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STATE OF MICHIGAN

COURT OF APPEALS

WAYNE COUNTY TREASURER, Plaintiff-Appellee, v JACQUELINE COOK, Defendant-Appellant.	UNPUBLISHED October 23, 2026 10:01 AM No. 374304 Wayne Circuit Court LC No. 23-007684-CH

Before: PATEL, P.J., and M. J. KELLY and GARRETT, JJ.

PER CURIAM.

In this foreclosure action, defendant, Jacqueline Cook, appeals as of right the order granting summary disposition to plaintiff, the Wayne County Treasurer, and denying her motion under MCR 2.612(C) for relief from a judgment of foreclosure regarding the property at issue in this case (the subject property). For the reasons stated in this opinion, we affirm.

I. BASIC FACTS

On June 14, 2023, the Treasurer filed a petition for foreclosure under the General Property Tax Act, MCL 211.1a *et seq*, for several properties in Wayne County, including the subject property. The basis for the foreclosure action was the failure to pay delinquent property taxes, interest, penalties, and fees over the course of several years. In the petition requesting a judgment of foreclosure, the Treasurer requested the court to set a hearing date that was "not more than 30 days before March 1, 2024." Thereafter, the trial court scheduled hearings on February 21, 2024, and February 22, 2024.

In the meantime, the Treasure made efforts to provide Cook with notice of the show-cause hearing and the judicial foreclosure hearing. Specifically, notice was sent to Cook's home address via certified Mail on December 4, 2023, and by first-class mail on January 4, 2024. The notice provided that the show-cause hearing would be held from January 8, 2024 through January 26, 2024, and required that Cook schedule an appointment for the hearing. It further provided that the judicial foreclosure hearing would be held via videoconferencing technology on February 21 and 22, 2024. Notice was also posted "conspicuously" on the subject property following a personal visit. That notice included a "notice of show-cause hearing and judicial foreclosure hearing,"

which provided the same information contained in the mailed notices. Finally, notice of the foreclosure was provided via publication in the Detroit Legal News. Again, the February dates for the judicial foreclosure hearing were provided.

The register of actions for the petition reveals that hearings were held on February 21, 2024 and February 22, 2024. The fact that the hearings were held on those dates was also stated in the judgment of foreclosure, which was entered on March 28 or 29, 2024.[1] Subsequently, on August 15, 2024, the Treasurer prepared a notice of judgment of foreclosure, which was recorded on August 19, 2024.

On September 12, 2024, Cook filed a motion for relief from judgment under MCR 2.612(C). The Treasurer responded by moving for summary disposition, asserting that the trial court was without jurisdiction to set aside the judgment of foreclosure because Cook had not raised a due-process claim. In her brief opposing summary disposition, Cook asserted that the foreclosure could be set aside because there was, in fact, a due-process violation. Following a hearing on the motion, the trial court determined that Cook had been provided with minimum due process and that, as a result, it lacked jurisdiction to set aside the judgment of foreclosure. The court, therefore, granted summary disposition to the Treasurer and denied Cook's motion for relief from judgment. This appeal follows.

II. APPELLATE JURISDICTION

As an initial matter, the Treasurer contends that, pursuant to MCL 211.78k, this Court lacks appellate jurisdiction. We disagree. As explained by our Supreme Court in *In re Petition by Treasurer of Wayne Co for Foreclosure*, 478 Mich 1; 732 NW2d 458 (2007) (*Perfecting Church*), MCL 211.78k has been construed to deprive a court of jurisdiction to modify a judgment of foreclosure only if there was no due process violation. *Id*. at 10–11. Cook's challenge to the judgment of foreclosure is based upon her contention that she was not provided with minimum due process. Accordingly, we necessarily have jurisdiction to address the underlying due-process issue because deciding the due-process issue is a prerequisite to determining whether the jurisdictional language in MCL 211.78k applies in the first instance.

III. DUE-PROCESS

A. STANDARD OF REVIEW

Cook argues that the Treasurer's efforts to notify her of the tax foreclosure proceedings were insufficient to satisfy due process. We review de novo questions of constitutional law. *Perfecting Church* 478 Mich at 6. "Proceedings that seek to take property from its owner must comport with due process." *Sidun v Wayne Co Petitioner*, 481 Mich 503, 509; 751 NW2d 453 (2008). "The notice provisions of the GPTA seek to fulfill this obligation." *Id*. at 512. Indeed, the

[1] The judgment of foreclosure indicates that it was entered following a session of court held on March 29, 2024, but the judge's signature reflects that it was signed on March 28, 2024. The exact date that the order was entered is not relevant to the issues raised on appeal.

notice provisions in the GPTA "provide more notice than is required to satisfy due process." *Perfecting Church*, 478 Mich at 10 n 19.

Here, the notice provided complied with the notice provisions in the GPTA. First, under the GPTA, a foreclosing governmental unit must search the records to identify individuals "with a property interest in the property entitled to notice," and "determine the address reasonably calculated to apprise each person with a property interest in a forfeited property of the show[-]cause hearing under section 78j and the foreclosure hearing under section 78k." MCL 211.78i(1), (2), and (6). In this case, the Treasurer determined that the address reasonably calculated to apprise Cook of the foreclosure proceedings was the same address that was listed on the quit claim deed conveying the property to her. Cook does not dispute that the address located by the Treasurer was, in fact, her home address.

