

Court of Appeals, State of Michigan

ORDER

PHH Mortgage Corp v Janet Elaine Oneal

Docket No. 311233

LC No. 11-729546-CH

Patrick M. Meter
Presiding Judge

Stephen L. Borrello

Amy Ronayne Krause
Judges

The Court orders that the motion to dismiss this appeal as moot is DENIED because it has not been established that this appeal is moot. First, given that this motion has been brought before appellant has even filed its brief on appeal in this appeal as of right, it cannot be known with certainty what issues will be raised on appeal. Further, the redemption of the real property involved in this case does not render it impossible for this Court to fashion a remedy as to the validity of the relevant sheriff's sale and ensuing redemption of the property. See *Kieta v Thomas M Cooley Law School*, 290 Mich App 144, 147; 799 NW2d 579 (2010) (issue is moot "when a subsequent event renders it impossible for the appellate court to fashion a remedy"). In particular, this Court could reverse the relevant holdings of the trial court and direct the redemption of the property to be of no effect, the redemption certificate to be deemed invalid, and a refund of the funds paid to redeem the property to occur. Of course, whether this Court should grant such relief or other relief goes to the merits of the appeal, not to whether the appeal is moot.



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

OCT 01 2012

Date


Chief Clerk