in good faith if it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

Scott does not have a non-frivolous argument that the district court erred in dismissing her complaint. Scott's challenge to her 2013 and 2014 tax obligations lacks merit because she admitted to not paying taxes for those years. Moreover, her claims that a city ordinance violated the Fourteenth Amendment, that judgment liens were invalid, that Hamtramck violated the Truth in Lending Act, that she should not have been billed for garbage pickup, and that Hamtramck engaged in fraud were properly dismissed as conclusory or lacking evidentiary support. Because Scott's complaint lacked an arguable basis in law, the district court did not abuse its discretion in denying the motion to proceed in forma pauperis.

Accordingly, we ~~AFFIRM~~ the judgment of the district court. GRANT the motion to proceed in forma pauperis for the limited purpose of this appeal, and DENY all other pending motions as moot.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

APPENDIX B

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Mar 20, 2020

DEBORAH S. HUNT, Clerk

In re: LAURA MARIE SCOTT,)
Debtor,)

LAURA MARIE SCOTT,)
Plaintiff-Appellant,)
v.)
CITY OF HAMTRAMCK, MI, TREASURER;)
WAYNE COUNTY, MI; STATE OF MICHIGAN,)
Defendants-Appellees.)

)

ORDER

Before: MOORE, GILMAN, and ROGERS, Circuit Judges.

Laura Marie Scott appeals the district court's judgment dismissing her appeal from a decision of the United States Bankruptcy Court in an adversary proceeding.

Since 1981, Scott has lived in the City of Hamtramck, Michigan. Scott had delinquent water bills and property taxes dating back to 2013. As a result of the delinquent taxes, which included the unpaid water bills, Scott's home was forfeited to the Wayne County Treasurer in the fall of 2013. In December 2016, Scott filed Chapter 7 bankruptcy. In an effort to prevent the foreclosure of her home, Scott filed an adversary proceeding against the State of Michigan, Wayne County, and the City of Hamtramck to recover money and to determine the validity of liens. Wayne County and the State of Michigan were dismissed from the adversary proceeding. On September 20, 2018, the bankruptcy court entered a judgment in the adversary proceedings in favor

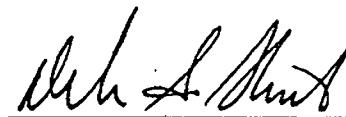
of Scott and against the City of Hamtramck in the amount of \$589.25 to "appear as a credit towards [Scott's] outstanding water bills."

Scott filed a notice of appeal from the bankruptcy court's decision and an application to proceed in forma pauperis in the appeal. On March 6, 2019, the district court denied Scott's application to proceed in forma pauperis and dismissed the appeal with prejudice after concluding that the appeal was frivolous and not filed in good faith. Scott appealed the district court's judgment on March 21, 2019 (appeal No. 19-1290, the current appeal). The Wayne County Treasurer has filed a motion to dismiss the appeal as moot.

The City of Hamtramck was the only appellee in the district court appeal, and the only issue addressed there was whether Scott could in good faith appeal the bankruptcy court's disposition of her claims against the City. The Wayne County Treasurer has not shown that those claims, involving the existence and amount of Scott's water-bill debt to the City, were mooted by the vesting of title to the property in the Wayne County Treasurer.

Accordingly, we **DENY** the motion to dismiss this appeal as moot.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

APPENDIX C

(ORDER LIST: 589 U.S.)

THURSDAY, MARCH 19, 2020

ORDER

In light of the ongoing public health concerns relating to COVID-19, the following shall apply to cases prior to a ruling on a petition for a writ of certiorari:

IT IS ORDERED that the deadline to file any petition for a writ of certiorari due on or after the date of this order is extended to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. See Rules 13.1 and 13.3.

IT IS FURTHER ORDERED that motions for extensions of time pursuant to Rule 30.4 will ordinarily be granted by the Clerk as a matter of course if the grounds for the application are difficulties relating to COVID-19 and if the length of the extension requested is reasonable under the circumstances. Such motions should indicate whether the opposing party has an objection.

IT IS FURTHER ORDERED that, notwithstanding Rules 15.5 and 15.6, the Clerk will entertain motions to delay distribution of a petition for writ of certiorari where the grounds for the motion are that the petitioner needs additional time to file a reply due to difficulties relating to COVID-19. Such motions will ordinarily be granted by the Clerk as a matter of course if the length of the extension requested is reasonable under the circumstances and if the motion is actually received by the Clerk at least two days prior to the relevant distribution date. Such motions should indicate whether the opposing party has an objection.

IT IS FURTHER ORDERED that these modifications to the Court's Rules and practices do not apply to cases in which certiorari has been granted or a direct appeal or original action has been set for argument.

These modifications will remain in effect until further order of the Court.

APPENDIX D

(ORDER LIST: 589 U.S.)

WEDNESDAY, APRIL 15, 2020

ORDER

In light of the ongoing public health concerns relating to COVID-19:

IT IS ORDERED that with respect to every document filed in a case prior to a ruling on a petition for a writ of certiorari or petition for an extraordinary writ, or a decision to set an appeal for argument, a single paper copy of the document, formatted on 8½ x 11 inch paper, may be filed. The document may be formatted under the standards set forth in Rule 33.2, or under the standards set forth in Rule 33.1 but printed on 8½ x 11 inch paper. The Court may later request that a document initially submitted on 8½ x 11 inch paper be submitted in booklet format.

