

HOUSE BILL No. 5722

February 21, 2002, Introduced by Rep. Patterson and referred to the Committee on House Oversight and Operations.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending sections 35, 41, 57a, 58, 62, 63, 64, 66, 67, 70, 73,
73a, 73b, 75, 83, 85, 86, 87, 88, 90, 95, 96, 97, 98, 98a, 99,
101, 102, 103, 105, 113, 121, 122, 127b, 130, 135, 138, 139, and
144 (MCL 211.35, 211.41, 211.57a, 211.58, 211.62, 211.63, 211.64,
211.66, 211.67, 211.70, 211.73, 211.73a, 211.73b, 211.75, 211.83,
211.85, 211.86, 211.87, 211.88, 211.90, 211.95, 211.96, 211.97,
211.98, 211.98a, 211.99, 211.101, 211.102, 211.103, 211.105,
211.113, 211.121, 211.122, 211.127b, 211.130, 211.135, 211.138,
211.139, and 211.144).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 35. On or before the first day of September in each
2 year, the ~~auditor general~~ STATE TREASURER shall make and record
3 in his OR HER office a statement showing the taxes to be raised

HB5722, As Passed House, April 16, 2002

2

1 for state purposes that year, referring to the law on which each
2 tax is based, and the total amount of ~~such~~ THE taxes. The
3 state tax he OR SHE shall apportion among the several counties in
4 proportion to the valuation of the taxable property ~~therein~~ IN
5 EACH COUNTY as determined by the last preceding state board of
6 equalization, and shall before the October session of the board
7 of supervisors in each year make out and transmit to the clerk of
8 each county a statement of the amount of ~~such~~ THE taxes ~~so~~
9 apportioned to ~~such~~ THAT county. ~~He~~ THE STATE TREASURER
10 shall also, in a separate item of ~~said~~ THE statement, set forth
11 the amount of indebtedness of ~~such~~ THE county to the state
12 remaining unpaid at the time ~~such~~ THE statement is made, as
13 shown by the statement of the account between the county and
14 ~~the~~ THIS state made by the ~~auditor general~~ STATE TREASURER on
15 the first day of July ~~next previous to such~~ AFTER THE
16 apportionment, which amount shall be apportioned by the board of
17 supervisors of the proper county at the same time as state taxes
18 contained in ~~said~~ THE apportionment of the ~~auditor general~~
19 STATE TREASURER, and shall be levied in the same manner as and
20 become a portion of the county taxes for the same year, unless
21 the ~~said~~ indebtedness ~~shall have been~~ IS paid to the state
22 before October first. ~~:- Provided, That such~~ THE portion
23 ~~thereof~~ OF THE TAXES, if any, ~~as~~ THAT should be assessed to a
24 particular township, shall be apportioned to and assessed upon
25 ~~such~~ THE township, ward, or city.

26 Sec. 41. Before the supervisor or assessing officer ~~shall~~
27 ~~deliver such~~ DELIVERS THE roll to the township treasurer or city

HB5722, As Passed House, April 16, 2002

3

1 collector, he OR SHE shall carefully foot the several columns of
2 valuation and taxes, and make a detailed statement, ~~thereof,~~
3 which he OR SHE shall give the clerk of his OR HER township or
4 city, and ~~said~~ THE clerk shall immediately charge the amount of
5 taxes to the township treasurer or city collector. The clerk of
6 each city and incorporated village shall report to the clerk of
7 their respective counties all taxes levied in their respective
8 cities or villages, and not included in the general tax levy, on
9 or before the first day of October in each year. The county
10 clerk shall, within 30 days after the close of the annual session
11 of the board of supervisors in October in each year, forward to
12 the ~~auditor general~~ STATE TREASURER, to be filed in his OR HER
13 office, a statement showing the aggregate valuation of all prop-
14 erty as assessed in each assessing precinct within the county
15 during the current year. ~~He~~ THE STATE TREASURER shall include
16 in ~~such~~ THE statement a detail of all taxes to be raised in the
17 county for ~~such~~ THAT year ~~and also~~ AND the amount of taxes not
18 included in the general tax levy, reported to him OR HER by the
19 several city and village clerks as ~~above~~ provided IN THIS
20 SECTION.

21 Sec. 57a. (1) It ~~shall be~~ IS the duty of the ~~auditor~~
22 ~~general~~ STATE TREASURER to prescribe uniform practices, forms,
23 and methods ~~which~~ THAT shall be used by the several county
24 treasurers of this state in carrying out ~~the provisions of~~ this
25 act. All proceedings under the authority of ~~the provisions of~~
26 this act shall be conducted in conformity with the uniform
27 practices prescribed ~~therefor~~ by the ~~auditor general~~ STATE

HB5722, As Passed House, April 16, 2002

4

1 TREASURER. On the neglect or failure on the part of any county
2 treasurer to abide by the uniform practices and use the uniform
3 forms prescribed, the ~~auditor general~~ STATE TREASURER may give
4 notice in writing to the county clerk and to the ~~board of~~
5 county ~~supervisors~~ BOARD OF COMMISSIONERS, or in lieu of ~~such~~
6 THE board OF COMMISSIONERS, the board of county auditors in coun-
7 ties having ~~such~~ A COUNTY board OF AUDITORS, which notice shall
8 state the facts constituting the alleged neglect or failure. If
9 ~~such~~ THE alleged neglect or failure is not corrected within 10
10 days after ~~the~~ giving ~~of such~~ THE notice, the ~~auditor~~
11 ~~general~~ STATE TREASURER shall have complete power and authority,
12 by himself OR HERSELF or his OR HER deputy or authorized agents,
13 to enter the office of ~~said~~ THE county treasurer and complete
14 the work in ~~said~~ THE office in conformity with ~~such~~ THE uni-
15 form practices, the expenses ~~thereof~~ OF THAT WORK to be charged
16 back to the county, which expense shall be paid from the general
17 fund of the county.

18 (2) ~~It shall be the duty of the auditor general~~ THE STATE
19 TREASURER SHALL, within 30 days after the final adjournment of
20 the legislature in every year, ~~to~~ furnish the county treasurers
21 with instructions relative to changes made in the tax laws of
22 ~~the~~ THIS state with respect to the duties of the township trea-
23 surers and county treasurers in connection with the collection of
24 taxes. ~~It shall be the duty of the~~ THE several county treasur-
25 ers SHALL, within 7 days after the receipt of ~~such~~ THOSE
26 instructions, ~~to~~ forward a copy ~~thereof~~ OF THE INSTRUCTIONS
27 to each township treasurer in his OR HER respective county.

1 ~~Such~~ THE instructions shall contain all changes made since the
2 filing of the previous instructions. In case of the furnishing
3 of the first instructions to county treasurers under the provi-
4 sions of this section, all changes of tax collection procedure as
5 well as instructions with respect to tax collection procedures
6 shall be furnished.

7 Sec. 58. After the return of lands for unpaid taxes, the
8 county treasurer is authorized to receive, under like provisions
9 as in section 53, ~~of this act,~~ the amounts of the several taxes
10 or any of them due, and the board of ~~supervisors~~ COMMISSIONERS
11 in each county may authorize notice to be given to all delinquent
12 taxpayers so far as known. ~~:- Provided, That neither~~ NEITHER
13 taxes nor special assessments ~~which~~ THAT are delinquent may be
14 paid under protest to the county treasurer. The county treasurer
15 shall issue duplicate receipts for all ~~such~~ THE taxes received
16 by him OR HER, which shall be accounted for by the county clerk,
17 or by the board of auditors in counties having ~~such boards~~ A
18 BOARD OF AUDITORS, 1 of ~~such~~ THE duplicate receipts shall be
19 delivered to the person paying the taxes, and 1 filed in the
20 office of the county treasurer, which receipt shall be available
21 to the county clerk or board of county auditors in counties
22 having ~~such boards~~ A BOARD OF AUDITORS for abstracting and
23 accounting purposes. All receipts issued under the provisions of
24 this section shall be consecutively numbered by the printer and
25 by ~~such~~ THE printer delivered to the county clerk who shall
26 account for ~~same~~ THE RECEIPTS. At the time the printer
27 delivers the ~~same~~ RECEIPTS to the county clerk, ~~said~~ THE

1 printer shall notify the ~~auditor general~~ STATE TREASURER of
2 ~~such~~ THE delivery, specifying the quantity and numbers of
3 ~~such~~ THE receipts. ~~∴ Provided, That except~~ EXCEPT when the
4 final installment of the tax is paid, the county treasurer shall
5 not issue a receipt for a payment of less than \$1.00 and any tax
6 or installment then sought to be paid in an amount less than
7 \$1.00 shall not be discharged or considered paid unless the sum
8 of \$1.00 is paid, and the difference between the amount of the
9 tax paid and ~~said~~ \$1.00 shall be ~~deemed~~ CONSIDERED to be a
10 part payment of the cost of issuing ~~such~~ THE receipts and shall
11 be credited to the general fund of the county. ~~∴ Provided fur-~~
12 ~~ther, That in~~ IN the case of payments by the same taxpayer as
13 many descriptions shall be included in 1 receipt as will be suf-
14 ficient to make a payment of \$1.00. ~~, as near as may be:~~
15 ~~Provided further, That when~~ WHEN payment of the taxes on any
16 parcel or description of land or on any undivided share ~~thereof~~
17 OF LAND is made to any county treasurer, ~~said~~ THE treasurer
18 shall place or cause to be placed upon the face of the receipt or
19 redemption certificate, the following certificate: "I hereby
20 certify that application was made to pay all taxes and special
21 assessments due and payable at this office on the description
22 shown in this receipt except for the years and items as follows:
23 (Signed) Treas."
24 Every ~~such~~ receipt shall be deemed to include the forego-
25 ing certificate, and unless otherwise noted ~~thereon~~ ON THE
26 CERTIFICATE, shall be construed as an application to pay all
27 taxes and special assessments assessed against the property

described ~~therein~~ ON THE CERTIFICATE and then due and payable
at the office of the treasurer issuing ~~such~~ THE receipt.
Future installments of special assessments ~~and future install-~~
~~ments of taxes payable under the provisions of Act No. 126 of the~~
~~Public Acts of 1933, as amended,~~ shall not be considered as
being then due and payable.

