

HOUSE BILL No. 4286

February 20, 2007, Introduced by Reps. Cheeks, Young, Accavitti, Farrah, Robert Jones, Sak, Kathleen Law, Leland, Gonzales, Johnson and Jackson and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending sections 1a, 59, 78b, 78c, 78f, 78g, 78i, and 78k (MCL 211.1a, 211.59, 211.78b, 211.78c, 211.78f, 211.78g, 211.78i, and 211.78k), section 59 as amended by 2006 PA 626, sections 78b, 78c, 78f, and 78g as amended by 2003 PA 263, and sections 78i and 78k as amended by 2006 PA 611.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. (1) This act shall be known and may be cited as ~~"The~~
2 **"THE** general property tax act".

3 (2) AS USED IN THIS ACT, "QUALIFIED COUNTY" MEANS A COUNTY IN
4 WHICH IS LOCATED A MUNICIPALITY WITH A POPULATION OF 750,000 OR
5 MORE AS DETERMINED BY THE MOST RECENT FEDERAL DECENNIAL CENSUS.

1 Sec. 59. (1) A person may pay the taxes, any 1 of the taxes, a
2 portion of the taxes specified by resolution of the county board of
3 commissioners, or if a specification is not made by a resolution of
4 the county board of commissioners, a portion of the taxes approved
5 by the county treasurer on a parcel or description of property
6 returned as delinquent, or on an undivided share of a parcel or
7 description of property returned as delinquent. For taxes levied on
8 real property before January 1, 1999 and for taxes levied on
9 personal property, the amount paid under this subsection shall
10 include interest computed from the March 1 after the taxes were
11 assessed at the rate of 1% per month or fraction of a month, except
12 as provided in section 89, and 4% of the delinquent taxes as a
13 county property tax administration fee that shall be a minimum of
14 \$1.00 per payment of delinquent taxes, except as provided in
15 section 89. Payment under this subsection shall be made to the
16 county treasurer of the county in which the property is forfeited
17 to a county treasurer pursuant to section 78g. **IN A QUALIFIED**
18 **COUNTY, PAYMENT UNDER THIS SUBSECTION SHALL BE CREDITED AGAINST THE**
19 **MOST DELINQUENT TAXES.** The county treasurer and the treasurer for
20 the local tax collecting unit shall allocate and distribute the
21 taxes and interest paid proportionately among the county or local
22 tax collecting unit funds and the property tax administration fee
23 returned as delinquent under section 44(6) to the treasurer of the
24 local tax collecting unit who transmitted the taxes returned as
25 delinquent. For taxes levied before January 1, 1999, on all
26 descriptions of property with unpaid taxes on the October 1 before
27 the time prescribed for the sale of a tax lien on the property, an

1 additional \$10.00 shall be charged for expenses, which shall be a
2 lien on the property. If collected, before January 1, 2006, \$5.00
3 of this expense charge shall be credited to a restricted revenue
4 fund of this state, to be known as the delinquent property tax
5 administration fund, and after December 31, 2005 \$5.00 of this
6 expense charge shall be deposited in the land reutilization fund
7 created in section 78n, to reimburse this state for the cost of
8 publishing the lists of property and other expenses, and \$5.00
9 shall belong to the general fund of the county to reimburse the
10 county for the expense incurred in preparing the list of delinquent
11 property for sale or forfeiture.

12 (2) For taxes levied before January 1, 1999, the property tax
13 administration fee paid to the county treasurer shall be credited
14 to the general fund of the county and the property tax
15 administration fee paid to the state treasurer shall be credited to
16 the land reutilization fund created in section 78n. Amounts
17 credited to the general fund of the county shall be used only for
18 the purposes specified in subsection (6).

19 (3) For taxes levied before January 1, 1999, and for taxes
20 levied after December 31, 1998, a county board of commissioners, by
21 resolution, may provide all of the following for taxes paid before
22 May 1 in the first year of delinquency for the homestead property
23 of a senior citizen, paraplegic, hemiplegic, quadriplegic, eligible
24 serviceman, eligible veteran, eligible widow, totally and
25 permanently disabled person, or blind person, as those persons are
26 defined in chapter 9 of the income tax act of 1967, 1967 PA 281,
27 MCL 206.501 to 206.532, if a claim is made before February 15 for

1 the credit provided by chapter 9 of the income tax act of 1967,
2 1967 PA 281, MCL 206.501 to 206.532, if that claimant presents a
3 copy of the form filed for that credit to the county treasurer, and
4 if that claimant has not received the credit before March 1:

5 (a) Any interest, fee, or penalty in excess of the interest,
6 fee, or penalty that would have been added if the tax had been paid
7 before February 15 is waived.

8 (b) Interest paid under subsection (1) or section 89(1)(a) is
9 waived unless the interest is pledged to the repayment of
10 delinquent tax revolving fund notes or payable to the county
11 delinquent tax revolving fund, in which case the interest shall be
12 refunded from the general fund of the county.

13 (c) The county property tax administration fee is waived.

14 (4) The treasurer of the local tax collecting unit shall
15 indicate on the delinquent tax roll if a 1% property tax
16 administration fee was added to taxes collected before February 15.

17 (5) The fees authorized and collected under this section and
18 credited to the delinquent property tax administration fund shall
19 be used by the department of treasury to pay expenses incurred in
20 the administration of this act.

21 (6) The county property tax administration fee shall be used
22 by the county to offset the costs incurred in and ancillary to
23 collecting delinquent property taxes and for purposes authorized by
24 sections 87b and 87d.

