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STATE OF MICHIGAN

COURT OF APPEALS

JAMES RAPTOPLOUS and FACILITY ONE, INC.,	UNPUBLISHED
	October 21, 2026
Plaintiffs-Appellants,	10:45 AM
v	No. 373899
	Wayne Circuit Court
CITY OF DETROIT and WAYNE COUNTY TREASURER,	LC No. 24-000825-CH
Defendants-Appellees.	

Before: MURRAY, P.J., and BOONSTRA and RIORDAN, JJ.

PER CURIAM.

Plaintiffs James Raptoplous and Facility One, Inc,[1] appeal by right the trial court's order granting defendant Wayne County Treasurer's (WCT) motion for summary disposition under MCR 2.116(C)(4), (5), (7), (8), and (10).[2] We affirm.

I. PERTINENT FACTS AND PROCEDURAL HISTORY

In November 2007, plaintiff entered into a land contract to purchase a parcel of industrial property in Detroit. In January 2008, a memorandum of land contract was recorded with the

[1] Plaintiffs' counsel purports to represent both Raptoplous and Facility One in this appeal. Facility One was included as a plaintiff in the initial complaint, and the City of Detroit argued in its answer that Facility One lacked standing to sue. Facility One was removed from plaintiff's amended complaint without explanation, and the proceedings subsequently treated Raptoplous as the only plaintiff. Accordingly, the term "plaintiff" as used in this opinion refers only to Raptoplous, as Facility One's interests are not at issue in this appeal.

[2] The order appealed from mistakenly states that the trial court denied defendant's motion for summary disposition, but the order was later amended to state that it granted the motion. The order does not explicitly address plaintiff's claim against the City of Detroit, but granting WCT's motion is necessarily fatal to that claim because it was based on WCT's transfer of its purported interest in the property to the City of Detroit after the foreclosure.

Wayne County Register of Deeds. The memorandum described the property's street address as "19935 Hoover, Detroit, MI" and included its tax parcel identification (tax parcel ID) number and its legal description. The seller also conveyed a covenant deed to plaintiff, which included the same street address, tax parcel ID, and legal description. The deed was recorded in May 2011. Both the deed and the memorandum of land contract listed plaintiff's address as "46913 Fields Drive" in Shelby Township.

In 2015, plaintiff became delinquent in his property taxes, and in 2017, WCT initiated an action under the General Property Tax Act (GPTA), MCL 211.78 *et seq*., to foreclose the property. WCT conducted a title search for the property in September 2017. WCT's notice of the show cause hearing and the judicial foreclosure hearing stated the correct tax parcel ID and legal description for the property, but it erroneously stated that the property's address was "19825 Hoover." WCT filed a Proof of Personal Visit indicating that a WCT representative visited the property on November 20, 2017 at 1:54 a.m., found it to be an unoccupied or abandoned structure, then placed a copy of the notice of show cause hearing and judicial foreclosure hearing in a conspicuous manner on the property. The Proof of Personal Visit also stated the correct tax parcel ID and legal description but used the incorrect "19825 Hoover" address instead of the correct "19935 Hoover" address. WCT's mail log also stated that the personal visit occurred at "19825 Hoover."

According to the affidavit of WCT's process server, on November 27 and November 29, 2017, WCT mailed a copy of the notice for the show cause hearing and judicial foreclosure hearing by both certified and first-class mail to plaintiff at both "19935 Hoover St" and "46913 Fields Dr." WCT's mail log also stated that the notice was delivered to the "46913 Fields Dr" address, but it did not indicate whether delivery to the "19935 Hoover St" address was successful. Plaintiff denied that notice was ever sent to 19935 Hoover St because the certification number associated with that address from WCT's mail log matched a mailing to "20750 Hoover Rd" in Warren, which was returned as "undeliverable." Plaintiff also denied that notice was ever sent to 46913 Fields Dr because the certification number from WCT's mail log matched the certification number for a mailing to a "70290 Laurel Creek" address,[3] and that document was delivered to and signed for by plaintiff's ex-wife[4] on December 4, 2017. Plaintiff asserted that he had never resided at 70290 Laurel Creek. WCT explained why a copy of the notice was sent to that address:

> Upon information and belief, the fact that the certified mail notice was delivered to [7]0290 Laurel Creek Dr, Macomb, MI is because there was a permanent change of address on file with the United States Post Office. The National Change of

[3] The parties and the trial court sometimes referred to this address as "20290 Laurel Creek," but it is clear to this Court that the handwritten address in the delivery record from the United States Postal Service is "70290 Laurel Creek." In any event, the correct street number for the Laurel Creek address is not relevant to this case.