Next, the GPTA requires that the foreclosing governmental unit send notice of the show-cause hearing and the judicial foreclosure hearing "by certified mail, return receipt requested, not less than 30 days before the show[-]cause hearing." MCL 211.78i(2). That was done in this case. As noted above, notice was sent by first-class mail and certified mail.

The GPTA also requires that the foreclosing governmental unit visit the property to determine if it is occupied and, if so, attempt "to personally serve upon a person occupying the property notice of" the hearings." MCL 211.78i(3). If unable to meet personally with an occupant, the foreclosing governmental unit or an authorized representative

> shall place in a conspicuous location on the property a notice that explains, in plain English, that the property will be foreclosed unless forfeited unpaid delinquent taxes, interest, penalties, and fees owed on the property are paid, the time within which forfeited unpaid delinquent taxes, interest, penalties, and fees must be paid, and the names, addresses, and telephone numbers of agencies or other resources that may be available to assist a person with an interest in the property with avoiding the loss of the property interest and any equity associated with the property interest. The notice must include the internet website address for the legal resource and referral center of the state bar of Michigan and the toll-free telephone number for the state bar of Michigan's lawyer referral service. The notice also must include an explanation of the right of a person with an interest in the property at the time a judgment of foreclosure of the property is effective under section 78k to claim that person's interest in any remaining proceeds pursuant to section 78t after a sale or transfer of the property under section 78m. . . . [MCL 211.78i(3)(d) (footnotes omitted).]

Such a visit occurred in this case. It revealed that the property was occupied. And, although contact was not made, notice was posted in a conspicuous manner on the property which contained the statutorily required information and copies of the notices for the show-cause hearing and the judicial foreclosure hearing.

The GPTA provides that if a defect is found in the notice, "the foreclosing governmental unit shall take reasonable steps in good faith to correct that deficiency not later than 30 days before the show[-]cause hearing under section 78j, if possible." MCL 211.78i(4). It does not appear that

any such defect in the notice was discovered. Regardless, the Treasurer published notice of the foreclosure proceedings for two consecutive weeks in the Detroit Legal News. MCL 211.78i(5) provides that if the foreclosing governmental unit is "unable to ascertain an address reasonably calculated to apprise a person with a property interest entitled to notice under this section, or is unable to notify a person with a property interest under subsection (2), [it] shall provide notice by publication." MCL 211.78i(5). "The notice must be inserted for 2 successive weeks, once each week, in a notice publication circulated in the county in which the property is located." MCL 211.78i(5). Thus, notwithstanding that the Treasurer ascertained an address reasonably calculated to apprise Cook of notice, the record reflects that it complied with sections detailing the requirements for notice via publication.

Finally, the GPTA provides that, before the foreclosure hearing, the foreclosing governmental unit shall file proof of service of the notice of the show-cause hearing, proof of service of the notice of the foreclosure hearing, and proof of the personal visit and publication. MCL 211.78k(1). The judgment of foreclosure indicates that the Treasurer complied with this provision.

Compliance with the statutory provisions is not the end of the inquiry. Ultimately, the adequacy of the notice is determined by due-process standards, instead of any provision under the GPTA. *Republic Bank v Genesee Co Treasurer*, 471 Mich 732, 737; 690 NW2d 917 (2005), citing MCL 211.78(2). This is because, "even if a statutory scheme is reasonably calculated to provide notice in the ordinary case, . . . the government [is required] to consider unique information about an intended recipient." *Sidun*, 481 Mich at 511 (quotation marks and citation omitted). Thus, the key inquiry is whether constitutionally adequate notice was provided. *Perfecting Church*, 478 Mich at 10 n 19.

In tax foreclosure proceedings, due process fundamentally requires "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." *Sidun*, 481 Mich at 509 (quotation marks and citation omitted). "Interested parties are entitled to have the [government] employ such means as one desirous of actually informing [them] might reasonably adopt to notify [them] of the pendency of the proceedings." *Id*. (quotation marks and citation omitted; alterations in original). The notice to interested parties cannot be effectuated by "a mere gesture," but rather "must be means that one who actually desires to inform the interested parties might reasonably employ to accomplish actual notice." *Id*. Due process "does not require that a property owner receive actual notice before the government may take his property." *Id*. If a county treasurer attempts to notify an individual of the foreclosure proceedings but does not achieve actual notice, then "the issue is whether the methods employed by the county treasurer were sufficient to satisfy due-process requirements." *Id*. at 510.

