

HOUSE BILL No. 4489

April 15, 1999, Introduced by Rep. Birkholz and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1893 PA 206, entitled "The general property tax act," by amending section 60 (MCL 211.60), as amended by 1993 PA 291, and by adding sections 60a, 78, 78a, 78b, 78c, 78d, 78e, 78f, 78g, 78h, 78i, 78j, 78k, 78l, and 78m.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 60. (1) ~~Those lands that are~~ FOR TAXES LEVIED BEFORE
2 JANUARY 1, 1999, PROPERTY returned ~~as delinquent~~ for DELINQUENT
3 taxes, and upon which taxes remain unpaid after ~~their return~~
4 THE PROPERTY IS RETURNED AS DELINQUENT under this act or to the
5 county treasurers of ~~the~~ THIS state, ~~are~~ IS subject to dispo-
6 sition, sale, and redemption for the enforcement and collection
7 of the tax liens, in the method and manner as provided in this
8 ~~act~~ SECTION AND SECTIONS 61 TO 77.

1 (2) On the first Tuesday in May in each year, a tax sale FOR
2 TAXES LEVIED BEFORE JANUARY 1, 1999 shall be held in the counties
3 of this state by the county treasurers of those counties for and
4 in behalf of ~~the~~ THIS state. At the tax sale, ~~lands~~
5 PROPERTY, other than certified special residential property,
6 delinquent for taxes assessed in the third year preceding the
7 sale or in a prior year or ~~land~~ PROPERTY identified as certi-
8 fied special residential property under section 55a delinquent
9 for taxes assessed in the second year IMMEDIATELY preceding the
10 sale shall be sold for the total of the unpaid taxes of those
11 years.

12 (3) Delinquent tax sales shall include \$10.00 for expenses,
13 as provided in section 59, a county property tax administration
14 fee of 4%, and interest computed at a rate of 1.25% per month,
15 except as provided in section 89, from the date the taxes origi-
16 nally became delinquent ~~pursuant to~~ UNDER this act.

17 (4) In the ~~disposition and~~ sale of PROPERTY FOR delinquent
18 ~~tax lands~~ TAXES, the people of ~~the~~ THIS state have a valid
19 lien ~~upon~~ ON the ~~lands~~ PROPERTY, with rights to enforce the
20 lien as a preferred or first claim ~~upon the lands~~ ON THE
21 PROPERTY. The rights and choses to enforce the lien are the
22 prima facie rights of ~~the~~ THIS state, and shall not be set
23 aside or annulled except in the manner and for the causes speci-
24 fied in this act.

25 SEC. 60A. FOR TAXES LEVIED AFTER DECEMBER 31, 1998, PROP-
26 ERTY RETURNED FOR DELINQUENT TAXES TO THE COUNTY TREASURERS OF

1 THIS STATE IS SUBJECT TO FORFEITURE, FORECLOSURE, AND SALE AS
2 PROVIDED IN SECTIONS 78 TO 79F.

3 SEC. 78. (1) FOR TAXES LEVIED AFTER DECEMBER 31, 1998, ALL
4 PROPERTY, EXCEPT CERTIFIED ABANDONED PROPERTY, RETURNED FOR
5 DELINQUENT TAXES, AND UPON WHICH TAXES REMAIN UNPAID AFTER THE
6 PROPERTY IS RETURNED AS DELINQUENT TO THE COUNTY TREASURERS OF
7 THIS STATE UNDER THIS ACT, IS SUBJECT TO FORFEITURE, FORECLOSURE,
8 AND SALE FOR THE ENFORCEMENT AND COLLECTION OF THE DELINQUENT
9 TAXES AS PROVIDED IN THIS SECTION AND SECTIONS 78A TO 78M. FOR
10 TAXES LEVIED AFTER DECEMBER 31, 1998, CERTIFIED ABANDONED PROP-
11 ERTY IS SUBJECT TO FORFEITURE, FORECLOSURE, AND SALE FOR THE
12 ENFORCEMENT AND COLLECTION OF DELINQUENT TAXES AS PROVIDED IN
13 SECTIONS 79 TO 79F. AS USED IN THIS SUBSECTION, "CERTIFIED ABAN-
14 DONED PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION 79. AS
15 USED IN THIS SECTION AND SECTIONS 78A TO 78M, "TAXES" INCLUDES
16 UNPAID SPECIAL ASSESSMENTS OR OTHER ASSESSMENTS THAT ARE DUE AND
17 PAYABLE AT ANY TIME UP TO AND INCLUDING THE DATE OF THE FORECLO-
18 SURE HEARING UNDER SECTION 78I.

19 (2) ON MARCH 1 IN EACH YEAR, TAXES ASSESSED IN THE IMMEDI-
20 ATELY PRECEDING YEAR THAT REMAIN UNPAID SHALL BE RETURNED AS
21 DELINQUENT TO THE COUNTY TREASURERS OF THIS STATE FOR
22 COLLECTION. PROPERTY DELINQUENT FOR TAXES ASSESSED IN THE SECOND
23 YEAR PRECEDING THE FORFEITURE UNDER SECTION 78F OR IN A PRIOR
24 YEAR SHALL BE FORFEITED TO THE COUNTY TREASURER FOR THE TOTAL OF
25 THE UNPAID TAXES, INTEREST, PENALTIES, AND FEES OF THOSE YEARS AS
26 PROVIDED UNDER SECTION 78F.

1 (3) A COUNTY PROPERTY TAX ADMINISTRATION FEE OF 4% AND
2 INTEREST COMPUTED AT A RATE OF 1% PER MONTH, COMPUTED FROM THE
3 MARCH 1 THAT THE TAXES ORIGINALLY BECAME DELINQUENT, SHALL BE
4 ASSESSED ON PROPERTY RETURNED AS DELINQUENT UNDER SECTION 78. A
5 COUNTY PROPERTY TAX ADMINISTRATION FEE PROVIDED FOR UNDER THIS
6 SUBSECTION SHALL NOT BE LESS THAN \$1.00.

7 (4) ALL INTEREST, PENALTIES, AND FEES BECOME A LIEN ON THE
8 PROPERTY ON THE OCTOBER 1 IMMEDIATELY PRECEDING THE FILING OF A
9 PETITION FOR FORECLOSURE UNDER SECTION 78H.

10 (5) A COUNTY TREASURER SHALL DEPOSIT ALL COUNTY FEES, PENAL-
11 TIES, AND INTEREST, EXCEPT THE 1% INTEREST AND THE 4% ADMINISTRA-
12 TION FEE PROVIDED UNDER SUBSECTION (3), IN THE TAX FORECLOSURE
13 FUND. A COUNTY TREASURER SHALL USE THE PROCEEDS OF THE TAX FORE-
14 CLOSURE FUND TO HIRE EMPLOYEES, PAY FOR NOTICES, CONTRACT FOR
15 SERVICES, AND PURCHASE EQUIPMENT AND SUPPLIES NECESSARY TO PER-
16 FORM THE DUTIES PRESCRIBED UNDER THIS SECTION AND SECTIONS 78A TO
17 78M. AS USED IN THIS ACT, "TAX FORECLOSURE FUND" MEANS A
18 RESTRICTED FUND CREATED BY THE COUNTY TREASURER.

