

SENATE BILL No. 349

March 20, 2001, Introduced by Senator BULLARD and referred to the Committee on Financial Services.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2431, 2558, 3216, 3220, 3232, 3240, 3248, 3252, and 3272 (MCL 600.2431, 600.2558, 600.3216, 600.3220, 600.3232, 600.3240, 600.3248, 600.3252, and 600.3272), section 2558 as amended by 1996 PA 214 and section 3240 as amended by 2000 PA 380, and by adding section 2421h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 349

1 SEC. 2421H. (1) A MORTGAGE IS A RESIDENTIAL MORTGAGE IF THE
2 REAL PROPERTY DESCRIBED IN THE MORTGAGE INCLUDES 1 OR MORE OF THE
3 FOLLOWING:

4 (A) A SINGLE STRUCTURE DESIGNED PRINCIPALLY FOR THE OCCU-
5 PANCY OF FROM 1 TO 4 FAMILIES.

6 (B) A SINGLE MANUFACTURED HOME DESIGNED PRINCIPALLY FOR THE
7 OCCUPANCY OF FROM 1 TO 4 FAMILIES.

1 (C) A SINGLE CONDOMINIUM UNIT OR COOPERATIVE UNIT DESIGNED
2 PRINCIPALLY FOR THE OCCUPANCY OF FROM 1 TO 4 FAMILIES.

3 (D) REAL PROPERTY UPON WHICH THE MORTGAGOR INTENDS TO CON-
4 STRUCT A SINGLE STRUCTURE DESIGNED PRINCIPALLY FOR THE OCCUPANCY
5 OF FROM 1 TO 4 FAMILIES, IF THE STRUCTURE IS TO BE CONSTRUCTED
6 USING PROCEEDS OF A LOAN SECURED BY THE MORTGAGE, UNLESS THE
7 MORTGAGOR INTENDS TO RESELL THE STRUCTURE WITHOUT OCCUPYING IT AS
8 A DWELLING.

9 (E) REAL PROPERTY UPON WHICH THE MORTGAGOR INTENDS TO PLACE
10 A SINGLE MANUFACTURED HOME, IF IT WILL BE PURCHASED USING PRO-
11 CEEDS OF A LOAN SECURED BY THE MORTGAGE, UNLESS THE MORTGAGOR
12 INTENDS TO RESELL THE MANUFACTURED HOME WITHOUT OCCUPYING IT AS A
13 DWELLING.

14 (2) NOTWITHSTANDING SUBSECTION (1), A MORTGAGE IS NOT A RES-
15 IDENTIAL MORTGAGE IF THE REAL PROPERTY DESCRIBED IN THE MORTGAGE
16 IS MORE THAN 25 ACRES IN SIZE.

17 Sec. 2431. (1) The FEES AND expenses of ~~foreclosing any~~
18 ~~mortgage by advertisement~~ CONDUCTING A FORECLOSURE UNDER CHAPTER
19 32 shall be ~~taxed in the circuit court as in civil actions upon~~
20 ~~the request of any person paying the expenses thereof, and upon~~
21 ~~such~~ ASSESSED AGAINST THE party liable to pay the ~~same~~
22 EXPENSES.

23 (2) ~~Where~~ IF an attorney is ~~employed~~ RETAINED to
24 ~~foreclose a mortgage by advertisement~~ CONDUCT A FORECLOSURE
25 UNDER CHAPTER 32, an ~~attorney's~~ ATTORNEY fee ~~, not to exceed~~
26 ~~any amount which may be provided for in the mortgage, may~~ SHALL
27 be included as a part of the expenses ALLOWED TO BE TAXED UNDER

1 SUBSECTION (1) AND in the amount bid ~~upon such~~ IN THE sale for
 2 principal and interest due ~~thereon in the following amounts:~~ ON
 3 THE MORTGAGE. THE ATTORNEY FEE SHALL ALSO INCLUDE LEGAL FEES AND
 4 COSTS.

