## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

## FRANKLIN BANK,

Plaintiff,

v.

MICHAEL EDWARD TINDALL, et al.,

Defendants.

\_\_\_\_\_/

Case No. 07-13748

Honorable Patrick J. Duggan

TINDALL & CO., P.C.,

Counter-Plaintiff,

v.

FRANKLIN BANK,

Counter-Defendant.

\_\_\_\_\_

## **ORDER**

For the reasons set forth in an Opinion issued this date,

**IT IS ORDERED** that Plaintiff's motion for partial summary judgment against Michael Tindall as Trustee of MART is **GRANTED**, and Plaintiff has a right to proceed to foreclosure and sale with respect to the property which is the subject of the mortgage referred to in Count I.

**IT IS FURTHER ORDERED** that Plaintiff's motion for partial summary judgment with respect to Count IV is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that Plaintiff's request for a declaratory judgment with respect to Count V is **GRANTED**. Defendant Cadieux's motion for summary judgment with respect to Count V is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's motion for partial summary judgment as to Tindall & Co., P.C. with respect to Count VI is **GRANTED** as to liability.

**IT IS FURTHER ORDERED** that Plaintiff's motion for summary judgment as to Michael Tindall with respect to Count VII is **GRANTED** as to liability.

**IT IS FURTHER ORDERED** that Plaintiff's motion for summary judgment as to Counts VIII and IX, and Defendants' motions for summary judgment with respect to Counts VIII and IX of Plaintiff's complaint are **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff's motion for summary judgment as to Counts I-V of Tindall & Co., P.C.'s counter-claim is **GRANTED**.

**IT IS FURTHER ORDERED** that all of Defendants' motions for summary judgment with respect to any and all counts of Plaintiff's complaint are **DENIED**.

**IT IS FURTHER ORDERED** that any and all of Defendants' motions for summary judgment as to any and all counts in Defendants' counterclaim are **DENIED**.

DATE: October 27, 2008

<u>s/PATRICK J. DUGGAN</u> UNITED STATES DISTRICT JUDGE

Copies to: Sheri B. Cataldo Mark A. Chaban Michelle M. Wezner Chiara F. Mattieson Michael E. Tindall