

## BARRICADED INTO FORECLOSURE

(RETIRED FEDERAL EMPLOYEE, VETERAN, CHURCH DEACON (HOME SOLD AFTER THE CITY OF DETROIT MISAPPLIED TAX PAYMENTS))

### SUMMARY OF FACTS

Couple was delinquent in their 2010 property taxes. Made payments on past due to the City of Detroit. Instead of applying the payments to the past due balance (and submitting to Wayne County), the City retained the payments. Couple was never told that their payments were not being sent to Wayne County. Wayne County never received the payments to resolve past-due balance.

House went into foreclosure. Couple did not receive notice of foreclosure or of foreclosure hearings (County claims to have sent via certified mail, but cannot produce a return receipt.) House foreclosed in March 2013. Couple had no knowledge of foreclosure and sale until November 2013 when new owner, Peter James Management, came to their home with an action for dispossession.

The couple did not receive ANY of the requisite forms of notice (although process server filed affidavit). Therefore, was not afforded any redemption period. Couple hired a lawyer who filed a Complaint to Quiet Title and Vacate Quit Claim Deed. However, there was never a Hearing on this Complaint, no Court Order, no transcript, only an Order to transfer the case to another judge. After the transfer, the Hearing was on Wayne County's Motion For Summary Disposition, which was granted. The Judge commented that 1) he was unhappy that the City did not apply payments to past due balances and 2) he was sorry he had to rule against the couple.

Couple is facing eviction. Eviction hearing scheduled for March 20, 2014.

CAN YOU HELP STOP THIS UNFAIR PRACTICE?

IS IT POSSIBLE FOR THE COUNTY TO ADJUDICATE ITSELF WITHOUT PREJUDICE?

ADDITIONAL FACTS CONTAINED IN PLAINTIFF'S BRIEF (attached)

For more information, contact Charles at 313-318-6242.