5 ~~(a) for all sums of \$1,000.00 or less, \$25.00.~~

6 ~~(b) for all sums over \$1,000.00 but less than \$5,000.00,~~
 7 ~~\$50.00.~~

8 ~~(c) for all sums of \$5,000.00 or more, \$75.00.~~

9 ~~But if payment is made after foreclosure proceedings are~~
 10 ~~commenced and before sale is made, only 1/2 of such attorney's~~
 11 ~~fees shall be allowed. Both the principal and the interest due~~
 12 ~~thereon shall be included in the sum on which the attorney's fee~~
 13 ~~is computed.~~

14 (3) IF THE REAL PROPERTY IS SOLD AT THE FORECLOSURE SALE AND
 15 THE MORTGAGE IS NOT A RESIDENTIAL MORTGAGE, THE ATTORNEY FEE
 16 SHALL NOT EXCEED THE LESSER OF THE FEE WHICH IS PROVIDED FOR IN
 17 THE MORTGAGE, THE ATTORNEY'S USUAL AND CUSTOMARY HOURLY CHARGES
 18 AND ACTUAL EXPENSES OF THE ATTORNEY RETAINED TO FORECLOSE THE
 19 MORTGAGE, OR 5% OF THE PURCHASE PRICE OF THE REAL ESTATE AT THE
 20 FORECLOSURE SALE.

21 (4) IF THE REAL ESTATE IS SOLD AT THE FORECLOSURE SALE AND
 22 THE MORTGAGE IS A RESIDENTIAL MORTGAGE, THE ATTORNEY FEE SHALL BE
 23 THE FEE SPECIFIED IN THE RESIDENTIAL MORTGAGE, BUT IF NO ATTORNEY
 24 FEE IS SPECIFIED IN THE RESIDENTIAL MORTGAGE, THE ATTORNEY FEE
 25 SHALL NOT EXCEED 3% OF THE PRINCIPAL, INTEREST, AND OTHER AMOUNTS
 26 OWED UNDER THE TERMS OF THE RESIDENTIAL MORTGAGE LOAN. THE

1 AMOUNT PERMITTED UNDER THIS SUBSECTION IS A REASONABLE AMOUNT FOR
2 THE FEE OF THE ATTORNEY FORECLOSING A RESIDENTIAL MORTGAGE.

3 (5) IF THE REAL ESTATE IS NOT SOLD AT A MORTGAGE FORECLOSURE
4 SALE, THE ATTORNEY FEE DESCRIBED IN THIS SECTION MAY BE CHARGED
5 TO THE MORTGAGOR BY THE MORTGAGE HOLDER AND PAID TO THE ATTORNEY
6 RETAINED TO FORECLOSE THE MORTGAGE.

7 (6) WHEN A PERSON AUTHORIZED TO ACT AS AN AUCTIONEER UNDER
8 SECTION 26 OR 27 OF 1846 RS 21, MCL 446.26 AND 446.27, IS
9 RETAINED TO CONDUCT A MORTGAGE FORECLOSURE SALE, AN AUCTIONEER
10 FEE SHALL BE INCLUDED AS A PART OF THE EXPENSES ALLOWED TO BE
11 TAXED UNDER SUBSECTION (1) AND IN THE AMOUNT BID IN THE SALE FOR
12 PRINCIPAL AND INTEREST DUE ON THE MORTGAGE. THE AUCTIONEER FEE
13 SHALL NOT EXCEED 2% OF THE AMOUNT OF THE PURCHASE PRICE OF THE
14 REAL ESTATE OR \$500.00, WHICHEVER IS LESS. IF THE SALE OF THE
15 REAL ESTATE IS ADJOURNED BY THE PARTY FORECLOSING THE MORTGAGE,
16 THE AUCTIONEER MAY COLLECT A REASONABLE FEE, NOT TO EXCEED
17 \$25.00, TO RESCHEDULE THE FORECLOSURE SALE.

18 Sec. 2558. (1) The sheriff is entitled to the fees provided
19 in this section and section 2559.

20 (2) The following fees of the sheriff are allowed:

21 (a) For taking a bond if the sheriff is authorized to take
22 the bond, \$1.50; for a certified copy of the bond, if requested,
23 \$1.00.

24 (b) For every certificate on the sale of real estate, \$1.50;
25 and for each copy of the certificate, \$1.50, which, together with
26 the register's fee for filing the certificate, shall be collected
27 as other fees on execution.

1 (c) For taking a bond for the liberties of the jail, \$1.50.

2 (d) For summoning a jury upon a writ of inquiry, attending
3 the jury, and making and returning the inquisition, \$5.00.

4 (e) For summoning a jury ~~pursuant to~~ UNDER any precept or
5 summons of any officer if any special proceeding, \$5.00, and for
6 attending the jury when required, \$5.00.