19 SEC. 78A. ON THE JULY 1 IMMEDIATELY SUCCEEDING THE MARCH 1
20 THAT UNPAID TAXES ARE RETURNED TO THE COUNTY TREASURER AS DELIN-
21 QUENT UNDER SECTION 78, THE COUNTY TREASURER SHALL SEND NOTICE OF
22 ALL THE FOLLOWING BY FIRST-CLASS MAIL TO THE PERSON TO WHOM A TAX
23 BILL FOR PROPERTY RETURNED FOR DELINQUENT TAXES WAS LAST SENT OR
24 TO THE PERSON IDENTIFIED AS THE OWNER OF PROPERTY RETURNED FOR
25 DELINQUENT TAXES AS SHOWN ON THE CURRENT RECORDS OF THE COUNTY
26 TREASURER:

1 (A) THAT PROPERTY TAXES LEVIED ON THE PROPERTY WERE RETURNED
2 TO THE COUNTY TREASURER AS DELINQUENT.

3 (B) THE PENALTIES AND INTEREST ACCRUING ON THE AMOUNT
4 RETURNED AS DELINQUENT.

5 (C) WHEN THE PROPERTY WILL BE FORFEITED TO THE COUNTY TREA-
6 SURER IF NOT REDEEMED.

7 (D) WHEN THE PROPERTY WILL BE FORECLOSED AND DEEDED TO THE
8 COUNTY TREASURER WITHOUT FURTHER RIGHT OF REDEMPTION IF NOT
9 REDEEMED.

10 (E) THAT PROPERTY FORECLOSED AND DEEDED TO THE COUNTY TREA-
11 SURER MAY BE SOLD FOR THE DELINQUENT TAXES, INTEREST, PENALTIES,
12 AND FEES DUE.

13 SEC. 78B. ON THE OCTOBER 1 IMMEDIATELY SUCCEEDING THE MARCH
14 1 THAT UNPAID TAXES ARE RETURNED TO THE COUNTY TREASURER AS
15 DELINQUENT UNDER SECTION 78, THE COUNTY TREASURER SHALL DO BOTH
16 OF THE FOLLOWING:

17 (A) ADD A \$25.00 NOTICE FEE TO THE FEES DUE UNDER THIS ACT
18 ON EACH PARCEL FOR WHICH THE DELINQUENT TAXES, INTEREST, PENAL-
19 TIES, AND FEES REMAIN UNPAID.

20 (B) SEND NOTICE OF ALL THE FOLLOWING BY FIRST-CLASS MAIL TO
21 THE PERSON TO WHOM A TAX BILL FOR PROPERTY RETURNED FOR DELIN-
22 QUENT TAXES WAS LAST SENT OR TO THE PERSON IDENTIFIED AS THE
23 OWNER OF PROPERTY RETURNED FOR DELINQUENT TAXES AS SHOWN ON THE
24 CURRENT RECORDS OF THE COUNTY TREASURER:

25 (i) THAT PROPERTY TAXES LEVIED ON THE PROPERTY WERE RETURNED
26 TO THE COUNTY TREASURER AS DELINQUENT.

1 (ii) THE PENALTIES AND INTEREST ACCRUING ON THE AMOUNT
2 RETURNED AS DELINQUENT.

3 (iii) WHEN THE PROPERTY WILL BE FORFEITED TO THE COUNTY
4 TREASURER IF NOT REDEEMED.

5 (iv) WHEN THE PROPERTY WILL BE FORECLOSED AND DEEDED TO THE
6 COUNTY TREASURER WITHOUT FURTHER RIGHT OF REDEMPTION IF NOT
7 REDEEMED.

8 (v) THAT PROPERTY FORECLOSED AND DEEDED TO THE COUNTY TREA-
9 SURER MAY BE SOLD FOR THE DELINQUENT TAXES, INTEREST, PENALTIES,
10 AND FEES DUE.

11 SEC. 78C. (1) ON NOVEMBER 1 OF EACH TAX YEAR, THE COUNTY
12 TREASURER SHALL PREPARE A LIST OF ALL PROPERTY SUBJECT TO FORFEI-
13 TURE AND FORECLOSURE FOR DELINQUENT TAXES. THE LIST SHALL
14 INCLUDE ALL PROPERTY ON WHICH DELINQUENT TAXES, INTEREST, PENAL-
15 TIES, AND FEES ARE UNPAID ON THE NOVEMBER 1 IMMEDIATELY SUCCEED-
16 ING THE MARCH 1 THAT TAXES LEVIED ON THE PROPERTY WERE RETURNED
17 AS DELINQUENT. THE LIST SHALL INDICATE FOR EACH PARCEL THE TOTAL
18 AMOUNT OF DELINQUENT TAXES FOR ALL YEARS, INTEREST, PENALTIES,
19 AND FEES, COMPUTED TO THE DATE OF THE FORFEITURE UNDER SECTION
20 78F.

21 (2) NOT LATER THAN DECEMBER 1, THE COUNTY TREASURER SHALL
22 DETERMINE ALL OF THE FOLLOWING FOR PROPERTY WITH A TAXABLE VALUE
23 OF MORE THAN \$1,000.00:

24 (A) THE STREET ADDRESS OF THE PROPERTY, IF POSSIBLE.

25 (B) THE NAME AND, IF POSSIBLE, THE ADDRESS OF ALL OF THE
26 FOLLOWING:

1 (i) TITLEHOLDERS OF RECORD.

2 (ii) THE HOLDER OF ANY UNDISCHARGED MORTGAGE OF RECORD OR
3 OTHER RECORDED LEGAL INTEREST.

4 (iii) A SUBSEQUENT PURCHASER UNDER ANY LAND CONTRACT
5 RECORDED AFTER THE LAST RECORDED DEED.

6 (iv) ANY PRIOR TAX LIEN PURCHASER.

7 (3) IN MAKING THE DETERMINATION REQUIRED UNDER SUBSECTION
8 (2), THE COUNTY TREASURER MAY UTILIZE THE QUALIFIED VOTER FILE
9 ESTABLISHED UNDER SECTION 5090 OF THE MICHIGAN ELECTION LAW, 1954
10 PA 116, MCL 168.5090, COUNTY RECORDS, AND OTHER AVAILABLE
11 SOURCES.

12 SEC. 78D. (1) NOT LESS THAN 30 DAYS BEFORE THE MARCH 1
13 IMMEDIATELY SUCCEEDING THE MARCH 1 THAT UNPAID TAXES WERE
14 RETURNED TO THE COUNTY TREASURER AS DELINQUENT UNDER SECTION 78,
15 THE COUNTY TREASURER SHALL SEND A NOTICE BY CERTIFIED MAIL,
16 RETURN RECEIPT REQUESTED, TO THE PERSON TO WHOM A TAX BILL FOR
17 PROPERTY RETURNED FOR DELINQUENT TAXES WAS LAST SENT OR TO THE
18 PERSON IDENTIFIED AS THE OWNER OF PROPERTY RETURNED FOR DELIN-
19 QUENT TAXES AS SHOWN ON THE CURRENT RECORDS OF THE COUNTY TREA-
20 SURER AND TO THOSE PERSONS IDENTIFIED UNDER SECTION 78C(2). THE
21 NOTICE REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE ALL OF THE
22 FOLLOWING:

23 (A) THE DATE PROPERTY ON WHICH UNPAID TAXES WERE RETURNED AS
24 DELINQUENT WILL BE FORFEITED TO THE COUNTY TREASURER FOR THE
25 UNPAID DELINQUENT TAXES, INTEREST, PENALTIES, AND FEES.

1 (B) A STATEMENT THAT A PERSON WHO HOLDS A LEGAL INTEREST IN
2 THE PROPERTY MAY LOSE THAT INTEREST AS A RESULT OF THE FORFEITURE
3 AND SUBSEQUENT FORECLOSURE PROCEEDING.

