



HOUSE BILL No. 4942

June 8, 1995, Introduced by Rep. Yokich and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 2558 and 3240 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2558 and 3240 of Act No. 236 of the
2 Public Acts of 1961, section 2558 as amended by Act No. 173 of
3 the Public Acts of 1982 and section 3240 as amended by Act
4 No. 397 of the Public Acts of 1994, being sections 600.2558 and
5 600.3240 of the Michigan Compiled Laws, are amended to read as
6 follows:

1 Sec. 2558. (1) The sheriff ~~shall be~~ IS entitled to the
2 fees provided in this section and section 2559.

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

4 (a) For taking a bond if the sheriff is authorized to take
5 the bond, \$1.50; for a certified copy of the bond, if requested,
6 \$1.00.

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

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

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

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

17 (f) For bringing up a prisoner upon habeas corpus, \$3.00,
18 and for traveling each mile from the jail, 15 cents; for attend-
19 ing any court with that prisoner, \$5.00 per day, plus actual nec-
20 essary expenses.

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

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

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

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

8 (k) For giving notice for general or special election to the
9 inspectors of the different townships and wards of the county,
10 \$1.00 for each township or ward, and the expenses of publishing
11 the notices required by law, those fees and expenses to be paid
12 by the county, as other contingent expenses of the election.

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

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

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

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

9 (p) For posting notices on property for foreclosure sales,
10 ~~\$10.00~~ \$13.00 for each posting, plus mileage.

11 (q) For selling lands on the foreclosure of a mortgage by
12 advertisement; and executing a deed to the purchaser and for all
13 services required on that sale, ~~\$10.00~~ \$50.00.

14 (r) For each adjournment of the sale of land on the foreclo-
15 sure of a mortgage by advertisement, \$8.00.

16 (s) For serving notice of a person claiming title under a
17 tax deed, in person and by mail, ~~\$10.00~~ \$13.00 plus mileage.

18 (3) Mileage allowed under subsection (2) shall be computed
19 in the same manner as provided for process served out of the cir-
20 cuit court under section 2559(3).

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

1 (5) Any sheriff or other officer who neglects or refuses any
2 of the services required by law, after the fees specified have
3 been tendered, shall be liable to the party injured for all dam-
4 ages which the party sustains by reason of that neglect or
5 refusal.

6 Sec. 3240. (1) ~~if~~ A PURCHASER'S DEED IS VOID IF the mort-
7 gator, the mortgagor's heirs, executors, or administrators, or
8 any person lawfully claiming under the mortgagor, the mortgagor's
9 heirs, executors, or administrators redeems the entire premises
10 sold by paying ~~to the purchaser~~ THE AMOUNT REQUIRED UNDER
11 SUBSECTION (2), within the applicable time limit prescribed in
12 ~~this section~~ SUBSECTIONS (7) TO (12), TO THE PURCHASER, the
13 purchaser's executors, administrators, or assigns, or to the reg-
14 ister of deeds in whose office the deed is deposited for the ben-
15 efit of the purchaser. ~~—~~

16 (2) THE AMOUNT REQUIRED TO BE PAID UNDER SUBSECTION (1) IS
17 the sum that was bid for the entire premises sold, with interest
18 from the time of the sale at the rate percent borne by the
19 mortgage, TOGETHER WITH THE AMOUNT OF THE SHERIFF'S FEE PAID BY
20 THE PURCHASER UNDER SECTION 2558(2)(Q), and an additional \$3.00
21 as a fee for the care and custody of the redemption money if the
22 payment is made to the register of deeds. ~~—, then the deed shall~~
23 ~~be void.~~

24 (3) If a distinct lot or parcel separately sold is redeemed,
25 leaving a portion of the premises unredeemed, the deed shall be
26 inoperative only to the redeemed parcel or parcels, and to those

1 portions that have not been redeemed the deed shall remain
2 valid.

3 (4) ~~+(2)~~ If after the sale the purchaser, the purchaser's
4 heirs, executors, or administrators, or any person lawfully
5 claiming under the purchaser, the purchaser's heirs, executors,
6 or administrators pays taxes assessed against the property,
7 amounts necessary to redeem senior liens from foreclosure, or
8 premiums on an insurance policy covering any buildings located on
9 the property that under the terms of the mortgage it would have
10 been the duty of the mortgagor to pay if the mortgage had not
11 been foreclosed and that are necessary to keep the policy in
12 force until the expiration of the period of redemption, redemp-
13 tion shall be made only upon payment of the sum specified in sub-
14 section ~~+(1)~~ (2) plus the amounts specified in this subsection
15 with interest on the amounts specified in this subsection from
16 the date of the payment to the date of redemption at the rate
17 specified in the mortgage, if all of the following are filed with
18 the register of deeds with whom the deed is deposited:

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

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

25 (c) An affidavit of an insurance agent of the insurance com-
26 pany stating that the payment was made and what portion of the

1 payment covers the premium for the period prior to the expiration
2 of the period of redemption.

3 (5) ~~-(3)-~~ If the redemption payment in subsection ~~-(2)-~~ (4)
4 includes an amount used to redeem a senior lien from a nonjudi-
5 cial foreclosure, the mortgagor shall have the same defenses
6 against the purchaser with respect to the amount used to redeem
7 the senior lien as the mortgagor would have had against the
8 senior lien.

9 (6) ~~-(4)-~~ The register of deeds shall indorse on the docu-
10 ments filed pursuant to subsection ~~-(2)-~~ (4) the time they are
11 received. The register of deeds shall record the affidavit of
12 the purchaser only and shall preserve in his or her files the
13 recorded affidavit, receipts, insurance receipts, and insurance
14 agent's affidavit until expiration of the period of redemption.

15 (7) ~~-(5)-~~ For a mortgage executed on or after January 1,
16 1965, on commercial or industrial property, or multifamily resi-
17 dential property in excess of 4 units, the redemption period
18 ~~shall be~~ IS 6 months from the time of the sale.

19 (8) ~~-(6)-~~ For a mortgage executed on or after January 1,
20 1965, on residential property not exceeding 4 units and not more
21 than 3 acres in size, if the amount claimed to be due on the
22 mortgage at the date of the notice of foreclosure is more than
23 $66\frac{2}{3}\%$ of the original indebtedness secured by the mortgage, the
24 redemption period ~~shall be~~ IS 6 months.

25 (9) ~~-(7)-~~ For a mortgage on residential property not exceed-
26 ing 4 units and not more than 3 acres in size, if the property is

1 abandoned as determined pursuant to section 3241, the redemption
2 period ~~shall be~~ IS 3 months.

3 (10) ~~(8)~~ For a mortgage on residential property not
4 exceeding 4 units and not more than 3 acres in size, if the
5 amount claimed to be due on the mortgage at the date of the
6 notice of foreclosure is more than 66-2/3% of the original
7 indebtedness secured by the mortgage and the property is aban-
8 doned as determined pursuant to section 3241, the redemption
9 period ~~shall be~~ IS 1 month.

10 (11) ~~(9)~~ If the property is abandoned as determined pursu-
11 ant to section 3241a, the redemption period ~~shall be~~ IS 30
12 days.

13 (12) ~~(10)~~ In any other case, the redemption period ~~shall~~
14 ~~be~~ IS 1 year from the date of the sale.