7 (f) For bringing up a prisoner upon habeas corpus, \$3.00,
8 and for traveling each mile from the jail, 15 cents; for attend-
9 ing any court with that prisoner, \$5.00 per day, plus actual nec-
10 essary expenses.

11 (g) For attending before any officer with a prisoner for the
12 purpose of having the prisoner surrendered in exoneration of his
13 or her bail, or attending to receive a SURRENDERED prisoner, ~~so~~
14 ~~surrendered,~~ who was not committed at the time, and receiving
15 that prisoner into the sheriff's custody, ~~in either case,~~
16 \$15.00.

17 (h) For attending a ~~view~~ VIEWING, when ordered by the
18 court, \$15.00 per day, including the time ~~occupied~~ in going and
19 returning.

20 (i) For making and returning an inventory and appraisal to
21 the appraisers, \$10.00 for each day actually employed, and \$5.00
22 for each half day. The court, by rule, may adjust a schedule
23 fixing amount of appraisal fees if the court considers the statu-
24 tory fee to be inadequate.

25 (j) For drafting an inventory, \$1.25 for each page and for
26 copying the inventory, 10 cents for each page.

1 (k) For giving notice for general or special election to the
2 inspectors of the different townships and wards of the county,
3 \$1.00 for each township or ward, and the expenses of publishing
4 the notices required by law, those fees and expenses to be paid
5 by the county, as other contingent expenses of the election.

6 (l) For attending the supreme court by the order of the
7 court, \$10.00 for each day, to be allowed by the auditor general
8 on the certificate of the clerk, and paid out of the state trea-
9 sury, not taxable as costs.

10 (m) For attending the circuit court ~~—~~ by the order of the
11 court, \$15.00 for each day, except ~~in the~~ THIS FEE IS NOT TAX-
12 ABLE AS COSTS IN WAYNE county. ~~of Wayne; not taxable as costs.~~
13 In ~~the~~ WAYNE county, ~~of Wayne~~ there shall be paid to the
14 deputy sheriffs in actual attendance on the circuit court in the
15 county ~~such~~ compensation as ~~shall be~~ fixed by the board of
16 commissioners in accordance with the county uniform salary plan
17 to be allowed and paid as other contingent charges of the county
18 are paid; the number of deputies shall not exceed 2 for each
19 judge of the third judicial circuit.

20 (n) For summoning grand or petit jurors to attend the cir-
21 cuit court, \$2.00 for each juror summoned, not taxable as costs.

22 (o) For keeping and providing for a debtor in jail where the
23 debtor is unable to support himself or herself, \$1.00 for each
24 day or such sum as shall be fixed by the board of commissioners,
25 to be paid by the creditor each week, in advance, and which sum
26 the creditor shall be entitled to recover from the debtor.

1 (p) For posting notices on property for foreclosure sales,
2 ~~-\$14.00~~ \$16.00 for each posting, plus mileage.

3 (q) For selling lands on the foreclosure of a mortgage by
4 advertisement, ~~and~~ executing a deed to the purchaser, and for
5 all services required on that sale, ~~-\$50.00~~ THE AMOUNT THAT IS
6 ALLOWED TO BE CHARGED TO CONDUCT THE FORECLOSURE SALE UNDER
7 SECTION 2431.

8 (r) For each adjournment of the sale of land on the foreclo-
9 sure of a mortgage by advertisement, ~~-\$8.00~~ THE AMOUNT THAT IS
10 ALLOWED TO BE CHARGED UNDER SECTION 2431.

11 (s) For serving notice of a person claiming title under a
12 tax deed, in person and by mail, ~~-\$14.00~~ \$16.00 plus mileage.

13 ~~(3) Each of the fees prescribed in subsection (2)(p) and~~
14 ~~(s) shall increase to \$15.00 on October 1, 1996, and to \$16.00 on~~
15 ~~October 1, 1997.~~

16 (3) ~~(4)~~ Mileage allowed under subsection (2) shall be com-
17 puted in the same manner as provided for process served out of
18 the circuit court under section ~~2559(3)~~ 2559(4).

19 (4) ~~(5)~~ Any sheriff or other officer who demands or
20 receives any greater fees or compensation for performing any of
21 the services ~~mentioned in~~ UNDER this section than as allowed by
22 this section ~~,~~ shall, in addition to all other liabilities
23 ~~now~~ provided FOR by law, be liable to the party injured ~~,~~ for
24 ~~paying the illegal fees, in~~ AN AMOUNT EQUAL TO 3 times the
25 amount ~~so~~ demanded, received, or paid, together with all costs
26 of the action.

