

SUBSTITUTE FOR
HOUSE BILL NO. 4306

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 3212 (MCL 600.3212), as amended by 2011 PA 301.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3212. (1) ~~Every~~ A notice of foreclosure by advertisement
2 ~~shall~~ **must** include all of the following:

3 (a) The names of the mortgagor, the original mortgagee, and
4 the foreclosing assignee, if any.

5 (b) The date of the mortgage and the date the mortgage was
6 recorded.

7 (c) The amount claimed to be due on the mortgage on the date
8 of the notice.

9 (d) A description of the mortgaged premises that substantially



1 conforms with the description contained in the mortgage.

2 (e) A description of the property by giving its street
3 address, if any. The validity of the notice and the validity of any
4 eventual sale under this chapter are not affected by the fact that
5 the street address in the notice is erroneous or that the street
6 address is omitted.

7 (f) ~~(e)~~ For a mortgage executed ~~on or after January 1, 1965,~~
8 December 31, 1964, the length of the redemption period as
9 determined under section 3240.

10 (g) ~~(f)~~ A statement that if the property is sold at a
11 foreclosure sale under this chapter, under section 3278 the
12 borrower will be held responsible to the person who buys the
13 property at the mortgage foreclosure sale or to the mortgage holder
14 for damaging the property during the redemption period.

15 (h) The name, address, and telephone number of the attorney
16 for the party foreclosing the mortgage.

17 (i) For a residential mortgage, a statement in the following
18 form: "Attention homeowner: If you are a military service member on
19 active duty, if your period of active duty has concluded less than
20 90 days ago, or if you have been ordered to active duty, please
21 contact the attorney for the party foreclosing the mortgage at the
22 telephone number stated in this notice.".

23 (j) A statement in the following form: "Notice of foreclosure
24 by advertisement. Notice is given under section 3212 of the revised
25 judicature act of 1961, 1961 PA 236, MCL 600.3212, that the
26 following mortgage will be foreclosed by a sale of the mortgaged
27 premises, or some part of them, at a public auction sale to the
28 highest bidder for cash or cashier's check at the place of holding
29 the circuit court in _____ County, starting promptly at (time),



1 on (date). The amount due on the mortgage may be greater on the day
2 of the sale. Placing the highest bid at the sale does not
3 automatically entitle the purchaser to free and clear ownership of
4 the property. A potential purchaser is encouraged to contact the
5 county register of deeds office or a title insurance company,
6 either of which may charge a fee for this information.".

7 (2) The party foreclosing the mortgage shall not publish a
8 notice of foreclosure under this chapter in a newspaper in which
9 the party foreclosing, or its agent, has a majority ownership
10 interest.

11 Enacting section 1. This amendatory act takes effect 30 days
12 after the date it is enacted into law.