

STATE OF MICHIGAN
COURT OF APPEALS

RESEARCH LOFTS ASSOCIATION,

Plaintiff-Appellant,

UNPUBLISHED
April 1, 2014

v

FEDERAL HOME LOAN MORTGAGE
CORPORATION,

No. 313848
Wayne Circuit Court
LC No. 12-001687-CH

Defendant-Appellee.

Before: M. J. KELLY, P.J., and CAVANAGH and FORT HOOD, JJ.

PER CURIAM.

In this dispute over the assessment of condominium association fees after a foreclosure sale, plaintiff, Research Lofts Association, appeals by right the trial court's order denying in part and granting in part the Association's motion for summary disposition and denying in part and granting in part the motion for summary disposition by defendant, Federal Home Loan Mortgage Corporation (Freddie Mac). The primary dispute on appeal is whether Freddie Mac had an obligation under MCL 559.158 to pay the Association's condominium fees from the date that it purchased the condominium at a foreclosure sale (June 22, 2011) or from the date that the period of redemption expired (December 22, 2011). The trial court interpreted MCL 559.158 and determined that Freddie Mac had no obligation to pay any fees incurred before the expiration of the period of redemption. For that reason, in August 2012, the trial court entered an order denying the Association's request for condominium fees for June to December 2011, but ordered Freddie Mac to pay \$1,560 in fees assessed after the period of redemption through to Freddie Mac's sale of the condominium to a third party. The trial court also orally denied the Association's request for attorney fees.

This Court has recently examined MCL 559.158 and determined that the Legislature's use of the phrase "acquisition of title" includes the acquisition of equitable title, such as that conveyed in a sheriff's deed. See *Wells Fargo Bank v Country Place Condominium Ass'n*, ___ Mich App ___, slip op at 5-7; ___ NW2d ___ (2014) (Docket No. 312733). The trial court, therefore, erred when it determined that Freddie Mac only had to pay the condominium fees incurred after the expiration of the period of redemption. Under MCL 559.158, Freddie Mac had to pay all the fees assessed after it purchased the condominium at the foreclosure sale.

The Association is also entitled to collect those costs and reasonable attorney fees that it was forced to incur to collect its condominium fees. See MCL 559.208(1). Because the Association had the right to collect the condominium fees assessed from the date Freddie Mac acquired title at the Sheriff's sale, the trial court erred when it denied the Association's request for costs and reasonable attorney fees.

For these reasons, we affirm in part, reverse in part, and remand for further proceedings. On remand, the trial court shall order Freddie Mac to pay the condominium fees incurred from the date it purchased the condominium at the foreclosure sale to the expiration of the period of redemption. The trial court shall also order Freddie Mac to pay the Association's costs and reasonable attorney fees.

Affirmed in part, reversed in part, and remanded for further proceedings consistent with this opinion. We do not retain jurisdiction. As the prevailing party, the Association may tax its costs. MCR 7.219(A).

/s/ Michael J. Kelly
/s/ Mark J. Cavanagh
/s/ Karen M. Fort Hood