1 (5) ~~(6)~~ Any sheriff or other officer who neglects or
 2 refuses any of the services required by law, after the fees
 3 specified have been tendered, shall be liable to the party
 4 injured for all damages which the party sustains by reason of
 5 that neglect or refusal.

6 Sec. 3216. (1) The sale shall be at public sale, CONDUCTED
 7 between ~~the hour of 9 o'clock in the forenoon and 4 o'clock in~~
 8 ~~the afternoon~~ 9 A.M. AND 4 P.M., at ~~the place of holding~~ the
 9 circuit court ~~within~~ FOR the county in which the ~~premises~~
 10 REAL PROPERTY to be sold ~~,~~ or some part of ~~them, are situated,~~
 11 ~~and shall be made by the person appointed for that purpose in the~~
 12 ~~mortgage, or by the sheriff, undersheriff, or a deputy sheriff of~~
 13 ~~the county, to the highest bidder~~ IT IS LOCATED.

14 (2) THE SALE SHALL BE CONDUCTED BY A PERSON LICENSED UNDER
 15 1955 PA 224, MCL 446.51 TO 446.60, OR BY THE SHERIFF, UNDERSHER-
 16 IFF, OR DEPUTY SHERIFF OF THE COUNTY.

17 Sec. 3220. ~~Such~~ A FORECLOSURE sale may be adjourned from
 18 time to time ~~,~~ by the AUCTIONEER, sheriff, or other officer or
 19 person appointed OR RETAINED to ~~make such~~ CONDUCT THE sale at
 20 the request of the party in whose name the notice of sale is pub-
 21 lished by posting a notice of ~~such~~ THE adjournment before or at
 22 the time of and at the place where ~~said~~ THE sale is to be
 23 ~~made~~ CONDUCTED, and if any adjournment ~~be~~ IS for more than 1
 24 week at ~~one~~ A time, the notice ~~thereof~~ OF THE ADJOURNMENT,
 25 appended to the original notice of sale, shall also be published
 26 in the newspaper in which the original notice was published, the
 27 first publication to be within 10 days of the date from which the

1 sale was adjourned and thereafter once in each ~~full secular~~
2 week during the time for which ~~such~~ THE sale ~~shall be~~ IS
3 adjourned. ~~No oral~~ ORAL announcement of any adjournment shall
4 NOT be necessary.

5 Sec. 3232. ~~The~~ IMMEDIATELY AFTER THE SALE, THE AUCTION-
6 EER, SHERIFF, officer, or person making the sale shall
7 ~~forthwith~~ execute, acknowledge, and deliver ~~,~~ to each pur-
8 chaser a deed of the ~~premises~~ REAL PROPERTY bid ~~off~~ by him ~~or~~
9 and if OR HER. IF the ~~lands are situated~~ REAL PROPERTY IS
10 LOCATED in several counties, ~~he shall make~~ THE AUCTIONEER,
11 SHERIFF, OFFICER, OR PERSON MAKING THE SALE SHALL EXECUTE,
12 ACKNOWLEDGE, AND DELIVER TO THE PURCHASER A separate ~~deeds of~~
13 ~~the lands~~ DEED FOR THE REAL PROPERTY in each county ~~,~~ and
14 specify ~~therein~~ the precise amounts for which each parcel of
15 ~~land therein~~ REAL PROPERTY described was sold. ~~And he shall~~
16 ~~endorse upon each deed~~ EACH DEED SHALL STATE the time when the
17 ~~same~~ DEED will become ~~operative~~ EFFECTIVE in case the
18 ~~premises are~~ REAL PROPERTY IS not redeemed according to law.
19 ~~Such~~ EACH deed ~~or deeds~~ shall, as soon as practicable, and
20 within 20 days after ~~such~~ THE sale, be deposited with the reg-
21 ister of deeds of the county in which the ~~land therein~~ REAL
22 PROPERTY described is situated, and the register shall endorse
23 ~~thereon~~ ON THE DEED the time the ~~same~~ DEED was received ~~,~~
24 and ~~for the better preservation thereof, shall~~ record ~~the same~~
25 at length in a book to be provided in his office for that
26 purpose~~,~~ and ~~shall~~ index the ~~same in the regular index of~~
27 deeds, and the DEED. THE fee for recording the ~~same~~ DEED

1 shall be included among the other costs and expenses allowed by
 2 law. In case ~~such premises shall be~~ THE REAL PROPERTY IS
 3 redeemed, the register of deeds shall, at the time of destroying
 4 ~~such~~ THE deed ~~,~~ as provided in section 3244, ~~of this~~
 5 ~~chapter,~~ write on the face of ~~such~~ THE record the word
 6 "Redeemed", stating ~~at~~ ON what date ~~such~~ THE entry is made
 7 ~~,~~ and signing ~~such~~ THE entry with his OR HER official
 8 signature.