25 Sec. 78b. Except as otherwise provided in section 79 for
26 certified abandoned property, on the June 1 immediately succeeding
27 the date that unpaid taxes are returned to the county treasurer for

1 ~~forfeiture, foreclosure, and sale under section 60a(1) or (2) or~~
2 ~~returned to the county treasurer as~~ delinquent under section 78a,
3 the county treasurer shall send notice of all the following by
4 first-class mail, address correction requested **OR, IN A QUALIFIED**
5 **COUNTY, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,** to the person
6 to whom a tax bill for property returned for delinquent taxes was
7 last sent or to the person identified as the owner of property
8 returned for delinquent taxes, to a person entitled to notice of
9 the return of delinquent taxes under section 78a(4), and to a
10 person to whom a tax certificate for property returned for
11 delinquent taxes was issued pursuant to **FORMER** section 71, as shown
12 on the current records of the county treasurer:

13 (a) The date property on which unpaid taxes were returned as
14 delinquent will be forfeited to the county treasurer for those
15 unpaid delinquent taxes, interest, penalties, and fees.

16 (b) A statement that a person who holds a legal interest in
17 the property may lose that interest as a result of the forfeiture
18 and subsequent foreclosure proceeding.

19 (c) A legal description or parcel number of the property and
20 the street address of the property, if available.

21 (d) The person or persons to whom the notice is addressed.

22 (e) The unpaid delinquent taxes, interest, penalties, and fees
23 due on the property.

24 (f) A statement that unless those unpaid delinquent taxes,
25 interest, penalties, and fees are paid on or before the March 31
26 immediately succeeding the entry in an uncontested case of a
27 judgment foreclosing the property under section 78k, absolute title

1 to the property shall vest in the foreclosing governmental unit.

2 (g) A statement of the person's rights of redemption and
3 notice that the rights of redemption will expire on the March 31
4 immediately succeeding the entry in an uncontested case of a
5 judgment foreclosing the property under section 78k.

6 Sec. 78c. Except as otherwise provided in section 79 for
7 certified abandoned property, on the September 1 immediately
8 succeeding the date that unpaid taxes are returned to ~~the county~~
9 ~~treasurer for forfeiture, foreclosure, and sale under section~~
10 ~~60a(1) or (2) or returned to the county treasurer as delinquent~~
11 under section 78a, the county treasurer shall send notice of all
12 the following by first-class mail, address correction requested **OR,**
13 **IN A QUALIFIED COUNTY, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,**
14 to the person to whom a tax bill for property returned for
15 delinquent taxes was last sent or to the person identified as the
16 owner of property returned for delinquent taxes, to a person
17 entitled to notice of the return of delinquent taxes under section
18 78a(4), and to a person to whom a tax certificate for property
19 returned for delinquent taxes was issued pursuant to **FORMER** section
20 71, as shown on the current records of the county treasurer:

21 (a) The date property on which unpaid taxes were returned as
22 delinquent will be forfeited to the county treasurer for those
23 unpaid delinquent taxes, interest, penalties, and fees.

24 (b) A statement that a person who holds a legal interest in
25 the property may lose that interest as a result of the forfeiture
26 and subsequent foreclosure proceeding.

27 (c) A legal description or parcel number of the property and

1 the street address of the property, if available.

2 (d) The person or persons to whom the notice is addressed.

3 (e) The unpaid delinquent taxes, interest, penalties, and fees
4 due on the property.

5 (f) A schedule of the additional fees that will accrue on the
6 immediately succeeding October 1 pursuant to section 78d if the
7 unpaid delinquent taxes, interest, penalties, and fees due on the
8 property are not paid.

9 (g) A statement that unless those unpaid delinquent taxes,
10 interest, penalties, and fees are paid on or before the March 31
11 immediately succeeding the entry in an uncontested case of a
12 judgment foreclosing the property under section 78k, absolute title
13 to the property shall vest in the foreclosing governmental unit.

14 (h) A statement of the person's rights of redemption and
15 notice that the rights of redemption will expire on the March 31
16 immediately succeeding the entry in an uncontested case of a
17 judgment foreclosing the property under section 78k.

18 Sec. 78f. (1) Except as otherwise provided in section 79 for
19 certified abandoned property, not later than the February 1
20 immediately succeeding the date that unpaid taxes were returned to
21 ~~the county treasurer for forfeiture, foreclosure, and sale under~~
22 ~~section 60a(1) or (2) or returned to the county treasurer as~~
23 delinquent under section 78a, the county treasurer shall send a
24 notice by certified mail, return receipt requested, to the person
25 to whom a tax bill for property returned for delinquent taxes was
26 last sent and, if different, to the person identified as the owner
27 of property returned for delinquent taxes as shown on the current

1 records of the county treasurer and to those persons identified
2 under section 78e(2). The notice required under this subsection
3 shall include all of the following:

4 (a) The date property on which those unpaid taxes were
5 returned as delinquent will be forfeited to the county treasurer
6 for the unpaid delinquent taxes, interest, penalties, and fees.

7 (b) A statement that a person who holds a legal interest in
8 the property may lose that interest as a result of the forfeiture
9 and subsequent foreclosure proceeding.

10 (c) A legal description or parcel number of the property and
11 the street address of the property, if available.

12 (d) The person to whom the notice is addressed.

13 (e) The unpaid delinquent taxes, interest, penalties, and fees
14 due on the property.

15 (f) A schedule of the additional interest, penalties, and fees
16 that will accrue on the immediately succeeding March 1 pursuant to
17 section 78g if those unpaid delinquent taxes, interest, penalties,
18 and fees due on the property are not paid.

19 (g) A statement that unless those unpaid delinquent taxes,
20 interest, penalties, and fees are paid on or before the March 31
21 immediately succeeding the entry in an uncontested case of a
22 judgment foreclosing the property under section 78k, absolute title
23 to the property shall vest in the foreclosing governmental unit.

