

## COA Opinion: Court of Claims has exclusive jurisdiction in any action to recover monetary damages arising from an alleged failure to provide notice of tax foreclosure, even when such action is against a private party

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11. August 2010 By Jason Byrne

On August 10, 2010, the Court of Appeals published its per curiam opinion in [River Investment Group, LLC v. Casab, No. 290645](#). In this case, the Wayne County Treasurer foreclosed on plaintiff's property and sold that property to defendant. Plaintiff initiated an action in circuit court for damages against defendant based on alleged improvements plaintiff had made to the property after the foreclosure, where plaintiff alleged that it had not received notice of the foreclosure. The circuit court dismissed that action for lack of jurisdiction, finding that the court of claims had exclusive jurisdiction over such an action. The Court of Appeals affirmed this ruling. The Court found that MCL 600.6519 and MCL 600.6437 confer jurisdiction to the court of claims to hear claims against the state, but they do not preclude the court from exercising any additional jurisdiction that may be provided elsewhere by the Legislature. Specifically, the Court of Appeals found that MCL 211.78l(2), indicates that the court of claims will have exclusive jurisdiction over any claims for monetary damages arising out of a failure to provide notice of a tax foreclosure, regardless of whether the defendant is a public or private entity. Thus, summary disposition of plaintiff's claims was appropriate in the circuit court.