Sec. 62. ~~It shall be the duty of the county clerk, on the~~
~~filing of the said~~ IF A PETITION IS FILED, THE COUNTY CLERK
SHALL PRESENT THE petition ~~, to at once present the same~~ to the
circuit ~~judge~~ COURT of the county in which ~~said~~ THE delin-
quent tax ~~lands are~~ PROPERTY IS situated, and ~~it shall be the~~
~~duty of said~~ circuit ~~judge to make~~ COURT SHALL ENTER an order
~~in the form herein~~ AS prescribed ~~, which order, when so made~~
and signed by the circuit judge, IN THIS SECTION. THE COUNTY
CLERK shall ~~be countersigned by the county clerk as register in~~
~~chancery~~ COUNTERSIGN THE ORDER, ~~and recorded by him~~ RECORD THE
ORDER in the proper books of his OR HER office, and ~~thereupon it~~
~~shall be the duty of said county clerk to immediately make a true~~
~~copy of said order, and~~ transmit ~~the same~~ A TRUE COPY OF THE
ORDER to the ~~auditor general~~ STATE TREASURER. ~~Said~~ THE order
shall be substantially in the following form:

STATE OF MICHIGAN,)

) ss.

County of)

The circuit court for the county of ~~in~~
~~chancery.~~

HB5722, As Passed House, April 16, 2002

8

1 In the matter of the petition of, ~~auditor~~
2 ~~general~~ STATE TREASURER of the state of Michigan, for and in
3 behalf of ~~said~~ THIS state, for the sale of certain ~~lands~~
4 PROPERTY for taxes assessed ~~thereon~~ ON THAT PROPERTY: On read-
5 ing and filing the petition of the ~~auditor general~~ STATE
6 TREASURER of the state of Michigan ~~, praying for~~ REQUESTING a
7 ~~decree~~ JUDGMENT in favor of the state of Michigan ~~,~~ against
8 each parcel of land ~~therein~~ described IN THE PETITION, for
9 the amounts ~~therein~~ specified IN THE PETITION THAT ARE, claimed
10 to be due for taxes, interest, and charges on each ~~such~~ parcel
11 of ~~land~~ PROPERTY, and that ~~such lands~~ THE PROPERTY be sold
12 for the amounts ~~so~~ claimed by the state of Michigan. It is
13 ordered that ~~said~~ THE petition will be brought on for hearing
14 and decree at the term of this court, to be held at
15, in the county of, state of Michigan,
16 on the day of ~~A.D. 18....,~~ 20...., at
17 the opening of the court on that day, and that all persons inter-
18 ested in ~~such lands~~ THAT PROPERTY or any part ~~thereof,~~ OF
19 THAT PROPERTY desiring to contest the lien claimed ~~thereon~~ ON
20 THAT PROPERTY by the state of Michigan ~~,~~ for ~~such~~ THE taxes,
21 interest, and charges CLAIMED, or any part ~~thereof~~ OF THE
22 TAXES, INTEREST, AND CHARGES CLAIMED, shall appear in ~~said~~ THIS
23 court, and file with the clerk ~~thereof, acting as register in~~
24 ~~chancery,~~ OF THIS COURT their objections ~~thereto~~ TO THE LIEN,
25 on or before the first day of the term of this court, ~~above~~
26 ~~mentioned,~~ and that in default ~~thereof~~ the ~~same~~ LIEN will be
27 ~~taken as confessed and a decree will be taken~~ GRANTED and

HB5722, As Passed House, April 16, 2002

9

1 JUDGMENT entered as ~~prayed for~~ REQUESTED in ~~said~~ petition.
2 And it is further ordered that in pursuance of ~~said decree~~ THE
3 JUDGMENT the ~~lands~~ PROPERTY described in ~~said~~ THE petition
4 for which a ~~decree~~ JUDGMENT of sale ~~shall be~~ IS made, will be
5 sold for the ~~several taxed~~ TAXES, interest, and charges
6 ~~thereon~~ ON THE PROPERTY as determined by ~~such decree~~ THE
7 JUDGMENT, on the first Tuesday in May ~~thereafter,~~ AFTER THE
8 JUDGMENT IS ENTERED, beginning at 10 o'clock a.m. ~~, on said~~
9 ~~day, or on the day or days subsequent thereto, as may be neces-~~
10 ~~sary to complete the sale of said lands and of each and every~~
11 ~~parcel thereof,~~ THE SALE SHALL BE HELD at the office of the
12 county treasurer, or at ~~such~~ ANOTHER convenient place ~~as shall~~
13 ~~be~~ selected by ~~him~~ THE COUNTY TREASURER at the county seat of
14 the county of, state of Michigan. ~~; and that~~
15 ~~the~~ THE sale ~~then and there made will~~ SHALL be a public sale,
16 and each parcel described in the ~~decree~~ JUDGMENT shall be sepa-
17 rately ~~exposed for sale~~ SOLD for the total taxes, interest, and
18 charges. ~~, and the~~ THE sale shall be made to the person paying
19 the full amount charged against ~~such~~ A parcel, and accepting a
20 conveyance of the smallest undivided fee simple interest.
21 ~~therein; or, if~~ IF no person will pay the taxes and charges and
22 take a conveyance of less than the entire ~~thereof~~ FEE SIMPLE
23 INTEREST, then the whole parcel shall be offered and sold. If
24 any parcel ~~of land~~ cannot be sold for taxes, interest, and
25 charges, ~~such~~ THE parcel shall be passed over ~~for the time~~
26 ~~being,~~ and ~~shall, on the succeeding day, or before the close of~~
27 ~~the sale, be~~ reoffered ~~, and if, on such second offer, or~~

HB5722, As Passed House, April 16, 2002

10

1 ~~during such sale, the same~~ FOR SALE. IF THE PARCEL cannot be
2 sold for the ~~amount aforesaid~~ TAXES, INTEREST, AND CHARGES, the
3 county treasurer shall bid off the ~~same~~ PARCEL in the name of
4 the state.

5 Witness the Hon., circuit judge, and the
6 seal of ~~said~~ THE (circuit) court of county, this
7 day of ~~A.D. 18....~~ 20.... .

8

9

10 Circuit Judge.

11 Countersigned,

12

13 Register.

14 Sec. 63. (1) The ~~newspapers~~ STATE TREASURER SHALL DESIG-
15 NATE A NEWSPAPER in which ~~such~~ AN order and petition are to be
16 published ~~shall be designated by the auditor general~~ on or
17 before September 1 in each year. ~~, and not afterwards, unless~~
18 IF the publisher of the DESIGNATED newspaper ~~so designated shall~~
19 ~~fail~~ FAILS to accept ~~such~~ THE designation within 15 days after
20 the ~~same~~ DESIGNATION is made ~~, or shall refuse or neglect~~
21 REFUSES OR NEGLECTS to publish and print ~~such~~ THE order and
22 petition, or, ~~unless, from~~ FOR any other cause, ~~such~~ THE
23 publication ~~shall become~~ BECOMES impracticable, ~~; in which~~

1 ~~case~~ the ~~auditor general~~ STATE TREASURER shall designate some
2 other newspaper ~~for that purpose~~ before the time limited for
3 commencing publication.

4 (2) In counties ~~where~~ IN WHICH 1 or more regularly estab-
5 lished newspapers have been printed, published, and circulated
6 more than 1 year ~~prior to such~~ BEFORE THE designation, 1 of
7 ~~such~~ THOSE newspapers shall be designated for the publication
8 ~~herein~~ required UNDER SUBSECTION (1).