9 Sec. 3240. (1) A purchaser's deed is void if the mortgagor,
 10 the mortgagor's heirs, executors, or administrators, or any
 11 person lawfully claiming under the mortgagor, the mortgagor's
 12 heirs, executors, or administrators redeems the entire premises
 13 sold by paying the amount required under ~~subsection (2)~~ THIS
 14 SECTION, within the applicable time limit prescribed in
 15 ~~subsections~~ SUBSECTION (7), ~~to (12),~~ to the purchaser, the
 16 purchaser's executors, administrators, or assigns, or to the reg-
 17 ister of deeds in whose office the deed is deposited for the ben-
 18 efit of the purchaser.

19 (2) The amount required to be paid under subsection (1) is
 20 the sum that was bid for the entire ~~premises~~ REAL PROPERTY
 21 sold, with interest from the time of the sale at the rate percent
 22 borne by the mortgage, together with the ~~amount of the~~
 23 ~~sheriff's~~ fee paid by the purchaser under section 2558(2)(q),
 24 and an additional \$3.00 as a fee for the care and custody of the
 25 redemption money if the payment is made to the register of
 26 deeds.

1 (3) If a distinct lot or parcel separately sold is redeemed,
2 leaving a portion of the ~~premises~~ REAL PROPERTY unredeemed, the
3 deed shall be inoperative only to the redeemed parcel or parcels,
4 and to those portions that have not been redeemed the deed shall
5 remain valid.

6 ~~(4) If after the sale the purchaser, the purchaser's heirs,~~
7 ~~executors, or administrators, or any person lawfully claiming~~
8 ~~under the purchaser, the purchaser's heirs, executors, or admin-~~
9 ~~istrators pays taxes assessed against the property, amounts nec-~~
10 ~~essary to redeem senior liens from foreclosure, condominium~~
11 ~~assessments, homeowner association assessments, community associ-~~
12 ~~ation assessments, or premiums on an insurance policy covering~~
13 ~~any buildings located on the property that under the terms of the~~
14 ~~mortgage it would have been the duty of the mortgagor to pay if~~
15 ~~the mortgage had not been foreclosed and that are necessary to~~
16 ~~keep the policy in force until the expiration of the period of~~
17 ~~redemption, redemption shall be made only upon payment of the sum~~
18 ~~specified in subsection (2) plus the amounts specified in this~~
19 ~~subsection with interest on the amounts specified in this subsec-~~
20 ~~tion from the date of the payment to the date of redemption at~~
21 ~~the rate specified in the mortgage, if all of the following are~~
22 ~~filed with the register of deeds with whom the deed is~~
23 ~~deposited:~~

24 (a) ~~An affidavit by the purchaser or someone in his or her~~
25 ~~behalf who has knowledge of the facts of the payment showing the~~
26 ~~amount and items paid.~~

1 ~~(b) The receipt or copy of the canceled check evidencing the~~
2 ~~payment of the taxes, amounts necessary to redeem senior liens~~
3 ~~from foreclosure, condominium assessments, homeowner association~~
4 ~~assessments, community association assessments, or insurance~~
5 ~~premiums.~~

6 ~~(c) An affidavit of an insurance agent of the insurance com=~~
7 ~~pany stating that the payment was made and what portion of the~~
8 ~~payment covers the premium for the period prior to the expiration~~
9 ~~of the period of redemption.~~

