

HOUSE BILL No. 5451

November 1, 2001, Introduced by Reps. Garza, DeRossett, Thomas, Stallworth, Kolb, Waters, Hardman, Reeves, Clark, Phillips and McConico and referred to the Committee on Land Use and Environment.

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending sections 78i and 131e (MCL 211.78i and 211.131e), section 78i as amended by 2001 PA 101 and section 131e as amended by 1999 PA 123.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 78i. (1) Not later than May 1 immediately succeeding
2 the forfeiture of property to the county treasurer under section
3 78g, the foreclosing governmental unit shall ~~initiate~~ OBTAIN a
4 title search OR OTHER TITLE PRODUCT FROM 1 OR MORE AUTHORIZED
5 REPRESENTATIVES to identify the owners of a property interest in
6 the property, AS DISCLOSED BY THE LAND TITLE RECORDS AT THE REG-
7 ISTER OF DEEDS OFFICE IN THE COUNTY IN WHICH THE PROPERTY IS
8 LOCATED, who are entitled to notice under this section of the
9 show cause hearing under section 78j and the foreclosure hearing

1 under section 78k. ~~The foreclosing governmental unit may enter
2 into a contract with 1 or more authorized representatives to per-
3 form the title search required under this subsection and to per-
4 form the other functions set forth in this section.~~

5 (2) The foreclosing governmental unit or its authorized rep-
6 resentative ~~shall determine the address reasonably calculated to
7 apprise those owners of a property interest of the pendency of
8 the show cause hearing under section 78j and the foreclosure
9 hearing under section 78k and~~ shall send notice of the PENDENCY
10 OF THE show cause hearing under section 78j and the foreclosure
11 hearing under section 78k to those owners IDENTIFIED IN SUBSEC-
12 TION (6), to a person entitled to notice of the return of delin-
13 quent taxes under section 78a(4), and to a person to whom a tax
14 deed for property returned for delinquent taxes was issued pursu-
15 ant to section 72 as determined by the records of the state trea-
16 surer, by certified mail, return receipt requested, TO THE
17 OWNER'S OR PERSON'S LAST KNOWN ADDRESS, not less than 30 days
18 before the show cause hearing. IF THE NOTICE UNDER THIS SUBSEC-
19 TION IS RETURNED UNDELIVERED, THE FORECLOSING GOVERNMENTAL UNIT
20 OR ITS AUTHORIZED REPRESENTATIVE SHALL REVIEW THE LOCAL PHONE
21 BOOK, IF THE NOTICE WAS SENT TO AN INDIVIDUAL, COUNTY RECORDS, IF
22 THE NOTICE WAS SENT TO A PARTNERSHIP, OR RECORDS FILED WITH THE
23 DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, IF THE NOTICE WAS
24 SENT TO A CORPORATION, LIMITED PARTNERSHIP, LIMITED LIABILITY
25 PARTNERSHIP, OR LIMITED LIABILITY COMPANY, TO DETERMINE THE COR-
26 RECT ADDRESS. IF THE FORECLOSING GOVERNMENTAL UNIT OR ITS
27 AUTHORIZED REPRESENTATIVE DETERMINES THAT THE CORRECT ADDRESS IS

1 DIFFERENT FROM THE ADDRESS TO WHICH THE NOTICE WAS INITIALLY
2 SENT, THE FORECLOSING GOVERNMENTAL UNIT OR ITS AUTHORIZED REPRE-
3 SENTATIVE SHALL SEND THE NOTICE TO THE CORRECT ADDRESS BY CERTI-
4 FIED MAIL, RETURN RECEIPT REQUESTED, NOT LESS THAN 30 DAYS BEFORE
5 THE SHOW CAUSE HEARING. The failure of the foreclosing governmen-
6 tal unit to comply with any provision of this section shall not
7 invalidate any proceeding under this act if the owner of a prop-
8 erty interest or a person to whom a tax deed was issued is
9 accorded the minimum due process required under the state consti-
10 tution of 1963 and the constitution of the United States.

