

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.6064 Acquisition by creditor of interest vested in original purchaser by sale; purchase by other creditors; acquisition by original purchaser, execution plaintiff, or mortgagee.

Sec. 6064.

(1) Whenever any creditor, or purchaser, acquires the title of the original purchaser pursuant to the foregoing provisions, any other creditor who might have acquired the title according to such provisions may become a purchaser thereof from the first creditor who acquired the title, upon the following conditions:

(a) By reimbursing to the first creditor, his personal representatives, or assigns, the sum which may have been paid by him to acquire the title, together with interest thereon, computed as hereinbefore provided, from the time of the payment to the time of the reimbursement;

(b) If the levy under the execution or judgment, by virtue of which the first creditor acquired the title of the original purchaser, be prior to the levy or judgment of the second creditor, then the second creditor shall also pay to the first creditor the amount due on his judgment;

(c) But if the levy under the execution or the judgment of the first creditor, at the time of his acquiring the title of the original purchaser, shall have ceased to be a lien as against the second creditor, it shall not be necessary to pay the amount thereof.

(2) In the same manner any third or other creditor or purchaser at subsequent sale under a junior levy whose title has not become absolute, who might, according to the foregoing provisions, acquire the title of the original purchaser, may become a purchaser thereof, from the second, third, or any other creditor, who may have become such purchaser from any other creditor upon the same terms and conditions specified in (1).

(3) If the original purchaser of any premises sold, is also a creditor of the defendant against whom the execution issued, and as such might acquire the title of any purchaser, according to the preceding provisions, he may avail himself of his judgment in the same manner, and on the same terms herein prescribed, to acquire the title which any creditor may have obtained.

(4) The plaintiff under whose execution any real estate has been sold shall not acquire the title of the original purchaser, or of any creditor, to the premises sold, by virtue of the judgment on which the execution issued; but if he has any other judgment which would entitle him to acquire the title, according to the preceding provisions, he may avail himself of the other judgment, in the same manner, and on the same terms as any other creditor.

(5) Creditors may acquire the interest of the original purchaser acquired by a mortgagee under subsection (6) of section 6063. Unless an execution has been issued on the creditor's judgment and a levy made by virtue thereof on the mortgaged premises, previous to the execution of the mortgage, a creditor acquiring the right of the original purchaser from the mortgagee, his representatives or assigns, shall pay to the mortgagee, his representatives or assigns, the amount due on the mortgage, and be subrogated to the rights of the owner thereof. The creditor shall also reimburse, with interest, the amount paid by the mortgagee, his representatives, or assigns, to acquire the rights of the original purchaser.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;— Am. 1974, Act 297, Eff. Apr. 1, 1975