24 (h) A statement of the person's rights of redemption and
25 notice that the rights of redemption will expire on the March 31
26 immediately succeeding the entry in an uncontested case of a
27 judgment foreclosing the property under section 78k.

1 (2) The notice required under subsection (1) shall also be
2 mailed to the property by first-class mail **OR, IN A QUALIFIED**
3 **COUNTY, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED**, addressed to
4 "occupant", if the notice was not sent to the occupant of the
5 property pursuant to subsection (1).

6 (3) A county treasurer may insert 1 or more additional notices
7 in a newspaper published and circulated in the county in which the
8 property is located, if there is one. If no newspaper is published
9 in that county, publication may be made in a newspaper published
10 and circulated in an adjoining county. **IN A QUALIFIED COUNTY, THE**
11 **COUNTY TREASURER SHALL INSERT 1 OR MORE ADDITIONAL NOTICES IN THE**
12 **NEWSPAPER WITH THE LARGEST CIRCULATION PUBLISHED AND CIRCULATED IN**
13 **THE QUALIFIED COUNTY IN WHICH THE PROPERTY IS LOCATED, IF THERE IS**
14 **ONE. IF NO NEWSPAPER IS PUBLISHED IN A QUALIFIED COUNTY,**
15 **PUBLICATION SHALL BE IN THE NEWSPAPER WITH THE LARGEST CIRCULATION**
16 **PUBLISHED AND CIRCULATED IN A COUNTY ADJOINING THE QUALIFIED**
17 **COUNTY.**

18 (4) The county treasurer may publish the street address, if
19 available, of property subject to forfeiture under section 78g on
20 the immediately succeeding March 1 for delinquent taxes or the
21 street address, if available, of property subject to forfeiture
22 under section 78g on the immediately succeeding March 1 for
23 delinquent taxes and the name of the person to whom a tax bill for
24 property returned for delinquent taxes was last sent and, if
25 different, the name of the person identified as the owner of the
26 property returned for delinquent taxes as shown on the current
27 records of the county treasurer in a newspaper published and

1 circulated in the county in which the property is located, if there
2 is one. If no newspaper is published in that county, publication
3 may be made in a newspaper published and circulated in an adjoining
4 county. **IN A QUALIFIED COUNTY, THE COUNTY TREASURER SHALL PUBLISH**
5 **THE STREET ADDRESS, IF AVAILABLE, OF PROPERTY SUBJECT TO FORFEITURE**
6 **UNDER SECTION 78G ON THE IMMEDIATELY SUCCEEDING MARCH 1 FOR**
7 **DELINQUENT TAXES OR THE STREET ADDRESS, IF AVAILABLE, OF PROPERTY**
8 **SUBJECT TO FORFEITURE UNDER SECTION 78G ON THE IMMEDIATELY**
9 **SUCCEEDING MARCH 1 FOR DELINQUENT TAXES AND THE NAME OF THE PERSON**
10 **TO WHOM A TAX BILL FOR PROPERTY RETURNED FOR DELINQUENT TAXES WAS**
11 **LAST SENT AND, IF DIFFERENT, THE NAME OF THE PERSON IDENTIFIED AS**
12 **THE OWNER OF THE PROPERTY RETURNED FOR DELINQUENT TAXES AS SHOWN ON**
13 **THE CURRENT RECORDS OF THE COUNTY TREASURER IN THE NEWSPAPER WITH**
14 **THE LARGEST CIRCULATION PUBLISHED AND CIRCULATED IN THE COUNTY IN**
15 **WHICH THE PROPERTY IS LOCATED, IF THERE IS ONE. IF NO NEWSPAPER IS**
16 **PUBLISHED IN THE QUALIFIED COUNTY, PUBLICATION SHALL BE MADE IN THE**
17 **NEWSPAPER WITH THE LARGEST CIRCULATION PUBLISHED AND CIRCULATED IN**
18 **A COUNTY ADJOINING THE QUALIFIED COUNTY.**

19 Sec. 78g. (1) Except as otherwise provided in this subsection,
20 on March 1 in each tax year, certified abandoned property and
21 property that is delinquent for taxes, interest, penalties, and
22 fees for the immediately preceding 12 months or more is forfeited
23 to the county treasurer for the total amount of those unpaid
24 delinquent taxes, interest, penalties, and fees. If property is
25 forfeited to a county treasurer under this subsection, the
26 foreclosing governmental unit does not have a right to possession
27 of the property until the April 1 immediately succeeding the entry

1 of a judgment foreclosing the property under section 78k or in a
2 contested case until 22 days after the entry of a judgment
3 foreclosing the property under section 78k. If property is
4 forfeited to a county treasurer under this subsection, the county
5 treasurer shall add a \$175.00 fee to each parcel of property for
6 which those delinquent taxes, interest, penalties, and fees remain
7 unpaid. A county treasurer shall withhold a parcel of property from
8 forfeiture for any reason determined by the state tax commission.
9 The procedure for withholding a parcel of property from forfeiture
10 under this subsection shall be determined by the state tax
11 commission.

12 (2) Not more than 45 days after property is forfeited under
13 subsection (1), the county treasurer shall record with the county
14 register of deeds a certificate in a form determined by the
15 department of treasury for each parcel of property forfeited to the
16 county treasurer, specifying that the property has been forfeited
17 to the county treasurer and not redeemed and that absolute title to
18 the property shall vest in the county treasurer on the March 31
19 immediately succeeding the entry of a judgment foreclosing the
20 property under section 78k or in a contested case 21 days after the
21 entry of a judgment foreclosing the property under section 78k. If
22 a certificate of forfeiture is recorded in error, the county
23 treasurer shall record with the county register of deeds a
24 certificate of error in a form prescribed by the department of
25 treasury. A certificate submitted to the county register of deeds
26 for recording under this subsection need not be notarized and may
27 be authenticated by a digital signature of the county treasurer or

1 by other electronic means. If the county has elected under section
2 78 to have this state foreclose property under this act forfeited
3 to the county treasurer under this section, the county treasurer
4 shall immediately transmit to the department of treasury a copy of
5 each certificate recorded under this subsection. The county
6 treasurer shall upon collection transmit to the department of
7 treasury within 30 days the fee added to each parcel under
8 subsection (1), which may be paid from the county's delinquent tax
9 revolving fund and shall be deposited in the land reutilization
10 fund created under section 78n.