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

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

20 (b) If a person occupying the property is personally served,
21 orally inform the occupant that the property will be foreclosed
22 and the occupants will be required to vacate unless all forfeited
23 unpaid delinquent taxes, interest, penalties, and fees are paid,
24 of the time within which all forfeited unpaid delinquent taxes,
25 interest, penalties, and fees must be paid, and of agencies or
26 other resources that may be available to assist the owner to
27 avoid loss of the property.

1 (c) If the occupant appears to lack the ability to
2 understand the advice given, notify the family independence
3 agency or provide the occupant with the names and telephone
4 number of the agencies that may be able to assist the occupant.

5 (d) If the foreclosing governmental unit or its authorized
6 representative is not able to personally meet with the occupant,
7 the foreclosing governmental unit or its authorized representa-
8 tive shall place the notice in a conspicuous manner on the prop-
9 erty and shall also place in a conspicuous manner on the property
10 a notice that explains, in plain English, that the property will
11 be foreclosed unless forfeited unpaid delinquent taxes, interest,
12 penalties, and fees are paid, the time within which forfeited
13 unpaid delinquent taxes, interest, penalties, and fees must be
14 paid, and the names, addresses, and telephone numbers of agencies
15 or other resources that may be available to assist the occupant
16 to avoid loss of the property. If this state is the foreclosing
17 governmental unit within a county, the department of natural
18 resources shall perform the personal visit to each parcel of
19 property under this subsection on behalf of this state.

20 (4) If the foreclosing governmental unit or its authorized
21 representative discovers any deficiency in the provision of
22 notice, the foreclosing governmental unit shall take reasonable
23 steps in good faith to correct that deficiency not later than 30
24 days before the show cause hearing under section 78j.

25 (5) If the foreclosing governmental unit or its authorized
26 representative is unable to ascertain the address reasonably
27 calculated to apprise the owners of a property interest entitled

1 to notice under this section, or is unable to serve the owner of
2 a property interest, service of the notice shall be made by
3 publication. A notice shall be published for 3 successive weeks,
4 once each week, in a newspaper published and circulated in the
5 county in which the property is located, if there is one. If no
6 paper is published in that county, publication shall be made in a
7 newspaper published and circulated in an adjoining county. This
8 publication shall be instead of service under subsection (2).

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

15 (a) Records in the office of the county register of deeds.

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

17 (c) Records in the office of the local assessor.

18 (d) Records in the office of the local treasurer.

19 (7) The notice required under subsections ~~(1)~~ (2) and (3)
20 shall include all of the following:

21 (a) The date on which the property was forfeited to the
22 county treasurer.

23 (b) A statement that the person notified may lose his or her
24 interest in the property as a result of the foreclosure proceed-
25 ing under section 78k.

26 (c) A legal description or parcel number of the property and
27 the street address of the property, if possible.

- 1 (d) The person to whom the notice is addressed.
- 2 (e) The total taxes, interest, penalties, and fees due on
3 the property.
- 4 (f) The date and time of the show cause hearing under sec-
5 tion 78j.
- 6 (g) The date and time of the hearing on the petition for
7 foreclosure under section 78k, and a statement that unless the
8 forfeited unpaid delinquent taxes, interest, penalties, and fees
9 are paid within 21 days after judgment is entered in the foreclo-
10 sure proceeding under section 78k, the title to the property
11 shall vest absolutely in the foreclosing governmental unit.
- 12 (h) An explanation of the person's rights of redemption and
13 notice that the rights of redemption will expire 21 days after
14 judgment is entered in the foreclosure proceeding under section
15 78k.
- 16 (8) The published notice required under subsection (5) shall
17 include all of the following:
- 18 (a) A legal description or parcel number of each property.
- 19 (b) The street address of each property, if possible.
- 20 (c) The name of any person or entity entitled to notice
21 under this section who has not been notified under subsection
22 ~~(1)~~ (2) or (3).
- 23 (d) The date and time of the show cause hearing under
24 section 78j.
- 25 (e) The date and time of the hearing on the petition for
26 foreclosure under section 78k.

1 (f) A statement that unless all forfeited unpaid delinquent
2 taxes, interest, penalties, and fees are paid within 21 days
3 after judgment is entered in the foreclosure proceeding under
4 section 78k, the title to the property shall vest absolutely in
5 the foreclosing governmental unit.

