

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

NEW JERUSALEM DELIVERANCE CHURCH,  
Plaintiff,

Case Number: 2:10-cv-12566  
Judge: Hon. Robert H. Cleland  
Magistrate: Mona K. Majzoub

v.

THOMAS RABETTE, in his official and individual capacity;  
MICHAEL J. BOUCHARD, in his official and individual capacity;  
OAKLAND COUNTY (MICHIGAN);  
EVANGELICAL CHRISTIAN CREDIT UNION,  
AMERICAN PROCESS SERVICE INC.,  
JOHN ROEHRIG, in his official and individual capacity; and  
ROGER ST. JEAN, in his official and individual capacity,  
Defendants.

**Plaintiff's Second Amended Complaint with Request for Jury Trial**

The Plaintiff, NEW JERUSALEM DELIVERANCE CHURCH, hereby requests a jury trial for primary issues that pertain to federal questions under the jurisdiction of this court and pendent jurisdiction over related state-court claims. Plaintiff reserves the right to seek leave to amend this complaint if additional parties and claims are discovered.

**Jurisdiction & Parties:**

1. This complaint is based upon questions of federal law that include, but are not limited to, a civil action under the Racketeer Influenced and Corrupt Organization Act, hereinafter referred to as "RICO", 18 U.S.C. §1964.
2. Plaintiff NEW JERUSALEM DELIVERANCE CHURCH is a Michigan domestic nonprofit corporation with the assumed name "Life Worship and Training Center". The

physical location for the religious organization is 830 Auburn Road, Pontiac, Michigan in Oakland County.

3. Plaintiff NEW JERUSALEM DELIVERANCE CHURCH owns the disputed real estate located at 830 Auburn Road in Pontiac, Oakland County, Michigan by virtue of a warranty deed conveyed on September 3, 1996 and recorded in the Oakland County Register of Deeds at Liber 20835 and Page 679. A copy of said warranty deed is attached as **Exhibit A**.
4. Defendant THOMAS RABETTE, an attorney, Michigan Bar P25018, is a special deputy for the Oakland County Sheriff's Office and is being sued in his official and individual capacities. This defendant is also the registered agent, a corporate officer, and a member of the Board of Directors for Defendant AMERICAN PROCESS SERVICE INC.
5. Defendant MICHAEL J. BOUCHARD is Sheriff of Oakland County and is being sued in his official and individual capacities.
6. Defendant OAKLAND COUNTY (Michigan) is the legal entity subject to suit for actions involving departments such as the Oakland County Sheriff's Office.
7. Defendant EVANGELICAL CHRISTIAN CREDIT UNION, (hereafter referred to as ECCU), is a federally-insured, non-federal credit union that is chartered in California.
8. Defendant AMERICAN PROCESS SERVICE INC. is a Michigan domestic corporation.
9. Defendant JOHN ROEHRIG is an officer and member of the Board of Directors for Defendant AMERICAN PROCESS SERVICE INC. He may also be an Oakland County Special Deputy. He is being sued in both his official and individual capacities.

10. Defendant ROGER ST. JEAN is an officer and member of the Board of Directors for Defendant AMERICAN PROCESS SERVICE INC. He may also be an Oakland County Special Deputy. He is being sued in both his official and individual capacities.

Count One: Civil RICO:

The Enterprise

11. At all times relevant to this complaint, Defendants THOMAS RABETTE, MICHAEL BOUCHARD, AMERICAN PROCESS SERVICE INC., JOHN ROHRIG, ROGER ST. JEAN, and others, both known and unknown, were a group of individuals associated in fact which constituted an enterprise as defined in 18 U.S.C. § 1961(4). Hereinafter, this enterprise will be referred to as the Bouchard Enterprise.

12. The Bouchard Enterprise, including its members and associates, constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the Enterprise. The Bouchard Enterprise was engaged in, and its activities affected, interstate commerce.