9 (3) The ~~auditor general~~ STATE TREASURER shall also cause
10 to be carried in not ~~to exceed~~ MORE THAN 10 newspapers in each
11 county a notice advising the public of the tax sale advertising.
12 The newspapers shall be designated by the ~~auditor general~~ STATE
13 TREASURER, and the notice ~~referred to~~ shall be carried once in
14 each of the newspapers designated on a date selected by the
15 ~~auditor general and~~ STATE TREASURER. THE NOTICE shall contain
16 the name of the newspaper in the county ~~which has been~~ desig-
17 nated to print the order and petition and description of ~~lands~~
18 PROPERTY advertised.

19 Sec. 64. (1) ~~In case there is no paper~~ IF A NEWSPAPER IS
20 NOT published in ~~such~~ A county IN WHICH DELINQUENT TAX PROPERTY
21 IS LOCATED, or if ~~from any cause no paper can~~ A NEWSPAPER
22 CANNOT be secured ~~in any county~~ to publish ~~such~~ AN order and
23 petition IN THAT COUNTY, the ~~auditor general~~ STATE TREASURER
24 shall cause ~~such~~ THE order and petition containing the list of
25 ~~lands~~ PROPERTY delinquent for taxes to be printed in proper
26 form for general distribution, and shall ~~furnish~~ PROVIDE the
27 county treasurer with ~~such number of the same as may be~~

HB5722, As Passed House, April 16, 2002

12

1 ~~necessary~~ ENOUGH COPIES to ~~furnish~~ PROVIDE each voter at the
2 last general election in ~~said~~ THE county with 1 copy. ~~, and~~
3 ~~such~~

4 (2) THE county treasurer shall distribute the order and
5 petition in such A manner that copies ~~thereof may~~ SHALL become
6 public in every ~~township~~ LOCAL TAX COLLECTING UNIT in ~~said~~
7 THE county, and shall post or cause to be posted 3 copies in 3
8 public places in each ~~township, and~~ LOCAL TAX COLLECTING UNIT.

9 (3) THE COUNTY TREASURER shall file AN affidavit of the
10 posting and distribution of the ~~same~~ ORDER AND PETITION in the
11 usual form in the office of ~~said~~ THE county treasurer and of
12 the ~~auditor general~~ STATE TREASURER.

13 Sec. 66. (1) The ~~auditor general~~ STATE TREASURER shall
14 cause a copy of the order and a copy of the petition to be pub-
15 lished once ~~in~~ each week for 3 consecutive weeks ~~preceding~~
16 BEFORE the time fixed for the hearing ~~thereof~~ ON THE PETITION,
17 in ~~some regularly established~~ A newspaper PUBLISHED in the
18 county ~~where such~~ IN WHICH THE petition is filed ~~, to be~~
19 selected by the ~~auditor general~~ STATE TREASURER.

20 (2) The order and petition shall ~~both~~ be published in the
21 same newspaper, the order immediately preceding the petition. ~~÷~~
22 ~~Provided, In such~~ THE petition ~~it~~ shall ~~be sufficient to~~
23 ~~print against each parcel~~ STATE the years for which delinquent
24 TAXES ARE DUE and the total AMOUNT of taxes, interest, and
25 charges due ~~in said years~~ FOR EACH PARCEL.

26 (3) The cost of ~~such publication~~ PUBLISHING THE ORDER AND
27 PETITION shall be paid by ~~the~~ THIS state.

1 (4) The proprietor of ~~such~~ THE newspaper IN WHICH THE
2 ORDER AND PETITION ARE PUBLISHED shall furnish the proper county
3 treasurer ~~—~~ WITH not ~~to exceed 300~~ MORE THAN 400 copies of
4 ~~such~~ EACH publication, 10 ~~such~~ copies to each ~~city and vil-~~
5 ~~lage clerk and township supervisor~~ LOCAL TAX COLLECTING UNIT,
6 and 2 ~~such~~ copies to the ~~auditor general, and the auditor~~
7 ~~general~~ STATE TREASURER.

8 (5) THE STATE TREASURER and county treasurer shall carefully
9 examine the notices published and ~~see that~~ DETERMINE IF they
10 are correct.

11 (6) The term 3 consecutive weeks means 3 publications IN 3
12 SUCCESSIVE WEEKS and the dates of the publications shall be spec-
13 ified by the ~~auditor general~~ STATE TREASURER. ~~Any~~

14 (7) A person familiar with the facts may make an affidavit
15 as to the publication required.

16 (8) The ~~auditor general~~ STATE TREASURER shall not pay for
17 ~~any such~~ THE publication ~~until~~ UNLESS satisfied that ~~it~~ THE
18 PUBLICATION has been made according to law.

19 (9) The publication of the order and petition ~~aforsaid~~
20 ~~shall be~~ IS equivalent to a personal service of notice OF THE
21 FILING OF THE PETITION on all persons who are interested in the
22 ~~lands~~ PROPERTY specified in ~~such~~ THE petition, of ~~the filing~~
23 ~~thereof, of~~ all proceedings ~~thereon~~ ON THE PETITION, and on
24 the sale of the ~~lands~~ PROPERTY under the ~~decree~~ JUDGMENT, and
25 ~~shall give~~ GIVES the court jurisdiction to hear ~~such~~ THE
26 petition, determine all questions arising ~~thereon~~ ON THE
27 PETITION, and to ~~decree~~ ENTER a JUDGMENT ORDERING THE sale of

1 ~~such lands~~ THE PROPERTY for the payment of all taxes, interest,
2 and charges ~~thereon~~ ON THE PROPERTY.

3 (10) The circuit court ~~in chancery shall have~~ HAS juris-
4 diction to hear, try, and determine the matters alleged in ~~such~~
5 THE petition, even though the amount involved ~~therein be~~ IN THE
6 PETITION IS less than \$100.00. ~~It shall be the duty of the~~

7 (11) THE prosecuting attorney ~~to~~ SHALL prosecute all
8 ~~such~~ proceedings UNDER THIS SECTION on the part of ~~the~~ THIS
9 state. If ~~he shall refuse, neglect or be unable to do so~~ THE
10 PROSECUTING ATTORNEY DOES NOT PROSECUTE A PROCEEDING UNDER THIS
11 SECTION, the court shall appoint ~~some~~ ANOTHER competent person
12 to take charge of and prosecute the ~~same~~ PROCEEDING, who shall
13 be paid by the county. The COUNTY board of ~~supervisors~~
14 COMMISSIONERS may employ ~~some~~ A competent person to prosecute
15 ~~such~~ OR TO ASSIST IN THE PROSECUTION OF proceedings ~~or assist~~
16 ~~therein. Proof of~~ UNDER THIS SECTION.

17 (12) AN AFFIDAVIT ATTESTING TO the publication of the order
18 and petition ~~herein~~ required UNDER THIS SECTION shall be filed
19 in both the office of the county clerk and ~~auditor general~~
20 STATE TREASURER before any final order is ~~made~~ ENTERED. Proof
21 of the filing of ~~such~~ AN affidavit of publication in the office
22 of the ~~auditor general~~ STATE TREASURER may be made by affidavit
23 of the ~~auditor general,~~ STATE TREASURER or his OR HER deputy.
24 ~~Any~~

25 (13) A person ~~having any~~ WITH AN interest in the ~~lands~~
26 PROPERTY or any portion ~~thereof~~ OF THE PROPERTY included or
27 referred to in ~~said~~ THE petition ~~desiring~~ WHO DESIRES to

1 contest the validity of any tax shall file ~~in writing his~~
2 WRITTEN objections ~~thereto~~ with the clerk of the county in
3 which ~~said lands are~~ THE PROPERTY IS advertised for sale and
4 serve a copy ~~thereof~~ OF THE OBJECTIONS on the prosecuting
5 attorney of the county, ~~and the auditor general~~ THE STATE
6 TREASURER, and the county, ~~city, village, township~~ LOCAL TAX
7 COLLECTING UNIT, and school district IN WHICH THE PROPERTY IS
8 LOCATED, ~~the validity of the taxes of which are contested,~~ and
9 SHALL file proof of ~~such~~ service on or before the day fixed in
10 ~~said~~ THE notice for the hearing of ~~such~~ THE petition. ~~, and~~
11 A PERSON shall not ~~be allowed to~~ make any objections not
12 ~~therein~~ specified IN WRITTEN OBJECTIONS FILED UNDER THIS
13 SECTION. ~~Hearing~~ A HEARING upon ~~such~~ objections FILED UNDER
14 THIS SUBSECTION shall not be held until ~~such~~ service ~~has been~~
15 IS made and ~~due~~ proof ~~thereof~~ OF SERVICE IS filed.