4 (C) A DESCRIPTION OR PARCEL NUMBER OF THE PROPERTY.

5 (D) THE PERSON OR PERSONS TO WHOM THE NOTICE IS ADDRESSED.

6 (E) THE TOTAL TAXES, INTEREST, PENALTIES, AND FEES DUE ON
7 THE PROPERTY.

8 (F) A STATEMENT THAT UNLESS THE TAXES, INTEREST, PENALTIES,
9 AND FEES ARE PAID BEFORE THE DATE OF THE FORECLOSURE PROCEEDING,
10 ABSOLUTE TITLE TO THE PROPERTY SHALL VEST IN THE COUNTY
11 TREASURER.

12 (G) A STATEMENT OF THE PERSON'S RIGHTS OF REDEMPTION AND
13 NOTICE THAT THE RIGHTS OF REDEMPTION WILL EXPIRE IF THE COURT
14 ENTERS AN ORDER FORECLOSING THE PROPERTY.

15 (2) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL ALSO BE
16 MAILED TO THE PROPERTY BY FIRST-CLASS MAIL, ADDRESSED TO
17 "OCCUPANT", IF ANY OF THE FOLLOWING APPLY:

18 (A) A PRIOR NOTICE HAS NOT BEEN SENT TO THAT ADDRESS.

19 (B) A PRIOR NOTICE SENT TO THAT ADDRESS HAS BEEN FORWARDED
20 OR RETURNED AS UNDELIVERABLE.

21 (3) A COUNTY TREASURER MAY INSERT 1 OR MORE NOTICES IN A
22 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PROP-
23 ERTY IS LOCATED OF THE DATES AFTER WHICH PENALTIES SHALL BE
24 INCREASED.

25 (4) THE COUNTY TREASURER SHALL PAY THE COST OF THE NOTICES
26 REQUIRED UNDER THIS SECTION FROM THE TAX FORECLOSURE FUND.

1 SEC. 78E. ON THE FEBRUARY 1 IMMEDIATELY SUCCEEDING THE
2 MARCH 1 THAT UNPAID TAXES ARE RETURNED TO THE COUNTY TREASURER AS
3 DELINQUENT UNDER SECTION 78, THE COUNTY TREASURER SHALL ADD A
4 \$25.00 NOTICE FEE TO THE FEES DUE UNDER THIS ACT ON PROPERTY FOR
5 WHICH DELINQUENT TAXES, INTEREST, PENALTIES, AND FEES REMAIN
6 UNPAID.

7 SEC. 78F. (1) ON MARCH 1 IN EACH TAX YEAR, ALL OF THE FOL-
8 LOWING SHALL OCCUR:

9 (A) PROPERTY THAT IS DELINQUENT FOR TAXES, INTEREST, PENAL-
10 TIES, AND FEES FOR THE IMMEDIATELY PRECEDING 12 MONTHS OR MORE IS
11 FORFEITED TO THE COUNTY TREASURER FOR THE TOTAL AMOUNT OF THE
12 UNPAID DELINQUENT TAXES, INTEREST, FEES, AND PENALTIES.

13 (B) A FORECLOSURE FEE OF \$75.00 SHALL BE ADDED TO THE FEES
14 DUE UNDER THIS ACT ON ALL PROPERTY FORFEITED TO THE COUNTY TREA-
15 SURER UNDER THIS SECTION.

16 (2) PROPERTY FORFEITED TO THE COUNTY TREASURER UNDER SUBSEC-
17 TION (1) MAY BE REDEEMED AT ANY TIME BEFORE THE ENTRY OF JUDGMENT
18 FORECLOSING THE PROPERTY UNDER SECTION 78I UPON PAYMENT TO THE
19 COUNTY TREASURER OF ALL OF THE FOLLOWING:

20 (A) THE TOTAL AMOUNT OF UNPAID DELINQUENT TAXES, INTEREST,
21 PENALTIES, AND FEES FOR WHICH THE PROPERTY WAS FORFEITED.

22 (B) ALL ADDITIONAL TAXES, INTEREST, PENALTIES, AND FEES DUE
23 AFTER THE DATE THE PROPERTY WAS FORFEITED.

24 (C) A PENALTY OF 1-1/2% PER MONTH OR FRACTION OF A MONTH,
25 CALCULATED FROM THE IMMEDIATELY PRECEDING OCTOBER 1.

26 (D) ALL EXPENSES OF SERVICE OF PROCESS.

1 (3) IF PROPERTY IS REDEEMED AS PROVIDED IN SUBSECTION (2),
2 ALL OTHER LIENS AND ENCUMBRANCES SHALL BE RESTORED TO THEIR
3 ORIGINAL STATUS.

4 (4) IF PROPERTY IS REDEEMED AS PROVIDED UNDER SUBSECTION
5 (2), THE FORMER OWNER DOES NOT ACQUIRE A TITLE OR INTEREST IN THE
6 PROPERTY GREATER THAN THE FORMER OWNER WOULD HAVE HAD IF THE
7 PROPERTY HAD NOT BEEN FORFEITED TO THE COUNTY TREASURER.

8 SEC. 78G. (1) ON THE JULY 1 IMMEDIATELY SUCCEEDING THE FOR-
9 FEITURE OF PROPERTY TO THE COUNTY TREASURER UNDER SECTION 78F,
10 THE COUNTY TREASURER TO WHOM PROPERTY WAS FORFEITED SHALL SEND A
11 NOTICE AS PROVIDED IN SUBSECTION (2) TO ALL PERSONS TO WHOM
12 NOTICE WAS SENT PURSUANT TO SECTION 78D AND TO ANY ADDITIONAL
13 PERSONS IDENTIFIED PURSUANT TO THE DETERMINATION UNDER SECTION
14 78C(2).

15 (2) THE NOTICE REQUIRED UNDER THIS SECTION SHALL INCLUDE ALL
16 OF THE FOLLOWING:

17 (A) THE DATE ON WHICH THE PROPERTY WAS FORFEITED TO THE
18 COUNTY TREASURER.

19 (B) A STATEMENT THAT A PERSON WHO HOLDS A SIGNIFICANT PROP-
20 ERTY INTEREST IN THE PROPERTY MAY LOSE THAT INTEREST AS A RESULT
21 OF THE FORECLOSURE PROCEEDING UNDER SECTION 78I.

22 (C) A DESCRIPTION OR PARCEL NUMBER OF THE PROPERTY.

23 (D) THE PERSON OR PERSONS TO WHOM THE NOTICE IS ADDRESSED.

24 (E) THE TOTAL TAXES, INTEREST, PENALTIES, AND FEES DUE ON
25 THE PROPERTY.

26 (F) A STATEMENT THAT UNLESS THE TAXES, INTEREST, PENALTIES,
27 AND FEES ARE PAID BEFORE JUDGMENT IS ENTERED IN THE FORECLOSURE

1 PROCEEDING UNDER SECTION 78I, THE TITLE TO THE PROPERTY SHALL
2 VEST ABSOLUTELY IN THE COUNTY TREASURER.

3 (G) A STATEMENT OF THE PERSON'S RIGHTS OF REDEMPTION AND
4 NOTICE THAT THE RIGHTS OF REDEMPTION WILL EXPIRE IF JUDGMENT IS
5 ENTERED IN THE FORECLOSURE PROCEEDING UNDER SECTION 78I.