IT IS FURTHER ORDERED that the following types of documents should not be filed in paper form if they are submitted through the Court's electronic filing system: (1) motions for an extension of time under Rule 30.4; (2) waivers of the right to respond to a petition under Rule 15.5; (3) blanket consents to the filing of amicus briefs under Rules 37.2(a) and 37.3(a); and (4) motions to delay distribution of a cert petition under the Court's Order of March 19, 2020. Notwithstanding Rule 34.6 and paragraph 9 of the Guidelines for the Submission of Documents to the Supreme Court's Electronic Filing System, these enumerated filings should be filed electronically in cases governed by Rule 34.6, although other types of documents in those cases should still be filed in paper form only.

IT IS FURTHER ORDERED that, notwithstanding Rule 29.3, parties may be relieved of the obligation to effect service of paper versions of filings upon other

parties if they agree to electronic service; parties are strongly encouraged to use electronic service if feasible.

These modifications will remain in effect until further order of the Court.

APPENDIX E

Scott v. City of Hamtramck Treasurer (In re Scott)

Decided Aug 14, 2017

Case No.: 16-56880 Adversary Proceeding Case No.: 17-04411

08-14-2017

In re: Laura Marie Scott, Debtor. Laura Marie Scott, Plaintiff, v. City of Hamtramck Treasurer, et. al, Defendants.

Hon. Mark A. Randon

Chapter 7

OPINION AND ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS (DKT. NOS. 18 AND 20)

I. INTRODUCTION

Plaintiff has unpaid water bills and property taxes dating back to 2013. As a result of the delinquent taxes, which include the unpaid water bills, Plaintiff's home was forfeited to the Wayne County Treasurer, later foreclosed (passing title to the Treasurer), and is scheduled to be sold at a public auction in September or October 2017. Plaintiff filed this adversary proceeding as a last-ditch effort to unwind the forfeiture/foreclosure and save her home from auction. *2

Wayne County and the State of Michigan's motions to dismiss are pending.¹ The Court heard argument on August 7, 2017. Plaintiff, essentially, makes two arguments: (1) her water bills were either fraudulent or erroneous which-when added to the tax bill-made the property tax delinquency artificially high; and (2) the State of Michigan unlawfully denied her several years of homestead property tax credits, which she could have used to pay her delinquent tax bills.²

¹ Plaintiff also named Bill Schuette as a defendant, but stated in her response to the State of Michigan's motion that he is not being sued in his personal capacity. As such, Bill Schuette is **DISMISSED** from this adversary proceeding.

² Plaintiff also argues that the delinquent bills should have been discharged in her Chapter 7 bankruptcy, based on a city ordinance that makes it a personal debt. Because the City of Hamtramck Treasurer remains a defendant in this adversary proceeding, the Court will address this argument at a later date.

Because: (1) the Wayne County Treasurer is simply a tax collection agency-not the entity that makes the tax assessment or bills residents for water consumption; and (2) the Court lacks subject-matter jurisdiction over the State of Michigan, both motions are **GRANTED**.

II. STANDARD OF REVIEW

Federal Rule of Civil Procedure 12(b)(6), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7012, provides for the dismissal of a case where the complaint fails to state a claim upon which relief can be granted. When reviewing a motion to dismiss under Rule 12(b)(6), a court must "construe the 3 complaint in the light most favorable to the plaintiff, accept its allegations as true, and draw all reasonable *3 inferences in favor of the plaintiff." *DirectTV, Inc. v. Treesh*, 487 F.3d 471, 476 (6th Cir. 2007). But the court "need not accept as true legal conclusions or unwarranted factual inferences." *Id.* (quoting *Gregory v. Shelby County*, 220 F.3d 433, 446 (6th Cir. 2000)). "[L]egal conclusions masquerading as factual allegations will not suffice." *Eidson v. State of Tenn. Dep't of Children's Services*, 510 F.3d 631, 634 (6th Cir. 2007). Dismissal is appropriate if the plaintiff failed to offer sufficient factual allegations that make the asserted claim plausible on its face. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

III. ANALYSIS

A. Wayne County's Motion to Dismiss

As an initial matter, Wayne County argues that it is not a proper defendant: the Wayne County Treasurer should have, instead, been named as a defendant. To the extent Plaintiff named Wayne County as a defendant, it is **DISMISSED** from this adversary proceeding. However, the Court finds the Wayne County Treasurer was adequately represented by counsel who appeared on behalf of Wayne County. *See* Letter from Kilpatrick and Associates, P.C., attached as Exhibit 8 to Plaintiff's Response (Dkt. #21) ("Kindly be advised that our firm represents the *Wayne County Treasurer* in the above captioned matter") (emphasis added). Even if the Wayne County Treasurer was not named as a defendant, which Plaintiff disputes, the Court may grant Plaintiff leave to 4 amend her complaint. *4

Nevertheless, Plaintiff fails to state a plausible claim against the Wayne County Treasurer; therefore, any amendment would be futile. The Wayne County Treasurer is simply a tax collection agency for the City of Hamtramck pursuant to MICH. COMP. LAWS § 211.78a. Indeed, Plaintiff admits in her complaint that "[t]he county appears to be a third-party debt collector for the city[.]"