[4] Plaintiff and his ex-wife were divorced in 2013, and plaintiff asserts that they were estranged at the time that the notice was delivered to her.

Address (NCOA) database indicated that the change of address was under code "F" (Family) and became effective in September of 2017.

Finally, on December 8 and December 15, 2017, a copy of the notice for the show cause hearing and judicial foreclosure hearing was published in the Detroit Legal News, a newspaper that circulates in Wayne County. The notice included plaintiff's name and used "19825 Hoover" as the property's address.

In March 2018, the trial court entered an uncontested judgment of foreclosure, which was subsequently recorded in the register of deeds. The judgment of foreclosure vested title in WCT. In October 2018, WCT executed a quitclaim deed conveying its interest in the property to the City of Detroit and recorded the transfer.

Plaintiff became aware of the foreclosure sometime in 2018 and attempted to negotiate with the City of Detroit to purchase the property. After years of communication, the negotiations fell through, and the City of Detroit initiated eviction proceedings against plaintiff.

In January 2024, plaintiff initiated an action to quiet title to the property, arguing that plaintiff retained fee title to the property because the judgment of foreclosure was invalid. In lieu of filing an answer, WCT filed a motion for summary disposition under MCR 2.116(C)(4), (5), (7), (8), and (10), arguing, *inter alia*, that the judgment of foreclosure was valid and could not be set aside because WCT had complied with the notice requirements under MCL 211.78i. The City of Detroit stated that it "fully concurs" in WCT's motion and that granting the motion would also necessitate dismissing the claims against the City.

After a hearing, the trial court granted the motion for summary disposition, holding that WCT had satisfied the requirements for notice and minimum due process and that plaintiff accordingly had no basis to challenge the judgment of foreclosure. Plaintiff moved for reconsideration, but the trial court denied the motion. This appeal followed.

II. SUMMARY DISPOSITION

Plaintiff argues that the trial court erred when it granted defendant's motion for summary disposition because WCT failed to comply with statutory and constitutional notice requirements during the foreclosure proceedings, which rendered the judgment of foreclosure invalid.[5] We disagree.

A. STANDARD OF REVIEW

"We review a trial court's decision on a motion for summary disposition de novo on the basis of the entire record to determine if the moving party is entitled to judgment as a matter of law." *Silberstein v Pro-Golf of America, Inc*, 278 Mich App 446, 457; 750 NW2d 615 (2008).

[5] Plaintiff raised additional arguments in support of his action to quiet title in the trial court, but we do not address those arguments because plaintiff has not raised them on appeal.

The trial court granted WCT's motion for summary disposition on the basis of MCR 2.116(C)(4), (7), (8), and (10).[6] "Where a motion for summary disposition is brought under both MCR 2.116(C)(8) and (C)(10), but the parties and the trial court relied on matters outside the pleadings, as is the case here, MCR 2.116(C)(10) is the appropriate basis for review." *Silberstein*, 278 Mich App at 457. We must consider "affidavits, pleadings, depositions, admissions, and other evidence submitted by the parties in the light most favorable to the party opposing the motion. Where the proffered evidence fails to establish a genuine issue regarding any material fact, the moving party is entitled to judgment as a matter of law." *Maiden v Rozwood*, 461 Mich 109, 120; 597 NW2d 817 (1999) (citation omitted).

B. MINIMUM DUE PROCESS

The former owner of a foreclosed property "shall not bring an action, including an action for possession or recovery of the property," more than two years after the judgment of foreclosure becomes effective. MCL 211.78l(1). The trial court's judgment of foreclosure became effective in March 2018, but plaintiff did not initiate the action to quiet title until January 2024. Therefore, plaintiff's action is time-barred under MCL 211.78l(1) unless the judgment of foreclosure is set aside. Relief from a judgment of foreclosure is appropriate if the foreclosing governmental unit did not provide constitutionally sufficient notice of the proceedings. See *In re Ingham Co Treas for Foreclosure*, 331 Mich App 74, 78; 951 NW2d 85 (2020).

The GPTA "includes an extensive set of procedures for notice of the steps in the tax sale process" that our Supreme Court generally has recognized as "a constitutionally sound procedure for sale of property because of nonpayment of taxes." *Smith v Cliffs on the Bay Condominium Ass'n*, 463 Mich 420, 428; 617 NW2d 536 (2000), overruled in part on other grounds by *Jones v Flowers*, 547 US 220; 126 S Ct 1708; 164 LE 2d 415 (2006). Under MCL 211.78i(7)(c), the content of the notice must include, among other information, "[a] legal description or parcel number of the property and, if available, the street address of the property." The parties do not dispute that the notices that WCT sent contained a typographical error in which the address was incorrectly stated as "19825 Hoover" instead of "19935 Hoover," although the legal description and parcel number were correct. The issue is whether the content of the notice complied with the GPTA despite the typographical error.

