

STATE OF MICHIGAN
COURT OF APPEALS

FIRST SECURITY REAL ESTATE
CORPORATION,

Plaintiff-Appellee,

v

GAIL STONESTREET,

Defendant-Appellant,

and

ARTHUR E. WALKER, CITY OF DETROIT,
JANE DOE, CHARLES W. WALKER, JANE
ROE, LAURA A. STONESTREET, WILLIAM
WALKER, JR., OCCUPANTS AT 2059
CALVERT and OCCUPANTS AT 2061
CALVERT,

Defendants.

UNPUBLISHED
August 26, 2003

No. 239809
Wayne Circuit Court
LC No. 00-040387-CH

Before: Zahra, P.J., and Talbot and Owens, JJ.

PER CURIAM.

Defendant Gail Stonestreet appeals as of right from a circuit court order granting defendant's motion for summary disposition in this action to quiet title. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant's late husband, Clarence Stonestreet, was formerly married to Laura Stonestreet, who owned a partial interest in the property at issue. Defendant claims that Clarence inherited Laura's interest in the property upon her death and she in turn inherited that interest in the property after Clarence's death. The property was sold to the state in 1996 for nonpayment of the 1993 property taxes. The property was not redeemed "at any time before the first Tuesday of May in the year following the sale." MCL 211.74(1). Consequently, title vested in the state, and it acquired a deed to the property in May 1997. Thereafter, the property was subject to redemption until "the first Tuesday in November after title vests in the State," or until November 4, 1997. MCL 211.131c(1). The property was not redeemed, and the state recorded its deed in March 1998. On January 24, 2000, a show cause hearing was held to show why "the tax sale and

the deed to the state should be cancelled,” MCL 211.131e(2). The property was not redeemed during the thirty-day redemption period following the hearing, MCL 211.131e(3), and, on April 25, 2000, the state sold the property to plaintiff. Defendant called the state treasury department later that same day and was told by Thomas Willard that she could redeem the property upon payment of back taxes and fees by May 26, 2000. Defendant made the payment on May 27 or June 1, 2000.

The trial court ruled that defendant’s due process rights were not violated because she was not entitled to notice of the show cause hearing under MCL 211.131e and that her reliance on the information provided by Willard could not defeat the rights of plaintiff, a bona fide purchaser for value. We review the trial court’s ruling on a motion for summary disposition de novo on appeal. *Kefgen v Davidson*, 241 Mich App 611, 616; 617 NW2d 351 (2000).

Defendant claims that as heir to a titleholder to the property, she had a significant property interest entitling her to notice of the right to redeem the property. Although an owner of a significant property interest in land was once entitled to notice of the show cause hearing pursuant to *Dow v Michigan*, 396 Mich 192, 206-207; 240 NW2d 450 (1976), as codified by the enactment of MCL 211.131e(1), this statute was amended in 1996 to provide only that the “owners of a recorded property interest in the property” are entitled to notice. Because defendant did not hold a recorded property interest, she was not entitled to notice.

Defendant contends that she was nevertheless entitled to redeem the property as directed by Willard. We disagree. First, defendant has not shown that the state treasurer had authority to extend the thirty-day redemption period. While the treasurer does have authority to void a sale for nonpayment of taxes under certain circumstances, MCL 211.131a(1), defendant has not shown that such circumstances were present here. Second, defendant’s reliance on the information provided by Willard cannot defeat the rights of a third party such as plaintiff, where the payment was made after expiration of all statutory redemption periods and after the sale to plaintiff. Cf. *Hill v Wurm*, 194 Mich App 573; 487 NW2d 512 (1992). Finally, defendant failed to make payment within the period of time provided by Willard.

Affirmed.

/s/ Brian K. Zahra
/s/ Michael J. Talbot
/s/ Donald S. Owens