Plaintiff should have brought any disputes about her water bills and property taxes to the City of Hamtramck. According to Section 13-01 of the City of Hamtramck Code of Ordinances, "The *City* levies, collects, and returns state, county, and school taxes as provided by ordinance in accordance with law."³ (Emphasis added). Section 13-06 allows Plaintiff to challenge her tax assessment with the board of review: "[the board of review] shall hear the complaints of all persons considering themselves aggrieved by assessments[.]"⁴ If she did not agree with the board of review's decision, she could have appealed to the Michigan Tax Tribunal.⁵ The Tribunal's decision could then be appealed to the Michigan Court of Appeals.⁶ Plaintiff failed to challenge her 5 delinquent bills at the *5 local level. And, 11 U.S.C. § 505(a)(2)(C) prohibits the Court from determining the amount or legality of any ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under applicable nonbankruptcy law has expired. Once tax bills are transferred, the Wayne County Treasurer's authority is limited to collection. *See* Section 13-14 of the City of Hamtramck Code of Ordinances:

³ AMERICAN LEGAL PUBLISHING CORPORATION CHAPTER 13 - TAXATION AND FINANCE, [http://library.amlegal.com/nxt/gateway.dll/Michigan/hamtramck_mi/cityofhamtramckmichigancodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:hamtramck_mi](http://library.amlegal.com/nxt/gateway.dll/Michigan/hamtramck_mi/cityofhamtramckmichigancodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:hamtramck_mi) (last visited August 10, 2017).

⁴ *Id.*

⁵ LARA TAX TRIBUNAL DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS,
<http://www.michigan.gov/taxtrib> (last visited August 11, 2017).

⁶ LARA TAX TRIBUNAL DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS,
<http://www.michigan.gov/taxtrib/0,4677,7-187-67491-131719--,00.html> (last visited August 11, 2017).

If the treasurer has been unable to collect any of the city taxes . . . on real property before the first day of March following the date when the roll was received by him, it shall be his duty to return all such unpaid taxes on real property to the county treasurer[.]

See also MICH. COMP. LAWS § 211.78a(1) ("[A]ll property returned for delinquent taxes, and upon which taxes, interest, penalties, and fees remain unpaid after the property is returned as delinquent to the county treasurers of this state under this act, is subject to forfeiture, foreclosure, and sale for the enforcement and collection of the delinquent taxes[.]").

B. State of Michigan's Motion to Dismiss

The Court first determines whether it has subject-matter jurisdiction over the State of Michigan.

Upon referral from the district court, a bankruptcy court has subject-matter jurisdiction over all cases "under title 11," and all civil proceedings "arising under," "arising in," or "related to" a case under title 11. 28 U.S.C. § 1334(a), (b). Actions "arising under" title 11 involve claims created or determined by a statutory provision of

⁶ *6 title 11. *Bliss Technologies, Inc. v. HMI Industries, Inc.* (*In re Bliss Technologies, Inc.*), 307 B.R. 598, 602 (Bankr. E.D. Mich. 2004). "Arising in" proceedings are those that could arise only in bankruptcy cases. *Id.* An action is "related to" a case under title 11 if its outcome could "conceivably have any effect" on the bankruptcy estate. *Michigan Emp't Sec. Comm'n v. Wolverine Radio Co., Inc.* (*In re Wolverine Radio Co.*), 930 F.2d 1132, 1142 (6th Cir. 1991) (emphasis in original).

The Court lacks subject-matter jurisdiction over the State of Michigan: the State indicated that Plaintiff is not indebted to it; therefore, it does not have a claim against Plaintiff. As such, Plaintiff's complaint against the State of Michigan is not even "related to" the bankruptcy estate.

Second, the State of Michigan denied Plaintiff's homestead property tax credits because Plaintiff failed to provide all documentation requested. In fact, Plaintiff testified at the hearing that she did not provide a copy of her identification, as requested. The Court, therefore, cannot find that the denial was unlawful.⁷

⁷ Alternatively, the Court finds Plaintiff's complaint fails to present any plausible claims as to the State or the Attorney General. -----

IV. CONCLUSION

Because: (1) the Wayne County Treasurer is simply a tax collection agency-not the entity that makes the tax assessment or bills residents for water consumption; and (2) the Court lacks subject-matter jurisdiction over the

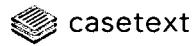
⁷ State of Michigan, both motions are *7 **GRANTED**. The only remaining defendant in this adversary proceeding is the City of Hamtramck Treasurer.

IT IS ORDERED. Signed on August 14, 2017

/s/ Mark A. Randon

Mark A. Randon

United States Bankruptcy Judge



APPENDIX F

1 STATE OF MICHIGAN
2 THIRD JUDICIAL CIRCUIT COURT FOR THE COUNTY OF WAYNE
3 CIVIL DIVISION

4 WAYNE COUNTY TREASURER,

5 Case No. 16-007539-CH
6 -v-
7 MICHIGAN PROPERTIES, WAYNE
8 COUNTY, et al,
9 Defendant.

10 /

11 MOTION

12 BEFORE THE HONORABLE ROBERT J. COLOMBO, CIRCUIT JUDGE

13 Detroit, Michigan - Tuesday, March 22, 2017

14 APPEARANCES:

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16 For the Treasurer:

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For the Defendant: LAURIE SCOTT, (pro per)

1 THE COURT: They're taking your property out
2 of tax foreclosure this year. So you have a year.

3 MS. SCOTT: I didn't know that it lasted a
4 year. My understanding was --

5 THE COURT: Well, that's when -- that's when
6 the next tax foreclosure comes up.

7 MS. SCOTT: Oh, okay. So that gives me the
8 time I need to work through this then. Okay, that was
9 not clarified to me that the year part of it. So I
10 can work with the Bankruptcy Court now.