6 (g) A statement that a person with an interest in the prop-
7 erty may lose his or her interest in the property as a result of
8 the foreclosure proceeding under section 78k.

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

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

17 (b) That the redemption period provided under this act was
18 extended in any way on the grounds that some other owner of a
19 property interest was not also served.

20 (10) THE FORECLOSING GOVERNMENTAL UNIT OR ITS AUTHORIZED
21 REPRESENTATIVE SHALL RECORD ALL OF THE FOLLOWING WITH THE REGIS-
22 TER OF DEEDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED:

23 (A) AN AFFIDAVIT, IN A FORM DETERMINED BY THE DEPARTMENT OF
24 TREASURY, ATTESTING TO COMPLIANCE WITH THE REQUIREMENTS OF THIS
25 SECTION.

26 (B) PROOF OF SERVICE OF THE NOTICE OF THE SHOW CAUSE HEARING
27 UNDER SECTION 78J, NOTICE OF THE FORECLOSURE HEARING UNDER

1 SECTION 78K, AND OF THE PERSONAL VISIT TO THE PROPERTY REQUIRED
2 UNDER THIS SECTION.

3 (11) ~~(10)~~ As used in this section, "authorized
4 representative" includes all of the following:

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

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

8 (c) A person accredited in title search procedures by a
9 nationally recognized organization in the field of title
10 searching.

11 (d) A person with demonstrated experience in the field of
12 title searching, as determined by the foreclosing governmental
13 unit.

14 Sec. 131e. (1) For all property the title to which vested
15 in this state under this section after October 25, 1976 AND
16 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUB-
17 SECTION (2), the redemption period on property deeded to ~~the~~
18 THIS state under section 67a shall be extended until the owners
19 of a recorded property interest in the property have been noti-
20 fied of a hearing before the department of treasury. Proof of
21 the notice of the hearing shall be recorded with the register of
22 deeds in the county in which the property is located.

23 (2) FOR ALL PROPERTY THE TITLE TO WHICH VESTED IN THIS STATE
24 UNDER THIS SECTION ON AND AFTER THE EFFECTIVE DATE OF THE AMENDA-
25 TORY ACT THAT ADDED THIS SUBSECTION, THE REDEMPTION PERIOD ON
26 PROPERTY DEEDED TO THIS STATE UNDER SECTION 67A SHALL BE EXTENDED
27 UNTIL THIS STATE HAS UNDERTAKEN ITS BEST EFFORT TO NOTIFY THE

1 OWNERS OF A PROPERTY INTEREST OF A HEARING BEFORE THE DEPARTMENT
2 OF TREASURY. AS USED IN THIS SUBSECTION, "BEST EFFORT" MEANS THE
3 FOLLOWING:

4 (A) THE DEPARTMENT OF TREASURY SHALL CONDUCT A TITLE SEARCH
5 TO IDENTIFY THE OWNERS OF A PROPERTY INTEREST IN THE PROPERTY WHO
6 ARE ENTITLED TO NOTICE OF THE HEARING UNDER THIS SECTION. THE
7 DEPARTMENT OF TREASURY MAY ENTER INTO A CONTRACT WITH 1 OR MORE
8 AUTHORIZED REPRESENTATIVES TO PERFORM THE TITLE SEARCH REQUIRED
9 UNDER THIS SUBDIVISION. THE OWNER OF A PROPERTY INTEREST IS
10 ENTITLED TO NOTICE UNDER THIS SUBSECTION IF THAT OWNER'S INTEREST
11 WAS IDENTIFIABLE BY REFERENCE TO ANY OF THE FOLLOWING SOURCES
12 BEFORE THE DATE THAT THE COUNTY TREASURER PREPARES THE STATEMENT
13 OF UNPAID TAXES UNDER SECTION 57:

14 (i) RECORDS IN THE OFFICE OF THE COUNTY REGISTER OF DEEDS.

15 (ii) TAX RECORDS IN THE OFFICE OF THE COUNTY TREASURER.

16 (iii) RECORDS IN THE OFFICE OF THE LOCAL ASSESSOR.

17 (iv) RECORDS IN THE OFFICE OF THE LOCAL TREASURER.

