STATE OF MICHIGAN

COURT OF APPEALS

ZAHI DABABNEH,

Plaintiff-Appellee,

v

KARLA D. MORALES,

Defendant-Appellant.

UNPUBLISHED
January 31, 2008

No. 275337
Wayne Circuit Court
LC No. 05-522759-CH

Before: Bandstra, P.J., and Donofrio and Servitto, JJ.

PER CURIAM.

Defendant appeals as of right the circuit court judgment quieting title to property in favor of plaintiff after granting plaintiff's motion for summary disposition. We affirm.

This case involves a dispute over property that defendant forfeited for nonpayment of taxes and plaintiff purchased following a tax foreclosure. The trial court ruled that defendant's claim to the property was barred by res judicata because that issue had been decided against her in the prior foreclosure action.

We review the trial court's ruling on a motion for summary disposition de novo. *Kefgen v Davidson,* 241 Mich App 611, 616; 617 NW2d 351 (2000). We also review the trial court's application of the doctrine of res judicata de novo. *Washington v Sinai Hosp of Greater Detroit,* 478 Mich 412, 417; 733 NW2d 755 (2007).

Defendant raises two claims, both of which may be deemed abandoned for failure to brief their merits and cite supporting authority. *Dep't of Transportation v Initial Transport, Inc,* 276 Mich App 318, 334; 740 NW2d 720 (2007); *Coble v Green,* 271 Mich App 382, 391; 722 NW2d 898 (2006). Nonetheless, upon considering the issues, we find no error.

Defendant first claims that the tax foreclosure was invalid because she actually paid the 2003 property taxes. However, it appears that the property was forfeited for failure to pay the 2001 taxes as well and defendant does not claim to have paid those taxes. Further, apart from defendant's assertion of payment, there is no evidence in the record to show that the 2003 taxes were paid.

Defendant also argues that the trial court erred in relying on the doctrine of res judicata because the parties to this action and the prior foreclosure action were not the same. We agree

that the trial court erred in relying on res judicata, albeit for a different reason, but conclude that the right result was reached.

Res judicata bars a subsequent relitigation based on the same transaction or events as a prior action. *Pierson Sand & Gravel, Inc v Keeler Brass Co*, 460 Mich 372, 380; 596 NW2d 153 (1999). The prior suit was based on the county's claim to the property following forfeiture for nonpayment of taxes. This suit was based on a different transaction, plaintiff's claim to the property pursuant to a deed from the county. The trial court should have applied collateral estoppel instead. Whereas res judicata bars a subsequent action based on the same claim as a prior action, collateral estoppel bars a subsequent, different cause of action when the ultimate issue to be concluded is the same as that litigated in a prior action. *Ditmore v Michalik*, 244 Mich App 569, 577; 625 NW2d 462 (2001); *Eaton Co Bd of Co Rd Comm'rs v Schultz*, 205 Mich App 371, 375-376; 521 NW2d 847 (1994). With respect to defendant's argument, one element of both doctrines is that the former action and the subsequent action must involve the same parties or their privies. *Ditmore, supra*; *Energy Reserves, Inc v Consumers Power Co*, 221 Mich App 210, 215-216; 561 NW2d 854 (1997). However, "[a] person is in privy to a party if, after the judgment, the person has an interest in the matter affected by the judgment through one of the parties, such as by inheritance, succession, or purchase." *Husted v Auto-Owners Ins Co*, 213 Mich App 547, 556; 540 NW2d 743 (1995), aff'd 459 Mich 500 (1999). Thus, a person is in privy to his predecessor in title to the property, *Ditmore, supra* at 578 n 2, and the privity element was satisfied in this case. This Court will not reverse when the trial court reaches the right result for the wrong reason. *Netter v Bowman*, 272 Mich App 289, 308; 725 NW2d 353 (2006).

We affirm.

/s/ Richard A. Bandstra
/s/ Pat M. Donofrio
/s/ Deborah A. Servitto