6 (3) THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE SENT BY
7 FIRST-CLASS MAIL, ADDRESS CORRECTION REQUESTED.

8 SEC. 78H. (1) ON OCTOBER 1 IN EACH TAX YEAR, THE COUNTY
9 TREASURER SHALL ADD A \$150.00 TITLE SEARCH FEE TO THE FEES DUE
10 UNDER THIS ACT ON PROPERTY FORFEITED TO THE COUNTY TREASURER
11 UNDER SECTION 78F ON WHICH DELINQUENT TAXES, INTEREST, PENALTIES,
12 AND FEES REMAIN UNPAID.

13 (2) NOT LATER THAN NOVEMBER 1 IN EACH TAX YEAR, THE COUNTY
14 TREASURER SHALL ORDER AND OBTAIN A TITLE REPORT ON PROPERTY FOR-
15 FEITED TO THE COUNTY TREASURER UNDER SECTION 78F, TO DETERMINE
16 ALL TITLE HOLDERS, MORTGAGE HOLDERS, RECORDED LIENHOLDERS, TAX
17 LIENHOLDERS, AND ANY OTHER PERSON WITH A RECORDED INTEREST IN THE
18 FORFEITED PROPERTY.

19 (3) ON DECEMBER 1 IN EACH TAX YEAR, THE COUNTY TREASURER
20 SHALL FURNISH TO THE FAMILY INDEPENDENCE AGENCY A LIST OF ANY
21 NAMES AND ADDRESSES OF THOSE PERSONS NOTIFIED PURSUANT TO SECTION
22 78D. THE FAMILY INDEPENDENCE AGENCY MAY PETITION THE CIRCUIT
23 COURT AT THE HEARING ON THE PETITION FOR FORECLOSURE UNDER SEC-
24 TION 78I TO WITHHOLD FROM THE CIRCUIT COURT'S JUDGMENT PROPERTY
25 OWNED BY A PERSON WHO APPEARS TO THE FAMILY INDEPENDENCE AGENCY
26 TO BE INCOMPETENT OR WHO IS WITHOUT MEANS OF SUPPORT. IF THE
27 FAMILY INDEPENDENCE AGENCY FILES A PETITION UNDER THIS

1 SUBSECTION, THE FAMILY INDEPENDENCE AGENCY SHALL SERVE A COPY OF
2 THE PETITION ON THE COUNTY TREASURER. THE FAMILY INDEPENDENCE
3 AGENCY MAY REDEEM THE PROPERTY ON BEHALF OF A PERSON FOR WHOM THE
4 FAMILY INDEPENDENCE AGENCY FILES A PETITION UNDER THIS SECTION.

5 (4) NOT LATER THAN JANUARY 15 IN EACH TAX YEAR, THE COUNTY
6 TREASURER SHALL FILE A PETITION WITH THE CLERK OF THE CIRCUIT
7 COURT LISTING THE PROPERTY TO BE FORECLOSED UNDER SECTION 78I FOR
8 THE TOTAL OF THE UNPAID DELINQUENT TAXES, INTEREST, PENALTIES,
9 AND FEES. IF AVAILABLE TO THE COUNTY TREASURER, THE PETITION
10 SHALL INCLUDE THE ADDRESS OF EACH PARCEL OF PROPERTY SET FORTH IN
11 THE PETITION. THE PETITION SHALL SEEK A JUDGMENT IN FAVOR OF THE
12 COUNTY TREASURER FOR THE UNPAID DELINQUENT TAXES, INTEREST, PEN-
13 ALTIES, AND FEES LISTED AGAINST EACH PARCEL OF PROPERTY. IN
14 DEFAULT, THE PETITION SHALL REQUEST THAT A JUDGMENT BE ENTERED
15 VESTING ABSOLUTE TITLE TO EACH PARCEL OF PROPERTY IN THE COUNTY
16 TREASURER, WITHOUT RIGHT OF REDEMPTION. BEFORE THE DATE OF THE
17 HEARING ON THE PETITION, THE COUNTY TREASURER SHALL FILE WITH THE
18 CLERK OF THE CIRCUIT COURT PROOF OF ANY NOTICE, SERVICE, OR PUB-
19 LICATION REQUIRED UNDER THIS ACT.

20 (5) NOT LATER THAN JANUARY 30 IN EACH TAX YEAR, THE COUNTY
21 TREASURER SHALL SERVE NOTICE ON ALL PERSONS DETERMINED TO HAVE A
22 LEGAL INTEREST IN THE FORECLOSED PROPERTY PURSUANT TO SUBSECTION
23 (2). THE NOTICE SHALL BE MADE BY PERSONAL SERVICE OR, IF THE
24 PERSON TO BE NOTIFIED IS LOCATED OUTSIDE OF THIS STATE, BY CERTI-
25 FIED MAIL, RETURN RECEIPT REQUESTED. THE NOTICE SHALL INCLUDE
26 ALL OF THE FOLLOWING:

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1 (A) THE DATE OF THE HEARING ON THE PETITION FOR FORECLOSURE
2 UNDER SECTION 78I.

3 (B) A STATEMENT THAT THE PROPERTY WAS FORFEITED TO THE
4 COUNTY TREASURER UNDER SECTION 78F FOR UNPAID DELINQUENT TAXES,
5 INTEREST, PENALTIES, AND FEES, THE AMOUNT OF THE UNPAID DELIN-
6 QUENT TAXES, INTEREST, PENALTIES, AND FEES, AND ANY OTHER COSTS
7 DUE ON THE PROPERTY.

8 (C) A STATEMENT THAT TITLE TO THE PROPERTY WILL VEST ABSO-
9 LUTELY IN THE COUNTY TREASURER WITHOUT FURTHER RIGHT OF REDEMP-
10 TION, IF THE PROPERTY IS NOT REDEEMED AS PROVIDED IN SECTION
11 78F(2) BEFORE JUDGMENT IS ENTERED GRANTING THE PETITION FOR FORE-
12 CLOSURE UNDER SECTION 78I.

13 (6) THE COUNTY TREASURER SHALL PUBLISH A NOTICE ONCE EACH
14 WEEK FOR 4 CONSECUTIVE WEEKS AFTER A PETITION FOR FORECLOSURE IS
15 FILED UNDER SECTION 78H. THE NOTICE SHALL BE PUBLISHED IN A
16 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY DESIGNATED BY THE
17 COUNTY TREASURER. THE NEWSPAPER IN WHICH THE NOTICE IS PUBLISHED
18 SHALL FURNISH COPIES OF THE NOTICE TO THE COUNTY TREASURER, AND
19 THE COUNTY TREASURER SHALL EXAMINE THE NOTICE FOR ACCURACY. THE
20 COUNTY TREASURER SHALL SEND A COPY OF THE NOTICE TO THE TREASURER
21 AND ASSESSOR OF THE LOCAL TAX COLLECTING UNIT IN WHICH THE PROP-
22 ERTY IS LOCATED. THE PUBLISHED NOTICE SHALL INCLUDE ALL OF THE
23 FOLLOWING:

24 (A) THE INFORMATION PROVIDED IN THE NOTICE SENT PURSUANT TO
25 SUBSECTION (5).

26 (B) A LIST OF ALL PROPERTY SUBJECT TO FORECLOSURE, INCLUDING
27 A LEGAL DESCRIPTION OF EACH PARCEL OF PROPERTY.

