

Act No. 214  
Public Acts of 1996  
Approved by the Governor  
May 23, 1996  
Filed with the Secretary of State  
May 28, 1996

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

Introduced by Rep. Yokich

# **ENROLLED HOUSE BILL No. 4942**

AN ACT to amend sections 2558 and 3240 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," section 2558 as amended by Act No. 173 of the Public Acts of 1982 and section 3240 as amended by Act No. 397 of the Public Acts of 1994, being sections 600.2558 and 600.3240 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 2558 and 3240 of Act No. 236 of the Public Acts of 1961, section 2558 as amended by Act No. 173 of the Public Acts of 1982 and section 3240 as amended by Act No. 397 of the Public Acts of 1994, being sections 600.2558 and 600.3240 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 2558. (1) The sheriff is entitled to the fees provided in this section and section 2559.

(2) The following fees of the sheriff are allowed:

(a) For taking a bond if the sheriff is authorized to take the bond, \$1.50; for a certified copy of the bond, if requested, \$1.00.

(b) For every certificate on the sale of real estate, \$1.50; and for each copy of the certificate, \$1.50, which, together with the register's fee for filing the certificate, shall be collected as other fees on execution.

(c) For taking a bond for the liberties of the jail, \$1.50.

(d) For summoning a jury upon a writ of inquiry, attending the jury, and making and returning the inquisition, \$5.00.

(e) For summoning a jury pursuant to any precept or summons of any officer if any special proceeding, \$5.00, and for attending the jury when required, \$5.00.

(f) For bringing up a prisoner upon habeas corpus, \$3.00, and for traveling each mile from the jail, 15 cents; for attending any court with that prisoner, \$5.00 per day, plus actual necessary expenses.

(g) For attending before any officer with a prisoner for the purpose of having the prisoner surrendered in exoneration of his or her bail, or attending to receive a prisoner so surrendered, who was not committed at the time, and receiving that prisoner into the sheriff's custody, in either case, \$15.00.

(h) For attending a view, when ordered by the court, \$15.00 per day, including the time occupied in going and returning.

(i) For making and returning an inventory and appraisal to the appraisers, \$10.00 for each day actually employed, and \$5.00 for each half day. The court, by rule, may adjust a schedule fixing amount of appraisal fees if the court considers the statutory fee to be inadequate.

(j) For drafting an inventory, \$1.25 for each page and for copying the inventory, 10 cents for each page.

(k) For giving notice for general or special election to the inspectors of the different townships and wards of the county, \$1.00 for each township or ward, and the expenses of publishing the notices required by law, those fees and expenses to be paid by the county, as other contingent expenses of the election.

(l) For attending the supreme court by the order of the court, \$10.00 for each day, to be allowed by the auditor general on the certificate of the clerk, and paid out of the state treasury, not taxable as costs.

(m) For attending the circuit court, by the order of the court, \$15.00 for each day, except in the county of Wayne; not taxable as costs. In the county of Wayne there shall be paid to the deputy sheriffs in actual attendance on the circuit court in the county such compensation as shall be fixed by the board of commissioners in accordance with the county uniform salary plan to be allowed and paid as other contingent charges of the county are paid; the number of deputies shall not exceed 2 for each judge of the third judicial circuit.

(n) For summoning grand or petit jurors to attend the circuit court, \$2.00 for each juror summoned, not taxable as costs.

(o) For keeping and providing for a debtor in jail where the debtor is unable to support himself or herself, \$1.00 for each day or such sum as shall be fixed by the board of commissioners, to be paid by the creditor each week, in advance, and which sum the creditor shall be entitled to recover from the debtor.

(p) For posting notices on property for foreclosure sales, \$14.00 for each posting, plus mileage.

(q) For selling lands on the foreclosure of a mortgage by advertisement; and executing a deed to the purchaser and for all services required on that sale, \$50.00.

(r) For each adjournment of the sale of land on the foreclosure of a mortgage by advertisement, \$8.00.

(s) For serving notice of a person claiming title under a tax deed, in person and by mail, \$14.00 plus mileage.

(3) Each of the fees prescribed in subsection (2)(p) and (s) shall increase to \$15.00 on October 1, 1996, and to \$16.00 on October 1, 1997.

(4) Mileage allowed under subsection (2) shall be computed in the same manner as provided for process served out of the circuit court under section 2559(3).