The Objectives of the Enterprise

13. The objectives of the Bouchard Enterprise included the following:
- a. Financially enriching Enterprise members, associates, and their families by using the power and authority of Michael Bouchard's position as Oakland County Sheriff to commit bribery, fraud, and public corruption.
  - b. Concealing and protecting the activities of the Enterprise from detection by law enforcement officials, the judiciary, and auditing departments and/or agencies, as

well as from exposure by the Oakland County Commission and the media, by means that included, among other things, perjury and subornation of perjury.

The Racketeering Conspiracy

14. Beginning in or about 2008, in the Eastern District of Michigan and elsewhere, Defendants THOMAS RABETTE, MICHAEL BOUCHARD, JOHN ROEHRIG, and ROGER ST. JEAN, together with other persons known and unknown, being persons employed by the Oakland County Sheriff's Office and/or associated with the Bouchard Enterprise, which engaged in and the activities of which affected interstate commerce, knowingly and intentionally conspired to violate 18 U.S.C. §1962(c), by conducting and participating directly and indirectly in the conduct of the Enterprise's affairs through a pattern of racketeering activity involving multiple acts that include, but are not limited, to the following provisions of federal law:

- a. 18 U.S.C. § 1341 (mail fraud);
- b. 18 U.S.C. § 1343 (wire fraud);
- c. 18 U.S.C. § 1346 (honest services);

And multiple acts involving state offenses that include, but are not limited, to the following provisions of state law:

- d. M.C.L. 750.118 (public officer accepting bribes);
- e. M.C.L. 169.201 et seq. (unlawful political campaign financing);
- f. M.C.L. 15.327 (contracts of public servants with public entities/conflict of interest).

15. It was further part of the conspiracy that each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the Enterprise.

The Means and Method of the Racketeering Activity

16. Among the means and methods by which the defendants and their associates conducted and participated in the conduct of the racketeering activity of the Bouchard Enterprise were the following:

*Rigging of a Public Contract or Improperly Awarding a No-Bid Contract*

- a. Between 2008 and 2009, Defendants THOMAS RABETTE, MICHAEL BOUCHARD, and JOHN ROEHRIG, assisted by other members of the Enterprise, conspired to rig or sole-source the award of a public contract to ensure that Defendant AMERICAN PROCESS SERVICE INC. obtain revenue from the public contract. As a result of the contract rigging or sole-sourcing the contract without any bidding, AMERICAN PROCESS SERVICE INC. obtained millions, of dollars of revenue from the Oakland County Contract for Civil Process, a portion of which AMERICAN PROCESS SERVICE INC. shared with other members of the Bouchard Enterprise. Specifically, it is alleged:
  - i. Defendant THOMAS RABETTE, P25018, has been a member of the Michigan Bar since 1975.
  - ii. In or around 2006, Defendant THOMAS RABETTE contributed to Defendant MICHAEL BOUCHARD's campaign to become a U.S. Senator.

- iii. In or before 2008, Defendant MICHAEL BOUCHARD, in his capacity as Oakland County Sheriff, appointed Defendant THOMAS RABETTE as a Reserve Special Deputy employed by the Oakland County Sheriff's Office.
- iv. On December 29, 2008, Defendant MICHAEL BOUCHARD, in his capacity as Oakland County Sheriff, appointed Defendant THOMAS RABETTE as a Marine Special Deputy employed by the Oakland County Sheriff's Office. (A copy of the Marine Special Deputy appointment is annexed hereto as **Exhibit B.**)
- v. On or around January 6, 2009, Attorney THOMAS RABETTE, used U.S. mails or wire to file the Articles of Incorporation for AMERICAN PROCESS SERVICE INC. with the Michigan Bureau of Commercial Services. (A copy of the Articles of Incorporation for AMERICAN PROCESS SERVICE INC. are annexed hereto as **Exhibit C.**)
- vi. The afore-mentioned Articles of Incorporation for AMERICAN PROCESS SERVICE INC. name Defendant JOHN ROEHRIG as the incorporator and Judith Boaks as the registered agent.
- vii. On March 25, 2009, Defendant THOMAS RABETTE resigned from his position as a Marine Special Deputy. (A copy of THOMAS RABETTE's resignation letter is annexed hereto as **Exhibit D.**)
- viii. On April 1, 2009, Defendant MICHAEL BOUCHARD, in his capacity as Oakland County Sheriff, appointed Defendant THOMAS RABETTE as a Reserve Special Deputy employed with the Oakland County Sheriff's