16 (14) If on the day fixed in ~~such~~ THE notice for the hear-
17 ing ~~of such~~ ON THE petition or on the day following that day,
18 ~~it shall be made to appear to~~ the court DETERMINES that any
19 person has been prevented from filing ~~his~~ objections to any tax
20 without any fault on his OR HER part, ~~such further time~~ THE
21 COURT may ~~be granted~~ GRANT ADDITIONAL TIME for that purpose,
22 ~~as may seem proper,~~ not ~~exceeding~~ TO EXCEED 5 days. The
23 court shall give precedence to the hearing of ~~such~~ A petition
24 over all other business, shall examine, consider, and determine
25 the matters ~~therein~~ stated IN THE PETITION and ANY objections
26 made ~~, in a summary manner without other pleadings, and make~~

1 TO ENTER A final ~~decree thereon as the right of the case may be~~
2 JUDGMENT ON THE PETITION.

3 (15) The taxes specified in the petition ~~shall be~~ ARE pre-
4 sumed to be legal and a ~~decree~~ JUDGMENT FOR THOSE TAXES SHALL
5 be made ~~therefor unless the contrary is proved~~ THE TAXES ARE
6 SHOWN TO BE IMPROPER. Evidence shall be taken in open court.
7 All oral testimony shall, at the request of any person inter-
8 ested, be written down and filed. The court may make ~~such~~
9 ~~orders from time to time as may be~~ ANY ORDER necessary to facil-
10 itate the proceedings. ~~, and~~ THE COURT shall decide all ques-
11 tions as to the admissibility of evidence, and ~~the decisions so~~
12 ~~made shall be~~ THAT DECISION IS final and not subject to review
13 or appeal.

14 (16) If the ~~lands~~ PROPERTY of 2 or more persons ~~have~~ HAS
15 been assessed together, the court may, if practicable, separate
16 the ~~same~~ ASSESSMENTS and apportion to each parcel ~~its~~ THE
17 just proportion of the taxes, interest, and charges. If any tax
18 ~~shall be~~ IS found illegal, ~~such~~ THAT part shall be set aside
19 and the remaining tax ~~shall be decreed~~ IS valid. The total
20 amount of taxes, interest, and charges ~~, as~~ fixed by the court
21 ~~, shall be entered by the register of the court opposite each~~
22 parcel of ~~land~~ PROPERTY in the column of ~~said~~ THE record
23 under the heading "amount ~~decreed~~ OF JUDGMENT against ~~lands~~
24 PROPERTY." If the court ~~shall make~~ MAKES any order setting
25 aside the taxes on any parcel of ~~land~~ PROPERTY, or any part
26 ~~thereof~~ OF THE TAXES, or any special order relating to any
27 ~~particular~~ parcel of ~~land~~ PROPERTY, or taxes ~~thereon~~ ON ANY

HB5722, As Passed House, April 16, 2002

17

1 PARCEL OF PROPERTY, a brief entry of ~~such~~ THAT order shall be
2 ~~made upon said records~~ ENTERED opposite ~~such land~~ THAT
3 PROPERTY or tax. ~~, which~~ THE SPECIAL ORDER shall be signed by
4 the judge of the court, either by his OR HER full name or ini-
5 tials, and ~~such~~ THAT entry ~~shall have~~ HAS the same effect as
6 if made and entered as a part of a final ~~decree~~ JUDGMENT.

7 (17) At least 10 days ~~prior to~~ BEFORE the time fixed for
8 the sale of ~~such lands~~ THE PROPERTY, the court shall ~~make~~
9 ENTER a final ~~decree~~ JUDGMENT in favor of ~~the~~ THIS state ~~of~~
10 Michigan for the payment of ~~such~~ ALL VALID taxes, interest,
11 and charges, ~~as shall be valid, and~~ SHALL determine the total
12 amount ~~thereof~~ chargeable against each parcel of ~~land~~
13 PROPERTY, and shall order ~~and decree~~ that unless ~~such~~ payment
14 ~~be~~ IS made, ~~such several parcels of land~~ THE PROPERTY, or
15 ~~so~~ AS much of ~~each~~ THE PROPERTY as ~~may be~~ IS necessary to
16 satisfy the amount fixed by ~~such decree~~ THE JUDGMENT, shall
17 severally be sold as the law directs. ~~Such decree shall be~~ A
18 JUDGMENT IS considered ~~as a several decree~~ in favor of ~~the~~
19 THIS state ~~of Michigan~~ against each parcel of ~~land~~ PROPERTY
20 for each tax included ~~therein~~ IN THE JUDGMENT. The court may
21 decree ~~such~~ costs against a person contesting any tax ~~as may~~
22 ~~be~~ THAT IS equitable, if the tax, or any part ~~thereof which~~ OF
23 THE TAX THAT remains unpaid, ~~be adjudged~~ IS DETERMINED TO BE
24 valid.

25 (18) In the absence from the file of A proper affidavit of
26 publication as required by this section, secondary evidence of
27 ~~such~~ THE publication and ~~of~~ the ~~due~~ filing of ~~such~~ THE

1 affidavit ~~shall be~~ IS admissible ~~:- Provided, That~~ IF,
2 according to the calendar entry of the clerk of ~~such~~ THE court,
3 an affidavit of publication was filed. The affidavit of ~~such~~
4 publication filed in the office of the ~~auditor general shall be~~
5 STATE TREASURER IS admissible as secondary evidence.

6 Sec. 67. (1) ~~Such~~ A final ~~decree~~ JUDGMENT shall be
7 entered in the ~~chancery~~ record for recording ~~decrees~~
8 JUDGMENTS of ~~such~~ THE CIRCUIT court ~~,~~ OF THE COUNTY IN WHICH
9 THE PROPERTY IS LOCATED. THE JUDGMENT SHALL have the usual cap-
10 tion for ~~decrees,~~ JUDGMENTS and shall be substantially in the
11 following form:

12
13 "State of Michigan,)
14 The circuit court for the) ~~In chancery~~
15 county of)

16 At a session of ~~said~~ THIS court held at the court house in
17 the of on the day
18 of ~~A.D. 19....~~ 20....

19 Present: Hon., Circuit Judge

20 In the matter of the petition of, ~~auditor~~
21 ~~general~~ STATE TREASURER of the state of Michigan, for and in
22 behalf of ~~said~~ THIS state, for the sale of certain ~~lands~~
23 PROPERTY for taxes assessed ~~thereon~~ ON THAT PROPERTY:

24 The ~~said~~ petition and the matters ~~therein~~ stated IN THE
25 PETITION, and the objections filed to ~~certain~~ THE taxes
26 ~~therein~~ claimed IN THE PETITION (if any ~~such~~ objections are
27 filed) came on to be heard, and proof of the ~~due~~ publication of

HB5722, As Passed House, April 16, 2002

19

1 the order of hearing, and of ~~said~~ THE petition having been made
2 and filed, and after hearing all INTERESTED parties: ~~interested~~
3 ~~therein:~~ It is ordered ~~, adjudged and decreed~~ that the amount
4 of taxes, interest, collection fee, and charges set down in the
5 ~~column headed 'amount decreed against lands,' in the~~ tax
6 record, ~~of~~ which ~~said~~ IS INCORPORATED AS PART OF THE
7 petition, ~~forms a part,~~ are valid, and ~~decree is made~~
8 JUDGMENT IS ENTERED in favor of the state of Michigan ~~therefor~~
9 against each parcel of ~~said land~~ PROPERTY for payment of the
10 amount set down in ~~said column~~ THE TAX RECORD opposite ~~to~~
11 ~~such~~ THAT parcel. It is further ordered ~~, adjudged and~~
12 ~~decreed~~ that unless ~~said~~ THAT amount ~~be~~ IS paid prior to
13 ~~said~~ sale, that ~~said several parcels of land~~ PROPERTY, or
14 ~~such~~ THAT interest ~~therein as may be~~ IN THE PROPERTY neces-
15 sary to satisfy the ~~amount herein decreed~~ JUDGMENT against the
16 ~~same~~ PROPERTY, shall be severally sold as the law directs, on
17 the..... day of May, A.D. ~~19~~ 20...., beginning at 10
18 o'clock a.m. ~~on said day, or on the day or days subsequent~~
19 ~~thereto as may be necessary to complete the sale of said lands~~
20 ~~and of each and every parcel thereof, at the office of the county~~
21 ~~treasurer, or at such convenient place as shall be selected by~~
22 ~~him at the county seat of the county of, state of~~
23 Michigan. It is further ordered ~~, adjudged and decreed~~ that
24 title to each parcel of ~~land~~ PROPERTY ordered in this ~~decree~~
25 JUDGMENT to be offered for sale, ~~and which parcel of land is bid~~
26 ~~in at such sale~~ THAT IS BID OFF to the state, shall become
27 absolute in the state of Michigan on the expiration of the period

1 of redemption from ~~such~~ THAT sale, and all taxes, special
2 assessments ~~, which~~ THAT are charged against or are liens upon
3 ~~such parcel~~ THAT PROPERTY, and other liens and encumbrances ~~,~~
4 against ~~such parcel~~ THAT PROPERTY of whatever kind or nature,
5 shall be ~~cancelled~~ CANCELED as of ~~such~~ THAT date, unless any
6 ~~said~~ parcel of ~~land shall be~~ PROPERTY IS redeemed as provided
7 in section 74 of ~~Act No. 206 of the Public Acts of 1893, as~~
8 ~~amended~~ THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.74,
9 or unless an appeal ~~shall have been~~ IS taken as provided in
10 ~~said act~~ THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.1
11 TO 211.157. It is further ~~adjudged and decreed~~ ORDERED that
12 the ~~several~~ special orders made by this court, and entered on
13 ~~said~~ THE tax records, are made a part ~~hereof~~ OF THIS
14 JUDGMENT, with the same effect as if entered ~~herein~~ IN THIS
15 JUDGMENT.