11 It -- as I understand it, the adversary
12 motion that I need to file to get these Hamtramck
13 portions of, of these things off my taxes is going to
14 be going through a court like this rather than a
15 bankruptcy court directly.

16 THE COURT: I can't advise you on the law.

17 MS. SCOTT: Okay, but I have to file that
18 next. That is my intention is. So then I'll go back
19 over there and do that today. So there is no reason
20 for me to ask for anything to do with this court and
21 I just deal with them directly, okay.

22 THE COURT: That's correct.

23 MS. SCOTT: Okay. Well, I'm sorry to taken
24 up the courts time but I just want to make sure I
25 didn't miss any steps.

APPENDIX G

NOTICE OF SHOW CAUSE HEARING AND JUDICIAL FORECLOSURE HEARING
Issued under the authority of Public Act 206 of 1893; MCL 211.78j.

To: **INTEREST HOLDER**

Property ID Number: **LPN**

Legal Description: **Legal Description**

Street Address (from the tax roll, if available): **Property Address**

You are notified of the pending **FORECLOSURE** of your interest in real estate due to **UNPAID Tax Year and/or prior years' property taxes** due to associated recorded document: **RECORDED DOCUMENT TYPE & DATE**. Other parties with a recorded interest in this property include: **ADDITIONAL INTEREST HOLDERS**. Before the foreclosure is final, there will be two hearings at which you may appear.

A SHOW CAUSE HEARING WILL BE HELD DATE AND TIME AT LOCATION WITH ADDRESS. You may appear in person, through an agent, in writing or call FGU Phone Number. Appearance at the Show Cause Hearing is not required to protect your rights at the Judicial Foreclosure Hearing.

The purpose of this hearing is to allow persons with a property interest to show cause why absolute title to the property forfeited by the county treasurer under 211.78g should not vest in the foreclosing governmental unit. A person claiming an interest in a parcel of property may contest the validity or correctness of the forfeited unpaid delinquent taxes, interest, penalties and fees for 1 or more of the following reasons:

- a) No law authorized the tax.
- b) The person appointed to decide whether a tax shall be levied under a law of this state acted without jurisdiction, or did not impose the tax in question.
- c) The property was exempt from the tax in question, or was not legally assessed.
- d) The tax has been paid within the time limited by law for payment or redemption.
- e) The tax was assessed fraudulently.
- f) The description of the property used is indefinite or erroneous.

THE CIRCUIT COURT FORECLOSURE HEARING IS SCHEDULED FOR DATE AND TIME AT LOCATION WITH ADDRESS MICHIGAN. The court docket number is CC #. If you wish to contest the petition, you must file written objections with the Circuit Court Clerk and serve those objections onto the FGU at the address below.

On March 01, Forf Yr, this real property was forfeited to the County Name County Treasurer for nonpayment of property taxes. **UNLESS THE FORFEITED DELINQUENT TAXES, PENALTIES, INTEREST AND FEES ARE PAID ON OR BEFORE March 31 (unless weekend), Forecl Yr, YOU WILL LOSE YOUR INTEREST IN THE PROPERTY AND TITLE TO THE PROPERTY WILL VEST ABSOLUTELY IN THE FGU WITH ADDRESS** and all existing interests in the property shall be extinguished except for: (i) the interests of a lessee or an assignee of an interest of a lessee under an oil or gas lease in effect as to the property or any part of the property if the lease was recorded in the office of the register of deeds in the county in which the property is located before the date of filing the petition for foreclosure under MCL 211.78h or (ii) oil and gas interests preserved as provided in section 1(3) of the dormant minerals act, MCL 554.291(3).

The total amount to redeem this parcel as of March 01, Forf Yr was \$Forf Amnt. CONTACT THE COUNTY NAME COUNTY TREASURER AT ADDRESS AND PHONE for the current payoff amount. Taxpayers may receive MULTIPLE certified notices if taxes are due for both Foreclosure Tax Year and Forfeiture Tax Year. Foreclosure Tax Year taxes must be paid in full by March 31 (unless weekend), Forecl Yr in order to prevent foreclosure.

This notice was served by Agency. You may contact us with questions at Agency Address, Phone, Fax, Email. Please refer to reference number Reference # or property ID number LPN in any correspondence.

County Name

Reference #

APPENDIX H

STATE OF MICHIGAN
IN THE THIRD JUDICIAL CIRCUIT COURT
COUNTY OF WAYNE

In the Matter of the Petition of the Treasurer
for the County of Wayne, State of Michigan,
for the Foreclosure of Certain Lands
for Unpaid Property Taxes.

Hon. Timothy M. Kenny
Circuit Court No. 18-006771-CH

JUDGMENT OF FORECLOSURE

At a Session of said Court held in the C.A.Y.M.C.
at Detroit, Michigan on the 28th day of March, 2019

Present: Timothy M. Kenny

The Wayne County Treasurer, by and through his attorneys, shows onto this Honorable Court that:

This matter was initiated with the filing of a Petition for Foreclosure on June 14, 2018 by the Wayne County Treasurer, which Petition was supplemented on September 28, 2018 and amended on February 14, 2019 pursuant to this Court's ExParte Order Allowing Amendment of Petition (the Petition, as supplemented and amended, shall hereinafter be referred to as the "Petition").