In this case, in addition to satisfying the notice provisions in the GPTA, the Treasurer's attempts at notifying Cook of the foreclosure proceeding regarding the subject property were reasonably calculated to apprise Cook of the action and provide her with a chance to present any objections. Again, the record reflects that the Treasurer mailed Cook notice of the pending foreclosure proceedings by certified mail and first-class mail to the postal addresses shown on the February 4, 2020 quitclaim deed, including Cook's home address. The certified mail notice was sent on December 4, 2023, and the first-class mail notice was sent on January 4, 2024. See *Sidun*,

481 Mich at 513 (explaining that sending mail to a property owner's residence was "a method reasonably calculated to notify" the owner of the proceedings when a deed confirmed the accuracy of the address). Notice was also "placed in a conspicuous manner on the" subject property following a personal visit. Finally, notice was twice published in the Detroit Legal News.

Cook maintains that the Treasurer did not provide her constitutionally adequate notice of the foreclosure proceeding because the certified mail did not reach her home. In support, she directs this Court to documentation indicating that the delivery status was "pending." She argues that, as a result, the Treasurer was required to conduct reasonable follow-up attempts to rectify the deficiency. She contends that the subsequent publication of the notice in the Detroit Legal News and the fact that notice was conspicuously posted at the subject property amounted to futile methods of notification. We find her arguments unavailing.

At the outset, there is no evidence suggesting that the notice sent by certified mail was returned as unclaimed to the Treasurer, so the Treasurer was not required to make additional reasonable steps to provide notice. See *Sidun*, 481 Mich at 511. Nevertheless, the record reflects that the Treasurer consulted the deed to "identify all interest-holders in the property under MCL 211.78i(1)[.]" See *Sidun*, 481 Mich at 513. Cook does not dispute that the notice was mailed to the correct address, but rather contends that she did not receive it. The mail log reflected that delivery of the notice by certified mail to Cook's home was pending. However, the Treasurer was not required to search for a new address because doing so would be unreasonable. See *id*. at 512. Stated differently, mailing the notice to Cook's home address was sufficient because that address was the address that was reasonably calculated to reach her given that it was listed in the recorded deed. See *id*. at 514-515. And, even if we were to assume the mailed notice was not delivered for some unexplained reason, due process did not require that Cook receive actual notice. See *id*. at 509.

Regardless, the notice was also sent by first-class mail, and there is a presumption that a document that is properly addressed and placed in the mail will reach its destination. See *Crawford v Michigan*, 208 Mich App 117, 121; 527 NW2d 30 (1994); see also MCR 2.107(C)(3) ("Service by mail is complete at the time of mailing."). Cook has presented no evidence rebutting this presumption.

Cook also contends that the personal visit was insufficient because she did not reside at the subject property. As noted, the Treasurer conducted a personal visit to the subject property, and the notice was posted on the subject property. The affidavit of the person who conducted the personal visit indicated that the property was occupied and Cook averred in her own affidavit that it was occupied by her "family member." Under these circumstances, notice posted conspicuously on an occupied property appears reasonably calculated to provide notice to the owner.

Cook next asserts that the publication of the notice in the Detroit News was insufficient, noting that it is a legal paper and that she is an out-of-the area owner. We recognize that our Supreme Court has stated that newspaper publication "is a formality," and "for most property owners provides no notice at all." *Dow v Michigan*, 396 Mich 192, 207; 240 NW2d 450 (1976). However, considering that a copy of the notice was mailed to Cook's home address and was posted on the subject property, we conclude that constitutionally sufficient notice satisfying due process was achieved. See *Sidun*, 481 Mich at 509-513.

Cook also argues that she did not receive minimum due process because the notices contained incorrect hearing dates and did not properly apprise her of the March 28, 2024 hearing date. Cook's argument appears to be based upon her mistaken belief that the foreclosure hearing was held on the same day that the judgment of foreclosure was entered. However, the register of actions and the judgment of foreclosure both confirm that hearings were held on February 21, 2024 and February 22, 2024. Those are the dates that were listed in the notices provided by mail, posted on the property, and published in the Detroit Legal News. Thus, her argument that the notices provided incorrect dates is not supported by the record.

Finally, Cook also suggests that the Treasurer did not oppose setting aside a judicial foreclosure in another case based upon the fact that the notice was not sent to the address of record. Here, however, the record reflects that notice was, in fact, mailed to Cook's address of record both by first-class mail and certified mail. As such, assuming *arguendo* that Cook's recitation of the Treasurer's position in another case is correct, the circumstances are not analogous.

In sum, although Cook asserts that the trial court treated statutory compliance as dispositive, the record in this case reflects that Cook was provided with notice that was reasonably calculated to inform her of the foreclosure proceedings.

Because the Treasurer's attempts at notice satisfied due process, the plain language of MCL 211.78k controls, and the trial court properly concluded that it lacked jurisdiction to modify or vacate the foreclosure judgment. See *Perfecting Church*, 478 Mich at 10; *In re Petition of Tuscola Co Treasurer for Foreclosure*, 317 Mich App 688, 699; 895 NW2d 569 (2016) ("[I]n situations in which the property owner receives adequate due process, the circuit court does not have jurisdiction to modify or vacate its judgment of foreclosure.").

Affirmed.

/s/ Sima G. Patel
/s/ Michael J. Kelly
/s/ Kristina Robinson Garrett