

HOUSE BILL No. 5377

December 5, 1991, Introduced by Reps. Martin, Porreca, DeMars, Allen, Willis Bullard, Munsell, Trim, Bandstra, DeLange, Dobb, Van Singel, Brackenridge, Dalman, London, Nye and Sikkema and referred to the Committee on Judiciary.

A bill to amend section 3175 of Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
being section 600.3175 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3175 of Act No. 236 of the Public Acts
2 of 1961, being section 600.3175 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3175. (1) ~~when~~ IF a recorded mortgage on real prop-
5 erty, land contract, or tax lien ~~(except tax liens held by the~~
6 ~~state or any political subdivision of the state)~~ on lands or
7 property WAS WRONGFULLY RECORDED OR ATTACHED OR has been paid or
8 satisfied, or ~~when~~ IF 15 years have elapsed since the debt or
9 lien secured by the mortgage, land contract, or tax lien became
10 due and payable or since the last payment made upon it, and no

1 civil action or proceedings have been commenced to collect the
2 same and, in case of tax deeds, ~~when~~ IF no service of notice to
3 interested persons ~~(of any kind)~~ has been filed with the county
4 clerk, the owner of the land or property may institute an action
5 in the circuit ~~courts~~ COURT to discharge the mortgage, land
6 contract, or tax lien.

7 (2) If it appears to the court at the trial, either by the
8 production in evidence of the original mortgage, land contract,
9 tax lien, bond or bonds, OR promissory notes to secure the pay-
10 ment of which the mortgage was given, or by any other competent
11 evidence, that the debt or lien secured by the mortgage, land
12 contract, or tax lien WAS WRONGFULLY RECORDED OR ATTACHED OR has
13 been fully paid both in principal and interest; or if it appears
14 to the court by competent evidence that the debt or lien has been
15 past due for 15 years, or that 15 years have elapsed since the
16 last payment was made on the debt or lien; and that no action or
17 proceeding has been commenced to foreclose or perfect the mort-
18 gage, land contract, or tax lien, the court shall enter judgment
19 to that effect, which contains within it the names of the wit-
20 nesses and the nature of the evidence by which the facts have
21 been made to appear. A ~~minute~~ RECORD of ~~this~~ THE JUDGMENT
22 shall be entered in the court's journal. A copy of the judgment,
23 signed by the judge of the court and attested by the clerk of the
24 court under the seal of the court, shall be delivered to the
25 plaintiff and may be recorded in the office of the register of
26 deeds for the county or counties in which the mortgage, land
27 contract, or tax lien is recorded in the same manner and with the

1 same effects in all respects as if it were a formal discharge of
2 the mortgage, land contract, or tax lien duly executed by the
3 mortgagee or owner of the land contract or tax lien.

4 (3) THE DISCHARGE OF A MORTGAGE, LAND CONTRACT, OR TAX LIEN
5 THAT WAS WRONGFULLY RECORDED OR ATTACHED SHALL CLEARLY AND SPE-
6 CIFICALLY STATE THAT THE DISCHARGE IS BASED ON A WRONGFUL RECORD-
7 ING OR ATTACHMENT.