

HOUSE BILL No. 4364

March 2, 2011, Introduced by Reps. Agema, Walsh, Forlini, Lori, Pettalia, Wayne Schmidt, Poleski, O'Brien, Tyler, Haines, Huuki, Somerville, McMillin, Genetski and Barnett and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5867 (MCL 600.5867) and by adding section 5867a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5867. In every action for the recovery or possession of
2 real estate ~~PROPERTY~~, the person establishing the legal title to
3 the ~~premises~~ **REAL PROPERTY** is presumed to have been in possession
4 of the ~~premises~~ **REAL PROPERTY** within the time ~~limited by law~~ **LIMITS**
5 **PRESCRIBED IN SECTION 5801** for bringing ~~such~~ **THE** action, ~~unless it~~
6 ~~appears that the same~~ **AND THE OCCUPATION OF THE REAL PROPERTY BY**
7 **ANY OTHER PERSON IS PRESUMED TO BE IN SUBORDINATION TO THE LEGAL**
8 **TITLE, EXCEPT IN EITHER OF THE FOLLOWING SITUATIONS:**

9 (A) **THE REAL PROPERTY** has been possessed adversely to ~~such~~ **THE**

1 legal title by the defendant or by those from or under whom he ~~he~~ **THE**
2 **DEFENDANT** claims. ~~, or that the~~ **A CLAIM OF ADVERSE POSSESSION IS**
3 **SUBJECT TO SECTION 5867A.**

4 (B) **THE** grantee, or ~~his~~ **THE GRANTEE'S** assigns, in a contract
5 of purchase have been in possession claiming title by virtue of
6 ~~said~~ **THE** contract of purchase for a period of 20 years after the
7 last payment was due on ~~said~~ **THE** contract **OF PURCHASE** or after the
8 last payment was made on ~~said~~ **THE** contract of purchase.

9 **SEC. 5867A. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A**
10 **CLAIM OF ADVERSE POSSESSION CANNOT BE MAINTAINED IF THE PERSON**
11 **AGAINST WHOM THE CLAIM IS MADE HAS PAID ALL STATE AND LOCAL TAXES**
12 **AND SPECIAL ASSESSMENTS LEVIED AGAINST THE REAL PROPERTY DURING THE**
13 **TIME PERIOD PRESCRIBED IN SECTION 5801.**