

Order

Michigan Supreme Court
Lansing, Michigan

November 19, 2014

Robert P. Young, Jr.,
Chief Justice

149599

Michael F. Cavanagh
Stephen J. Markman

BANK OF AMERICA, NA,
Plaintiff-Appellant,

Mary Beth Kelly
Brian K. Zahra

v

Bridget M. McCormack
David F. Viviano,
Justices

SC: 149599
COA: 307756
Oakland CC: 2010-112606-CK

FIRST AMERICAN TITLE INSURANCE
COMPANY, PATRIOT TITLE AGENCY, KIRK
D. SCHIEB, WESTMINSTER ABSTRACT
COMPANY, WESTMINSTER TITLE AGENCY,
INC., PRIME FINANCIAL GROUP, INC.,
VALENTINO M. TRABUCCHI, PAMELA S.
NOTTURNO, f/k/a PAMELA S. SIIRA,
DOUGLAS K. SMITH, JOSHUA J. GRIGGS,
STATE VALUE APPRAISALS, LLC, NATHAN
B. HOGAN, and CHRISTINE D. MAYS,
Defendants-Appellees,

and

FRED MATSON, MICHAEL LYNETT, JO KAY
JAMES, and PAUL SMITH,
Defendants.

On order of the Court, the application for leave to appeal the March 27, 2014 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether a separate contract between the lender and the closing agent existed outside of the closing protection letters; (2) whether there was a genuine issue of material fact regarding the closing agent's violation of the terms of the lender's written closing instructions; and (3) whether the full credit bid rule of *New Freedom Mortgage Corp v Globe Mortgage Corp*, 281 Mich App 63 (2008), is a correct rule of law and, if so, whether it applies to this case.

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.



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I, Larry S. Royster, 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.

November 19, 2014


Clerk