1 (7) IF PROPERTY IS REDEEMED AFTER THE PETITION FOR
2 FORECLOSURE IS FILED UNDER SECTION 78H, THE COUNTY TREASURER
3 SHALL REQUEST THAT THE CIRCUIT COURT REMOVE THAT PROPERTY FROM
4 THE PETITION FOR FORECLOSURE FILED UNDER THIS SECTION BEFORE
5 ENTRY OF JUDGMENT FORECLOSING THE PROPERTY UNDER SECTION 78I.

6 (8) THE COUNTY TREASURER MAY WITHHOLD FROM THE PETITION FOR
7 FORECLOSURE FILED UNDER THIS SECTION PROPERTY THE TITLE TO WHICH
8 IS HELD BY MINOR HEIRS OR PERSONS WHO ARE INCOMPETENT OR WITHOUT
9 MEANS OF SUPPORT UNTIL A GUARDIAN IS APPOINTED TO PROTECT THAT
10 PERSON'S RIGHTS AND INTERESTS. IF A COUNTY TREASURER WITHHOLDS
11 PROPERTY FROM THE PETITION FOR FORECLOSURE UNDER THIS SUBSECTION,
12 A TAXING UNIT'S LIEN FOR TAXES DUE OR THE COUNTY TREASURER'S
13 RIGHT TO INCLUDE THE PROPERTY IN A SUBSEQUENT PETITION FOR FORE-
14 CLOSURE IS NOT PREJUDICED.

15 SEC. 78I. (1) IF A PETITION FOR FORECLOSURE IS FILED UNDER
16 SECTION 78H, THE CLERK OF THE CIRCUIT COURT IN WHICH THE PETITION
17 IS FILED SHALL IMMEDIATELY PRESENT THAT PETITION TO THE JUDGE OF
18 THAT CIRCUIT COURT.

19 (2) THE COURT SHALL IMMEDIATELY SET THE DATE, TIME, AND
20 PLACE FOR A HEARING ON THE PETITION FOR FORECLOSURE, WHICH HEAR-
21 ING SHALL BE HELD NOT MORE THAN 30 DAYS BEFORE THE MARCH 1 IMME-
22 DIATELY SUCCEEDING THE DATE THE PETITION FOR FORECLOSURE IS
23 FILED. BEFORE THE DATE OF THE HEARING, THE COUNTY TREASURER
24 SHALL FILE WITH THE CLERK OF THE CIRCUIT COURT PROOF OF ANY
25 NOTICE, SERVICE, OR PUBLICATION REQUIRED UNDER THIS ACT.

26 (3) A PERSON CLAIMING AN INTEREST IN A PARCEL OF PROPERTY
27 SET FORTH IN THE PETITION FOR FORECLOSURE MAY CONTEST THE

1 VALIDITY OR CORRECTNESS OF THE UNPAID DELINQUENT TAXES, INTEREST,
2 PENALTIES, AND FEES FOR 1 OR MORE OF THE FOLLOWING REASONS:

3 (A) NO LAW AUTHORIZES THE TAX.

4 (B) THE PERSON APPOINTED TO DECIDE WHETHER A TAX SHALL BE
5 LEVIED UNDER A LAW OF THIS STATE ACTED WITHOUT JURISDICTION, OR
6 DID NOT IMPOSE THE TAX IN QUESTION.

7 (C) THE PERSON OR PROPERTY ASSESSED WAS EXEMPT FROM THE TAX
8 IN QUESTION, OR WAS NOT LEGALLY ASSESSED.

9 (D) THE TAX HAS BEEN PAID.

10 (E) THE TAX WAS ASSESSED FRAUDULENTLY.

11 (4) A PERSON CLAIMING AN INTEREST IN A PARCEL OF PROPERTY
12 SET FORTH IN THE PETITION FOR FORECLOSURE WHO DESIRES TO CONTEST
13 THAT PETITION SHALL FILE WRITTEN OBJECTIONS WITH THE CLERK OF THE
14 CIRCUIT COURT AND SERVE THOSE OBJECTIONS ON THE COUNTY
15 TREASURER. THE CIRCUIT COURT MAY ORDER ALL OF THE FOLLOWING IN
16 RULING ON OBJECTIONS TO A PETITION:

17 (A) AWARD COSTS AGAINST A PERSON CONTESTING UNPAID DELIN-
18 QUENT TAXES, INTEREST, PENALTIES, OR FEES IF THE COURT FINDS THE
19 UNPAID DELINQUENT TAXES, INTEREST, PENALTIES, OR FEES ARE VALID.

20 (B) AWARD COSTS AND A PENALTY OF \$100.00 AGAINST ANY PERSON
21 FALSELY CLAIMING AN INTEREST IN A PARCEL OF PROPERTY INCLUDED IN
22 THE PETITION.

23 (5) IF THE COURT DETERMINES THAT THE OWNER OF PROPERTY
24 SUBJECT TO FORECLOSURE IS INCOMPETENT OR IS WITHOUT MEANS OF SUP-
25 PORT, THE COURT MAY WITHHOLD THAT PROPERTY FROM FORECLOSURE FOR 1
26 YEAR OR MAY ENTER AN ORDER EXTENDING THE REDEMPTION PERIOD AS THE
27 COURT DETERMINES TO BE EQUITABLE. IF THE COURT WITHHOLDS

1 PROPERTY FROM FORECLOSURE UNDER THIS SUBSECTION, A TAXING UNIT'S
2 LIEN FOR TAXES DUE IS NOT PREJUDICED AND THAT PROPERTY SHALL BE
3 INCLUDED IN THE IMMEDIATELY SUCCEEDING YEAR'S TAX FORECLOSURE
4 PROCEEDING.

5 (6) THE CIRCUIT COURT SHALL ENTER JUDGMENT ON A PETITION FOR
6 FORECLOSURE FILED UNDER SECTION 78H NOT LESS THAN 10 DAYS AFTER
7 THE MARCH 1 IMMEDIATELY SUCCEEDING THE DATE THE PETITION FOR
8 FORECLOSURE IS FILED. IF THE CIRCUIT COURT ENTERS A DEFAULT
9 JUDGMENT AT THE HEARING ON THE PETITION FOR FORECLOSURE, THE CIR-
10 CUIT COURT SHALL FORECLOSE THE PROPERTY AS REQUESTED IN THE PETI-
11 TION FOR FORECLOSURE. THE CIRCUIT COURT'S JUDGMENT SHALL SPECIFY
12 ALL OF THE FOLLOWING:

13 (A) THE LEGAL DESCRIPTION AND, IF KNOWN, THE STREET ADDRESS
14 OF THE PROPERTY FORECLOSED AND THE UNPAID DELINQUENT TAXES,
15 INTEREST, PENALTIES, AND FEES DUE ON EACH PARCEL OF PROPERTY.

16 (B) THAT FEE SIMPLE TITLE TO PROPERTY FORECLOSED BY THE
17 JUDGMENT IS VESTED ABSOLUTELY IN THE COUNTY TREASURER, WITHOUT
18 ANY FURTHER RIGHTS OF REDEMPTION.

19 (C) THAT ALL LIENS AND ENCUMBRANCES AGAINST THE PROPERTY OF
20 ANY KIND, EXCEPT CURRENT TAXES AND FUTURE INSTALLMENTS OF SPECIAL
21 ASSESSMENTS DUE AFTER THE IMMEDIATELY SUCCEEDING JUNE 30, ARE
22 TERMINATED.

23 (D) THAT THE COUNTY TREASURER HAS GOOD AND MARKETABLE FEE
24 SIMPLE TITLE TO THE PROPERTY AND ANY SUBSEQUENT TRANSFER OF TITLE
25 TO THAT PROPERTY SHALL BE BY WARRANTY DEED EXECUTED BY THE COUNTY
26 TREASURER.