18 (B) THE DEPARTMENT OF TREASURY OR ITS AUTHORIZED REPRESENTA-
19 TIVE SHALL DETERMINE THE ADDRESS REASONABLY CALCULATED TO APPRISE
20 THE OWNER OF A PROPERTY INTEREST IN THE PROPERTY ENTITLED TO
21 NOTICE UNDER SUBDIVISION (A) OF THE PENDENCY OF THE HEARING UNDER
22 THIS SECTION. THE DEPARTMENT OF TREASURY OR ITS AUTHORIZED REP-
23 REPRESENTATIVE SHALL SEND NOTICE OF THE HEARING TO ALL OF THE FOL-
24 LOWING BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, NOT LESS THAN
25 30 DAYS BEFORE THE HEARING UNDER THIS SECTION:

26 (i) THE OWNERS OF A PROPERTY INTEREST IN THE PROPERTY
27 IDENTIFIED UNDER SUBDIVISION (A).

1 (ii) TO A PERSON ENTITLED TO NOTICE OF THE RETURN OF
2 DELINQUENT TAXES UNDER SECTION 57.

3 (iii) TO A PERSON TO WHOM A TAX DEED FOR PROPERTY RETURNED
4 FOR DELINQUENT TAXES WAS ISSUED PURSUANT TO SECTION 72, AS DETER-
5 MINED BY THE RECORDS OF THE STATE TREASURER.

6 (C) THE DEPARTMENT OF NATURAL RESOURCES SHALL MAKE A PER-
7 SONAL VISIT TO EACH PARCEL OF PROPERTY DEEDED TO THIS STATE UNDER
8 SECTION 67A TO ASCERTAIN WHETHER OR NOT THE PROPERTY IS
9 OCCUPIED. IF THE PROPERTY APPEARS TO BE OCCUPIED, THE DEPARTMENT
10 OF NATURAL RESOURCES SHALL DO ALL OF THE FOLLOWING:

11 (i) ATTEMPT TO PERSONALLY SERVE UPON A PERSON OCCUPYING THE
12 PROPERTY A COPY OF A NOTICE OF THE HEARING UNDER THIS SECTION.

13 (ii) IF A PERSON OCCUPYING THE PROPERTY IS PERSONALLY
14 SERVED, ORALLY INFORM THE OCCUPANT THAT TITLE TO THE PROPERTY
15 WILL VEST IN THIS STATE AND THAT THE OCCUPANTS WILL BE REQUIRED
16 TO VACATE UNLESS THE AMOUNTS SET FORTH IN SUBSECTION (5) ARE
17 PAID, OF THE TIME WITHIN WHICH THOSE AMOUNTS MUST BE PAID, AND OF
18 AGENCIES OR OTHER RESOURCES THAT MAY BE AVAILABLE TO ASSIST THE
19 OWNER TO AVOID LOSS OF THE PROPERTY.

20 (iii) IF THE OCCUPANT APPEARS TO LACK THE ABILITY TO UNDER-
21 STAND THE ADVICE GIVEN, NOTIFY THE FAMILY INDEPENDENCE AGENCY OR
22 PROVIDE THE OCCUPANT WITH THE NAMES AND TELEPHONE NUMBERS OF THE
23 AGENCIES THAT MAY BE ABLE TO ASSIST THE OCCUPANT.

24 (iv) IF THE DEPARTMENT OF NATURAL RESOURCES IS NOT ABLE TO
25 PERSONALLY MEET WITH THE OCCUPANT, THE DEPARTMENT OF NATURAL
26 RESOURCES SHALL PLACE THE NOTICE IN A CONSPICUOUS MANNER ON THE
27 PROPERTY AND SHALL ALSO PLACE IN A CONSPICUOUS MANNER ON THE

1 PROPERTY A NOTICE THAT EXPLAINS, IN PLAIN ENGLISH, THAT THE TITLE
2 TO THE PROPERTY WILL VEST IN THIS STATE UNLESS THE AMOUNTS SET
3 FORTH IN SUBSECTION (5) ARE PAID, THE TIME WITHIN WHICH THOSE
4 AMOUNTS MUST BE PAID, AND THE NAMES, ADDRESSES, AND TELEPHONE
5 NUMBERS OF AGENCIES OR OTHER RESOURCES THAT MAY BE AVAILABLE TO
6 ASSIST THE OCCUPANT TO AVOID LOSS OF THE PROPERTY.

