

Order

**Michigan Supreme Court
Lansing, Michigan**

September 28, 2011

Robert P. Young, Jr.,
Chief Justice

143178-9 & (104)(108)(109)(111)(112)(113)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

RESIDENTIAL FUNDING CO., L.L.C., f/k/a
RESIDENTIAL FUNDING CORPORATION,
Plaintiff-Appellant,

v

SC: 143178
COA: 290248
Kent CC: 08-011138-AV

GERALD SAURMAN,
Defendant-Appellee.

BANK OF NEW YORK TRUST COMPANY,
Plaintiff-Appellant,

v

SC: 143179
COA: 291443
Jackson CC: 08-003406-AV

COREY MESSNER,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the April 21, 2011 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument, during the November 2011 session, on whether to grant the application or take other action. MCR 7.302(H)(1). At oral argument, the parties shall address whether Mortgage Electronic Registration Systems, Inc. (MERS) as the mortgagee and nominee of the note holder is an “owner ... of an interest in the indebtedness secured by the mortgage” within the meaning of MCL 600.3204(1)(d), such that it was permitted to foreclose by advertisement. The parties may file supplemental briefs no later than October 21, 2011. They should not submit mere restatements of their application papers.

The motions of the Michigan Association of Realtors, Legal Services Association of Michigan/Michigan Poverty Law Program/State Bar of Michigan Consumer Law Section Council/National Consumer Law Center, State Bar of Michigan Real Property

Law Section, Mortgage Electronic Registration Systems, Inc./Mortgage Bankers Association, Michigan Bankers Association/Michigan Mortgage Lenders Association, and the American Land Title Association for leave to file brief amicus curiae are GRANTED. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae, to be filed no later than October 21, 2011.



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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.

September 28, 2011

Corbin R. Davis

Clerk