1 (E) THAT ANY RIGHTS OR INTEREST CLAIMED BY ANY PERSON TO THE
2 PROPERTY ARE TERMINATED AND THAT PERSON IS ORDERED TO RELEASE
3 THOSE RIGHTS TO THE COUNTY TREASURER AND THAT THE CIRCUIT COURT
4 SHALL ISSUE A WRIT OF POSSESSION OR RESTITUTION TO THE SHERIFF OR
5 OTHER PROPER OFFICER OF THE COUNTY IN WHICH THE PROPERTY IS
6 LOCATED IN FAVOR OF A PERSON HOLDING A WARRANTY DEED EXECUTED BY
7 THE COUNTY TREASURER.

8 (7) FEE SIMPLE TITLE TO PROPERTY SET FORTH IN A PETITION FOR
9 FORECLOSURE FILED UNDER SECTION 78H ON WHICH DELINQUENT TAXES,
10 INTEREST, PENALTIES, AND FEES ARE NOT PAID PRIOR TO THE ENTRY OF
11 JUDGMENT SHALL VEST ABSOLUTELY IN THE COUNTY TREASURER UPON ENTRY
12 OF JUDGMENT, AND THE COUNTY TREASURER SHALL HAVE ABSOLUTE TITLE
13 TO THE PROPERTY WITH THE RIGHT TO ENFORCE THE TITLE TO THE PROP-
14 ERTY AS A FREEHOLDER. THE COUNTY TREASURER'S TITLE IS NOT
15 SUBJECT TO ANY RECORDED OR UNRECORDED LIEN AND SHALL NOT BE
16 STAYED OR HELD INVALID EXCEPT AS PROVIDED IN SUBSECTION (8).

17 (8) THE COUNTY TREASURER OR A PERSON DETERMINED TO HAVE AN
18 INTEREST UNDER SECTION 78C(2) IN PROPERTY FORECLOSED UNDER THIS
19 SECTION MAY APPEAL TO THE COURT OF APPEALS THE CIRCUIT COURT'S
20 JUDGMENT FORECLOSING PROPERTY. THE CIRCUIT COURT'S JUDGMENT
21 FORECLOSING PROPERTY SHALL NOT BE STAYED OR HELD INVALID UNTIL
22 THE COURT OF APPEALS HAS REVERSED, MODIFIED, OR AFFIRMED THAT
23 JUDGMENT. TO APPEAL THE CIRCUIT COURT'S JUDGMENT FORECLOSING
24 PROPERTY, A PERSON CONTESTING THE VALIDITY OF THE DELINQUENT
25 TAXES, INTEREST, PENALTIES, AND FEES FOR WHICH THE PROPERTY WAS
26 FORECLOSED SHALL PAY THE AMOUNT DETERMINED TO BE DUE TO THE
27 COUNTY TREASURER WITHIN 10 DAYS AFTER THE CIRCUIT COURT'S

1 JUDGMENT IS ENTERED, TOGETHER WITH A NOTICE OF APPEAL. IF THE
2 CIRCUIT COURT'S JUDGMENT IS AFFIRMED ON APPEAL, THE AMOUNT DETER-
3 MINED TO BE DUE SHALL BE RETAINED BY THE COUNTY TREASURER AND
4 CREDITED TO THE PROPER FUND OR ACCOUNT IN THAT COUNTY. IF THE
5 CIRCUIT COURT'S JUDGMENT IS REVERSED OR MODIFIED ON APPEAL, THE
6 COUNTY TREASURER SHALL REFUND THE AMOUNT DETERMINED TO BE DUE TO
7 THE PERSON WHO APPEALED THE JUDGMENT IN ACCORDANCE WITH THE ORDER
8 OF THE COURT OF APPEALS.

9 SEC. 78J. FOR TAXES LEVIED AFTER DECEMBER 31, 1998, A
10 CHANGE IN OWNERSHIP OF PROPERTY ON WHICH TAXES HAVE BEEN RETURNED
11 AS DELINQUENT OR THE CREATION OF ANY NEW PROPERTY INTEREST IN
12 PROPERTY ON WHICH TAXES HAVE BEEN RETURNED AS DELINQUENT, AFTER
13 THE OCTOBER 1 IMMEDIATELY PRECEDING THE COURT HEARING HELD PURSU-
14 ANT TO SECTION 78I SHALL NOT CREATE ANY NEW INTEREST IN THE PROP-
15 ERTY FOR WHICH NOTICE OF ANY SUBSEQUENT PROCEEDINGS UNDER THIS
16 ACT IS REQUIRED.

17 SEC. 78K. A COUNTY TREASURER IS IMMUNE FROM ANY LIABILITY
18 THAT MAY ACCRUE SOLELY FROM HOLDING TITLE TO THE PROPERTY FORE-
19 CLOSED UNDER SECTION 78I.

20 SEC. 78L. (1) NOT LATER THAN THE FIRST TUESDAY IN JULY
21 IMMEDIATELY SUCCEEDING THE ENTRY OF JUDGMENT UNDER SECTION 78I
22 VESTING ABSOLUTE TITLE TO TAX DELINQUENT PROPERTY IN THE COUNTY
23 TREASURER, A CITY, VILLAGE, OR TOWNSHIP THAT OPERATES AN URBAN
24 HOMESTEADING PROGRAM PURSUANT TO THE URBAN HOMESTEAD ACT MAY PUR-
25 CHASE ANY PROPERTY LOCATED WITHIN THAT CITY, VILLAGE, OR TOWNSHIP
26 SET FORTH IN THE JUDGMENT AND SUBJECT TO SALE UNDER THIS SECTION
27 FOR USE IN THAT URBAN HOMESTEADING PROGRAM BY PAYMENT TO THE

1 COUNTY TREASURER OF THE MINIMUM BID. IF PROPERTY IS PURCHASED BY
2 A CITY, VILLAGE, OR TOWNSHIP UNDER THIS SUBSECTION, THE COUNTY
3 TREASURER SHALL CONVEY THE PROPERTY BY WARRANTY DEED TO THE PUR-
4 CHASING CITY, VILLAGE, OR TOWNSHIP WITHIN 30 DAYS. THE WARRANTY
5 DEED SHALL VEST FEE SIMPLE TITLE TO THE PROPERTY IN THE CITY,
6 VILLAGE, OR TOWNSHIP.

7 (2) SUBJECT TO SUBSECTION (1), BEGINNING ON THE THIRD
8 TUESDAY IN JULY IMMEDIATELY SUCCEEDING THE ENTRY OF THE JUDGMENT
9 UNDER SECTION 78I VESTING ABSOLUTE TITLE TO TAX DELINQUENT PROP-
10 ERTY IN THE COUNTY TREASURER, THE COUNTY TREASURER, OR HIS OR HER
11 AUTHORIZED REPRESENTATIVE, SHALL HOLD 1 OR MORE PROPERTY SALES AT
12 1 OR MORE CONVENIENT LOCATIONS AT WHICH PROPERTY FORECLOSED BY
13 THE JUDGMENT ENTERED UNDER SECTION 78I SHALL BE SOLD BY AUCTION
14 SALE. THE SALE OR SALES SHALL BE COMPLETED WITHIN 15 DAYS.
15 PROPERTY SHALL BE SOLD TO THE PERSON BIDDING THE HIGHEST AMOUNT
16 ABOVE THE MINIMUM BID. THE COUNTY TREASURER MAY REQUIRE FULL
17 PAYMENT BY CASH, CERTIFIED CHECK, OR MONEY ORDER AT THE CLOSE OF
18 EACH DAY'S BIDDING. NOT MORE THAN 30 DAYS AFTER THE DATE OF A
19 SALE UNDER THIS SUBSECTION, THE COUNTY TREASURER SHALL CONVEY THE
20 PROPERTY BY WARRANTY DEED TO THE PERSON BIDDING THE HIGHEST
21 AMOUNT ABOVE THE MINIMUM BID. THE DEED SHALL VEST FEE SIMPLE
22 TITLE TO THE PROPERTY IN THE PERSON BIDDING THE HIGHEST AMOUNT
23 ABOVE THE MINIMUM BID.