11 (3) Property forfeited to the county treasurer under
12 subsection (1) may be redeemed at any time on or before the March
13 31 immediately succeeding the entry of a judgment foreclosing the
14 property under section 78k or in a contested case within 21 days of
15 the entry of a judgment foreclosing the property under section 78k,
16 upon payment to the county treasurer of all of the following:

17 (a) The total amount of unpaid delinquent taxes, interest,
18 penalties, and fees for which the property was forfeited.

19 (b) In addition to the interest calculated under ~~sections~~
20 ~~60a(1) or (2) and~~ **SECTION** 78a(3), additional interest computed at a
21 noncompounded rate of 1/2% per month or fraction of a month on the
22 taxes that were originally returned as delinquent, computed from
23 the March 1 preceding the forfeiture.

24 (c) All recording fees and all fees for service of process or
25 notice.

26 (4) If property is redeemed by a person with a legal interest
27 as provided under subsection (3), any unpaid taxes not returned as

1 delinquent to the county treasurer under section 78a are not
2 extinguished.

3 (5) If property is redeemed by a person with a legal interest
4 as provided under subsection (3), the person redeeming does not
5 acquire a title or interest in the property greater than that
6 person would have had if the property had not been forfeited to the
7 county treasurer, but the person redeeming, other than the owner,
8 is entitled to a lien for the amount paid to redeem the property in
9 addition to any other lien or interest the person may have, which
10 shall be recorded within 30 days with the register of deeds by the
11 person entitled to the lien. The lien acquired shall have the same
12 priority as the existing lien, title, or interest.

13 (6) If property is redeemed as provided under subsection (3),
14 the county treasurer shall issue a redemption certificate in
15 quadruplicate in a form prescribed by the department of treasury.
16 One of the quadruplicate certificates shall be delivered to the
17 person making the redemption payment, 1 shall be filed in the
18 office of the county treasurer, 1 shall be recorded in the office
19 of the county register of deeds, and 1 shall be immediately
20 transmitted to the department of treasury if this state is the
21 foreclosing governmental unit. The county treasurer shall also make
22 a note of the redemption certificate in the tax record kept in his
23 or her office, with the name of the person making the final
24 redemption payment, the date of the payment, and the amount paid.
25 If the county treasurer accepts partial redemption payments, the
26 county treasurer shall include in the tax record kept in his or her
27 office the name of the person or persons making each partial

1 redemption payment, the date of each partial redemption payment,
2 the amount of each partial redemption payment, and the total amount
3 of all redemption payments. A certificate and the entry of the
4 certificate in the tax record by the county treasurer is prima
5 facie evidence of a redemption payment in the courts of this state.
6 A certificate submitted to the county register of deeds for
7 recording under this subsection need not be notarized and may be
8 authenticated by a digital signature of the county treasurer or by
9 other electronic means. If a redemption certificate is recorded in
10 error, the county treasurer shall record with the county register
11 of deeds a certificate of error in a form prescribed by the
12 department of treasury. A copy of a certificate of error recorded
13 under this section shall be immediately transmitted to the
14 department of treasury if this state is the foreclosing
15 governmental unit. **IN A QUALIFIED COUNTY, PAYMENT UNDER THIS**
16 **SUBSECTION SHALL BE CREDITED AGAINST THE MOST DELINQUENT TAXES.**

17 (7) If a foreclosing governmental unit has reason to believe
18 that a property forfeited under this section may be the site of
19 environmental contamination, the foreclosing governmental unit
20 shall provide the department of environmental quality with any
21 information in the possession of the foreclosing governmental unit
22 that suggests the property may be the site of environmental
23 contamination.

24 Sec. 78i. (1) Not later than May 1 immediately succeeding the
25 forfeiture of property to the county treasurer under section 78g,
26 the foreclosing governmental unit shall initiate a search of
27 records identified in subsection (6) to identify the owners of a

1 property interest in the property who are entitled to notice under
2 this section of the show cause hearing under section 78j and the
3 foreclosure hearing under section 78k. The foreclosing governmental
4 unit may enter into a contract with 1 or more authorized
5 representatives to perform a title search or may request from 1 or
6 more authorized representatives another title search product to
7 identify the owners of a property interest in the property as
8 required under this subsection or to perform other functions
9 required for the collection of delinquent taxes under this act.

10 (2) After conducting the search of records under subsection
11 (1), the foreclosing governmental unit or its authorized
12 representative shall determine the address reasonably calculated to
13 apprise those owners of a property interest of the show cause
14 hearing under section 78j and the foreclosure hearing under section
15 78k and shall send notice of the show cause hearing under section
16 78j and the foreclosure hearing under section 78k to those owners,
17 and to a person entitled to notice of the return of delinquent
18 taxes under section 78a(4), by certified mail, return receipt
19 requested, not less than 30 days before the show cause hearing. If
20 after conducting the search of records under subsection (1) the
21 foreclosing governmental unit is unable to determine an address
22 reasonably calculated to inform a person with an interest in a
23 forfeited property, or if the foreclosing governmental unit
24 discovers a deficiency in notice under subsection (4), the
25 following shall be considered reasonable steps by the foreclosing
26 governmental unit or its authorized representative to ascertain the
27 address of a person entitled to notice under this section or to

1 ascertain an address necessary to correct the deficiency in notice
2 under subsection (4):

3 (a) For an individual, a search of the records of the probate
4 court for the county in which the property is located.

