

STATE OF MICHIGAN
COURT OF APPEALS

GREENBROOKE PARKHOMES
CONDOMINIUM ASSOCIATION,

Plaintiff-Appellee,

v

KATHY L. THOMAS,

Defendant,

and

MIDFIRST BANK,

Defendant-Appellant,

and

SECRETARY OF HOUSING AND URBAN
DEVELOPMENT,

Defendant.

UNPUBLISHED
November 20, 2012

No. 305985
Oakland Circuit Court
LC No. 2011-116499-CH

Before: JANSEN, P.J., and STEPHENS and RIORDAN, JJ.

MEMORANDUM.

Defendant, Midfirst Bank (Midfirst), appeals as of right the trial court's order granting summary disposition to plaintiff, Greenbrooke Parkhomes Condominium Association (Greenbrooke). We reverse.

The issue on appeal is whether the assignee of a mortgage has the same priority rights as the assignor in the context of the Condominium Act, MCL 559.208(1). This identical issue was recently addressed in *Coventry Parkhomes Condominium Ass'n v Federal Nat Mortg Ass'n*, __Mich App__; __NW2d__ (Docket No. 304188, issued October 25, 2012). This Court held that an assignee stands in the shoes of the assignor and that the "first mortgage of record" as used in the Condominium Act, MCL 559.208(1), is the mortgage that is recorded before all others, which includes a mortgage that is recorded first but subsequently assigned. *Id.* at__ (slip op at 2-4). In light of this binding precedent, we find that the trial court erred in finding that

Greenbrooke's lien was superior to Midfirst's mortgage and that Midfirst was liable for unpaid assessments and related expenses.

We reverse and remand for proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Kathleen Jansen
/s/ Cynthia Diane Stephens
/s/ Michael J. Riordan