7 (D) THE DEPARTMENT OF TREASURY OR ITS AUTHORIZED REPRESENTA-
8 TIVE SHALL RECORD THE PROOF OF SERVICE OF THE NOTICE OF THE HEAR-
9 ING UNDER THIS SECTION AND OF THE PERSONAL VISIT TO THE PROPERTY
10 WITH THE REGISTER OF DEEDS IN THE COUNTY IN WHICH THE PROPERTY IS
11 LOCATED.

12 (E) IF THE DEPARTMENT OF TREASURY OR ITS AUTHORIZED REPRE-
13 SENTATIVE DISCOVERS ANY DEFICIENCY IN THE PROVISION OF NOTICE,
14 THE DEPARTMENT OF TREASURY OR ITS AUTHORIZED REPRESENTATIVE SHALL
15 TAKE REASONABLE STEPS IN GOOD FAITH TO CORRECT THAT DEFICIENCY
16 NOT LATER THAN 30 DAYS BEFORE THE HEARING PROVIDED UNDER THIS
17 SECTION. NOTICE UNDER THIS SECTION IS PRESUMED VALID UNLESS THE
18 CONTRARY IS AFFIRMATIVELY SHOWN.

19 (F) IF THE DEPARTMENT OF TREASURY IS UNABLE TO ASCERTAIN THE
20 ADDRESS REASONABLY CALCULATED TO APPRISE THE OWNERS OF A PROPERTY
21 INTEREST ENTITLED TO NOTICE UNDER THIS SECTION, OR IS UNABLE TO
22 SERVE THE OWNER OF A PROPERTY INTEREST, SERVICE OF THE NOTICE
23 SHALL BE MADE BY PUBLICATION. THE NOTICE SHALL BE PUBLISHED FOR
24 3 SUCCESSIVE WEEKS, ONCE EACH WEEK, IN A NEWSPAPER PUBLISHED AND
25 CIRCULATED IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED, IF
26 THERE IS ONE. IF NO PAPER IS PUBLISHED IN THAT COUNTY,
27 PUBLICATION SHALL BE MADE IN A NEWSPAPER PUBLISHED AND CIRCULATED

1 IN AN ADJOINING COUNTY, AND PROOF OF PUBLICATION, BY AFFIDAVIT OF
2 THE PRINTER OR PUBLISHER OF THE NEWSPAPER, SHALL BE RECORDED WITH
3 THE REGISTER OF DEEDS IN THE COUNTY IN WHICH THE PROPERTY IS
4 LOCATED. THIS PUBLICATION SHALL BE INSTEAD OF SERVICE UNDER SUB-
5 DIVISION (B). PUBLICATION UNDER THIS SUBDIVISION IS SUBJECT TO
6 THE REQUIREMENTS SET FORTH IN SECTION 65.

7 (G) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE
8 ALL OF THE FOLLOWING:

9 (i) THE DATE ON WHICH THE TAXES ON THE PROPERTY WERE
10 RETURNED AS DELINQUENT.

11 (ii) A STATEMENT THAT THE PERSON NOTIFIED MAY LOSE HIS OR
12 HER INTEREST IN THE PROPERTY IF THE AMOUNTS SET FORTH IN SUBSEC-
13 TION (5) REMAIN UNPAID.

14 (iii) A LEGAL DESCRIPTION OR PARCEL NUMBER OF THE PROPERTY
15 AND THE STREET ADDRESS OF THE PROPERTY, IF POSSIBLE.

16 (iv) ALL PERSONS TO WHOM THE NOTICE IS ADDRESSED.

17 (v) THE TOTAL OF THE AMOUNTS SET FORTH IN SUBSECTION (5)
18 THAT ARE DUE ON THE PROPERTY.

19 (vi) THE DATE AND TIME OF THE HEARING UNDER THIS SECTION.