5 (b) For an individual, a search of the qualified voter file
6 established under section 509o of the Michigan election law, 1954
7 PA 116, MCL 168.509o, which is authorized by this subdivision.

8 (c) For a partnership, a search of partnership records filed
9 with the county clerk.

10 (d) For a business entity other than a partnership, a search
11 of business entity records filed with the department of labor and
12 economic growth.

13 (3) The foreclosing governmental unit or its authorized
14 representative or authorized agent shall make a personal visit to
15 each parcel of property forfeited to the county treasurer under
16 section 78g to ascertain whether or not the property is occupied.
17 If the property appears to be occupied, the foreclosing
18 governmental unit or its authorized representative shall do all of
19 the following:

20 (a) Attempt to personally serve upon a person occupying the
21 property notice of the show cause hearing under section 78j and the
22 foreclosure hearing under section 78k.

23 (b) If a person occupying the property is personally served,
24 orally inform the occupant that the property will be foreclosed and
25 the occupants will be required to vacate unless all forfeited
26 unpaid delinquent taxes, interest, penalties, and fees are paid, of
27 the time within which all forfeited unpaid delinquent taxes,

1 interest, penalties, and fees must be paid, and of agencies or
2 other resources that may be available to assist the owner to avoid
3 loss of the property.

4 (c) If the occupant appears to lack the ability to understand
5 the advice given, notify the department of human services or
6 provide the occupant with the names and telephone numbers of the
7 agencies that may be able to assist the occupant.

8 (d) If the foreclosing governmental unit or its authorized
9 representative is not able to personally meet with the occupant **OR,**
10 **FOR PROPERTY LOCATED IN A QUALIFIED COUNTY, IN ALL INSTANCES,** the
11 foreclosing governmental unit or its authorized representative
12 shall ~~place~~**POST AND AFFIX** the notice in a conspicuous manner on
13 the property and shall also ~~place~~**POST AND AFFIX** in a conspicuous
14 manner on the property a notice that explains, in plain English,
15 that the property will be foreclosed unless forfeited unpaid
16 delinquent taxes, interest, penalties, and fees are paid, the time
17 within which forfeited unpaid delinquent taxes, interest,
18 penalties, and fees must be paid, and the names, addresses, and
19 telephone numbers of agencies or other resources that may be
20 available to assist the occupant to avoid loss of the property. **IN**
21 **A QUALIFIED COUNTY, THE NOTICE SHALL BE ON 11-INCH BY 15-INCH LEGAL**
22 **SIZE, BRIGHT, IRIDESCENT PAPER AND PRINTED IN 24-POINT BOLD**
23 **LETTERING. THE FORECLOSING GOVERNMENTAL UNIT SHALL PHOTOGRAPH EACH**
24 **NOTICE POSTED AND AFFIXED ON THE PROPERTY.** If this state is the
25 foreclosing governmental unit within a county, the department of
26 treasury shall perform the personal visit to each parcel of
27 property under this subsection on behalf of this state.

1 (4) If the foreclosing governmental unit or its authorized
2 representative discovers any deficiency in the provision of notice,
3 the foreclosing governmental unit shall take reasonable steps in
4 good faith to correct that deficiency not later than 30 days before
5 the show cause hearing under section 78j, if possible. **IF IT IS**
6 **DETERMINED THAT WITHIN A QUALIFIED COUNTY THERE IS A DEFICIENCY IN**
7 **THE PROVISION OF NOTICE TO 20% OR MORE OF THE OWNERS OF A PROPERTY**
8 **INTEREST WHO ARE ENTITLED TO NOTICE UNDER THIS SECTION, AN OWNER OF**
9 **A PROPERTY INTEREST WHO IS ENTITLED TO NOTICE UNDER THIS SECTION,**
10 **HIS OR HER AUTHORIZED REPRESENTATIVE, OR HIS OR HER ATTORNEY MAY**
11 **SEEK A WRIT OF MANDAMUS UNDER CHAPTER 44 OF THE REVISED JUDICATURE**
12 **ACT OF 1961, 1961 PA 236, MCL 600.4401 TO 600.4431, TO COMPEL THE**
13 **FORECLOSING GOVERNMENTAL UNIT OR ITS AUTHORIZED REPRESENTATIVE TO**
14 **CORRECT THAT DEFICIENCY IN NOTICE WITHIN THE QUALIFIED COUNTY.**

15 (5) If the foreclosing governmental unit or its authorized
16 representative is unable to ascertain the address reasonably
17 calculated to apprise the owners of a property interest entitled to
18 notice under this section, or is unable to notify the owner of a
19 property interest under subsection (2), the notice shall be made by
20 publication. A notice shall be published for 3 successive weeks,
21 once each week, in a newspaper published and circulated in the
22 county in which the property is located, if there is one. If no
23 paper is published in that county, publication shall be made in a
24 newspaper published and circulated in an adjoining county. This
25 publication shall be instead of notice under subsection (2). **IN A**
26 **QUALIFIED COUNTY, IN ADDITION TO A PERSONAL VISIT AND SERVICE BY**
27 **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, THE NOTICE SHALL ALSO BE**

1 MADE BY PUBLICATION. A NOTICE SHALL BE PUBLISHED FOR 3 SUCCESSIVE
2 WEEKS, ONCE EACH WEEK, IN THE NEWSPAPER WITH THE LARGEST
3 CIRCULATION PUBLISHED AND CIRCULATED IN THE QUALIFIED COUNTY IN
4 WHICH THE PROPERTY IS LOCATED, IF THERE IS ONE. IF NO PAPER IS
5 PUBLISHED IN THE QUALIFIED COUNTY IN WHICH THE PROPERTY IS LOCATED,
6 PUBLICATION SHALL BE MADE IN THE NEWSPAPER WITH THE LARGEST
7 CIRCULATION PUBLISHED AND CIRCULATED IN A COUNTY ADJOINING THE
8 QUALIFIED COUNTY. THIS PUBLICATION SHALL BE IN ADDITION TO THE
9 NOTICE UNDER SUBSECTION (2).