In *Smith v Cliffs on the Bay Condominium Ass'n* (*On Remand*), 245 Mich App 73, 75; 626 NW2d 905 (2001), this Court held that a typographical error in the description of a notice of foreclosure proceedings does not render the notice insufficient if, "in the hands of an interested party of ordinary intelligence, [the notice] would have served to identify the property at issue with reasonable certainty." Plaintiff argues that this case is distinguishable from *Smith* because rather than a minor error in the description of the property, this case involves an error in the property's street address, which is critical to identifying the property. But the fact that the street address is only required to be included in the notice "if available" indicates that it is possible to identify the property at issue with just the legal description and parcel number. See MCL 211.78i(7)(c). An interested party of ordinary intelligence would have known that he had an interest in a property

[6] The court rejected WCT's claim under MCR 2.116(C)(5) (lacking legal capacity to sue). That decision is not relevant to this appeal.

located on Hoover St that matches the legal description and parcel number stated in the notice. Given the similarity between the stated address and the actual address, he likely would have recognized that "19825 Hoover" was a typographical error. Under these circumstances, the inaccurate address, when paired with the correct legal description and parcel number, did not render the notice inadequate. See *Smith* (*On Remand*), 245 Mich App at 75.

Plaintiff also argues that service of the notice was constitutionally deficient. Under the GPTA, the foreclosing governmental unit must review the register of deeds and relevant tax records to identify any person with an interest in the property, then send notice by certified mail to that person *and* personally visit the property to serve notice on the occupant. MCL 211.78i(1)-(3) and (6). We assume for the sake of our review that WCT's personal visit did not occur at the proper "19935 Hoover" address.[7] See *Maiden*, 461 Mich at 120. WCT's presumed failure to make a personal visit to the property rendered the service of notice deficient under the GPTA. See MCL 211.78i(3). But a failure to comply with the statutory notice requirements does not necessarily justify setting aside the judgment of foreclosure:

> The failure of the foreclosing governmental unit to comply with any provision of this section does not invalidate any proceeding under this act if the person with a property interest is notified of the show cause hearing under section 78j and the foreclosure hearing under section 78k consistent with the minimum due process required under the state constitution of 1963 and the Constitution of the United States. [MCL 211.78i(10).]

Under both the Michigan Constitution and the United States Constitution, plaintiff has a right to due process of law before the government takes title to the property. *Sidun v Wayne Co Treas*, 481 Mich 503, 509; 751 NW2d 453 (2008). This includes the right to "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v Central Hanover Bank & Trust Co*, 339 US 306, 314; 70 S Ct 652; 94 L Ed 865 (1950). In a tax-foreclosure proceeding, notice by certified mail to "an address reasonably calculated to reach the person entitled to notice" is sufficient, and "[p]ersonal service is not required." *Dow v State*, 396 Mich 192, 211; 240 NW2d 450 (1976). The state is not required to send notice to every address associated with the defendant, *Sidun*, 481 Mich at 515, nor is it required to exhaust every possible means of determining an appropriate address for service, *Smith*, 463 Mich at 431 ("For due process purposes, the focus must be on the constitutional adequacy of the statutory procedure and not on whether some additional effort in a particular case would have in fact led to a more certain means of notice."). As long as "the state exerts reasonable efforts, then failure to effectuate actual notice would not preclude foreclosure . . . ." *Dow*, 396 Mich at 211.

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[7] WCT stated that "19825 Hoover as a stand-alone address does not exist," but in plaintiff's response to WCT's motion for summary disposition, plaintiff contradictorily stated that 19825 Hoover was "an abandoned property located on the end of the same block on the opposite side of the street to the property in question" but also "an abandoned lot located next to 19935 Hoover." It is thus unclear exactly where the personal visit occurred.

