

## COA Opinion: Sheriff's foreclosure sale may be conducted by special deputy appointed specifically for that task

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In *Kubicki v. Mortgage Electronic Registration Systems*, released on February 22 and approved for publication on April 12, 2011, the Michigan Court of Appeals considered whether a person who was deputed as a special deputy to perform the specific task of conducting foreclosures could conduct such sales. The Michigan foreclosure statute requires that a sheriff's foreclosure sale be conducted by a sheriff, an undersheriff or a deputy sheriff. Under MCL 51.70, a sheriff may appoint special deputies by a written instrument to do particular acts. The Court of Appeals concluded that an appointment of a special deputy under MCL 51.70 must be in writing, but it does not need to be recorded with the county clerk's office under MCL 51.73. In this case, the special deputy qualified as a deputy able to conduct foreclosure sales under MCL 600.3216.