10 (6) The owner of a property interest is entitled to notice
11 under this section of the show cause hearing under section 78j and
12 the foreclosure hearing under section 78k if that owner's interest
13 was identifiable by reference to any of the following sources
14 before the date that the county treasurer records the certificate
15 required under section 78g(2):

16 (a) Land title records in the office of the county register of
17 deeds.

18 (b) Tax records in the office of the county treasurer.

19 (c) Tax records in the office of the local assessor.

20 (d) Tax records in the office of the local treasurer.

21 (7) The notice required under subsections (2) and (3) shall
22 include all of the following:

23 (a) The date on which the property was forfeited to the county
24 treasurer.

25 (b) A statement that the person notified may lose his or her
26 interest in the property as a result of the foreclosure proceeding
27 under section 78k.

1 (c) A legal description or parcel number of the property and
2 the street address of the property, if available.

3 (d) The person to whom the notice is addressed.

4 (e) The total taxes, interest, penalties, and fees due on the
5 property.

6 (f) The date and time of the show cause hearing under section
7 78j.

8 (g) The date and time of the hearing on the petition for
9 foreclosure under section 78k, and a statement that unless the
10 forfeited unpaid delinquent taxes, interest, penalties, and fees
11 are paid on or before the March 31 immediately succeeding the entry
12 of a judgment foreclosing the property under section 78k, or in a
13 contested case within 21 days of the entry of a judgment
14 foreclosing the property under section 78k, the title to the
15 property shall vest absolutely in the foreclosing governmental unit
16 and that all existing interests in oil or gas in that property
17 shall be extinguished except the following:

18 (i) The interests of a lessee or an assignee of an interest of
19 a lessee under an oil or gas lease in effect as to that property or
20 any part of that property if the lease was recorded in the office
21 of the register of deeds in the county in which the property is
22 located before the date of filing the petition for foreclosure
23 under section 78h.

24 (ii) Interests preserved as provided in section 1(3) of 1963 PA
25 42, MCL 554.291.

26 (h) An explanation of the person's rights of redemption and
27 notice that the rights of redemption will expire on the March 31

1 immediately succeeding the entry of a judgment foreclosing the
2 property under section 78k, or in a contested case 21 days after
3 the entry of a judgment foreclosing the property under section 78k.

4 (8) The published notice required under subsection (5) shall
5 include all of the following:

6 (a) A legal description or parcel number of each property.

7 (b) The street address of each property, if available.

8 (c) The name of any person or entity entitled to notice under
9 this section who has not been notified under subsection (2) or (3)

10 **OR, IN A QUALIFIED COUNTY, THE NAME OF ANY PERSON OR ENTITY**
11 **ENTITLED TO NOTICE UNDER THIS SECTION.**

12 (d) The date and time of the show cause hearing under section
13 78j.

14 (e) The date and time of the hearing on the petition for
15 foreclosure under section 78k.

16 (f) A statement that unless all forfeited unpaid delinquent
17 taxes, interest, penalties, and fees are paid on or before the
18 March 31 immediately succeeding the entry of a judgment foreclosing
19 the property under section 78k, or in a contested case within 21
20 days of the entry of a judgment foreclosing the property under
21 section 78k, the title to the property shall vest absolutely in the
22 foreclosing governmental unit and that all existing interests in
23 oil or gas in that property shall be extinguished except the
24 following:

25 (i) The interests of a lessee or an assignee of an interest of
26 a lessee under an oil or gas lease in effect as to that property or
27 any part of that property if the lease was recorded in the office

1 of the register of deeds in the county in which the property is
2 located before the date of filing the petition for foreclosure
3 under section 78h.

4 (ii) Interests preserved as provided in section 1(3) of 1963 PA
5 42, MCL 554.291.

6 (g) A statement that a person with an interest in the property
7 may lose his or her interest in the property as a result of the
8 foreclosure proceeding under section 78k and that all existing
9 interests in oil or gas in that property shall be extinguished
10 except the following:

11 (i) The interests of a lessee or an assignee of an interest of
12 a lessee under an oil or gas lease in effect as to that property or
13 any part of that property if the lease was recorded in the office
14 of the register of deeds in the county in which the property is
15 located before the date of filing the petition for foreclosure
16 under section 78h.

17 (ii) Interests preserved as provided in section 1(3) of 1963 PA
18 42, MCL 554.291.

19 (9) The owner of a property interest who has been properly
20 served with a notice of the show cause hearing under section 78j
21 and the foreclosure hearing under section 78k and who failed to
22 redeem the property as provided under this act shall not assert any
23 of the following:

24 (a) That notice was insufficient or inadequate on the grounds
25 that some other owner of a property interest was not also served.

26 (b) That the redemption period provided under this act was
27 extended in any way on the grounds that some other owner of a

1 property interest was not also served.

2 (10) The failure of the foreclosing governmental unit to
3 comply with any provision of this section shall not invalidate any
4 proceeding under this act if the owner of a property interest or a
5 person to whom a tax deed was issued is accorded the minimum due
6 process required under the state constitution of 1963 and the
7 constitution of the United States.

8 (11) As used in this section, "authorized representative"
9 includes all of the following:

10 (a) A title insurance company or agent licensed to conduct
11 business in this state.