Taking the facts in the light most favorable to plaintiff, see *Maiden*, 461 Mich at 120, we assume without deciding that (1) plaintiff never received actual notice of the proceedings until after the trial court had entered the judgment of foreclosure, and (2) the notice was never actually delivered to the "19935 Hoover" or "46913 Fields" addresses. The Fields address was the one associated with plaintiff in the deed. In a typical case, that would be an address that is reasonably calculated to reach plaintiff. See *Sidun*, 481 Mich at 513. But "the notice required will vary with the circumstances and conditions," and WCT was required "to consider unique information about an intended recipient." *Id*. at 511 (quotation marks, citations, and alterations omitted). In this case, the NCOA database indicated that plaintiff's family had moved to 70290 Laurel Creek. There was no evidence that WCT was aware of plaintiff's divorce or had any reason to doubt that plaintiff lived at 70290 Laurel Creek at the time that it mailed notice to that address. Considering this unique information, delivery to the Fields address arguably was no longer reasonably calculated to reach plaintiff,[8] and the Laurel Creek address was more appropriate. Indeed, this may have been the only address to which delivery was successful. The notice was received by the wrong person, but given that WCT was unaware of the divorce, it could have reasonably assumed that the "K Raptoplous" who signed for the delivery was plaintiff's wife or another family member who would have passed along the notice to plaintiff.

That being said, WCT received several other indications that its attempts at notice had failed: other mailings were marked as undeliverable, and the process server noted that the property he visited was unoccupied or abandoned and that he was unable to personally meet the occupant. When the state learns that its notice likely did not reach the intended recipient, it must take reasonable follow-up steps to correct the issue. *Jones*, 547 US at 229-230. "What steps are reasonable in response to new information depends upon what the new information reveals." *Id*. at 234. For example, if the state learns that notice by certified mail was never delivered, then resending the notice by regular mail is a reasonable follow-up step because the defendant would not have to be home to sign for the notice, and if the defendant had moved, then the new occupant might redirect the mail or notify the defendant directly. *Id*. at 235. Other options include posting notice on the front door or addressing the undeliverable mail to "occupant." *Id*. The state may also send notice to an alternative address associated with the defendant that is "obviously available" to the county treasurer. *Sidun*, 481 Mich at 516. But the state is not required to conduct "[a]n open-ended search for a new address" because that "imposes burdens on the State significantly greater than the several relatively easy options outlined above." *Jones*, 547 US at 236.

Plaintiff argues that WCT's attempts at notice were unreasonable because when the certified mail packages were marked as "undeliverable" and the personal visit failed to establish contact with plaintiff, then WCT should have followed up by sending the notice to the correct address "instead of consistently directing remedial measures at incorrect or otherwise past-

[8] And in fact, the delivery may not have reached him at the Fields address. According to plaintiff's counterclaim against the City of Detroit that he filed in defense of the City's eviction proceedings in district court, he had not lived at the Fields address in 20 years. And if that statement was true when that pleading filed in 2023, then the address was already outdated when the deed was recorded in 2011.

associated addresses." Although we agree that checking for typographical errors and resending the notice to 19935 Hoover would have been a reasonable follow-up step, we disagree that doing so was the *only* reasonable response to learning that notice to plaintiff had likely failed. 19935 Hoover is an industrial property, not a residence. Its owner was an individual, so he was more likely to receive actual notice if it were sent to his residence than to an industrial property that he may not even manage on site. Under these circumstances, it was reasonable for WCT to focus its efforts on finding alternative home addresses for plaintiff instead of revisiting its attempts at service to the property subject to foreclosure. Although it was not required to conduct an open-ended search for new addresses, see *id*., WCT nonetheless sent copies of the notice via *both* certified and first-class mail to two other addresses that were possibly associated with plaintiff: 20750 Hoover Rd and 70290 Laurel Creek. It also published notice for two consecutive weeks in the Detroit Legal News to comply with the GPTA's notice requirements. See MCL 211.78i(5). Although publication alone is an insufficient follow-up measure when more adequate options exist, *Jones*, 547 US at 237, when combined with notice via certified and first-class mail to multiple other addresses, we hold that WCT took reasonable steps to serve the notice. That plaintiff did not receive actual notice until after the foreclosure did not render the notice constitutionally deficient. See *id*. at 226.

WCT's service of the notice complied with minimum due process requirements, so its inadvertent violation of the GPTA was not fatal to the foreclosure proceedings. See MCL 211.78i(10). Therefore, there was no basis to set aside the judgment of foreclosure, and plaintiff's action to quiet title was barred under MCL 211.78l(1). The trial court did not err when it granted WCT's motion for summary disposition under MCR 2.116(C)(10).[9]

Affirmed.

/s/ Christopher M. Murray
/s/ Mark T. Boonstra
/s/ Michael J. Riordan

[9] Because we affirm the trial court's decision to grant summary disposition under MCR 2.116(C)(10), we need not address the other alleged grounds for summary disposition or the other issues on appeal.