Office. (A copy of the Reserve Special Deputy appointment is annexed hereto as **Exhibit E.**)

- ix. On April 1, 2009, Defendant MICHAEL BOUCHARD, in his capacity as Oakland County Sheriff, appointed Defendant THOMAS RABETTE as a Civil Process Server Special Deputy employed with American Process Service Inc. (A copy of the Civil Process Server Special Deputy appointment is annexed hereto as **Exhibit F.**)
- x. On April 7, 2009, Defendant JOHN ROEHRIG, in his capacity as President of AMERICAN PROCESS SERVICE INC., signed Contract #002510, “An Agreement to Serve and/or Execute Civil Process for the Oakland County Sheriff’s Office: April 1, 2009 to December 31, 2012”. (A copy of the contract between OAKLAND COUNTY and AMERICAN PROCESS SERVICE INC. is annexed hereto as **Exhibit G.**)
- xi. On April 8, 2009, Defendant MICHAEL BOUCHARD, in his capacity as Oakland County Sheriff, signed Contract #002510, “An Agreement to Serve and/or Execute Civil Process for the Oakland County Sheriff’s Office: April 1, 2009 to December 31, 2012”.
- xii. On April 14, 2009, Bill Bullard Jr., who was, at that time, Chairperson of the Oakland County Board of Commissioners, signed Contract #002510, “An Agreement to Serve and/or Execute Civil Process for the Oakland County Sheriff’s Office: April 1, 2009 to December 31, 2012”.

- xiii. The preamble of the afore-mentioned contract states that the corporate address of American Process Service Inc. was 7038 Merrick Street, West Bloomfield, Michigan, 48322.
- xiv. If this multimillion dollar contract with a law enforcement agency was awarded by competitive bidding, and properly vetted for security purposes, then an investigation of the corporate address would have revealed that the property is located in a residential neighborhood.
- xv. Because AMERICAN PROCESS SERVICE INC. was a newly formed home business, whose contract was awarded on a no-bid basis, AMERICAN PROCESS SERVICE INC. was not qualified to contract with OAKLAND COUNTY.

*Conflict of Interest*

- b. Defendants THOMAS RABETTE, MICHAEL BOUCHARD, and ROGER ST. JEAN schemed to defraud and cover up Attorney THOMAS RABETTE's conflict of interest in order to secure the "Agreement to Serve and/or Execute Civil Process for the Oakland County Sheriff's Office: April 1, 2009 to December 31, 2012" for Defendant AMERICAN PROCESS SERVICE INC.
  - i. Defendant THOMAS RABETTE, in his capacity as an attorney representing Defendant AMERICAN PROCESS SERVICE INC., took part in the negotiations of the contract between Defendants OAKLAND COUNTY and AMERICAN PROCESS SERVICE INC.
  - ii. Paragraph 5 of the afore-mentioned contract states, "Neither the Contractor nor any Contractor's Employee(s) services shall be otherwise



employed or utilized in any capacity by the Sheriff's Office except to serve and/or execute Civil Process under the terms set forth in this Agreement.”