The Petition identified parcels of property forfeited to the Wayne County Treasurer under MCL 211.78g for the 2016 and/or prior year's unpaid taxes and set forth the amount of the unpaid delinquent taxes, interest, penalties and fees for which each parcel of the property was forfeited. The Petition sought a judgment of foreclosure in favor of the Petitioner, the Wayne County Treasurer, due to the unpaid delinquent taxes, interest, penalties and fees listed against each parcel of property. The Petition further sought a judgment vesting absolute title to each property in the Petitioner, without right of redemption, as to parcels of property not redeemed on or before 21 days from entry of the judgment of foreclosure on contested matters.

Before the date of the hearing on the Petition, Petitioner filed with the Clerk of the Court proof of the notice, service or publication required under the General Property Tax Act, P.A. 206 of 1893, as amended, MCL 211.1 et seq.

A hearing on the Petition and objections thereto was held on February 20, 2019, February 21, 2019, March 20, 2019 and March 28, 2019, at which time all parties interested in the forfeited properties who appeared in court were heard.

The Court finds that all those entitled to notice and an opportunity to be heard have been provided that notice and opportunity. The Court finds that the Petition should be, and hereby is, GRANTED.

THEREFORE IT IS ORDERED:

- a. The amount of the forfeited delinquent taxes, interest, penalties, and fees set forth in the list of foreclosed property contained within Schedule A attached as a CD, to this judgment are valid and judgment of foreclosure is entered in favor of the Wayne County Treasurer against each parcel of property for payment of the amount set out against the parcel, including all charges for interest, penalties and fees that have accrued from the date of the filing of the Petition on June 14, 2018 through the date of payment;
- b. Fee simple title to each parcel foreclosed upon in the judgment will vest absolutely in the Petitioner, without any further rights of redemption, if all the forfeited delinquent taxes, interest, penalties and fees foreclosed against the parcel are not paid to the County Treasurer within 21 days of the entry of this judgment;
- c. All liens against the property, except for future installments of special assessments and liens recorded by this state or the foreclosing governmental unit pursuant to the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106, are extinguished, if all the forfeited delinquent taxes, interest, penalties and fees are not paid to the County Treasurer within 21 days of the entry of this judgment;
- d. The Wayne County Treasurer has good and marketable fee simple title to the property, if all the forfeited delinquent taxes, interest, penalties and fees are not paid to the County Treasurer within 21 days of the entry of this judgment;
- e. All existing recorded and unrecorded interests in the property are extinguished, except a visible or recorded easement or right-of-way, private deed restrictions, or restrictions or other governmental interests, imposed pursuant to the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106, if all the forfeited delinquent taxes,

interest, penalties, and fees are not paid to the County Treasurer within 21 days of the entry of this judgment;

f. Properties listed in the Petition, which are not foreclosed by this judgment and on which delinquent taxes, interest, fees, and penalties remain unpaid and which are not ordered permanently removed, remain subject to future foreclosure proceedings by the foreclosing governmental unit as provided MCL 211.78. The removal of a property from the Petition shall not be prejudicial to its inclusion on any future petition for tax foreclosure filed pursuant to Public Act 123 of 1999, as amended; and

g. This judgment does not resolve the last pending claim and does not close the case.

/s/ Timothy M. Kenny

Hon. Timothy M. Kenny
Chief Judge, Wayne County Circuit Court

#301193

STATE OF MICHIGAN
COUNTY OF: WAYNE

Judgment of Foreclosure
Schedule A March 28, 2019

Page 5

CITY OF Detroit WARD 22

TAX ID.	DESCRIPTION OF LAND	TAX YEAR	BASE TAXES	TOTAL INTEREST	PA123 FEE	ADMIN FEE	TOTAL DUE
22109318.	16155 BLACKSTONE DETROIT						
	2015	1,398.82	776.34	243.09	55.95	2,474.20	
	2016	1,505.74	564.66	297.00	60.23	2,427.63	
	Total	2,904.56	1,341.00	540.09	116.18	4,901.83	

W BLACKSTONE 155 & E 8 FT VAC ALLEY ADJ GRAND RIVER SUBURBAN SUB L35 P16 PLATS, W C R 22/454 50 X 120.85

22110620.	16194 BENTLER DETROIT					
	2016	477.35	179.01	297.00	19.09	972.45
	Total	477.35	179.01	297.00	19.09	972.45

E BENTLER 10 GRAND RIVER SUBURBAN SUB L35 P16 PLATS, W C R 22/454 50 X 178.64A

22113775.	15881 LAHSER DETROIT					
	2016	114.02	42.76	28.53	4.56	189.87
	Total	114.02	42.76	28.53	4.56	189.87

W LAHSER 6 B E TAYLORS BRIGHTMOOR-JOHNS SUB L45 P1 PLATS, W C R 22/483 35 X 127.22A

22124288.	17206 SALEM DETROIT					
	2016	127.17	47.69	297.00	5.09	476.95
	Total	127.17	47.69	297.00	5.09	476.95

E SALEM 131 MORTENSONS GRAND RIVER SUB L39 P1 PLATS, W C R 22/374 50 X 172

22124912.	10867 W OUTER DRIVE DETROIT					
	2016	294.76	110.54	297.00	11.79	714.09
	Total	294.76	110.54	297.00	11.79	714.09

