

Detroit Attorney, Racial Justice Advocate Tina Patterson Wins Appeals Court Victory Against Detroit Land Bank Authority

Detroit Attorney Tina M. Patterson of Patterson Justice Counsel, PLLC, secured victory for the second time against the Detroit Land Bank Authority.

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Detroit Attorney Tina M. Patterson, Esq.

Patterson of Patterson Justice Counsel, PLLC, in a second appellate court hearing before the Michigan Court of Appeals, secured victory for the second time against the Detroit Land Bank Authority (DLBA/Land Bank) in a case (SHARP V HILLERY, ET AL., Michigan Court of Appeals Case No. 354432) stemming from the practices of its Side Lot Program. Patterson is a racial justice advocate who is regularly cited and interviewed on the airwaves in Detroit on issues of race and the law.

The DLBA, an organization vested with public authority in critical municipal functioning such as land use and development, has been mired in controversy since its inception, including notorious federal investigation for its demolition program, and a scathing recent independent audit that found irregular transactions and improper accounting practices.

In a second decision in April 2021, the Michigan Court of Appeals once again ruled in favor of Attorney Patterson’s clients, the Hillerys, securing their title and interest in a property Mrs. Hillery purchased directly from the Land Bank at one of its public side lot fairs back in 2015.

The Michigan Court of Appeals previously ruled in Attorney Patterson’s favor in February 2020, when it confirmed that the Land Bank validly contracted with the Hillerys in the purchase of land through their Side Lot Program, despite the Land Bank’s insistence that the sale was a mistake.

In that ruling, the Court determined that all Land Bank rules and regulations were followed as required by Patterson’s clients, rejecting the Land Bank’s argument that the sale of the land was done in error.

The initial suit was filed against the Hillerys and the Land Bank in 2017 by a neighbor who alleged entitlement of the land in question based on Detroit Land Bank Side Lot Program notification policies and a rule change that occurred after the sale of the property.

The actions of the DLBA in the current suit were anything but acceptable. Rather than uphold its contractual obligations as a seller in its transaction to the Hillerys, the DLBA agreed with the premise of the Plaintiff's suit and endorsed the argument that it erred in selling the property to the Hillerys. Instead of standing forthright in its dealings as a quasi-governmental authority and upholding its duty of public trust, the DLBA responded with a complete abdication of its contractual obligation to the Hillerys.

The actions of the DLBA inflicted injury and harm throughout the course of the four years of litigation. The DLBA misrepresented their own policies in communication with Mrs. Hillery when she inquired about the deed after the lawsuit was filed. Worst of all, the DLBA filed a \$25,000 crossclaim against the Hillerys, alleging that Mrs. Hillery falsely held herself out as an eligible purchaser, contradicting its own actions in approving her transaction. Attorney Patterson successfully obtained a dismissal of the Land Bank's suit against the Hillerys after demonstrating improper service and lack of progress by the Land Bank.

The actions of the Detroit Land Bank Authority facilitated this case, and the public has a right to know how organizations tasked with handling public functions operate, including whether such organizations are conducting their behavior in a lawful manner that is warranted of the public's trust.

Attorney Patterson has championed this case as a matter of significant public interest because The Detroit Land Bank Authority displayed dishonest practices and false assertions of rule requirements in an egregious manner that actually cost the Hillerys the title to land that they rightfully purchased. Had the Land Bank submitted to following their own policies, this case would never have found its way to the second highest judicial body in the State of Michigan in search of justice.



Tina M. Patterson, Esq., is the Principal Attorney at the Patterson Justice Counsel PLLC. She is a racial justice advocate in Detroit, the nation's largest Black city, where her views are sought on issues dealing with race and the law.

The way the DLBA has operated in dealing with the Hillerys raises some fundamental questions about its existence as an entity that exists to encourage homeownership and property development for residents of the city. It is sad and shameful that it took a dispute between neighbors, exacerbated by litigation, to identify the misdirection of this entity embedded with governmental authority.

"This case is a matter of significant public interest, particularly because the actions of the Detroit Land Bank Authority (DLBA) facilitated this suit. The public has a right to know how organizations tasked with handling public functions operate, including whether such organizations are conducting their behavior in a lawful manner that is warranted of the public's trust," Patterson said. "As poignantly opined by U.S. Supreme Court Justice Tom C. Clark in the seminal constitutional case *Mapp v Ohio*, 'Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence.'"

Patterson noted, "As a public body, the Detroit Land Bank Authority has an honorable duty to uphold its laws and to honor this responsibility for the good of its citizenry. Yet, the abdication of these noble duties is exactly what occurred in the instant case before the Michigan Court of Appeals."

She added, "While we were ultimately able to obtain justice and victory in the court system, there may be others caught in similar entanglements with the DLBA who might not be so fortunate." Patterson concluded that, "it is therefore necessary for the good of the public to expose practices and behaviors that threaten to breach the public's trust in organizations fundamental to municipal livelihood such as the Detroit Land Bank Authority."

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