- iii. Paragraph 15 of the afore-mentioned contract states, “The CONTRACTOR, in connection with any services to be performed under this Agreement, shall not knowingly hire, employ, become affiliated with, or enter into any contract for services with an employee of the Sheriff's Office. In addition, Contractor shall comply with all applicable state statutes and/or policies of the Sheriff's Office concerning contracts with public employee(s) and/or public employee conflicts of interest.
- iv. M.C.L. 15.321 et seq. contains the Contracts of Public Servants with Public Entities Act referenced in Paragraph 15 of the afore-mentioned contract.
- v. Because on April 1, 2009, Defendant MICHAEL BOUCHARD appointed Defendant THOMAS RABETTE as both a reserve special deputy employed with the Oakland County Sheriff's Office and a civil process server special deputy employed with American Process Service Inc., when Defendant MICHAEL BOUCHARD signed the contract on April 8, 2009, he knew or should have known that Defendant THOMAS RABETTE's dual employment breached the contract.
- vi. Defendants THOMAS RABETTE, MICHAEL BOUCHARD, JOHN ROEHRIG, and AMERICAN PROCESS SERVICE INC. did not disclose Defendant THOMAS RABETTE's dual employment with the Oakland

County Sheriff's Office and AMERICAN PROCESS SERVICE INC. to the Oakland County Commission, as required by M.C.L. 15.321 et seq., the Contracts of Public Servants with Public Entities Act.

- vii. Defendants THOMAS RABETTE, MICHAEL BOUCHARD, JOHN ROEHRIG, and AMERICAN PROCESS SERVICE INC. did not disclose Defendant THOMAS RABETTE's dual employment with the Oakland County Human Resource Department or Oakland County Department of Management and Budget, as required by Rule 2200.4 of the Oakland County Purchasing Division's Policies and Procedures.
- viii. On September 9, 2009, Defendant MICHAEL BOUCHARD, in his capacity as Oakland County Sheriff, appointed Defendant THOMAS RABETTE as a Civil Process Server Special Deputy, employed with American Process Service Inc., for the specific purpose of conducting sheriff sales. (A copy of this Civil Process Server Special Deputy-Sheriff Sales appointment is annexed hereto as **Exhibit H**.)
- ix. Because Defendant THOMAS RABETTE was employed by both the Oakland County Sheriff's Office and AMERICAN PROCESS SERVICE INC., such undisclosed dual employment violated Michigan's conflict of interest statutes, thus rendering his subsequent appointment to conduct sheriff sales as unlawful.
- x. In its 2010 Annual Report filed with Michigan's Bureau of Commercial Services, Defendant THOMAS RABETTE lists himself as the registered agent of AMERICAN PROCESS SERVICE INC. and his home address as

the registered address. The 2010 Annual Report for AMERICAN PROCESS SERVICE INC. lists Defendant THOMAS RABETTE as the corporation's secretary and a member of its Board of Directors. The 2010 Annual Report retains Defendant JOHN ROEHRIG as the corporation's president and a member of its Board of Directors. Also, the 2010 Annual Report names Defendant ROGER ST. JEAN as the corporation's treasurer and a member of its Board of Directors. (A copy of the 2010 Annual Report of AMERICAN PROCESS SERVICE INC. is annexed hereto as **Exhibit I.**)

- xi. Defendant THOMAS RABETTE conspired with Defendants MICHAEL BOUCHARD and JOHN ROEHRIG to incorporate AMERICAN PROCESS SERVICE INC. and secure a no-bid or rigged contract for the corporation, while concealing RABETTE's conflict of interest from others in the Oakland County government as well as the citizens of Oakland County and those affected by interstate commerce.
- xii. In furtherance of the afore-mentioned conspiracy, on February 1, 2011, Defendant THOMAS RABETTE, committing perjury by falsely stated on an affidavit submitted by wire transmission in support of a motion for summary judgment, that he was never contemporaneously employed by both Oakland County and AMERICAN PROCESS SERVICE INC. Such misrepresentation squarely contradicts the undisputed special deputy appointments dated April 1, 2009 and .