12 (b) An attorney licensed to practice law in this state.

13 (c) A person accredited in land title search procedures by a
14 nationally recognized organization in the field of land title
15 searching.

16 (d) A person with demonstrated experience searching land title
17 records, as determined by the foreclosing governmental unit.

18 (12) The provisions of this section relating to notice of the
19 show cause hearing under section 78j and the foreclosure hearing
20 under section 78k are exclusive and exhaustive. Other requirements
21 relating to notice or proof of service under other law, rule, or
22 legal requirement are not applicable to notice and proof of service
23 under this section.

24 Sec. 78k. (1) If a petition for foreclosure is filed under
25 section 78h, not later than the date of the hearing, the
26 foreclosing governmental unit shall file with the clerk of the
27 circuit court proof of service of the notice of the show cause

1 hearing under section 78j, proof of service of the notice of the
2 foreclosure hearing under this section, and proof of the personal
3 visit to the property and publication under section 78i. **IN A**
4 **QUALIFIED COUNTY, PROOF OF THE PERSONAL VISIT TO THE PROPERTY SHALL**
5 **INCLUDE A SWORN STATEMENT ATTESTING TO THE PERSONAL VISIT AND A**
6 **PHOTOGRAPH DEPICTING EACH NOTICE PLACED ON THE PROPERTY.**

7 (2) A person claiming an interest in a parcel of property set
8 forth in the petition for foreclosure may contest the validity or
9 correctness of the forfeited unpaid delinquent taxes, interest,
10 penalties, and fees for 1 or more of the following reasons:

11 (a) No law authorizes the tax.

12 (b) The person appointed to decide whether a tax shall be
13 levied under a law of this state acted without jurisdiction, or did
14 not impose the tax in question.

15 (c) The property was exempt from the tax in question, or the
16 tax was not legally levied.

17 (d) The tax has been paid within the time limited by law for
18 payment or redemption.

19 (e) The tax was assessed fraudulently.

20 (f) The description of the property used in the assessment was
21 so indefinite or erroneous that the forfeiture was void.

22 (3) A person claiming an interest in a parcel of property set
23 forth in the petition for foreclosure who desires to contest that
24 petition shall file written objections with the clerk of the
25 circuit court and serve those objections on the foreclosing
26 governmental unit prior to the date of the hearing required under
27 this section.

1 (4) If the court determines that the owner of property subject
2 to foreclosure is a minor heir, is incompetent, is without means of
3 support, or is undergoing a substantial financial hardship, the
4 court may withhold that property from foreclosure for 1 year or may
5 enter an order extending the redemption period as the court
6 determines to be equitable. If the court withholds property from
7 foreclosure under this subsection, a taxing unit's lien for taxes
8 due is not prejudiced and that property shall be included in the
9 immediately succeeding year's tax foreclosure proceeding.

10 (5) The circuit court shall enter final judgment on a petition
11 for foreclosure filed under section 78h at any time after the
12 hearing under this section but not later than the March 30
13 immediately succeeding the hearing with the judgment effective on
14 the March 31 immediately succeeding the hearing for uncontested
15 cases or 10 days after the conclusion of the hearing for contested
16 cases. All redemption rights to the property expire on the March 31
17 immediately succeeding the entry of a judgment foreclosing the
18 property under this section, or in a contested case 21 days after
19 the entry of a judgment foreclosing the property under this
20 section. The circuit court's judgment shall specify all of the
21 following:

22 (a) The legal description and, if known, the street address of
23 the property foreclosed and the forfeited unpaid delinquent taxes,
24 interest, penalties, and fees due on each parcel of property.

25 (b) That fee simple title to property foreclosed by the
26 judgment will vest absolutely in the foreclosing governmental unit,
27 except as otherwise provided in subdivisions (c) and (e), without

1 any further rights of redemption, if all forfeited delinquent
2 taxes, interest, penalties, and fees are not paid on or before the
3 March 31 immediately succeeding the entry of a judgment foreclosing
4 the property under this section, or in a contested case within 21
5 days of the entry of a judgment foreclosing the property under this
6 section.

7 (c) That all liens against the property, including any lien
8 for unpaid taxes or special assessments, except future installments
9 of special assessments and liens recorded by this state or the
10 foreclosing governmental unit pursuant to the natural resources and
11 environmental protection act, 1994 PA 451, MCL 324.101 to
12 324.90106, are extinguished, if all forfeited delinquent taxes,
13 interest, penalties, and fees are not paid on or before the March
14 31 immediately succeeding the entry of a judgment foreclosing the
15 property under this section, or in a contested case within 21 days
16 of the entry of a judgment foreclosing the property under this
17 section.

18 (d) That, except as otherwise provided in subdivisions (c) and
19 (e), the foreclosing governmental unit has good and marketable fee
20 simple title to the property, if all forfeited delinquent taxes,
21 interest, penalties, and fees are not paid on or before the March
22 31 immediately succeeding the entry of a judgment foreclosing the
23 property under this section, or in a contested case within 21 days
24 of the entry of a judgment foreclosing the property under this
25 section.

26 (e) That all existing recorded and unrecorded interests in
27 that property are extinguished, except a visible or recorded

1 easement or right-of-way, private deed restrictions, interests of a
2 lessee or an assignee of an interest of a lessee under a recorded
3 oil or gas lease, interests in oil or gas in that property that are
4 owned by a person other than the owner of the surface that have
5 been preserved as provided in section 1(3) of 1963 PA 42, MCL
6 554.291, or restrictions or other governmental interests imposed
7 pursuant to the natural resources and environmental protection act,
8 1994 PA 451, MCL 324.101 to 324.90106, if all forfeited delinquent
9 taxes, interest, penalties, and fees are not paid on or before the
10 March 31 immediately succeeding the entry of a judgment foreclosing
11 the property under this section, or in a contested case within 21
12 days of the entry of a judgment foreclosing the property under this
13 section.