10 (4) IF BEFORE THE EXPIRATION OF THE REDEMPTION PERIOD AND
11 BEFORE REDEMPTION OF THE REAL PROPERTY AN AFFIDAVIT OF THE
12 AMOUNTS PAID UNDER THIS SECTION IS FILED WITH THE REGISTER OF
13 DEEDS WITH WHOM THE DEED IS DEPOSITED PURSUANT TO SECTION 3232,
14 REDEMPTION SHALL BE MADE ONLY UPON PAYMENT OF THE AMOUNT SPECI-
15 FIED IN SUBSECTION (2) PLUS THE AMOUNTS SPECIFIED IN THIS SUBSEC-
16 TION WITH INTEREST ON THE AMOUNTS SPECIFIED IN THIS SUBSECTION
17 FROM THE DATE OF THE PAYMENT TO THE DATE OF REDEMPTION AT THE
18 RATE SPECIFIED IN THE MORTGAGE. THE PURCHASER, THE PURCHASER'S
19 HEIRS, EXECUTORS, OR ADMINISTRATORS, OR ANY PERSON LAWFULLY
20 CLAIMING UNDER THE PURCHASER, THE PURCHASER'S HEIRS, EXECUTORS,
21 OR ADMINISTRATORS MAY PAY AT ANY TIME DURING THE PERIOD OF
22 REDEMPTION THE FOLLOWING EXPENSES:

23 (A) ANY GENERAL OR SPECIAL REAL PROPERTY TAXES AND ASSESS-
24 MENTS AND WATER BILLS LEVIED OR ACCRUING AGAINST THE REAL
25 PROPERTY.

26 (B) THE PREMIUMS ON ANY CASUALTY INSURANCE NECESSARY TO
27 PROTECT ANY IMPROVEMENTS COMPRISING A PART OF THE REAL PROPERTY.

1 (C) AMOUNTS DUE ON ANY PRIOR LIEN OR ENCUMBRANCE ON THE REAL
2 PROPERTY.

3 (D) IF THE PROPERTY IS A LEASEHOLD OR IS SUBJECT TO A LEASE,
4 ALL AMOUNTS DUE UNDER SUCH LEASE.

5 (E) THE REASONABLE COSTS AND EXPENSES OF DEFENDING, PROTECT-
6 ING, AND MAINTAINING THE PROPERTY AND THE PURCHASER'S INTEREST IN
7 THE PROPERTY, INCLUDING, WITHOUT LIMITATION, REPAIR AND MAINTEN-
8 NANCE COSTS AND EXPENSES AND COSTS AND EXPENSES OF PROTECTING AND
9 SECURING THE PROPERTY.

10 (F) ANY OTHER COSTS AND EXPENSES WHICH MAY BE AUTHORIZED BY
11 A COURT OF COMPETENT JURISDICTION.

12 (5) If the redemption payment in subsection (4) includes an
13 amount used to redeem a senior lien from a nonjudicial foreclo-
14 sure, the mortgagor shall have the same defenses against the pur-
15 chaser with respect to the amount used to redeem the senior lien
16 as the mortgagor would have had against the senior lien.

17 (6) The register of deeds shall indorse on the documents
18 filed ~~pursuant to~~ UNDER subsection (4) the time they are
19 received. The register of deeds shall record the affidavit of
20 the purchaser only and shall preserve in his or her files the
21 recorded affidavit ~~, receipts, insurance receipts, and insurance~~
22 ~~agent's affidavit~~ until expiration of the period of redemption.

23 (7) For a mortgage executed on or after January 1, 1965, on
24 commercial or industrial property, or multifamily residential
25 property in excess of 4 units, the redemption period is 6 months
26 from the time of ~~the~~ sale.

1 (8) For a mortgage executed on or after January 1, 1965, on
 2 residential property not exceeding 4 units and not more than 3
 3 acres in size, if the amount claimed to be due on the mortgage at
 4 the date of the notice of foreclosure is more than 66-2/3% of the
 5 original indebtedness secured by the mortgage, the redemption
 6 period is 6 months.

7 (9) For a mortgage on residential property not exceeding 4
 8 units and not more than 3 acres in size, if the REAL property is
 9 abandoned as determined pursuant to section 3241, the redemption
 10 period is 3 months.

11 (10) For a mortgage on residential property not exceeding 4
 12 units and not more than 3 acres in size, if the amount claimed to
 13 be due on the mortgage at the date of the notice of foreclosure
 14 is more than 66-2/3% of the original indebtedness secured by the
 15 mortgage and the property is abandoned as determined pursuant to
 16 section 3241, the redemption period is 1 month.

17 (11) If the REAL property is abandoned as determined pursu-
 18 ant to section 3241a, the redemption period is 30 days.

19 (12) In any other case, the redemption period is 1 year from
 20 the date of the sale.