16 (Countersigned)

.....

17

Circuit Judge

18

19 Clerk of Courts."

20 (2) Unless sooner redeemed, upon the expiration of ~~such~~

21 THE period of redemption provided ~~for~~ in section 74, ~~of this~~

1 ~~act,~~ absolute title to the ~~lands so sold and bid in to the~~
2 ~~state shall vest in the state of Michigan~~ PROPERTY BID OFF TO
3 THIS STATE VESTS IN THIS STATE as provided in ~~said decree~~ THE
4 JUDGMENT.

5 (3) If costs are adjudged against any person contesting a
6 tax, the ~~decree therefor~~ JUDGMENT shall ~~be in proper form~~
7 STATE THE COSTS and execution awarded. The ~~decree~~ JUDGMENT
8 shall be signed by the judge and countersigned by the clerk.

9 (4) Immediately after the entry of ~~such decree~~ THE
10 JUDGMENT, the county clerk shall make a certified copy ~~thereof~~
11 OF THE JUDGMENT, and annex the ~~same~~ JUDGMENT to the tax
12 record. ~~He~~ THE COUNTY CLERK shall ~~thereupon~~ THEN deliver
13 ~~such~~ THE tax record to the county treasurer, in whose office
14 the ~~same~~ TAX RECORD shall remain. ~~, except as needed in the~~
15 ~~office of the county clerk.~~

16 (5) If ~~from any cause~~ the hearing on ~~said~~ THE petition
17 is not ~~had~~ HELD on the day fixed in the notice, ~~therefor,~~ the
18 ~~same~~ HEARING shall ~~stand~~ BE continued from day to day during
19 the term without the entry of any order of continuance, until
20 disposed of. ~~, and if it shall for any reason be found~~

21 (6) IF IT IS DETERMINED TO BE impracticable to hear and
22 determine the objections to all of the taxes specified in ~~such~~
23 THE petition within the time ~~herein~~ fixed for that purpose,
24 then ~~and in that case~~ the court shall, within the time ~~herein~~
25 ~~named~~ STATED IN THIS SECTION, ~~make~~ ENTER a final ~~decree~~
26 JUDGMENT as to all taxes to which no objections have been filed,
27 and also those to which objections have been filed, which the

1 court has then heard and ~~passed upon. Such decrees~~ DETERMINED
2 TO BE VALID. THE JUDGMENT shall be signed and recorded as
3 ~~hereinbefore~~ provided IN THIS SECTION. The court shall proceed
4 with the consideration of the remaining taxes ~~embraced in such~~
5 SET FORTH IN THE petition, and objections ~~thereto~~ TO THOSE
6 TAXES, and as soon as practicable dispose of the ~~same~~ REMAINING
7 TAXES by 1 or more ~~decrees and in such~~ JUDGMENTS IN A form as
8 the court ~~may determine~~ DETERMINES, which shall be entered in
9 the ~~chancery~~ record of ~~decrees of such~~ THE court. ~~, and the~~
10 ~~same~~ THE JUDGMENT shall describe the ~~lands~~ PROPERTY and spec-
11 ify the total amount of taxes, interest, and charges on each
12 parcel ~~thereof. The~~ OF PROPERTY. AFTER THE JUDGMENT IS
13 ENTERED, THE county clerk shall immediately ~~thereafter~~ deliver
14 to the county treasurer a certified copy of ~~such decree~~ THE
15 JUDGMENT, to be kept and used as ~~hereinbefore~~ provided IN THIS
16 SECTION. ~~Such~~ A copy of ~~decree~~ THE JUDGMENT shall be annexed
17 to the tax record and ~~shall thereby become a~~ IS part ~~thereof~~
18 OF THE TAX RECORD.

19 (7) If ~~from any cause no decree shall be made on such~~ A
20 DECREE IS NOT ENTERED ON A petition as to the taxes ~~therein~~
21 named IN THE PETITION, or any part ~~thereof~~ OF THE TAXES NAMED
22 IN THE PETITION, the ~~auditor general~~ STATE TREASURER shall, as
23 soon as practicable, file a new petition for ~~decree and~~ sale,
24 and proceedings ~~thereon~~ ON THAT NEW PETITION shall be ~~the~~
25 ~~same~~ CONDUCTED and ~~a decree~~ JUDGMENT ENTERED and sale made as
26 ~~herein~~ provided IN THIS SECTION.

1 (8) ~~In case a decree is given~~ IF JUDGMENT IS ENTERED in
2 favor of the validity of any disputed tax, and the person
3 contesting ~~its~~ THE validity OF THAT TAX desires to appeal to
4 the ~~supreme~~ court OF APPEALS, ~~he shall be allowed to~~ THAT
5 PERSON MAY do so on paying the amount of the ~~decree~~ JUDGMENT to
6 the county treasurer ~~,~~ within 10 days after the date ~~of such~~
7 ~~decree, who~~ THE JUDGMENT IS ENTERED. THE COUNTY TREASURER shall
8 retain the ~~same~~ AMOUNT OF THE JUDGMENT until the decision of
9 the ~~supreme~~ court OF APPEALS, and SHALL pay the ~~same~~ AMOUNT
10 OF THE JUDGMENT to the party ~~interested,~~ APPEALING THE JUDGMENT
11 if ~~such~~ THE tax APPEALED is held invalid. ~~if~~ IF THE TAX
12 APPEALED IS held valid, then ~~such money~~ THE AMOUNT OF THE
13 JUDGMENT shall be credited to the proper fund. ~~By such payment~~
14 ~~the land in question shall be discharged from the lien of the~~
15 ~~tax. In case the decision is~~ PAYMENT OF THE AMOUNT OF THE JUDG-
16 MENT DISCHARGES THE TAX LIEN ON THE PROPERTY. IF THE COURT RULES
17 against the validity of any tax, either the county treasurer or
18 the ~~auditor general shall have a right to direct an~~ STATE TREA-
19 SURER MAY appeal ~~therefrom~~ to the ~~supreme~~ court OF APPEALS on
20 behalf of ~~the~~ THIS state, but there shall be no sale for the
21 tax held invalid ~~,~~ until ~~such~~ THE decision ~~has been~~
22 APPEALED IS reversed or modified by the supreme court.

23 (9) ~~The proceedings where~~ PROCEEDINGS IN WHICH the valid-
24 ity of any tax is in dispute shall, ~~where~~ IF no other provision
25 is made ~~herein~~ IN THIS SECTION, follow the ordinary ~~chancery~~
26 practice OF THE COURT, and the court may allow amendments as in
27 ordinary cases.

1 (10) Notice shall be given of all appeals to the ~~supreme~~
2 court OF APPEALS, and ~~such~~ AN appeal shall be claimed, entered,
3 and bond for costs given, within 20 days after the ~~making and~~
4 ~~entering of the decree~~ JUDGMENT IS ENTERED. Any party appealing
5 from ~~such decree~~ A JUDGMENT, except the ~~auditor general~~ STATE
6 TREASURER and any political subdivision of ~~the~~ THIS state,
7 shall file a bond for costs in the usual form, the amount
8 ~~thereof~~ OF THE BOND and sureties ~~thereon~~ ON THE BOND to be
9 approved by the court ~~which~~ THAT entered the ~~decree~~
10 JUDGMENT. The judge shall, at the request of either party and on
11 due notice, settle in proper form a case containing ~~so~~ AS much
12 of the record and proceedings as ~~may be~~ necessary to the ~~due~~
13 understanding ~~thereof~~ OF THE JUDGMENT by the ~~supreme~~ court OF
14 APPEALS, and if AN appeal ~~shall be~~ IS taken, ~~such~~ THE case
15 shall be transmitted to ~~such~~ THE court OF APPEALS. An appeal
16 ~~as to~~ OF the tax on any parcel ~~shall~~ DOES not delay or affect
17 the proceedings for the sale of any ~~land~~ PROPERTY on which
18 there ~~has been~~ IS no appeal.

19 (11) ~~In case~~ IF the court in its ~~decree shall determine~~
20 JUDGMENT DETERMINES an assessment to be void because of an erro-
21 neous or indefinite description of the parcel of ~~land~~ PROPERTY,
22 the court shall, in ~~such decree~~ THAT JUDGMENT, direct the
23 ~~auditor general~~ STATE TREASURER to reject ~~such~~ THAT tax and
24 cause ~~the same~~ THAT TAX to be reassessed on a correct descrip-
25 tion of the parcel of ~~land~~ ~~Such decree~~ PROPERTY. THE
26 JUDGMENT shall also set forth the correct description of ~~such~~
27 ~~land~~ THAT PROPERTY.

