

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

In Re FORFEITURE OF \$256 IN U.S.  
CURRENCY and ONE 1978 OLDSMOBILE  
VIN #3Z57K8M704755

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PEOPLE OF THE STATE OF MICHIGAN,  
WAYNE COUNTY PROSECUTING ATTORNEY,  
EX REL,

Plaintiff-Appellees,

v

#256 U.S. currency and ONE 1978  
OLDSMOBILE VIN #3Z57K8M704755,

Defendants,

and

MACK GUMAR,

Appellant.

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Before: Gribbs, P.J., and Michael J. Kelly and Reilly, JJ.

PER CURIAM.

On January 7, 1993, this Court affirmed a Wayne Circuit Court order denying appellant's motion to set aside a summary disposition order which forfeited certain property (an automobile and \$256 in U. S. Currency) to the Wayne County Prosecutor's office. On June 29, 1994, the Supreme Court reversed the judgment of this Court of January 7, 1993, vacated our order, and remanded for further proceedings in conformity with its opinion. *In re Forfeiture of \$256 and One Oldsmobile*, 445 Mich 279; 517 NW2d 732 (1994).

The Supreme Court relied on *Republic National Bank of Miami v United States*, 506 US \_\_\_; 113 S Ct 554; 121 L Ed 2d 474 (1992), declaring:

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If there is merit to Mr. Kumar's arguments concerning the underlying forfeiture order, the prior disposition of the assets will not bar entry of an order directing the plaintiff to return the assets or the proceeds from the disposition of the assets.

We therefore remand to the circuit court to determine if there is merit to appellant's arguments as that court did not reach the merits of appellant's so-called "proposed substantive defenses."

Reversed and remanded for consideration in accordance with this opinion. We retain jurisdiction.

/s/ Roman S. Gribbs

/s/ Michael J. Kelly

/s/ Maureen Pulte Reilly