

# CLIENT ADVISORY

February 3, 2009

## Sheriff Halts Foreclosure Sales in Wayne County, Michigan

By Stuart A. Best, Esq. and Michael I. Rich, Esq.

Yesterday, Sheriff Warren Evans from Wayne County, Michigan, announced that he will halt all foreclosure sales. As issued in a press release by his office and quoted in the Detroit Free Press, Evans states, "Today I will be stopping all mortgage foreclosure sales in Wayne County beginning with the sale that was scheduled for this Wednesday. I am doing so because it's my opinion that recently enacted federal laws provide protections for homeowners facing foreclosure."

Evans states that the Troubled Asset Relief Program (TARP) approved by Congress last fall requires the Secretary of the Treasury to implement a plan to mitigate foreclosure. In his belief, the federal law preempts state law and therefore the TARP provisions preempt Michigan's foreclosure law. His office has been conducting 300 – 400 foreclosure sales per week.

Based on our research, it is our opinion that the Sheriff is misinterpreting the law and ignoring his sworn duty to uphold Michigan Statutes and his duties. According to Michigan law, he is required to hold the foreclosure sales properly presented to his office.

The Sheriff's Office advised us that they will not accept sale packages. Therefore, we reviewed the sales, and adjourned all Wayne County sales that were scheduled for this week.

WWR will keep you updated as this matter proceeds and if there is a need for additional adjournments.

If you have any questions, please contact Stuart A. Best, Esq. or Michael I. Rich, Esq.

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