

# Court of Appeals, State of Michigan

## ORDER

Allen Bakri v Mortgage Electronic Registration System

Stephen L. Borrello  
Presiding Judge

Docket No. 297962

Patrick M. Meter

LC No. 09-030482-CH

Douglas B. Shapiro  
Judges

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The Court orders that the motion for clarification filed by defendant Bank of New York Mellon is GRANTED. We REMAND to the trial court to determine whether Bank of New York Mellon owned the note at the time that plaintiff was served written notice pursuant to MCR 600.3205a. If defendant Bank of New York Mellon was not “the owner . . . of an interest in the indebtedness secured by the mortgage[,]” MCL 600.3204(1)(d), it lacked the authority to foreclose by advertisement. However, if the Bank of New York Mellon was the owner under MCL 600.3204(1)(d), then foreclosure by advertisement did not violate the law as set forth in *Residential Funding Co, LLC v Saurman*, \_\_Mich App\_\_; \_\_NW2d\_\_ (Docket Nos. 290248 & 291443; April 21, 2011) (Shapiro, J.). Upon making a determination regarding ownership at the relevant time, the trial court shall report its findings to this Court.

The Court orders that defendant Bank of New York Mellon’s motion for leave to file a reply brief is DENIED as moot.

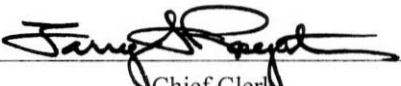
The Court will retain jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

OCT 04 2011

Date

  
Chief Clerk