1 Sec. 70. (1) On the first Tuesday of May, beginning at
2 10 ~~o'clock~~ a.m., the county treasurer shall commence the sale
3 of the ~~lands~~ PROPERTY mentioned in the ~~decree~~ JUDGMENT upon
4 which the amounts charged ~~shall~~ HAVE not ~~have~~ been paid. ~~—~~
5 ~~and~~ THE COUNTY TREASURER shall continue the ~~same~~ SALE from day
6 to day, Sundays and other legal holidays excepted, until ~~so~~ AS
7 much of each parcel ~~shall be~~ IS sold as ~~shall be~~ IS suffi-
8 cient to pay ~~such~~ THE amounts ~~—: Provided, That the~~ CHARGED.

9 (2) THE county treasurer may deputize 1 or more persons in
10 his OR HER office to conduct ~~such~~ THE sale for him OR HER and
11 in his OR HER behalf. ~~Such appointments~~ AN APPOINTMENT shall
12 be filed by the county treasurer with the county clerk in the
13 court proceedings relating to the tax sale.

14 (3) Each parcel described in the ~~decree~~ JUDGMENT shall be
15 SOLD separately ~~exposed to sale~~ for the total taxes, interest,
16 and charges. ~~—, and the sale~~ THE PROPERTY shall be ~~made~~ SOLD
17 to the person paying the full amount charged against ~~such~~ THAT
18 parcel, and accepting a conveyance of the smallest undivided fee
19 simple interest ~~therein~~ IN THAT PARCEL. No greater interest in
20 any parcel shall be sold than is sufficient to pay the amount of
21 the tax, ~~on~~ INTEREST, AND CHARGES FOR which the ~~same~~ PROPERTY
22 is sold.

23 (4) If no person will pay the ~~several taxes~~ TAX, INTEREST,
24 and charges and take a conveyance of less than the entire
25 ~~thereof~~ FEE SIMPLE INTEREST IN A PARCEL, then the whole parcel
26 shall be offered and sold.

(5) The sale shall be HELD at the county seat, at the office of or at ~~such~~ A convenient place ~~as shall be~~ selected by the county treasurer. ~~, and shall be~~ PROPERTY SOLD IS subject to the taxes assessed ~~subsequent to~~ AFTER taxes included in the ~~decree~~ JUDGMENT and for the year for which the sale is made.

(6) The county treasurer may, in his OR HER discretion, require immediate payment of any person to whom any parcel of ~~such land may be struck off, and in~~ PROPERTY IS SOLD. IN all cases where payment is not made in 24 hours after THE sale, ~~he~~ THE COUNTY TREASURER shall declare the bid ~~cancelled~~ CANCELED and sell the land again. ~~; and any~~ ANY person ~~to whom any~~ parcel of land shall be so struck off neglecting for 24 hours ~~after the close of such sale~~ WHO FAILS to pay to the county treasurer the amount of ~~such~~ HIS OR HER bid, shall forfeit to the state 5 times the amount of ~~such~~ THAT bid, and costs of ~~suit therefor~~ COLLECTION, which ~~amount~~ may be recovered in the name of the people of the state of Michigan in an action ~~of~~ debt, ~~in any court of competent jurisdiction. , and it be the~~ ~~duty of the~~ THE county treasurer and prosecuting attorney of the county ~~to~~ SHALL prosecute for all ~~such~~ delinquencies and penalties without unnecessary delay. Any subsequent bid of ~~such~~ A person ~~made at the~~ WHO FAILS TO PAY A PREVIOUS BID AT THAT sale may be disregarded by the treasurer.

(7) If ~~any~~ A parcel of ~~land~~ PROPERTY cannot be sold for taxes, interest, and charges, ~~such~~ THAT parcel shall be passed over ~~for the time being, and shall, on the succeeding day, or~~ AND SHALL BE REOFFERED before the close of the sale. ~~be~~

1 ~~reoffered; and if, on such second offer, or during such sale, the~~
2 ~~same~~ IF THE PROPERTY cannot be sold for the ~~amount aforesaid~~
3 TAXES, INTEREST, AND CHARGES, the county treasurer or his OR HER
4 deputy or deputies shall bid off the ~~same~~ PROPERTY in the name
5 of the state for the state, county, and township, in proportion
6 to the taxes, interest, and charges due each. ~~And in such case~~
7 ~~the taxes assessed~~ TAXES, INTEREST, AND CHARGES on ~~the lands~~
8 ~~so~~ PROPERTY bid off to the state ~~, and the interest and charges~~
9 ~~thereon,~~ shall remain a lien ~~upon said lands~~ ON THAT PROPERTY,
10 and any person ~~or persons~~ may ~~thereafter~~ purchase ~~such lands~~
11 ~~of the state,~~ THAT PROPERTY as provided in this act.

12 (8) The county treasurer shall enter or cause to be entered
13 in the proper columns of the tax record the interest in ~~lands~~
14 PROPERTY sold, the name and ~~post-office~~ POST OFFICE address of
15 each purchaser opposite each parcel ~~of land~~ sold, and the word
16 "state" opposite each parcel bid off in the name of the state.
17 Certificates shall be given to each purchaser of the ~~lands~~
18 PROPERTY and THE interest bid off by him OR HER, showing the
19 year's tax for which he OR SHE has purchased, ~~and also~~ the
20 amount ~~thereof~~ OF THAT TAX, and of all charges paid by him OR
21 HER at the time of ~~such~~ purchase. ~~, stating~~ THE CERTIFICATE
22 SHALL STATE that he OR SHE will be entitled to a deed after the
23 period of redemption provided for in section 74 has expired, and
24 that if the sale is not confirmed the money will be returned.

25 (9) As soon as possible after the conclusion of any sale,
26 and within 25 days after the day named in the notice for the
27 commencement ~~thereof~~ OF THE SALE, the county treasurer shall

1 make and file with the clerk of the court a report of ~~such~~ THE
2 sale, ~~therein~~ referring to the tax record for the particulars.
3 ~~thereof: Provided, however, That the court may upon~~ UPON peti-
4 tion by the county treasurer, THE COURT MAY extend the time
5 within which ~~said~~ THE report ~~shall be~~ IS required to be
6 filed, not to exceed 50 days from the date of the commencement of
7 the sale.

8 (10) All sales shall stand confirmed, subject to the right
9 of redemption provided for in section 74, unless objections
10 ~~thereto~~ TO THE SALE are filed within 8 days after the time
11 limited for filing ~~such~~ THE report DESCRIBED IN SUBSECTION (9),
12 without the entry of an order or further notice. ~~The practice~~
13 ~~with reference to~~ PROCEDURES FOR setting aside ~~such~~ A sale
14 ~~shall be~~ ARE the same, so far as applicable, as in a sale in
15 equity on the foreclosure of mortgages. ~~Provided,~~ No sale
16 shall be set aside for inadequacy of price, except upon payment
17 of the amount bid, ~~upon such sale,~~ with interest and costs. ~~Provided further, That no~~ NO sale shall be set aside after con-
18 firmation, ~~except in cases where~~ UNLESS the taxes were paid ,
19 or the property was exempt from taxation ~~. In such cases~~ AND,
20 IN THAT CASE, the owner of ~~such lands~~ THE PROPERTY may move the
21 court at any time within 1 year after he ~~shall have~~ OR SHE HAS
22 notice of ~~such~~ THE sale to set the ~~same~~ SALE aside. ~~, and~~
23 ~~the court may so order upon such terms as may be just.~~

25 (11) As soon as practicable after sales are confirmed and
26 within 30 days from the date of confirmation, the county
27 treasurer shall make full report of the ~~same~~ SALE to the

1 ~~auditor general~~ STATE TREASURER, in ~~such~~ A form ~~as the~~
2 ~~auditor general shall prescribe~~ PRESCRIBED BY THE STATE
3 TREASURER, giving a description of the property sold, the amounts
4 for which the ~~same~~ PROPERTY was sold, and the names and
5 addresses of the purchasers. ~~, and thereupon the auditor~~
6 ~~general~~ THE STATE TREASURER shall, after the period of redemp-
7 tion provided in section 74 has expired, execute deeds to the
8 purchasers in ~~such form as shall be determined~~ A FORM
9 PRESCRIBED by him OR HER.

