

CLIENT ADVISORY

February 25, 2009

New Requirements for Foreclosure Sales in Wayne Co., MI

By Stuart A. Best, Esq.

On February 3, 2009 WWR issued a client advisory, stating that the Wayne County Michigan Sheriff Warren Evans was halting all foreclosures in his county.

On Feb 24, 2009 Sheriff Evans provided a memorandum updating his position and setting forth new procedures which he will be following to allow foreclosures to progress in Wayne County. We have attached a copy of the memorandum.

Weltman, Weinberg & Reis Co., L.P.A. (WWR) will be providing all of our clients the appropriate affidavits to satisfy Sheriff Evans'

"requirements" within sufficient time to proceed to sale.

WWR is still in the process of analyzing these requirements.

Although we have an opinion that the sheriff may be exceeding his authority in making such requirements, which are outside of Michigan foreclosure law, we are prepared to comply. We believe this will be most beneficial to you in the long run.

WWR appreciates your business and will continue to protect your interests. We will keep you updated with any additional changes as they arise.

See attached for a copy of the memorandum from Sheriff Evans.

If you have any questions, please contact Stuart A. Best, Esq.

Mr. Best is a partner in the Complex Litigation department in the Detroit office of Weltman, Weinberg & Reis Co., L.P.A. (WWR). Mr. Best can be reached at (248) 786-3124 or via e-mail at sbest@weltman.com.

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**COUNTY OF WAYNE
OFFICE OF THE SHERIFF**

WARREN C. EVANS, Sheriff

SHERIFF'S COURT DIVISION



February 24, 2009

To all mortgage lenders who plan to initiate a mortgage foreclosure sale by advertisement in Wayne County:

I am writing to inform you that my Office is instituting a new requirement for the initiation of a mortgage foreclosure sale by advertisement, which is to be conducted by one of my deputy sheriffs.

As you know, on February 2, 2009, I announced that my Office would no longer hold mortgage foreclosure sales in Wayne County. It is clear that homeowners, whose mortgages are scheduled for mortgage foreclosure sales, have no way of knowing whether the Treasury Secretary bought their mortgages under the TARP Act. Neither do I. As you are aware, once a mortgage foreclosure is held, property owners have but one right left to them: the right of redemption.

Therefore, effective immediately, my Office shall require that for each parcel that you plan on publishing for sale by advertisement - including commercial and abandoned properties - you must submit a sworn affidavit, which states either of the following:

- Your firm received TARP monies and details the steps, if any, that were taken to modify the homeowner's mortgage and why the loan modification was not successful, or
- Your firm did not receive TARP monies.

Please be advised that if my Office does not receive a sworn affidavit for each parcel published for sale, my deputies shall adjourn the sale on said parcel until such time that my Office can determine its status.

Thank you for your anticipated cooperation.

Sincerely,

Warren Evans

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