20 (vii) AN EXPLANATION OF THE PERSON'S RIGHTS OF REDEMPTION
21 AND NOTICE THAT THE RIGHTS OF REDEMPTION WILL EXPIRE 30 DAYS
22 AFTER THE HEARING.

23 (3) ~~-(2)-~~ For all property the title to which vested in this
24 state under this section after October 25, 1976 AND BEFORE THE
25 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (2), 1
26 hearing shall be held to allow each owner of a recorded property
27 interest the opportunity to show cause why the tax sale and the

1 deed to ~~the~~ THIS state should be canceled for any reason
2 specified in section 98. FOR ALL PROPERTY THE TITLE TO WHICH
3 VESTED IN THIS STATE UNDER THIS SECTION ON AND AFTER THE EFFEC-
4 TIVE DATE OF THE AMENDATORY ACT THAT ADDED SUBSECTION (2), 1
5 HEARING SHALL BE HELD TO ALLOW EACH OWNER OF A PROPERTY INTEREST
6 ENTITLED TO NOTICE AS PROVIDED IN SUBSECTION (2) THE OPPORTUNITY
7 TO SHOW CAUSE WHY THE TAX SALE AND THE DEED TO THIS STATE SHOULD
8 BE CANCELED FOR ANY REASON SPECIFIED IN SECTION 98. The hearing
9 UNDER THIS SUBSECTION shall be held after the expiration of the
10 redemption periods provided in section 131c. The department of
11 treasury may hold combined or separate ~~show cause~~ hearings
12 UNDER THIS SUBSECTION for different owners of a ~~recorded~~ prop-
13 erty interest.

14 (4) ~~(3)~~ For all property the title to which vested in this
15 state under this section after October 25, 1976, after expiration
16 of the redemption periods provided in section 131c, on the first
17 Tuesday in November after title to the property vests in this
18 state, an owner of a ~~recorded~~ property interest may redeem the
19 property up to 30 days following the date of THE hearing UNDER
20 SUBSECTION (3) for that owner of a ~~recorded~~ property interest
21 ~~provided by this section~~ by payment of the amounts set forth in
22 subsection ~~(4)~~ (5) and in section 131c(1), plus an additional
23 penalty of 50% of the tax on which foreclosure was made. The
24 additional penalty shall be credited to the delinquent property
25 tax administration fund. A redemption under this section shall
26 reinstate title as provided in section 131c(4).

1 (5) ~~-(4)-~~ For all property the title to which vested in this
2 state under this section after October 25, 1976, if property
3 redeemed under this section has been exempt from taxes levied in
4 any year after the year of foreclosure because a deed to that
5 property was issued to ~~the~~ THIS state, an amount equal to the
6 sum of the following amounts shall be paid, as required by sub-
7 section ~~-(3)-~~ (4), before redemption of the property:

8 (a) For taxes and ad valorem special assessments levied
9 before January 1, 1997, an amount computed by applying the spe-
10 cial assessment and ad valorem property tax rates levied by
11 taxing units in which the property is located in the years the
12 property was exempt against the most recently established state
13 equalized valuation of the property. For taxes and ad valorem
14 special assessments levied after December 31, 1996, an amount
15 computed by applying the special assessment and ad valorem prop-
16 erty tax rates levied by taxing units in which the property is
17 located in the years the property was exempt against the most
18 recently established taxable value of the property. For purposes
19 of this subsection, special assessments do not include special
20 assessments or special assessment installments deferred under
21 section 67a.

22 (b) If the levy of an ad valorem special assessment on the
23 property's taxable value is found to be invalid by a court of
24 competent jurisdiction, the levy of the ad valorem special
25 assessment may be levied on the property's state equalized
26 value.

1 (c) Interest on the delinquent taxes or special assessments
2 to be computed from the date title vested in this state to the
3 date of the application to redeem under this section.

4 (d) Interest and penalties on taxes and special assessments
5 identified by subdivision (a) that would have been imposed by law
6 or charter and would have accrued if the property had not been
7 exempt, computed from the date title vested in the state to the
8 date of the application to redeem under this section.