14 (f) A finding that all persons entitled to notice and an
15 opportunity to be heard have been provided that notice and
16 opportunity. A person shall be deemed to have been provided notice
17 and an opportunity to be heard if the foreclosing governmental unit
18 followed the procedures for provision of notice by mail, for visits
19 to forfeited property, and for publication under section 78i, or if
20 1 or more of the following apply:

21 (i) The person had constructive notice of the hearing under
22 this section by acquiring an interest in the property after the
23 date the notice of forfeiture is recorded under section 78g.

24 (ii) The person appeared at the hearing under this section or
25 filed written objections with the clerk of the circuit court under
26 subsection (3) prior to the hearing.

27 (iii) Prior to the hearing under this section, the person had

1 actual notice of the hearing.

2 (g) A judgment entered under this section is a final order
3 with respect to the property affected by the judgment and except as
4 provided in subsection (7) shall not be modified, stayed, or held
5 invalid after the March 31 immediately succeeding the entry of a
6 judgment foreclosing the property under this section, or for
7 contested cases 21 days after the entry of a judgment foreclosing
8 the property under this section.

9 (6) Except as otherwise provided in subsection (5)(c) and (e),
10 fee simple title to property set forth in a petition for
11 foreclosure filed under section 78h on which forfeited delinquent
12 taxes, interest, penalties, and fees are not paid on or before the
13 March 31 immediately succeeding the entry of a judgment foreclosing
14 the property under this section, or in a contested case within 21
15 days of the entry of a judgment foreclosing the property under this
16 section, shall vest absolutely in the foreclosing governmental
17 unit, and the foreclosing governmental unit shall have absolute
18 title to the property, including all interests in oil or gas in
19 that property except the interests of a lessee or an assignee of an
20 interest of a lessee under an oil or gas lease in effect as to that
21 property or any part of that property if the lease was recorded in
22 the office of the register of deeds in the county in which the
23 property is located before the date of filing the petition for
24 foreclosure under section 78h, and interests preserved as provided
25 in section 1(3) of 1963 PA 42, MCL 554.291. The foreclosing
26 governmental unit's title is not subject to any recorded or
27 unrecorded lien and shall not be stayed or held invalid except as

1 provided in subsection (7) or (9).

2 (7) The foreclosing governmental unit or a person claiming to
3 have a property interest under section 78i in property foreclosed
4 under this section may appeal the circuit court's order or the
5 circuit court's judgment foreclosing property to the court of
6 appeals. An appeal under this subsection is limited to the record
7 of the proceedings in the circuit court under this section and
8 shall not be de novo. The circuit court's judgment foreclosing
9 property shall be stayed until the court of appeals has reversed,
10 modified, or affirmed that judgment. If an appeal under this
11 subsection stays the circuit court's judgment foreclosing property,
12 the circuit court's judgment is stayed only as to the property that
13 is the subject of that appeal and the circuit court's judgment
14 foreclosing other property that is not the subject of that appeal
15 is not stayed. To appeal the circuit court's judgment foreclosing
16 property, a person appealing the judgment shall pay to the county
17 treasurer the amount determined to be due to the county treasurer
18 under the judgment on or before the March 31 immediately succeeding
19 the entry of a judgment foreclosing the property under this
20 section, or in a contested case within 21 days of the entry of a
21 judgment foreclosing the property under this section, together with
22 a notice of appeal. If the circuit court's judgment foreclosing the
23 property is affirmed on appeal, the amount determined to be due
24 shall be refunded to the person who appealed the judgment. If the
25 circuit court's judgment foreclosing the property is reversed or
26 modified on appeal, the county treasurer shall refund the amount
27 determined to be due to the person who appealed the judgment, if

1 any, and retain the balance in accordance with the order of the
2 court of appeals.

3 (8) The foreclosing governmental unit shall record a notice of
4 judgment for each parcel of foreclosed property in the office of
5 the register of deeds for the county in which the foreclosed
6 property is located in a form prescribed by the department of
7 treasury.

8 (9) After the entry of a judgment foreclosing the property
9 under this section, if the property has not been transferred under
10 section 78m to a person other than the foreclosing governmental
11 unit, a foreclosing governmental unit may cancel the foreclosure by
12 recording with the register of deeds for the county in which the
13 property is located a certificate of error in a form prescribed by
14 the department of treasury, if the foreclosing governmental unit
15 discovers any of the following:

16 (a) The foreclosed property was not subject to taxation on the
17 date of the assessment of the unpaid taxes for which the property
18 was foreclosed.

19 (b) The description of the property used in the assessment of
20 the unpaid taxes for which the property was foreclosed was so
21 indefinite or erroneous that the forfeiture of the property was
22 void.

23 (c) The taxes for which the property was foreclosed had been
24 paid to the proper officer within the time provided under this act
25 for the payment of the taxes or the redemption of the property.

26 (d) A certificate, including a certificate issued under
27 section 135, or other written verification authorized by law was

1 issued by the proper officer within the time provided under this
2 act for the payment of the taxes for which the property was
3 foreclosed or for the redemption of the property.

4 (e) An owner of an interest in the property entitled to notice
5 under section 78i was not provided notice sufficient to satisfy the
6 minimum requirements of due process required under the state
7 constitution of 1963 and the constitution of the United States.

8 (f) A judgment of foreclosure was entered under this section
9 in violation of an order issued by a United States bankruptcy
10 court.

11 (10) A certificate of error submitted to the county register
12 of deeds for recording under subsection (9) need not be notarized
13 and may be authenticated by a digital signature of the foreclosing
14 governmental unit or by other electronic means.