

# Order

Michigan Supreme Court  
Lansing, Michigan

November 1, 2024

Elizabeth T. Clement,  
Chief Justice

166320

Brian K. Zahra  
David F. Viviano  
Richard H. Bernstein  
Megan K. Cavanagh  
Elizabeth M. Welch  
Kyra H. Bolden,  
Justices

LOUIS JACKSON, MICHAEL C. BIRAC,  
LEE CRAFT, GAYLYNN CRAFT, RONALD  
HAYES, SMFJ, LLC, EVERTT HODGE,  
DONALD SWINNEY, STEFANIE BOYD,  
LISA SMITH, and KIRK BOYD,  
Plaintiffs-Appellees,

v

SC: 166320  
COA: 361397  
Oakland CC: 2018-162877-NZ

SOUTHFIELD NEIGHBORHOOD  
REVITALIZATION INITIATIVE, FRED  
ZORN, CITY OF SOUTHFIELD, KEN  
SIVER, and SOUTHFIELD NON-PROFIT  
HOUSING CORPORATION,  
Defendants-Appellees,

and

OAKLAND COUNTY,  
Defendant-Appellant,

and

ETOILE LIBBETT, MICHAEL A.  
MANDELBAUM, SUSAN WARD  
WITKOWSKI, a/k/a SUSAN WARD and  
a/k/a SUSAN WITKOWSKI, and  
GERALD WITKOWSKI,  
Defendants.

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By order of March 1, 2024, the application for leave to appeal the September 21, 2023 judgment of the Court of Appeals was held in abeyance pending the decision in *Schafer v Kent Co* (Docket No. 164975). On order of the Court, the case having been decided on July 29, 2024, \_\_\_ Mich \_\_\_ (2024), the application is again considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(I). The parties shall file supplemental briefs in accordance with MCR 7.312(E), addressing: (1) whether the Court of Appeals correctly concluded that both MCL 211.78t and MCL 211.78m apply retroactively; (2) if so, whether plaintiffs' constitutional takings claims are

precluded by MCL 211.78t, see *Hathon v State of Michigan*, \_\_\_ Mich \_\_\_ (July 29, 2024) (Docket No. 165219); (3) if not, whether a violation of the Takings Clause of the Michigan Constitution, Const 1963, art 10, § 2, or of the Fifth Amendment of the United States Constitution may occur as to a tax foreclosure when there is no public auction of the foreclosed property and a governmental unit retains or purchases the property, resulting in no surplus proceeds; (4) whether there was a violation of either Takings Clause by Oakland County under the facts of this case; and (5) if so, what compensation, if any, the taxpayer is entitled to from Oakland County.

We direct the Clerk to schedule the oral argument in this case for the same future session of the Court when it will hear oral argument in *Yono v Co of Ingham* (Docket No. 166791).

The Michigan Department of Treasury, Michigan Association of County Treasurers, Michigan Association of Counties, Michigan Townships Association, Michigan Municipal League, Institute for Justice, AARP and AARP Foundation, The Buckeye Institute, and Center for Constitutional Jurisprudence are invited to file briefs amicus curiae. 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.



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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 1, 2024

Clerk