9 (6) ~~(5)~~ For all property the title to which vested in this
10 state under this section after October 25, 1976, the owner of a
11 ~~recorded~~ property interest who has been ~~properly~~ served with
12 a notice of the hearing under this section and who fails to
13 redeem the property as provided under this section shall not
14 assert any of the following:

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

18 (b) That the redemption period provided under this section
19 was extended in any way on the grounds that some other owner of a
20 property interest was not also served.

21 (7) THE FAILURE OF THE DEPARTMENT OF TREASURY OR ITS AUTHO-
22 RIZED REPRESENTATIVE TO COMPLY WITH ANY PROVISION OF THIS SECTION
23 SHALL NOT INVALIDATE ANY PROCEEDING UNDER THIS ACT IF THE OWNER
24 OF A PROPERTY INTEREST OR A PERSON TO WHOM A TAX DEED WAS ISSUED
25 IS ACCORDED THE MINIMUM DUE PROCESS REQUIRED UNDER THE STATE CON-
26 STITUTION OF 1963 AND THE CONSTITUTION OF THE UNITED STATES.

1 (8) FOR ALL PROPERTY THE TITLE TO WHICH VESTED IN THIS STATE
2 UNDER THIS SECTION AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
3 THAT ADDED SUBSECTION (2), ALL OF THE FOLLOWING APPLY:

4 (A) THE OWNER OF ANY RECORDED OR UNRECORDED INTEREST IN THAT
5 PROPERTY WHO CLAIMS THAT HE OR SHE DID NOT RECEIVE ANY NOTICE
6 REQUIRED UNDER THIS ACT SHALL NOT BRING AN ACTION FOR POSSESSION
7 OF THE PROPERTY AGAINST ANY SUBSEQUENT OWNER, BUT MAY ONLY BRING
8 AN ACTION TO RECOVER MONETARY DAMAGES AS PROVIDED IN SUBDIVISION
9 (B).

10 (B) THE OWNER OF ANY RECORDED OR UNRECORDED INTEREST IN
11 PROPERTY WHO SEEKS TO RECOVER MONETARY DAMAGES AS PROVIDED IN
12 SUBDIVISION (A) SHALL FILE HIS OR HER CLAIM WITH THE DEPARTMENT
13 OF TREASURY. A CLAIM FILED WITH THE DEPARTMENT OF TREASURY UNDER
14 THIS SUBDIVISION SHALL BE CONDUCTED ACCORDING TO THE PROVISIONS
15 FOR AN INFORMAL CONFERENCE IN SECTION 21 OF 1941 PA 122, MCL
16 205.21. THE OWNER OF ANY RECORDED OR UNRECORDED INTEREST IN THAT
17 PROPERTY MAY APPEAL A DECISION OF THE DEPARTMENT OF TREASURY TO
18 THE COURT OF CLAIMS.

19 (C) AN ACTION TO RECOVER MONETARY DAMAGES UNDER THIS SUBSEC-
20 TION SHALL NOT BE BROUGHT MORE THAN 2 YEARS AFTER THE HEARING
21 PROVIDED FOR IN SUBSECTION (3).

22 (D) ANY MONETARY DAMAGES RECOVERABLE UNDER THIS SUBSECTION
23 SHALL BE DETERMINED AS OF THE DATE OF THE HEARING PROVIDED FOR IN
24 SUBSECTION (3) AND SHALL NOT EXCEED THE FAIR MARKET VALUE OF THE
25 PROPERTY ON THAT DATE.

26 (9) AS USED IN THIS SECTION, "AUTHORIZED REPRESENTATIVE"
27 INCLUDES ALL OF THE FOLLOWING:

1 (A) A TITLE INSURANCE COMPANY OR AGENT LICENSED TO CONDUCT
2 BUSINESS IN THIS STATE.

3 (B) AN ATTORNEY LICENSED TO PRACTICE LAW IN THIS STATE.

4 (C) A PERSON ACCREDITED IN TITLE SEARCH PROCEDURES BY A
5 NATIONALLY RECOGNIZED ORGANIZATION IN THE FIELD OF TITLE
6 SEARCHING.

7 (D) A PERSON WITH DEMONSTRATED EXPERIENCE IN THE FIELD OF
8 TITLE SEARCHING, AS DETERMINED BY THE DEPARTMENT OF TREASURY.