24 (3) AFTER THE CONCLUSION OF THE SALE HELD PURSUANT TO SUB-
25 SECTION (2) AND NOT LATER THAN THE FIRST TUESDAY IN SEPTEMBER
26 IMMEDIATELY SUCCEEDING THAT SALE, A CITY, VILLAGE, OR TOWNSHIP
27 MAY PURCHASE ANY PROPERTY NOT PREVIOUSLY SOLD UNDER SUBSECTION

1 (1) OR (2) BY PAYING THE MINIMUM BID TO THE COUNTY TREASURER. IF
2 PROPERTY IS PURCHASED BY A CITY, VILLAGE, OR TOWNSHIP UNDER THIS
3 SUBSECTION, THE COUNTY TREASURER SHALL CONVEY THE PROPERTY BY
4 WARRANTY DEED TO THE PURCHASING CITY, VILLAGE, OR TOWNSHIP WITHIN
5 30 DAYS. THE WARRANTY DEED SHALL VEST FEE SIMPLE TITLE TO THE
6 PROPERTY IN THE CITY, VILLAGE, OR TOWNSHIP.

7 (4) BEGINNING ON THE THIRD TUESDAY IN SEPTEMBER IMMEDIATELY
8 SUCCEEDING THE SALE HELD PURSUANT TO SUBSECTION (2), ALL PROPERTY
9 NOT PREVIOUSLY SOLD BY THE COUNTY TREASURER UNDER SUBSECTION (1),
10 (2), OR (3) SHALL BE REOFFERED FOR SALE, SUBJECT TO THE SAME
11 REQUIREMENTS SET FORTH IN SUBSECTION (2).

12 (5) BEGINNING ON THE THIRD TUESDAY IN NOVEMBER IMMEDIATELY
13 SUCCEEDING THE SALE HELD PURSUANT TO SUBSECTION (4), ALL PROPERTY
14 NOT PREVIOUSLY SOLD UNDER SUBSECTION (1), (2), (3), OR (4) SHALL
15 AGAIN BE REOFFERED FOR SALE. THE SALE IS SUBJECT TO THE REQUIRE-
16 MENTS SET FORTH IN SUBSECTION (2), EXCEPT THAT THE MINIMUM BID
17 SHALL NOT BE REQUIRED.

18 (6) ON DECEMBER 30 IMMEDIATELY SUCCEEDING THE DATE OF THE
19 SALE UNDER SUBSECTION (5), ALL PROPERTY NOT PREVIOUSLY SOLD BY
20 THE COUNTY TREASURER UNDER THIS SECTION SHALL BE TRANSFERRED BY
21 WARRANTY DEED TO THE CITY, VILLAGE, OR TOWNSHIP IN WHICH THE
22 PROPERTY IS LOCATED. THE DEED SHALL VEST FEE SIMPLE TITLE TO THE
23 PROPERTY IN THE CITY, VILLAGE, OR TOWNSHIP. THE CITY, VILLAGE,
24 OR TOWNSHIP TO WHICH PROPERTY IS TRANSFERRED UNDER THIS SUBSEC-
25 TION IS IMMUNE FROM ANY LIABILITY THAT MAY ACCRUE SOLELY FROM
26 HOLDING TITLE TO THE PROPERTY TRANSFERRED. THE CITY, VILLAGE, OR
27 TOWNSHIP SHALL DO 1 OR MORE OF THE FOLLOWING WITH THE PROPERTY:

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1 (A) DEMOLISH ANY UNSAFE STRUCTURE LOCATED ON THE PROPERTY.

2 (B) REMEDIATE ANY ENVIRONMENTAL CONTAMINATION FOUND ON THE
3 PROPERTY OR NOTIFY THE DEPARTMENT OF ENVIRONMENTAL QUALITY OR
4 OTHER APPROPRIATE AGENCY OF THE EXISTENCE OF ENVIRONMENTAL CON-
5 TAMINATION ON THE PROPERTY.

6 (C) SELL THE PROPERTY TO A PRIVATE PURCHASER BY AUCTION OR
7 DIRECT MARKETING.

8 (D) MAKE THE PROPERTY AVAILABLE UNDER THE URBAN HOMESTEAD
9 ACT.

10 (E) TRANSFER THE PROPERTY TO A NONPROFIT ORGANIZATION FOR
11 REHABILITATION AND REUSE.

12 (F) RETAIN THE PROPERTY FOR A SPECIFIC PUBLIC PURPOSE,
13 INCLUDING, BUT NOT LIMITED TO, A PARK, ZOO, OR UNIVERSITY, OR AS
14 PART OF AN EXISTING PROJECT WITH AN ANTICIPATED COMPLETION DATE
15 OF NOT MORE THAN 2 YEARS AFTER THE PROPERTY IS TRANSFERRED TO THE
16 CITY, VILLAGE, OR TOWNSHIP.

17 (G) NOT MORE THAN 90 DAYS AFTER THE PROPERTY IS TRANSFERRED
18 TO THE CITY, VILLAGE, OR TOWNSHIP, TRANSFER THE PROPERTY TO THIS
19 STATE.

20 (7) A COUNTY TREASURER SHALL DEPOSIT THE PROCEEDS FROM THE
21 SALE OF PROPERTY UNDER THIS SECTION INTO A RESTRICTED ACCOUNT
22 DESIGNATED AS THE "DELINQUENT TAX PROPERTY SALES PROCEEDS FOR THE
23 YEAR _____". PROCEEDS IN THAT ACCOUNT SHALL ONLY BE USED BY THE
24 COUNTY TREASURER FOR THE FOLLOWING PURPOSES IN THE FOLLOWING
25 ORDER:

26 (A) FIRST, ALL COSTS OF THE SALE OF PROPERTY FOR THE YEAR
27 SHALL BE PAID.

1 (B) SECOND, ANY COSTS OF THE FORECLOSURE PROCEEDINGS FOR THE
2 YEAR, INCLUDING, BUT NOT LIMITED TO, COSTS OF MAILING, PUBLICA-
3 TION, PERSONAL SERVICE, AND OUTSIDE CONTRACTORS SHALL BE PAID.

4 (C) THIRD, ANY COSTS FOR THE SALE OF PROPERTY OR FORECLOSURE
5 PROCEEDINGS FOR ANY PRIOR YEAR THAT HAVE NOT BEEN PAID OR REIM-
6 BURED FROM THAT PRIOR YEAR'S DELINQUENT TAX PROPERTY SALES PRO-
7 CEEDS SHALL BE PAID.

8 (D) FOURTH, 5% OF THE BALANCE OF THE PROCEEDS OF THE SALE
9 AFTER THE COSTS SET FORTH IN SUBDIVISIONS (A), (B), AND (C) ARE
10 PAID SHALL BE RESERVED FOR COSTS RELATED TO FUTURE YEARS' FORE-
11 CLOSURES AND PROPERTY SALES.