- xiii. On February 1, 2011, in furtherance of the afore-mentioned conspiracy and to obstruct justice, Attorney Jordan Lederman and the law firm of Kaufman, Payton, and Chapa suborned perjury by filing, via electronic/wire transmission of their motion for summary judgment, Defendant THOMAS RABETTE's affidavit, which these lawyers knew or should have known contained perjury because RABETTE's misrepresentation that he was never contemporaneously employed by both OAKLAND COUNTY and AMERICAN PROCESS SERVICE INC. squarely contradicts the undisputed special deputy appointments dated April 1, 2009. (A copy of the Affidavit of THOMAS RABETTE is annexed hereto as **Exhibit J.**)
- xiv. On December 22, 2010, in furtherance of the afore-mentioned conspiracy and to obstruct justice, Attorney Ralph Chapa moved for a protective order barring Plaintiff from receiving the discovery it requested. Furthermore, on January 20, 2011, Attorney Ralph Chapa, on the record in open court, misrepresented to the court the discovery that he had voluntarily provided to Plaintiff.

*Bribes/Kickbacks and Improper Campaign Contributions*

- c. To reward Defendant MICHAEL BOUCHARD for his role in securing the Oakland County Civil Process Service Contract with AMERICAN PROCESS SERVICE INC., Defendants THOMAS RABETTE, JOHN ROEHRIG, and ROGER ST. JEAN contributed to DEFENDANT MICHAEL BOUCHARD's failed gubernatorial campaign.

- i. In June 2009, Defendant MICHAEL BOUCHARD, while retaining his elected position as Sheriff of Oakland County, announced his candidacy for the 2010 Michigan gubernatorial primary.
- ii. During the third quarter of 2009, Defendant THOMAS RABETTE contributed \$1,000 to Defendant MICHAEL BOUCHARD's campaign for governor. (A copy of FundRace campaign contributions for persons with the surname "Rabette" is annexed hereto as **Exhibit K.**)
- iii. During the fourth quarter of 2009, Defendant THOMAS RABETTE contributed \$2,300 to Defendant MICHAEL BOUCHARD's campaign for governor, Judy Rabette contributed \$3,300 to Defendant MICHAEL BOUCHARD's campaign for governor, and John Rabette contributed \$100 to Defendant MICHAEL BOUCHARD'S campaign for governor.
- iv. During the second quarter of 2009, Defendants JOHN ROEHRIG and ROGER ST. JEAN each contributed \$1,000 to Defendant MICHAEL BOUCHARD's campaign for governor. (A copy of FundRace campaign contributions for persons with the surname "Roehrig" is annexed hereto as **Exhibit L.**)
- v. During the third quarter of 2009, Defendants JOHN ROEHRIG and ROGER ST. JEAN each contributed \$1,500 to Defendant MICHAEL BOUCHARD's campaign for governor.
- vi. During the fourth quarter of 2009, Defendants JOHN ROEHRIGH and ROGER ST. JEAN each contributed \$800 to Defendant MICHAEL BOUCHARD's campaign for governor. (A copy of FundRace campaign

contributions for persons with the surname “St. Jean” is annexed hereto as **Exhibit M.**)

- vii. During the fourth quarter of 2009, Linda St. Jean contributed \$3,400 to Defendant MICHAEL BOUCHARD’s campaign for governor.
- viii. During one or both times in the third and fourth quarters of 2009, Defendant THOMAS RABETTE used the U.S. mails or wires to contribute campaign donations to Defendant MICHAEL BOUCHARD.
- ix. During one or more times in the second through fourth quarters of 2009, Defendant JOHN ROEHRIG used the U.S. mails or wires to contribute campaign donations to Defendant MICHAEL BOUCHARD.
- x. During one or both times in the second through fourth quarters of 2009, Defendant ROGER ST. JEAN used the U.S. mails or wires to contribute campaign donations to Defendant MICHAEL BOUCHARD.
- xi. In the third and fourth quarter of 2009, using either the U.S. mails or U.S. wires, Defendant THOMAS RABETTE paid for friends and family to contribute campaign donations to Defendant MICHAEL BOUCHARD.
- xii. In 2009, using either the U.S. mails or U.S. wires, Defendant ROGER ST. JEAN paid for friends and/or family to contribute campaign donations to Defendant MICHAEL BOUCHARD.
- xiii. In 2009, the political campaign contributions paid directly and indirectly by Defendants THOMAS RABETTE, JOHN ROEHRIG, and ROGER ST. JEAN to Defendant MICHAEL BOUCHARD were bribes/kickbacks to Defendant MICHAEL BOUCHARD for Bouchard’s role in securing