S OUTER DRIVE 418 B E TAYLORS BRIGHTMOOR SUB NO 1 L44 P21 PLATS, W C R 22/494 34.96 X 110

22124915.	10847 W OUTER DRIVE DETROIT					
	2015	792.23	439.69	297.00	31.69	1,560.61
	2016	838.16	314.31	297.00	33.53	1,483.00
	Total	1,630.39	754.00	594.00	65.22	3,043.61

S OUTER DRIVE 415 B E TAYLORS BRIGHTMOOR SUB NO 1 L44 P21 PLATS, W C R 22/494 35 X 110

41-005-07-0080-000	2968 HANLEY HAMTRAMCK					
	2013	1,035.24	947.25	294.09	41.41	2,317.99
	2014	1,315.43	966.84	297.00	52.62	2,631.89
	2015	1,471.77	816.83	297.00	58.87	2,644.47
	2016	1,082.40	405.90	220.00	43.30	1,751.60
	Total	4,904.84	3,136.82	1,108.09	196.20	9,345.95

LOT 80 SYNDICATE ADDITION NO 1 1/4 SEC 41 10,000 A.T. L.15 P.12 WCR

APPENDIX I

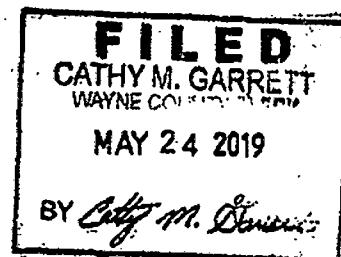
Court of Appeals, State of Michigan.

ORDER

In re Petition of Wayne County Treasurer for Foreclosure

Docket No. 348565

LC No. 18-006771-CH



Christopher M. Murray, Chief Judge, acting under MCR 7.201(B)(3), orders:

The claim of appeal is DISMISSED for failure to pursue the case in conformity with the rules, MCR 7.201(B)(3) and 7.216(A)(10). The Clerk of this Court provided notice regarding the nature of the defect in this filing and the defect was not corrected in a timely manner by providing this Court with proof that the amount due to the Wayne County Treasurer under the judgment of foreclosure has been paid as required under MCL 211.78k(7) and MCR 7.204(F)(4). Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

The motion to proceed without paying the amount due under the judgment of foreclosure as required under MCL 211.78k(7) is DENIED. The Court's jurisdiction is established by the legislature, *Matter of Butterfield*, 100 Mich App 657; 300 NW2d 359 (1980); the Court lacks the authority to waive the requirement for proceeding with the appeal established by the legislature. *In re Fraser's Estate*, 288 Mich 392; 285 NW 1 (1939).

CM

A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on



May 22, 2019
Date

Jerome W. Zimmer Jr.
Chief Clerk

APPENDIX J

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

§ 2 Separation of powers of government.

Sec. 2. The powers of government are divided into three branches: legislative, executive and judicial. No person exercising powers of one branch shall exercise powers properly belonging to another branch except as expressly provided in this constitution.

History: Const. 1963, Art. III, § 2, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. IV, § 2.

APPENDIX K

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

§ 5 Intergovernmental agreements; service by public officers and employees.

Sec. 5. Subject to provisions of general law, this state or any political subdivision thereof, any governmental authority or any combination thereof may enter into agreements for the performance, financing or execution of their respective functions, with any one or more of the other states, the United States, the Dominion of Canada, or any political subdivision thereof unless otherwise provided in this constitution. Any other provision of this constitution notwithstanding, an officer or employee of the state or of any such unit of government or subdivision or agency thereof may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service. The legislature may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

History: Const. 1963, Art. III, § 5, Eff. Jan. 1, 1964.

APPENDIX L

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

§ 24 Laws; object, title, amendments changing purpose.

Sec. 24. No law shall embrace more than one object, which shall be expressed in its title. No bill shall be altered or amended on its passage through either house so as to change its original purpose as determined by its total content and not alone by its title.

History: Const. 1963, Art. IV, § 24, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. V, §§ 21, 22.

APPENDIX M

QUESTIONS PRESENTED

1. Whether suits concerning property taken as part of the Holocaust are within the expropriation exception to the Foreign Sovereign Immunities Act of 1976 (“FSIA”), which provides jurisdiction over suits concerning property taken in violation of international law. 28 U.S.C. § 1605(a)(3).
2. Whether a foreign state may assert a comity defense that is outside the FSIA’s “comprehensive set of legal standards governing claims of immunity in every civil action against a foreign state.”

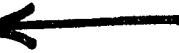
APPENDIX N

11 U.S. Code § 524. Effect of discharge

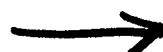
U.S. Code Notes

(a) A discharge in a case under this title—

(1) voids any judgment at any time obtained, to the extent that such judgment is a determination of the personal liability of the debtor with respect to any debt discharged under section 727, 944, 1141, 1192, 1228, or 1328 of this title, whether or not discharge of such debt is waived;

(2) operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect, recover or offset any such debt as a personal liability of the debtor, whether or not discharge of such debt is waived; and 

(3) operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect or recover from, or offset against, property of the debtor of the kind specified in section 541(a)(2) of this title that is acquired after the commencement of the case, on account of any allowable community claim, except a community claim that is excepted from discharge under section 523, 1192, 1228(a)(1), or 1328(a)(1), or that would be so excepted, determined in accordance with the provisions of sections 523(c) and 523(d) of this title, in a case concerning the debtor's spouse commenced on the date of the filing of the petition in the case concerning the debtor, whether or not discharge of the debt based on such community claim is waived.