10 (12) All ~~lands~~ PROPERTY bid off in the name of the state
11 shall continue liable to be taxed in the same manner as if ~~they~~
12 ~~were~~ IT WAS not the property of the state. ~~, except as herein~~
13 ~~after provided.~~

14 (13) If ~~from any cause the lands, or any parcel thereof~~
15 ~~decreed for sale by the auditor general, shall~~ PROPERTY INCLUDED
16 IN THE JUDGMENT IS not ~~be~~ sold as advertised, ~~it shall be the~~
17 ~~duty of the auditor general to~~ STATE TREASURER SHALL cause A
18 sale to be made at ~~such~~ SOME other time as he OR SHE may fix
19 for that purpose. ~~, of which notice~~ NOTICE OF THAT SALE shall
20 be published at least 4 weeks prior to ~~such day, and such~~ THE
21 SALE. THE notice shall contain a description of the ~~lands~~
22 PROPERTY and the amount ~~claimed thereon~~ OF TAXES, INTEREST, AND
23 CHARGES, as ~~hereinbefore~~ provided in the ~~first instance~~
24 JUDGMENT. The sale and all OTHER proceedings ~~thereon~~ shall be
25 the same as if made on the first day ~~fixed therefor~~ OF THE INI-
26 TIAL SALE. The ~~several~~ county ~~treasurers~~ TREASURER shall
27 receive ~~on such sale~~ only ~~such funds as shall be~~ THAT AMOUNT

1 receivable at the state treasury. ~~-, and all moneys~~ ALL MONEY
2 received at any tax sales that belong to the state shall be paid
3 into the state treasury. ~~-, and the~~ THE expenses of advertising
4 and sale exclusive of the county's share shall be paid
5 ~~therefrom~~ FROM THE STATE TREASURY on the warrant of the
6 ~~auditor general~~ STATE TREASURER, and the remainder shall be
7 ~~placed to the credit of~~ CREDITED TO the general fund.

8 Sec. 73. (1) No sale of ~~any lands~~ PROPERTY or deed ~~made~~
9 ISSUED by the ~~auditor general~~ STATE TREASURER under ~~the provi-~~
10 ~~sions of~~ this act shall be set aside or annulled by any court of
11 this state after the purchaser ~~-,~~ OR his OR HER heirs or assigns
12 have been in actual and undisputed possession of ~~such lands so~~
13 THE PROPERTY sold ~~or conveyed~~ for a period of 5 years from the
14 date of ~~such~~ THE purchase or deed. ~~Whenever any~~

15 (2) IF A sale made under this act is set aside by any court
16 ~~in a~~ less ~~time~~ than 5 years FROM THE DATE OF THE SALE OR
17 DEED, the court shall determine ~~and decree~~ the value of
18 improvements made by the purchaser, if he OR SHE has been in pos-
19 session OF THE PROPERTY, and ~~give~~ ENTER A judgment ~~therefor~~
20 IN THAT AMOUNT IN FAVOR OF THE PURCHASER, and issue execution to
21 collect ~~the same of~~ THAT AMOUNT FROM the claimant before
22 putting him OR HER in possession.

23 (3) If a sale made under this act is set aside by any court
24 or is canceled by the ~~auditor general~~ STATE TREASURER as pro-
25 vided in this act, the ~~auditor general~~ STATE TREASURER shall
26 refund to the purchaser the amount paid at the time of the sale,
27 with interest ~~thereon~~ at the rate of ~~6 per cent~~ 6% per annum

1 from the time of the purchase to the time when ~~said~~ THE sale
2 was set aside or canceled. ~~, out of the general fund of the~~
3 ~~state: Provided, That no~~

4 (4) NO refund of purchase money and interest shall be made
5 ~~after a period of~~ MORE THAN 5 years from the date of expiration
6 of the redemption period in the case of a tax certificate, or
7 ~~after~~ MORE THAN 5 years from the date the purchaser ~~,~~ OR his
8 OR HER heirs or assigns, was entitled to a tax deed, ~~in case~~ IF
9 a tax deed was issued. ~~In such case the auditor general~~ THE
10 STATE TREASURER shall charge back to the county all taxes, ~~and~~
11 ~~the~~ interest, and charges ~~thereon~~ for all years for which ~~it~~
12 ~~has been held that~~ the taxes ~~were~~ ARE invalid or the descrip-
13 tion erroneous. ~~, but for~~ FOR all years for which no invalidity
14 has been found ~~he~~ THE STATE TREASURER shall proceed to enforce
15 the collection of the taxes for all years refunded as ~~herein~~
16 provided IN THIS ACT, as in the case of taxes for which sale has
17 not been made.

18 Sec. 73a. (1) The right to recover possession of ~~land, or~~
19 PROPERTY to a ~~refunding~~ REFUND of the amount paid, or to secure
20 a tax deed, by a person claiming through or under a deed executed
21 by the ~~auditor general~~ STATE TREASURER or by an officer autho-
22 rized to issue tax deeds under a former tax law of the territory
23 of the state of Michigan or by virtue of a certificate of pur-
24 chase issued under this act or by a former tax law, ~~shall be~~ IS
25 forever barred by the actual, open, and continuous possession of
26 a person claiming that ~~land~~ PROPERTY adversely to the tax deed
27 ~~,~~ or certificate of purchase, for the period of 5 years after

1 the purchaser of the tax title ~~—~~, OR his OR HER heirs or assigns
2 ~~—, is~~ ARE entitled to a deed ~~thereof,~~ or by a failure of the
3 tax title purchaser ~~—~~, OR his OR HER heirs or assigns ~~—~~ to
4 make a bona fide attempt to give notice required ~~by~~ UNDER this
5 act, or by a former tax law, for a reconveyance of the ~~premises~~
6 PROPERTY within ~~the above specified period of~~ 5 years.

7 (2) In case of a failure to give the required notice for
8 reconveyance within the period of 5 years from the date the pur-
9 chaser ~~—~~, OR his OR HER heirs or assigns ~~shall~~ become entitled
10 to a tax deed to be issued by the ~~auditor general~~ STATE
11 TREASURER, the person ~~or persons,~~ claiming title under THE tax
12 deed or certificate of purchase ~~shall be forever~~ IS barred from
13 asserting that title or claiming a lien on the land by reason of
14 a tax purchase ~~—~~ and the purchaser ~~—~~, OR his OR HER heirs or
15 assigns ~~shall not thereafter be~~ ARE NOT entitled to a
16 ~~refunding~~ REFUND of the amount paid as a condition of the pur-
17 chase of the tax title by reason of any defect, irregularity,
18 invalidity, or any cause whatever affecting the taxes or the sale
19 of the ~~lands~~ PROPERTY for a tax lien.

20 (3) The failure of a tax title purchaser ~~—~~, OR his OR HER
21 heirs or assigns ~~—~~ to present a certificate of purchase or due
22 proof of loss ~~thereof~~ to the ~~auditor general~~ STATE TREASURER
23 or his OR HER deputy, as prescribed in section 72, or to the
24 officer empowered by a former law to issue tax deeds, within ~~the~~
25 ~~above specified period of~~ 5 years ~~shall forever bar a~~ FROM THE
26 PURCHASE OF THE TAX TITLE, BARS THE tax title purchaser ~~—~~, OR
27 his OR HER heirs or assigns from securing a tax deed.

1 (4) In the case of failure to present a certificate of
2 purchase to the ~~auditor general~~ STATE TREASURER or his OR HER
3 deputy or to an officer empowered by a former tax law to issue
4 tax deeds, a person owning an interest in the ~~lands so~~ PROPERTY
5 sold for taxes, upon the payment of 50 cents to the ~~auditor~~
6 ~~general~~ STATE TREASURER or his OR HER deputy, shall be entitled
7 to a certificate of cancellation under the hand and seal of the
8 ~~auditor general~~ STATE TREASURER or his OR HER deputy, setting
9 forth a description of the certificate of purchase and that,
10 according to the records of the ~~auditor general~~ STATE
11 TREASURER, a tax deed has not been issued for a certificate of
12 purchase, and that the time for presentation of the certificate
13 of purchase or due proof of loss ~~thereof~~ OF THE CERTIFICATE has
14 expired, and neither the certificate of purchase nor due proof of
15 loss ~~thereof~~ OF THE CERTIFICATE was presented within the time
16 ~~so limited~~ REQUIRED. The certificate of cancellation may be
17 ~~received and~~ recorded in the office of the register of deeds of
18 the county in which the ~~lands affected are~~ PROPERTY IS
19 situated. ~~, and when~~ WHEN recorded, ~~shall be~~ THE CERTIFICATE
20 prima facie evidence of the facts ~~so~~ certified ~~, and shall~~
21 ~~have~~ HAS the same effect as evidence and notice of title as the
22 recording of deeds and other conveyances. ~~, and the~~ THE regis-
23 ter of deeds ~~shall be~~ IS entitled, for the recording of the
24 certificate of cancellation, to the same fees as for recording of
25 deeds.

26 (5) If within the period of 5 years the tax title purchaser
27 ~~, OR~~ OR his OR HER heirs or assigns ~~, has~~ HAVE made a bona fide

1 attempt to give the REQUIRED notice ~~or notices required by law~~
2 for the reconveyance of the premises, neither the legality or
3 sufficiency of the sale or notice, nor the bona fides of the pur-
4 chaser in this attempt to give the statutory notice, shall be
5 questioned, raised, or adjudicated except in or by a suit in
6 equity. ~~and when in any case at law it shall appear that any~~
7 ~~such question is a material issue in the case, it shall on motion~~
8 ~~of either party be forthwith transferred to the equity side of~~
9 ~~the court, and there tried and determined in accordance with rec-~~
10 ~~ognized equitable principles, including provisions for reimburse-~~
11 ~~ment for the value of improvements made and taxes paid or other~~
12 ~~expenses incurred.~~

13 (6) A person who has ~~himself~~ been properly served with
14 notice and WHO HAS failed to redeem from a sale in accordance
15 with this act, within the period ~~herein~~ specified, ~~shall~~ IS
16 not ~~thereafter be~~ entitled to question or deny in any manner
17 the sufficiency of notice upon the ground that some other person
18 ~~or persons~~ entitled to notice was not also served.

