

Court of Appeals, State of Michigan

ORDER

Samuel C Voydanoff v Select Portfolio Servicing Inc

Docket No. 298098

LC No. 2009-102194 CK

Kurtis T. Wilder
Presiding Judge

Mark J. Cavanagh

Pat M. Donofrio
Judges

The Court orders that the motion to file a late reconsideration motion is GRANTED.

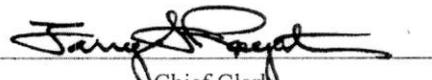
The Court further orders that the motion for reconsideration is GRANTED, and this Court's opinion issued October 27, 2011 is hereby VACATED. A new opinion is attached to this order.



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

DEC 22 2011

Date


Chief Clerk

STATE OF MICHIGAN
COURT OF APPEALS

SAMUEL C. VOYDANOFF,

Plaintiff-Appellant,

v

SELECT PORTFOLIO SERVICING, INC.,

Defendant-Appellee.

and

NATIONAL FORECLOSURE COUNSELING
SERVICES and MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS,

Defendants.

UNPUBLISHED

October 27, 2011

No. 298098

Oakland Circuit Court

LC No. 2009-102194-CK

Before: WILDER, P.J., and CAVANAGH and DONOFRIO, JJ.

MEMORANDUM.

Plaintiff appeals by right an order granting summary disposition in favor of defendant, Select Portfolio Servicing, Inc., in this action challenging a mortgage foreclosure by advertisement. We reverse and remand for proceedings consistent with this opinion.

At oral argument held on this appeal defendant admitted that the case of *Residential Funding Co, LLC v Saurman*, ___ Mich App ___; ___ NW2d ___ (Docket Nos. 290248, 291443; April 21, 2011) is dispositive of the issues on appeal. Accordingly, defendant requested that this Court (1) reverse the order granting summary disposition in defendant's favor and (2) vacate the foreclosure proceedings. Therefore, the order granting summary disposition in defendant's favor is reversed, the foreclosure proceedings are vacated, and this matter is remanded for further proceedings consistent with this opinion.

Reversed and remanded for proceedings consistent with this opinion. We do not retain jurisdiction. Plaintiff is entitled to costs as the prevailing party. See MCR 7.219(A).

/s/ Kurtis T. Wilder

/s/ Mark J. Cavanagh

/s/ Pat M. Donofrio