12 (E) FIFTH, THE DELINQUENT TAX REVOLVING FUND SHALL BE REIM-
13 BURED FOR ANY AMOUNTS THAT HAVE NOT BEEN CHARGED BACK TO A LOCAL
14 UNIT OF GOVERNMENT IF THE LOCAL UNIT OF GOVERNMENT WAS PAID THE
15 DELINQUENT TAX ON PROPERTY OFFERED FOR SALE UNDER THIS SECTION
16 FROM THE DELINQUENT TAX REVOLVING FUND, WHETHER OR NOT THAT PROP-
17 ERTY WAS SOLD.

18 (F) SIXTH, ANY REMAINING BALANCE SHALL BE DISTRIBUTED ON A
19 PRO RATA BASIS TO ALL UNITS OF GOVERNMENT IN THE PROPORTION THAT
20 THEIR TOTAL AD VALOREM TAXES BEAR TO THE AMOUNT DUE ON THE PROP-
21 ERTY AS SET FORTH IN THE JUDGMENT ENTERED UNDER SECTION 78I.

22 (8) TWO OR MORE COUNTY TREASURERS MAY ELECT TO HOLD A JOINT
23 SALE OF PROPERTY AS PROVIDED IN THIS SECTION. IF 2 OR MORE
24 COUNTY TREASURERS ELECT TO HOLD A JOINT SALE, PROPERTY MAY BE
25 SOLD UNDER THIS SECTION AT A LOCATION OUTSIDE OF THE COUNTY IN
26 WHICH THE PROPERTY IS LOCATED. THE SALE MAY BE CONDUCTED BY ANY
27 COUNTY TREASURER PARTICIPATING IN THE JOINT SALE.

1 (9) AS USED IN THIS SECTION, "MINIMUM BID" IS THE MINIMUM
2 AMOUNT ESTABLISHED BY THE COUNTY TREASURER FOR WHICH PROPERTY MAY
3 BE SOLD UNDER THIS SECTION. THE MINIMUM BID SHALL INCLUDE ALL OF
4 THE FOLLOWING:

5 (A) ALL DELINQUENT TAXES, INTEREST, PENALTIES, AND FEES DUE
6 ON THE PROPERTY AS OF MARCH 1 AS PROVIDED IN THE JUDGMENT ENTERED
7 UNDER SECTION 78I.

8 (B) THE EXPENSES OF ADMINISTERING THE SALE, INCLUDING ALL
9 PREPARATIONS FOR THE SALE. THE COUNTY TREASURER SHALL ESTIMATE
10 THE COST OF PREPARING FOR AND ADMINISTERING THE ANNUAL SALE FOR
11 PURPOSES OF PROPORTIONING THE COST FOR EACH PROPERTY INCLUDED IN
12 THE SALE.

13 (C) ALL TAXES, INTEREST, PENALTIES, AND FEES DUE UP TO THE
14 JUNE 30 IMMEDIATELY PRECEDING THE DATE OF SALE.

15 SEC. 78M. (1) IF A COUNTY TREASURER BELIEVES, OR HAS REASON
16 TO BELIEVE, THAT ANY PROPERTY SUBJECT TO SALE UNDER SECTION 78I
17 CONTAINS ENVIRONMENTALLY HAZARDOUS MATERIALS AND WOULD BE ELIGI-
18 BLE FOR INCLUSION IN A PROJECT AUTHORIZED BY THE BROWNFIELD REDE-
19 VELOPMENT FINANCING ACT, 1996 PA 381, MCL 125.2651 TO 125.2672,
20 OR IS IN A MINING AREA AS DEFINED IN SECTION 63101 OF THE NATURAL
21 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
22 MCL 324.63101, THE COUNTY TREASURER MAY WITHHOLD THE PROPERTY
23 FROM THE SALE PROVIDED FOR UNDER SECTION 78I. IF THE COUNTY
24 TREASURER WITHHOLDS PROPERTY FROM THE SALE PROVIDED FOR UNDER
25 SECTION 78I AS PROVIDED IN THIS SUBSECTION, THE COUNTY TREASURER
26 MAY TRANSFER THE PROPERTY WITHHELD TO THE DEPARTMENT OF NATURAL
27 RESOURCES.

1 (2) IF A COUNTY TREASURER TRANSFERS PROPERTY TO THE
2 DEPARTMENT OF NATURAL RESOURCES PURSUANT TO SUBSECTION (1), THE
3 COUNTY TREASURER SHALL FILE A CERTIFICATE IN SUBSTANTIALLY THE
4 FOLLOWING FORM WITH THE REGISTER OF DEEDS IN THE COUNTY IN WHICH
5 THE PROPERTY IS LOCATED:

6 "CERTIFICATE OF COUNTY TREASURER TRANSFERRING TITLE TO PROPERTY
7 TO THE STATE OF MICHIGAN, DEPARTMENT OF NATURAL RESOURCES
8 THE UNDERSIGNED COUNTY TREASURER OF THE COUNTY OF
9 _____, HEREBY CERTIFIES AS FOLLOWS:

10 (A) THE PROPERTY DESCRIBED BELOW WAS FORECLOSED PURSUANT TO
11 A JUDGMENT OF THE CIRCUIT COURT ENTERED ON [INSERT DATE HERE] FOR
12 NONPAYMENT OF TAXES AND THE FORMER OWNER(S) HAVE LOST ALL RIGHTS,
13 TITLE, AND INTEREST IN THAT PROPERTY.

14 (B) BASED UPON INFORMATION AND BELIEF, EITHER THE COST OF
15 REMEDIATING THE ENVIRONMENTAL HAZARDS ON THE PROPERTY EXCEEDS THE
16 FAIR MARKET VALUE OF THE PROPERTY, INCLUDING THE AMOUNTS OWING ON
17 THE TAX FORECLOSURE PROCEEDING, OR THE PROPERTY IS IN A MINING
18 AREA.

19 (C) PURSUANT TO SECTION 78M OF THE GENERAL PROPERTY TAX ACT,
20 1893 PA 206, MCL 211.78M, I HEREBY CONVEY ALL RIGHTS, TITLE, AND
21 INTEREST TO THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE
22 _____ OF _____ COUNTY OF _____:

23 [INSERT LEGAL DESCRIPTION HERE]

24 TO THE STATE OF MICHIGAN, DEPARTMENT OF NATURAL RESOURCES.

25 _____
26 COUNTY TREASURER

COUNTY OF _____

1

2 DATED: _____".

3 (3) A REGISTER OF DEEDS SHALL NOT CHARGE ANY FEE FOR RECORD-
4 ING A CERTIFICATE UNDER THIS SECTION.

5 (4) A COUNTY TREASURER SHALL SEND A COPY OF A CERTIFICATE
6 FILED UNDER THIS SECTION TO THE DIRECTOR OF THE DEPARTMENT OF
7 NATURAL RESOURCES AND THE ASSESSOR OF THE LOCAL TAX COLLECTING
8 UNIT IN WHICH THE PROPERTY IS LOCATED.

9 Enacting section 1. This amendatory act does not take
10 effect unless all of the following bills of the 90th Legislature
11 are enacted into law:

12 (a) Senate Bill No. 343.

13 (b) Senate Bill No. _____ or House Bill No. _____ (request
14 no. 02653'99).

15 (c) Senate Bill No. _____ or House Bill No. _____ (request
16 no. 02654'99).