the Oakland County Civil Process Server Contract for Defendant  
AMERICAN PROCESS SERVICE INC.

- xiv. Defendant MICHAEL BOUCHARD accepted the bribes/kickbacks paid directly and indirectly by Defendants THOMAS RABETTE, JOHN ROEHRIG, and ROGER ST. JEAN.

*Mail and Wire Fraud*

- d. Defendant THOMAS RABETTE, while covering up his unlawful appointment to conduct sheriff sales due to a concealed conflict of interest, conducted sheriff sales and executed sheriff deeds and caused the same to be mailed via the U.S. mails and/or transmitted over U.S. wires:
- i. On or before November 10, 2009, either or both Defendants OAKLAND COUNTY and AMERICAN PROCESS SERVICE INC. received from Orlans Associates, by wire or U.S. mail, payment of the statutorily prescribed \$50 fee for that mortgagee to have a sheriff sale conducted in Oakland County.
  - ii. On November 10, 2009, Defendant THOMAS RABETTE conducted a sheriff sale of the Oakland County property located at 20509 Westhaven Avenue, Southfield, MI 48075 that belonged to Linda Lou Golhart. Defendant THOMAS RABETTE, while misrepresenting that he is a deputy sheriff, executed a sheriff deed which, after recording, was mailed via U.S. mails to Marshall Isaacs of Orlans Associates, P.O. Box 5041, Troy, MI 48007-5041. (A copy of this sheriff deed is annexed hereto as **Exhibit N.**)

- iii. On or before December 29, 2009, either or both Defendants OAKLAND COUNTY and AMERICAN PROCESS SERVICE INC. received from Scholten Fant, by wire or U.S. mail, payment of the statutorily prescribed \$50 fee for that mortgagee to have a sheriff sale conducted in Oakland County.
- iv. On December 29, 2009, Defendant THOMAS RABETTE conducted a sheriff sale of Plaintiff's Oakland County property located at 830 Auburn Road, Pontiac, MI 48342. Defendant THOMAS RABETTE, while misrepresenting that he is a deputy sheriff, executed a sheriff deed which, after recording, was mailed via U.S. mails to Bradley Fisher of Scholten Fant, P.O. Box 454, Grand Haven, MI 49417. (A copy of this sheriff deed is annexed hereto as **Exhibit O**.)
- v. Defendant THOMAS RABETTE made a material misstatement of fact, on an affidavit of sheriff sale, by claiming that he was a deputy sheriff. Even if Defendant THOMAS RABETTE had been properly appointed, his appointment was that of a special deputy rather than a deputy sheriff. Because the title of special deputy is not statutorily interchangeable with the title of deputy sheriff, the misstatement of this Defendant, a member of the Michigan Bar, must be characterized as an intent to defraud and deceive those presented with the invalid sheriff deed.
- vi. The sheriff deed for the disputed property, executed by Defendant THOMAS RABETTE on December 29, 2009, states that the property was auctioned for \$2,627,063.30.



