

STATE OF MICHIGAN
COURT OF APPEALS

SWARTZ & WRIGHT, a Michigan Partnership,

Plaintiff-Appellant,

v

ANGELA A. BARTLETT, a/k/a ANGIE A.
BARTLETT, CHARLES J. BARTLETT, RONALD
FALCONER and RACHEL S.
FALCONER,

Defendants-Appellees.

UNPUBLISHED

May 28, 1996

No. 181328

LC No. 94-003575-CH

Before: Doctoroff, C.J., and Neff and Fitzgerald, JJ.

PER CURIAM.

Plaintiff purchased land owned by Angela Bartlett at a 1992 tax sale and was issued a tax deed in 1993. Within the time allotted by statute to redeem the property, Charles Bartlett, Angela's ex-husband, submitted payment in the amount of \$1,577.87 to the Lake County treasurer. The payment was deficient in that it did not include sheriff's fees in the amount of \$91.99. Plaintiff instituted this action to quiet title. Plaintiff appeals as of right from the trial court's order quieting title to the property to Angela Bartlett. We affirm.

Plaintiff argues that, because it is undisputed that Charles Bartlett made the payment to redeem the property, and because Charles Bartlett had no interest in the property, the redemption is invalid. We disagree. Under MCL 211.141; MSA 7.199, once a tax deed has been issued to a purchaser, a person with an interest in the land may redeem the property. However, a person with no interest in the property may make a valid redemption payment if that person is acting as an agent of a person with an interest in the property, and the purpose behind the payment is to redeem the property for the interested party. See *Geraldine v Miller*, 322 Mich 85, 92-93; 33 NW2d 672 (1948).

The trial court's finding that Charles Bartlett's payment amounted to a valid redemption is not clearly erroneous. MCR 2.613(C). The testimony showed that Angela Bartlett gave money to Charles and asked him to make the payment for her. Charles testified that he made the payment on behalf of Angela, that he has made such payments on Angela's behalf in the past, and that he claims no interest in the property as a result of the payment in this case.

Plaintiff also claims that the redemption is not valid because the sheriff's fees were not paid. Again, we disagree. MCL 211.41; MSA 7.199 requires a person seeking to redeem property to pay the amount paid by the purchaser at the tax sale plus fifty percent, in addition to service fees. It is undisputed that at the time of the trial there were outstanding sheriff's fees in the amount of \$91.99 owing on the property.

When a taxpayer relies in good faith upon the statements of the county treasurer and, through no fault of his own, submits a deficient payment, the deficient payment may still act as a valid redemption. *O'Connor v Gottschalk*, 148 Mich 450, 452; 111 NW 1048 (1907). Here, when Charles submitted payment for redemption, he was told by a clerk in the treasurer's office that sheriff's fees were owing and that he would be notified, at a later date, of the exact amount. The treasurer's office attempted to notify Charles of the amount due by letter. However, the letter was incorrectly addressed, and the testimony was conflicting regarding whether Charles ever received the letter. According to Charles, he never received the letter or any other notice of the amount owed until he was served with a summons in this case. Charles also testified that he called the treasurer's office on one occasion to ascertain the amount of fees and was told that the amount was still undetermined. He also went to the proper officer in an attempt to pay the proper fee. Based on this testimony, the trial court's finding that Charles never received notice of the amount of sheriff's fees owing and that Charles acted in good faith in attempting to timely pay the sheriff's fees is not clearly erroneous. We find no error in the trial court's determination that the redemption was valid.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Janet T. Neff

/s/ E. Thomas Fitzgerald