



SENATE BILL No. 1017

February 10, 1994, introduced by Senator CONROY and referred to the Committee on Judiciary

A bill to amend section 5867 of Act No 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
being section 600 5867 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 5867 of Act No 236 of the Public Acts
2 of 1961, being section 600 5867 of the Michigan Compiled Laws, is
3 amended to read as follows

4 Sec 5867 (1) In every action for the recovery or posses-
5 sion of real ~~estate~~ PROPERTY, the person establishing the legal
6 title to the ~~premises~~ REAL PROPERTY is presumed to have been in
7 possession of the ~~premises~~ REAL PROPERTY within the time
8 limited by law for bringing ~~such~~ THE action, ~~unless it~~ AND
9 ANY OCCUPATION OF THE REAL PROPERTY BY ANOTHER PERSON SHALL BE

1 CONSIDERED SUBORDINATE TO THE LEGAL TITLE, EXCEPT IN EITHER OF
2 THE FOLLOWING SITUATIONS

3 (A) IT appears that the ~~same~~ REAL PROPERTY has been pos-
4 sessed adversely to ~~such~~ THE legal title ~~by the defendant or~~
5 ~~by those from or under whom he claims, or that the~~

6 (B) THE grantee, or his OR HER assigns, in a contract of
7 purchase ~~have~~ HAS been in possession claiming title by virtue
8 of ~~said~~ THE contract of purchase for a period of 20 years after
9 the last payment was due on ~~said~~ THE contract or after the last
10 payment was made on ~~said~~ THE contract of purchase

11 (2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
12 THAT ADDED THIS SUBSECTION, A PERSON SEEKING TO SECURE TITLE TO
13 REAL PROPERTY BY ADVERSE POSSESSION SHALL NOT PREVAIL UNLESS, IN
14 ADDITION TO SATISFYING ALL OTHER REQUIREMENTS OF THE DOCTRINE OF
15 ADVERSE POSSESSION ESTABLISHED UNDER COMMON LAW, THE PERSON PAID
16 ALL AD VALOREM PROPERTY TAXES ASSESSED AGAINST THE REAL PROPERTY
17 FOR THE ENTIRE PERIOD OF CONTINUOUS POSSESSION REQUIRED BY LAW
18 FOR ADVERSE POSSESSION

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