

STATE OF MICHIGAN
IN THE SUPREME COURT

2 CROOKED CREEK LLC, an Indiana
limited liability company, and
RUSSIAN FERRO ALLOYS, INC., an
Indiana corporation,

Plaintiffs-Appellants,

v

TREASURER OF THE COUNTY OF CASS,

Defendant-Appellee.

Michigan Supreme Court No. 159856

Court of Appeals No. 342797

Court of Claims No. 14-000181-MZ

SUPPLEMENTAL AUTHORITY

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Dated: July 3, 2019

Pursuant to MCR 7.312(I) and 7.212(F), the appellants submit this communication to call the Court's attention to the fact that the Court of Appeals published its opinion in this case on July 2, 2019. As a result, the Court of Appeals' decision is now binding authority governing how MCL 211.78*l* must be interpreted, which confirms that its interpretation will apply to all tax foreclosures in Michigan. This decision to publish increases the importance of this case: although the Legislature created a cause of action in § 78*l* precisely for instances in which the property owner must have already been afforded constructive notice, the Court of Appeals interpreted § 78*l* to not apply if the property owner has been provided constructive notice, and its now-published decision means that all lower courts in Michigan must also treat § 78*l* as a dead letter.

Accordingly, the appellants respectfully ask this Court to grant their application for leave to appeal to consider the proper interpretation of this important state statute.

Respectfully submitted,

/s/ Aaron D. Lindstrom

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