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SENATE SUBSTITUTE FOR HOUSE SUBSTITUTE FOR
SENATE BILL NO. 489

(As passed the Senate, June 9, 1999)

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
(MCL 211.1 to 211.157) by adding sections 79 and 79a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 79. (1) FOR TAXES LEVIED AFTER DECEMBER 31, 1998, CER-
2 TIFIED ABANDONED PROPERTY IS SUBJECT TO FORFEITURE, FORECLOSURE,
3 AND SALE FOR THE ENFORCEMENT AND COLLECTION OF THE DELINQUENT
4 TAXES AS PROVIDED IN THIS SECTION AND SECTIONS 78, 78A, AND 78G
5 TO 78P.
6 (2) AS USED IN THIS ACT, "CERTIFIED ABANDONED PROPERTY"
7 MEANS PROPERTY THAT HAS BEEN RETURNED AS DELINQUENT TO THE COUNTY
8 TREASURER ON MARCH 1 OF EACH TAX YEAR AND IS CERTIFIED AS CERTI-
9 FIED ABANDONED PROPERTY UNDER THE CERTIFICATION OF ABANDONED
10 PROPERTY FOR ACCELERATED FORFEITURE ACT.

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1 SEC. 79A. (1) A PERSON WHO HOLDS A TAX DEED ISSUED ON
2 ABANDONED PROPERTY MAY QUIET TITLE TO THAT ABANDONED PROPERTY IN
3 THE CIRCUIT COURT OF THE COUNTY IN WHICH THE ABANDONED PROPERTY
4 IS LOCATED BY DOING ALL OF THE FOLLOWING:

5 (A) THE TAX DEED HOLDER OR HIS OR HER AUTHORIZED AGENT CON-
6 DUCTS A TITLE SEARCH ON THE ABANDONED PROPERTY.

7 (B) AFTER CONDUCTING THE TITLE SEARCH AS PROVIDED IN SUBDI-
8 VISION (A), THE TAX DEED HOLDER OR HIS OR HER AUTHORIZED AGENT
9 SENDS NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE
10 OWNER AND TO ALL PERSONS WITH A LEGAL INTEREST IN EACH PARCEL OF
11 ABANDONED PROPERTY SUBJECT TO ACCELERATED FORECLOSURE UNDER THIS
12 SECTION, AS DETERMINED BY THE RECORDS IN THE OFFICE OF THE REGIS-
13 TER OF DEEDS AND IN RECORDS MAINTAINED BY THE COUNTY TREASURER
14 AND THE STATE TREASURER. IF, FOR ANY REASON, THE NOTICE CANNOT
15 BE DELIVERED TO THE LAST RECORDED ADDRESS OF THE OWNER OR PERSONS
16 WITH A LEGAL INTEREST IN THE ABANDONED PROPERTY, NOTICE SHALL BE
17 MADE BY PUBLICATION. THE NOTICE SHALL BE PUBLISHED FOR 4 SUCCES-
18 SIVE WEEKS, ONCE EACH WEEK, IN A NEWSPAPER PUBLISHED AND CIRCU-
19 LATED IN THE COUNTY IN WHICH THE PARCEL IS LOCATED, IF THERE IS
20 ONE. IF NO NEWSPAPER IS PUBLISHED IN THE COUNTY WHERE THE PARCEL
21 IS LOCATED, PUBLICATION SHALL BE MADE IN A NEWSPAPER PUBLISHED
22 AND CIRCULATED IN AN ADJOINING COUNTY. PUBLICATION UNDER THIS
23 SUBDIVISION IS SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTION
24 65.

25 (C) AT THE REQUEST OF THE TAX DEED HOLDER, THE BUILDING
26 INSPECTOR OF THE MUNICIPALITY IN WHICH THE PROPERTY IS LOCATED
27 INSPECTS THE PROPERTY AND EXECUTES AN AFFIDAVIT ATTESTING THAT

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1 THE ABANDONED PROPERTY IS VACANT, DILAPIDATED, OR OPEN TO
2 ENTRANCE OR TRESPASS. THE COST OF THE INSPECTION SHALL BE PAID
3 BY THE TAX DEED HOLDER AND SHALL BE INCLUDED IN THE AMOUNT NECES-
4 SARY TO REDEEM THE PROPERTY.

5 (D) THE TAX DEED HOLDER OR HIS OR HER AUTHORIZED AGENT POSTS
6 A NOTICE ON THE ABANDONED PROPERTY NOT LESS THAN 90 DAYS BEFORE A
7 FORECLOSURE ACTION IS BROUGHT UNDER THIS SUBSECTION.

8 (E) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE,
9 BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

10 (i) THE LEGAL DESCRIPTION, PARCEL NUMBER, AND, IF KNOWN, THE
11 STREET ADDRESS OF THE ABANDONED PROPERTY.

12 (ii) A STATEMENT OF THE TOTAL AMOUNT THAT MUST BE PAID TO
13 THE COUNTY TREASURER TO REDEEM THE ABANDONED PROPERTY WITHIN 90
14 DAYS OF RECEIPT OF THE NOTICE, INCLUDING FEES TO COVER THE COST
15 OF A TITLE SEARCH, PUBLICATION, AND INSPECTION BY THE MUNICIPAL
16 BUILDING INSPECTOR.