(b) Subsection (a)(3) of this section does not apply if—

(4)

(A)

~~X~~

(i) Subject to subparagraph (B), an injunction described in paragraph (1) shall be valid and enforceable against all entities that it addresses.

(ii) Notwithstanding the provisions of section 524(e), such an injunction may bar any action directed against a third party  who is identifiable from the terms of such injunction (by name or as part of an identifiable group) and is alleged to be directly or indirectly liable for the conduct of, claims against, or demands on the debtor to the extent such alleged liability of such third party arises by reason of—

(I) the third party's ownership of a financial interest in the debtor, a past or present affiliate of the debtor, or a predecessor in interest of the debtor;

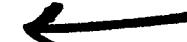
(II) the third party's involvement in the management of the debtor or a predecessor in interest of the debtor, or service as an officer, director or employee of the debtor or a related party;

(III) the third party's provision of insurance to the debtor or a related party; or

(IV) the third party's involvement in a transaction changing the corporate structure, or in a loan or other financial transaction affecting the financial condition, of the debtor or a related party, including but not limited to—

(aa) involvement in providing financing (debt or equity), or advice to an entity involved in such a transaction; or

(bb) acquiring or selling a financial interest in an entity as part of such a transaction.

(iii) As used in this subparagraph, the term "related party"  means—

(I) a past or present affiliate of the debtor;

(Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2592; Pub. L. 98-353, title III, §§ 308, 455, July 10, 1984, 98 Stat. 354, 376; Pub. L. 99-554, title II, §§ 257(o), 282, 283(k), Oct. 27, 1986, 100 Stat. 3115-3117; Pub. L. 103-394, title I, §§ 103, 111(a), title V, § 501(d)(14), Oct. 22, 1994, 108 Stat. 4108, 4113, 4145; Pub. L. 109-8, title II, §§ 202, 203(a), title XII, § 1210, Apr. 20, 2005, 119 Stat. 43, 194; Pub. L. 111-327, § 2(a)(19), Dec. 22, 2010, 124 Stat. 3559; Pub. L. 116-54, § 4(a)(9), Aug. 23, 2019, 133 Stat. 1086.)

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APPENDIX O

THE GENERAL PROPERTY TAX ACT (EXCERPT)

Act 206 of 1893

211.78k Petition for foreclosure; proof of service of notice; filing with circuit court; contesting validity or correctness by person claiming property interest; filing objections; withholding property from foreclosure or extending redemption period; entry of judgment; specifications; failure to pay delinquent taxes, interest, penalties, and fees after entry of judgment; appeal to court of appeals; recording notice of judgment; cancellation; submission of certificate of error.

Sec. 78k. (1) If a petition for foreclosure is filed under section 78h, not later than the date of the hearing, the foreclosing governmental unit shall file with the clerk of the circuit court proof of service of the notice of the show cause hearing under section 78j, proof of service of the notice of the foreclosure hearing under this section, and proof of the personal visit to the property and publication under section 78i.

(2) A person claiming an interest in a parcel of property set forth in the petition for foreclosure may contest the validity or correctness of the forfeited unpaid delinquent taxes, interest, penalties, and fees for 1 or more of the following reasons:

- (a) No law authorizes the tax.
- (b) The person appointed to decide whether a tax will be levied under a law of this state acted without jurisdiction, or did not impose the tax in question.
- (c) The property was exempt from the tax in question, or the tax was not legally levied.
- (d) The tax has been paid within the time limited by law for payment or redemption.
- (e) The tax was assessed fraudulently.
- (f) The description of the property used in the assessment was so indefinite or erroneous that the forfeiture was void.

(3) A person claiming an interest in a parcel of property set forth in the petition for foreclosure who desires to contest that petition shall file written objections with the clerk of the circuit court and serve those objections on the foreclosing governmental unit before the date of the hearing required under this section.

(4) If the court determines that the owner of property subject to foreclosure is a minor heir, is incompetent, is without means of support, or is undergoing a substantial financial hardship, the court may withhold that property from foreclosure for 1 year or may enter an order extending the redemption period as the court determines to be equitable. If the court withholds property from foreclosure under this subsection, a taxing unit's lien for taxes due is not prejudiced and that property must be included in the immediately succeeding year's tax foreclosure proceeding.

(5) The circuit court shall enter final judgment on a petition for foreclosure filed under section 78h at any time after the hearing under this section but not later than the March 30 immediately succeeding the hearing with the judgment effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases. All redemption rights to the property expire on the March 31 immediately succeeding the entry of a judgment foreclosing the property under this section, or in a contested case 21 days after the entry of a judgment foreclosing the property under this section. The circuit court's judgment must specify all of the following:

(a) The legal description and, if known, the street address of the property foreclosed and the forfeited unpaid delinquent taxes, interest, penalties, and fees due on each parcel of property.

