

# Order

Michigan Supreme Court  
Lansing, Michigan

February 1, 2008

133972 & (66)

PHILIP J. PATRICK and MARIE T. PATRICK,  
Plaintiffs/Counter-Defendants-  
Appellants/Cross-Appellees,

v

RANDALL SHAW and HILLARY SHAW,  
Defendants/Counter-Plaintiffs-  
Appellees/Cross-Appellants,

and

PINES INVESTMENT CORPORATION, PINES  
MORTGAGE CORPORATION, and LEE PINES,  
Defendants,

and

BORROWERS NETWORK, LLC,  
Defendant-Appellee.

Clifford W. Taylor,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

SC: 133972  
COA: 272692  
Gratiot CC: 05-009466-CH

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On order of the Court, the application for leave to appeal the April 10, 2007 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The application for leave to appeal as cross-appellant is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we AFFIRM the judgment of the Court of Appeals. The Alternative Mortgage Transaction Parity Act (“AMPTA,” 12 USC 3803(c), does not preempt MCL 438.31c(2), but we disagree with that part of the opinion of the Court of Appeals that ruled that AMPTA was inapplicable because the loan here at issue was an extension, rather than an origination. Rather, AMPTA is inapplicable to this case because the loan here at issue was not an “alternative mortgage transaction” as defined by AMPTA in 12 USC 3802.



s0129

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 1, 2008

*Corbin R. Davis*

Clerk