17 (iii) A STATEMENT OF THE PERSON'S RIGHTS OF REDEMPTION AND
18 NOTICE THAT THE RIGHTS OF REDEMPTION WILL EXPIRE 90 DAYS AFTER
19 THE PERSON HAS RECEIVED NOTICE BY MAIL OR PUBLICATION.

20 (iv) A STATEMENT THAT UNLESS THE TAXES, INTEREST, PENALTIES,
21 AND FEES ARE PAID BEFORE THE 90-DAY REDEMPTION PERIOD EXPIRES AND
22 A JUDGMENT OF FORECLOSURE IS ENTERED, TITLE TO THE ABANDONED
23 PROPERTY SHALL VEST ABSOLUTELY IN THE PETITIONING TAX DEED
24 HOLDER.

25 (F) IF THE ABANDONED PROPERTY IS NOT REDEEMED BY THE OWNER
26 OR A PERSON WITH A LEGAL INTEREST IN THE ABANDONED PROPERTY BY
27 PAYMENT TO THE COUNTY TREASURER WITHIN 90 DAYS OF SERVICE OF THE

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1 NOTICE, THE TAX DEED HOLDER MAY BRING AN ACTION IN THE CIRCUIT
2 COURT OF THE COUNTY IN WHICH THE ABANDONED PROPERTY IS LOCATED
3 AND PETITION THE COURT TO ISSUE A JUDGMENT TO QUIET TITLE IN
4 FAVOR OF THE TAX DEED HOLDER. THE TAX DEED HOLDER SHALL PROVIDE
5 ALL OF THE FOLLOWING TO THE CIRCUIT COURT:

6 (i) AN AFFIDAVIT FROM THE BUILDING INSPECTOR OF THE MUNICI-
7 PALITY AS PROVIDED IN SUBDIVISION (C).

8 (ii) A TITLE SEARCH ON THE ABANDONED PROPERTY THAT IDENTI-
9 FIES ALL OWNERS AND PERSONS WITH A LEGAL INTEREST IN THE ABAN-
10 DONED PROPERTY AS DETERMINED BY THE RECORDS MAINTAINED IN THE
11 OFFICE OF THE REGISTER OF DEEDS, THE COUNTY TREASURER, AND THE
12 STATE TREASURER.

13 (iii) PROOFS OF SERVICE REQUIRED UNDER THIS SECTION. IF A
14 TAX DEED HOLDER FAILS TO SERVE NOTICE ON 1 OR MORE PERSONS WITH A
15 LEGAL INTEREST IN THE ABANDONED PROPERTY AS REQUIRED UNDER THIS
16 SECTION, SERVICE ON ANY OTHER PERSON IS NOT INVALIDATED AND THE
17 REDEMPTION PERIOD FOR ANY OTHER PERSON IS NOT STAYED OR
18 EXTENDED.

19 (iv) AN AFFIDAVIT FROM THE COUNTY TREASURER CERTIFYING TO
20 THE LACK OF PAYMENT WITHIN THE 90-DAY REDEMPTION PERIOD.

21 (2) IF THE CIRCUIT COURT ENTERS A JUDGMENT IN FAVOR OF THE
22 PETITIONING TAX DEED HOLDER, THE CIRCUIT COURT SHALL FORECLOSE
23 THE ABANDONED PROPERTY AS REQUESTED IN THE PETITION FOR
24 FORECLOSURE. THE CIRCUIT COURT'S JUDGMENT SHALL SPECIFY ALL OF
25 THE FOLLOWING:

26 (A) THE LEGAL DESCRIPTION AND, IF KNOWN, THE STREET ADDRESS
27 AND PARCEL NUMBER OF THE ABANDONED PROPERTY FORECLOSED.

1 (B) THAT FEE SIMPLE TITLE TO THE ABANDONED PROPERTY
2 FORECLOSED BY THE JUDGMENT IS VESTED ABSOLUTELY IN THE PETITION-
3 ING TAX DEED HOLDER WITHOUT ANY FURTHER RIGHTS OF REDEMPTION.

4 (C) THAT, AS OF THE DATE OF THE JUDGMENT, ALL DELINQUENT
5 PROPERTY TAXES, DEMOLITION LIENS, AND ALL OTHER MUNICIPAL LIENS
6 OF ANY KIND, EXCEPT FUTURE INSTALLMENTS OF SPECIAL ASSESSMENTS,
7 ARE EXTINGUISHED.

8 (D) THAT ALL EXISTING RECORDED AND UNRECORDED INTERESTS IN
9 THAT PROPERTY ARE EXTINGUISHED, EXCEPT A VISIBLE OR RECORDED
10 EASEMENT OR RIGHT-OF-WAY.

11 (E) THAT THE PETITIONING TAX DEED HOLDER HAS GOOD AND MAR-
12 KETABLE FEE SIMPLE TITLE TO THE PROPERTY.