21 Sec. 3248. If ~~any~~ A person entitled to receive ~~such~~ THE
 22 redemption ~~moneys,~~ MONEY shall, upon payment or tender
 23 ~~thereof~~ to him OR HER, refuse to make and acknowledge ~~such~~
 24 THE certificate of payment, he OR SHE shall be liable to the
 25 person aggrieved, ~~thereby,~~ in the sum of \$100.00 damages, over
 26 and above all the actual damages sustained, to be recovered in a
 27 civil action, except that ~~no~~ damages of any kind ~~may~~ SHALL

1 NOT be recovered from any register of deeds who ~~shall refuse~~
 2 REFUSES to accept tender of payment after the time indorsed upon
 3 the deed when the ~~same shall become~~ DEED BECOMES operative in
 4 case the ~~premises are~~ REAL PROPERTY IS not redeemed, and the
 5 AUCTIONEER, SHERIFF, officer, or person making the sale shall be
 6 entitled to rely conclusively upon the recital of the length of
 7 the redemption period contained in the notice of foreclosure in
 8 making ~~such~~ THE indorsement upon the deed.

9 Sec. 3252. If after ~~any~~ A sale of real estate, made as
 10 herein prescribed, there ~~shall remain~~ REMAINS in the hands of
 11 the AUCTIONEER, SHERIFF, officer, or other person making the sale
 12 ~~,~~ any surplus money after satisfying the mortgage on which the
 13 real estate was sold ~~,~~ and payment of the costs and expenses of
 14 the foreclosure and sale, the surplus shall be paid ~~over~~ by the
 15 AUCTIONEER, SHERIFF, officer, or other person ~~on demand,~~ WITHIN
 16 30 DAYS AFTER THE FORECLOSURE SALE to the mortgagor ~~,~~ his OR
 17 THE MORTGAGOR'S legal representatives or assigns, unless at the
 18 time of the sale, or before the surplus ~~shall be so~~ IS paid
 19 over, some claimant or claimants ~~,~~ shall file with the person
 20 ~~so~~ making the sale ~~,~~ a claim or claims, in writing, ~~duly~~
 21 verified by the oath of the claimant ~~,~~ his OR THE CLAIMANT'S
 22 agent ~~,~~ or attorney, that the claimant has a subsequent mort-
 23 gage or lien encumbering the real estate ~~,~~ or some part
 24 thereof, and stating the amount ~~thereof~~ unpaid ~~,~~ AND setting
 25 forth the facts and nature of the ~~same~~ CLAIM, in which case the
 26 person ~~so~~ making the sale ~~,~~ shall, ~~forthwith~~ upon receiving
 27 the claim, pay the surplus to, and file the written claim with,

1 the clerk of the circuit court of the county in which the sale is
 2 ~~so~~ made. ~~and thereupon any~~ ANY person or persons interested
 3 in the surplus ~~,~~ may apply to the court for an order to take
 4 proofs of the facts and circumstances contained in the claim or
 5 claims ~~so~~ filed. ~~Thereafter, the~~ THE court shall summon the
 6 claimant ~~or claimants, party, or~~ AND parties interested in the
 7 surplus ~~,~~ to appear before ~~him~~ THE COURT at a time and place
 8 ~~to be by him named, and attend the taking of the proof, and the~~
 9 SET BY THE COURT. THE claimant ~~or claimants or party~~ AND
 10 PARTIES interested ~~who shall appear~~ may examine witnesses and
 11 produce ~~such proof as they or either of them may see fit, and~~
 12 the PROOFS. THE court shall ~~thereupon~~ make an order ~~in the~~
 13 premises directing the disposition of the surplus ~~moneys~~ MONEY
 14 or payment ~~thereof~~ in accordance with the rights of the claim-
 15 ant ~~or claimants~~ or ~~persons~~ OTHER interested PERSONS.

16 Sec. 3272. Upon the ~~payment of the entire sum bid at such~~
 17 sale, ~~and the interest thereon and expenses as in section 3240 of~~
 18 this chapter mentioned to the register of deeds of the county in
 19 whose office the sheriff's deed shall have been deposited
 20 RECEIPT OF THE AMOUNTS DESCRIBED IN SECTION 3240, the register of
 21 deeds shall give notice of ~~such~~ THE payment, by mail or
 22 otherwise, to the purchaser ~~,~~ OR his OR HER agent or attorney.