(5) Any sheriff or other officer who demands or receives any greater fees or compensation for performing any of the services mentioned in this section than as allowed by this section, shall, in addition to all other liabilities now provided by law, be liable to the party injured, for paying the illegal fees, in 3 times the amount so demanded, received, or paid, together with all costs of the action.

(6) Any sheriff or other officer who neglects or refuses any of the services required by law, after the fees specified have been tendered, shall be liable to the party injured for all damages which the party sustains by reason of that neglect or refusal.

Sec. 3240. (1) A purchaser's deed is void if the mortgagor, the mortgagor's heirs, executors, or administrators, or any person lawfully claiming under the mortgagor, the mortgagor's heirs, executors, or administrators redeems the entire premises sold by paying the amount required under subsection (2), within the applicable time limit prescribed in subsections (7) to (12), to the purchaser, the purchaser's executors, administrators, or assigns, or to the register of deeds in whose office the deed is deposited for the benefit of the purchaser.

(2) The amount required to be paid under subsection (1) is the sum that was bid for the entire premises sold, with interest from the time of the sale at the rate percent borne by the mortgage, together with the amount of the sheriff's fee paid by the purchaser under section 2558(2)(q), and an additional \$3.00 as a fee for the care and custody of the redemption money if the payment is made to the register of deeds.

(3) If a distinct lot or parcel separately sold is redeemed, leaving a portion of the premises unredeemed, the deed shall be inoperative only to the redeemed parcel or parcels, and to those portions that have not been redeemed the deed shall remain valid.

(4) If after the sale the purchaser, the purchaser's heirs, executors, or administrators, or any person lawfully claiming under the purchaser, the purchaser's heirs, executors, or administrators pays taxes assessed against the property, amounts necessary to redeem senior liens from foreclosure, or premiums on an insurance policy covering any buildings located on the property that under the terms of the mortgage it would have been the duty of the mortgagor to pay if the mortgage had not been foreclosed and that are necessary to keep the policy in force until the expiration of the period of redemption, redemption shall be made only upon payment of the sum specified in subsection (2) plus the amounts specified in this subsection with interest on the amounts specified in this subsection from the date of the payment to the date of redemption at the rate specified in the mortgage, if all of the following are filed with the register of deeds with whom the deed is deposited:

(a) An affidavit by the purchaser or someone in his or her behalf who has knowledge of the facts of the payment showing the amount and items paid.

(b) The receipt or copy of the canceled check evidencing the payment of the taxes, amounts necessary to redeem senior liens from foreclosure, or insurance premiums.

(c) An affidavit of an insurance agent of the insurance company stating that the payment was made and what portion of the payment covers the premium for the period prior to the expiration of the period of redemption.

(5) If the redemption payment in subsection (4) includes an amount used to redeem a senior lien from a nonjudicial foreclosure, the mortgagor shall have the same defenses against the purchaser with respect to the amount used to redeem the senior lien as the mortgagor would have had against the senior lien.

(6) The register of deeds shall indorse on the documents filed pursuant to subsection (4) the time they are received. The register of deeds shall record the affidavit of the purchaser only and shall preserve in his or her files the recorded affidavit, receipts, insurance receipts, and insurance agent's affidavit until expiration of the period of redemption.

(7) For a mortgage executed on or after January 1, 1965, on commercial or industrial property, or multifamily residential property in excess of 4 units, the redemption period is 6 months from the time of the sale.

(8) For a mortgage executed on or after January 1, 1965, on residential property not exceeding 4 units and not more than 3 acres in size, if the amount claimed to be due on the mortgage at the date of the notice of foreclosure is more than 66-2/3% of the original indebtedness secured by the mortgage, the redemption period is 6 months.

(9) For a mortgage on residential property not exceeding 4 units and not more than 3 acres in size, if the property is abandoned as determined pursuant to section 3241, the redemption period is 3 months.

(10) For a mortgage on residential property not exceeding 4 units and not more than 3 acres in size, if the amount claimed to be due on the mortgage at the date of the notice of foreclosure is more than 66-2/3% of the original indebtedness secured by the mortgage and the property is abandoned as determined pursuant to section 3241, the redemption period is 1 month.

(11) If the property is abandoned as determined pursuant to section 3241a, the redemption period is 30 days.

(12) In any other case, the redemption period is 1 year from the date of the sale.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.