13 (3) IF A JUDGMENT FOR FORECLOSURE IS ENTERED UNDER SUBSEC-
14 TION (2) AND ALL EXISTING RECORDED AND UNRECORDED INTERESTS IN A
15 PARCEL OF PROPERTY ARE EXTINGUISHED AS PROVIDED IN THE JUDGMENT,
16 THE OWNERS OF ANY EXTINGUISHED RECORDED OR UNRECORDED INTEREST IN
17 THAT PROPERTY SHALL NOT BRING AN ACTION FOR POSSESSION OF THE
18 PROPERTY AGAINST ANY SUBSEQUENT OWNER, BUT MAY ONLY BRING AN
19 ACTION TO RECOVER MONETARY DAMAGES. AN ACTION TO RECOVER MONE-
20 TARY DAMAGES UNDER THIS SUBSECTION SHALL NOT BE BROUGHT MORE THAN
21 2 YEARS AFTER A JUDGMENT FOR FORECLOSURE IS ENTERED UNDER SUBSEC-
22 TION (2). MONETARY DAMAGES SHALL BE DETERMINED AS OF THE DATE A
23 JUDGMENT FOR FORECLOSURE IS ENTERED UNDER SUBSECTION (2).

24 (4) FOR PURPOSES OF THIS SECTION, PROPERTY SHALL BE CONSID-
25 ERED ABANDONED IF ALL OF THE FOLLOWING REQUIREMENTS ARE
26 SATISFIED:

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1 (A) WITHIN 30 DAYS BEFORE THE COMMENCEMENT OF FORECLOSURE
2 PROCEEDINGS UNDER THIS SECTION, THE TAX DEED HOLDER MAILES BY
3 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN
4 ADDRESS OF THE OWNER AND ALL PERSONS WITH A LEGAL INTEREST IN THE
5 ABANDONED PROPERTY A NOTICE THAT THE PROPERTY IS ABANDONED AND
6 THAT THE TAX DEED HOLDER INTENDS TO FORECLOSE IT.

7 (B) BEFORE COMMENCEMENT OF FORECLOSURE PROCEEDINGS UNDER
8 THIS SECTION, THE TAX DEED HOLDER EXECUTES AND RECORDS AN AFFIDA-
9 VIT IN THE OFFICE OF THE REGISTER OF DEEDS IN THE COUNTY IN WHICH
10 THE ABANDONED PROPERTY IS LOCATED THAT STATES ALL OF THE
11 FOLLOWING:

12 (i) THAT THE TAX DEED HOLDER HAS MAILED TO THE LAST KNOWN
13 ADDRESS OF THE OWNER AND ALL PERSONS WITH A LEGAL INTEREST IN THE
14 ABANDONED PROPERTY A NOTICE OF ABANDONMENT AND INTENTION TO FORE-
15 CLOSE PURSUANT TO SUBDIVISION (A) AND THAT THE OWNER OR ANY
16 PERSON WITH A LEGAL INTEREST IN THE ABANDONED PROPERTY HAS NOT
17 RESPONDED TO THE NOTICE.

18 (ii) THAT THE TAX DEED HOLDER OR HIS OR HER AUTHORIZED AGENT
19 HAS MADE A PERSONAL INSPECTION OF THE ABANDONED PROPERTY AND THAT
20 THE INSPECTION DID NOT REVEAL THAT THE OWNER OR ANY PERSON WITH A
21 LEGAL INTEREST IN THE ABANDONED PROPERTY IS PRESENTLY OCCUPYING
22 OR INTENDS TO OCCUPY THE ABANDONED PROPERTY.

23 (C) THE TAX DEED HOLDER MAILES BY CERTIFIED MAIL, RETURN
24 RECEIPT REQUESTED, A COPY OF THE AFFIDAVIT RECORDED UNDER SUBDI-
25 VISION (B) TO THE OWNER OR ANY PERSON WITH A LEGAL INTEREST IN
26 THE ABANDONED PROPERTY AT HIS OR HER LAST KNOWN ADDRESS BEFORE
27 COMMENCING FORECLOSURE PROCEEDINGS UNDER THIS SECTION.

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1 (D) THE OWNER OR ANY PERSON WITH A LEGAL INTEREST IN THE
2 ABANDONED PROPERTY, BEFORE THE JUDGMENT OF FORECLOSURE IS
3 ENTERED, DOES NOT GIVE A WRITTEN AFFIDAVIT TO THE TAX DEED HOLDER
4 AND RECORD A DUPLICATE ORIGINAL IN THE OFFICE OF THE REGISTER OF
5 DEEDS OF THE COUNTY IN WHICH THE ABANDONED PROPERTY IS LOCATED
6 STATING THAT THE OWNER OR PERSON WITH A LEGAL INTEREST IN THE
7 ABANDONED PROPERTY IS OCCUPYING OR INTENDS TO OCCUPY THE ABAN-
8 DONED PROPERTY.

9 Enacting section 1. This amendatory act does not take
10 effect unless all of the following bills of the 90th Legislature
11 are enacted into law:

12 (a) Senate Bill No. 343.

13 (b) Senate Bill No. 488.

14 (c) House Bill No. 4489.