(b) That fee simple title to property foreclosed by the judgment will vest absolutely in the foreclosing governmental unit, except as otherwise provided in subdivisions (c) and (e), without any further rights of redemption, if all forfeited delinquent taxes, interest, penalties, and fees, which delinquent taxes, interest, penalties, and fees may be reduced by the foreclosing governmental unit in accordance with section 78g(8), are not paid on or before the March 31 immediately succeeding the entry of a judgment foreclosing the property under this section, or in a contested case within 21 days of the entry of a judgment foreclosing the property under this section.

(c) That all liens against the property, including any lien for unpaid taxes or special assessments, except future installments of special assessments and liens recorded by this state or the foreclosing governmental unit under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, are extinguished, if all forfeited delinquent taxes, interest, penalties, and fees are not paid on or before the March 31 immediately succeeding the entry of a judgment foreclosing the property under this section, or in a contested case within 21 days of the entry of a judgment foreclosing the property under this section.

(d) That, except as otherwise provided in subdivisions (c) and (e), the foreclosing governmental unit has good and marketable fee simple title to the property, if all forfeited delinquent taxes, interest, penalties, and

fees are not paid on or before the March 31 immediately succeeding the entry of a judgment foreclosing the property under this section, or in a contested case within 21 days of the entry of a judgment foreclosing the property under this section.

(e) That all existing recorded and unrecorded interests in that property are extinguished, except a visible or recorded easement or right-of-way, private deed restrictions, interests of a lessee or an assignee of an interest of a lessee under a recorded oil or gas lease, interests in oil or gas in that property that are owned by a person other than the owner of the surface that have been preserved as provided in section 1(3) of 1963 PA 42, MCL 554.291, interests in property assessable as personal property under section 8(g), or restrictions or other governmental interests imposed under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, if all forfeited delinquent taxes, interest, penalties, and fees are not paid on or before the March 31 immediately succeeding the entry of a judgment foreclosing the property under this section, or in a contested case within 21 days of the entry of a judgment foreclosing the property under this section.

(f) A finding that all persons entitled to notice and an opportunity to be heard have been provided that notice and opportunity. A person is considered to have been provided notice and an opportunity to be heard if the foreclosing governmental unit followed the procedures for provision of notice by mail, for visits to forfeited property, and for publication under section 78i, or if 1 or more of the following apply:

(i) The person had constructive notice of the hearing under this section by acquiring an interest in the property after the date the notice of forfeiture is recorded under section 78g.

(ii) The person appeared at the hearing under this section or filed written objections with the clerk of the circuit court under subsection (3) before the hearing.

(iii) Before the hearing under this section, the person had actual notice of the hearing.

(g) A judgment entered under this section is a final order with respect to the property affected by the judgment and except as provided in subsection (7) must not be modified, stayed, or held invalid after the March 31 immediately succeeding the entry of a judgment foreclosing the property under this section, or for contested cases 21 days after the entry of a judgment foreclosing the property under this section.

(6) Except as otherwise provided in subsection (5)(c) and (e), fee simple title to property set forth in a petition for foreclosure filed under section 78h on which forfeited delinquent taxes, interest, penalties, and fees are not paid on or before the March 31 immediately succeeding the entry of a judgment foreclosing the property under this section, or in a contested case within 21 days of the entry of a judgment foreclosing the property under this section, will vest absolutely in the foreclosing governmental unit, and the foreclosing governmental unit will have absolute title to the property, including all interests in oil or gas in that property except the interests of a lessee or an assignee of an interest of a lessee under an oil or gas lease in effect as to that property or any part of that property if the lease was recorded in the office of the register of deeds in the county in which the property is located before the date of filing the petition for foreclosure under section 78h, and interests preserved as provided in section 1(3) of 1963 PA 42, MCL 554.291. The foreclosing governmental unit's title is not subject to any recorded or unrecorded lien and must not be stayed or held invalid except as provided in subsection (7) or (9).

(7) The foreclosing governmental unit or a person claiming to have a property interest under section 78i in property foreclosed under this section may appeal the circuit court's order or the circuit court's judgment foreclosing property to the court of appeals. An appeal under this subsection is limited to the record of the proceedings in the circuit court under this section is not de novo. The circuit court's judgment foreclosing property must be stayed until the court of appeals has reversed, modified, or affirmed that judgment. If an appeal under this subsection stays the circuit court's judgment foreclosing property, the circuit court's judgment is stayed only as to the property that is the subject of that appeal and the circuit court's judgment foreclosing other property that is not the subject of that appeal is not stayed. To appeal the circuit court's judgment foreclosing property, a person appealing the judgment shall pay to the county treasurer the amount determined to be due to the county treasurer under the judgment on or before the March 31 immediately succeeding the entry of a judgment foreclosing the property under this section, or in a contested case within 21 days of the entry of a judgment foreclosing the property under this section, together with a notice of appeal. If the circuit court's judgment foreclosing the property is affirmed on appeal, the amount determined to be due must be refunded to the person who appealed the judgment. If the circuit court's judgment foreclosing the property is reversed or modified on appeal, the county treasurer shall refund the amount determined to be due to the person who appealed the judgment, if any, and retain the balance in accordance with the order of the court of appeals.

(8) The foreclosing governmental unit shall record a notice of judgment for each parcel of foreclosed property in the office of the register of deeds for the county in which the foreclosed property is located in a form prescribed by the department of treasury.

APPENDIX P

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendments 11-27

Note: The capitalization and punctuation in this version is from the enrolled original of the Joint Resolution of Congress proposing the Bill of Rights, which is on permanent display in the Rotunda of the National Archives Building, Washington, D.C.

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