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COA Opinion: Court notes two limitations on its prior holding in Residential Funding Co. v. Saurman

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The Michigan Court of Appeals previously issued an opinion in *Richard v. Schneiderman & Sherman, P.C.*, No. 297353, on August 11, 2011. This opinion was discussed on the One Court of Justice Blog here. On August 22, 2011, the Court vacated its August 11, 2011, opinion on its own motion. On August 25, 2011, the Court issued its new opinion. The two opinions are nearly identical. In the second opinion, the Court added a paragraph noting two limitations on the Court's prior holding in *Residential Funding Co, Inc v. Saurman*, Nos. 290248, 291443, ___ Mich App ___; ___ NW2d ___ (April 21, 2011). *Saurman* is discussed here. First, the Court noted the long-standing requirement that a "mortgagor must challenge the validity of a foreclosure by advertisement promptly." Second, the Court observed that a foreclosure by advertisement may not be challenged after the property has been sold to a *bona fide* purchaser. But the Court held that Plaintiff Aaron Richard had satisfied both these prerequisites, and so again the Court reversed the trial court's grant of summary disposition, vacated the foreclosure proceeding, and remanded for further proceedings consistent with its opinion.