- vii. Because Defendant THOMAS RABETTE was unlawfully appointed as a special deputy, the sheriff deeds executed by Defendant THOMAS RABETTE are invalid.
- viii. In reliance upon Defendant THOMAS RABETTE's misrepresentations upon an invalid sheriff deed, Defendant ECCU has sought and is seeking to evict Plaintiff from the premises located at 830 Auburn Road, Pontiac, MI 48342.
- ix. Because of Defendant THOMAS RABETTE's misrepresentations on the invalid sheriff deed, Plaintiff has lost title to the property and is at risk of being evicted from its house of worship.
- x. But for the invalid sheriff deed executed by Defendant THOMAS RABETTE, Defendant ECCU would be unable to prevail in evicting Plaintiff through summary proceedings in state district court.
- xi. Defendants THOMAS RABETTE, MICHAEL BOUCHARD, AMERICAN PROCESS SERVICE INC., JOHN ROEHRIG, and ROGER ST. JEAN knew or should have known of Defendant THOMAS RABETTE's continuing and ongoing conflict of interest, yet these Defendants failed to disclose such to the appropriate Oakland County officials.
- xii. By failing to disclose Defendant THOMAS RABETTE's conflict of interest that caused Defendant THOMAS RABETTE's special deputy appointment to be invalid, Plaintiff was deprived of the intangible right of honest government services.

17. WHEREFORE, Plaintiff has suffered harm in having to defend its title against the invalid sheriff deed executed by Defendant THOMAS RABETTE, and thus seeks treble damages in the amount of \$7,881,189.90 plus costs and attorney fees.

Count Two: Quiet Title:

18. Plaintiff re-alleges each and every allegation contained in Paragraphs 1-17, inclusive, of this Complaint as though completely set forth herein.

19. Defendant EVANGELICAL CHRISTIAN CREDIT UNION (ECCU) is the grantee of the invalid sheriff sale described in Count One.

20. Counsel for Defendant ECCU, Bradley J. Fisher of Scholten Fant, prepared the proposed sheriff deed that contained the misrepresentation regarding the auctioneer's true job title and apparent authority.

21. Because the auctioneer, Defendant THOMAS RABETTE, is an employee of Defendant AMERICAN PROCESS SERVICE INC., then attorneys for Defendant EVANGELICAL CHRISTIAN CREDIT UNION paid sheriff sales fees to Defendant AMERICAN PROCESS SERVICE INC. Accordingly, Defendant ECCU knew or should have known that the person conducting the sheriff sale was not a deputy sheriff.

22. By paying AMERICAN PROCESS SERVICE INC., for conducting the sheriff sale and executing the sheriff deed, attorneys for Defendant ECCU made a knowing misrepresentation in drafting the sheriff deed and affidavit of auctioneer which claimed that Defendant THOMAS RABETTE was indeed a deputy sheriff.

23. Alternatively, if Defendant EVANGELICAL CHRISTIAN CREDIT UNION made sheriff sale fees payable to OAKLAND COUNTY or any office thereof, then Defendant

OAKLAND COUNTY or its sheriff office failed to disclose that it contracted sheriff sales to Defendants THOMAS RABETTE and AMERICAN PROCESS SERVICE INC.

24. Service of this complaint constitutes notice that the person conducting the sheriff sale and executing the sheriff deed was not acting within statutory authority. Therefore, any action by Defendant ECCU or its counsel to exercise ownership rights pursuant to its counsel's misrepresentation constitutes a knowing misrepresentation and violation of Michigan's Rules of Professional Conduct for attorneys.
25. Wherefore, based upon the defects in the sheriff deed that are herein detailed in Count One, Plaintiff requests that this Court enter judgment and order that:
- a. The sheriff deed be set aside.
  - b. Title be quieted in the name of the Plaintiff, New Jerusalem Deliverance Church.
  - c. Defendant EVANGELICAL CHRISTIAN CREDIT UNION (ECCU) be enjoined from committing fraud by initiating an eviction action against the Plaintiff in any federal or state court.
  - d. No sale of the premises be transacted without the Plaintiff's written consent.
  - e. Plaintiff be granted whatever other relief the Court deems just and appropriate.

Respectfully submitted on this 3<sup>rd</sup> day of May 2011,

/s/ Arthur C. Kirkland, Jr.  
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