19 (7) Nothing in this section ~~contained~~ shall be ~~deemed or~~
20 construed, by implication or otherwise, to revive or give effect
21 to a tax deed or certificate of purchase ~~heretofore or~~
22 ~~hereafter~~ barred or voided by operations of law or otherwise.

23 Sec. 73b. (1) A purchaser's certificate of tax sale ~~of~~
24 ~~lands~~ issued under this ACT or any prior act, including any law
25 of the territory of Michigan ~~—~~ prior to September 28, 1907,
26 which, or due proof of loss of which, ~~shall~~ HAS not ~~have~~ been
27 presented to the ~~auditor general~~ STATE TREASURER or his OR HER

1 deputy, as prescribed in section 72, within 90 days after the
2 effective date of this section, ~~shall be forever~~ IS barred and
3 shall cease to be a cloud upon the title to the ~~lands~~ PROPERTY
4 affected. ~~thereby.~~

5 (2) An action based upon a tax deed executed by an officer
6 of the state of Michigan before September 28, 1942 ~~,~~ shall not
7 be maintained in any court to recover ~~land~~ PROPERTY in this
8 state or to establish, maintain, or recover an interest ~~therein~~
9 IN PROPERTY against a person in possession who, or whose prede-
10 cessors in interest, ~~shall have~~ paid or caused to be paid the
11 taxes regularly assessed against the ~~land~~ PROPERTY for at least
12 5 consecutive years ~~next~~ preceding the date when the action is
13 brought and who ~~claims the land~~ CLAIM THE PROPERTY under a con-
14 nected chain of title from the person who was the last grantee in
15 the regular chain of title of the ~~land~~ PROPERTY at the time the
16 tax deed was executed. ~~, unless the action shall be brought~~
17 ~~within 1 year from and after the effective date of this act.~~

18 (3) In the case of unoccupied, unimproved, and unenclosed
19 ~~lands~~ PROPERTY a person shall be ~~deemed~~ CONSIDERED to be in
20 possession of the ~~land~~ PROPERTY for the purposes of ~~the pre-~~
21 ~~ceding paragraph when~~ SUBSECTION (2) IF that person or his OR
22 HER predecessors in interest paid or caused to be paid all taxes
23 regularly assessed against the ~~land~~ PROPERTY for a period of at
24 least 5 consecutive years ~~next preceding~~ BEFORE the ~~date when~~
25 action is brought against him OR HER.

26 (4) Nothing in this section ~~contained~~ shall be ~~deemed or~~
27 construed, by implication or otherwise, to revive or give any

1 effect to any ~~such~~ certificate or deed ~~heretofore or~~
2 ~~hereafter~~ barred or voided by operation of law or otherwise.

3 Sec. 75. ~~Whenever any~~ IF A court ~~of competent jurisdic-~~
4 ~~tion shall annul any~~ ANNULS A certificate executed by the county
5 treasurer ~~aforsaid~~ or any deed issued by the ~~auditor general~~
6 STATE TREASURER, the clerk of ~~such~~ THE court, on the payment by
7 any party interested of \$1.00, shall deliver to ~~such~~ THAT
8 person a certified copy of ~~such~~ THE judgment or order. ~~,~~
9 ~~which~~ THE certified copy of ~~such~~ THE judgment or order ~~shall~~
10 ~~be a proper subject of record~~ MAY BE RECORDED in the office of
11 the register of deeds of the county in which the ~~land is situat-~~
12 ~~ed, and on~~ PROPERTY IS LOCATED. ON recording the ~~same~~
13 CERTIFICATE, the register OF DEEDS shall enter in the margin of
14 the record of the tax deed affected a brief statement of ~~such~~
15 THE judgment or order, and shall also send notice of ~~such~~ THE
16 judgment or order to the office of the ~~auditor general~~ STATE
17 TREASURER.

18 Sec. 83. (1) ~~In case of the loss of such~~ IF A certificate
19 of sale FOR DELINQUENT TAXES IS LOST, the purchaser, ~~or~~ his OR
20 HER legal representative, or HIS OR HER assigns ~~,~~ may file
21 ~~his~~ A VERIFIED affidavit ~~, duly verified, of such~~ OF THE loss
22 ~~,~~ and that ~~he~~ THE PURCHASER was, at the time of ~~such~~ THE
23 loss, the bona fide and legal holder and owner ~~thereof~~ OF THE
24 CERTIFICATE. ~~The auditor general~~

25 (2) IF AN AFFIDAVIT IS FILED UNDER SUBSECTION (1), THE STATE
26 TREASURER or ~~deputy auditor general~~ HIS OR HER DESIGNATED
27 REPRESENTATIVE shall ~~thereupon~~ execute ~~, as aforsaid,~~ a deed

1 ~~for~~ TO the ~~land~~ PROPERTY described in ~~said~~ THE certificate,
2 if the ~~same shall~~ CERTIFICATE HAS not ~~have~~ been redeemed, in
3 the same manner as though ~~it~~ THE CERTIFICATE had been presented
4 and surrendered.

5 (3) The ~~auditor general or deputy auditor general~~ STATE
6 TREASURER OR HIS OR HER DESIGNATED REPRESENTATIVE shall execute a
7 second deed ~~of lands~~ TO PROPERTY conveyed ~~as herein provided,~~
8 ~~in all cases in which he shall be satisfied, by sufficient proof,~~
9 ~~that~~ IF the original deed and record ~~thereof has been~~ OF THE
10 ORIGINAL DEED IS lost or destroyed. ~~, which said~~ A SECOND deed
11 shall declare upon its face that it is a second deed, and shall
12 recite the loss or destruction of the former deed ~~,~~ and its
13 date, if possible. ~~Such~~ A SECOND deed shall inure to the bene-
14 fit of the grantee in the first deed ~~,~~ OR his OR HER heirs or
15 assigns, as the case may be, and shall have the same force and
16 effect as ~~said~~ THE first deed. Before ~~the~~ execution of
17 ~~such~~ A SECOND deed, the party applying ~~therefor~~ FOR THE
18 SECOND DEED shall pay to the ~~auditor general~~ STATE TREASURER
19 the sum of \$1.00, which shall ~~belong~~ BE CREDITED to the general
20 fund of ~~the~~ THIS state.

21 Sec. 85. The sale of any of the bids of the state for which
22 the time of redemption has not expired ~~,~~ shall ~~in nowise~~ NOT
23 prejudice the right to enforce the collection of any tax prior or
24 subsequent to the year or years for which the ~~same has been~~
25 PROPERTY WAS sold. ~~as aforesaid, and, for~~ FOR the taxes and
26 charges remaining unpaid for ~~said~~ prior or subsequent year or
27 years, the ~~auditor general~~ STATE TREASURER shall ~~cause such~~

1 ~~lands to be offered~~ OFFER THAT PROPERTY in regular succession at
2 the next ~~ensuing~~ annual ~~sales for taxes~~ TAX SALE, giving
3 notice as required by law, unless previously redeemed or other-
4 wise discharged.

5 Sec. 86. In ~~all cases where it shall become necessary, in~~
6 the prosecution of an action of ejectment by any person holding
7 an adverse claim to any ~~lands hereinafter~~ PROPERTY bid ~~in for~~
8 OFF TO the state as provided in this act, the ~~auditor general~~
9 STATE TREASURER may be defendant. ~~, and in~~ IN all cases in the
10 prosecution or defense of an action of ejectment or trespass by
11 any person holding or claiming ~~land~~ PROPERTY under any deed ~~or~~
12 ~~deeds~~ or other conveyance of ~~land~~ PROPERTY bid off or pur-
13 chased for delinquent or unpaid taxes, the party reclaiming under
14 ~~and by virtue of such~~ THE purchase for unpaid taxes may show
15 his OR HER title to ~~said land and premises~~ THE PROPERTY,
16 whether ~~the same~~ TITLE was derived under 1 or more purchases or
17 sales for taxes or otherwise, and may give in evidence any and
18 all deeds of conveyance or other legal evidence of ~~such~~
19 purchase, ~~as aforesaid,~~ which he OR SHE may have received on
20 sales for taxes, and may claim title under any or all of them.
21 ~~: Provided, In no case shall the~~ THE state or county SHALL NOT
22 be required to refund any taxes or money by reason of defect in
23 ~~said~~ THE taxes or sales ~~,~~ prior to the particular tax or deed
24 ~~which may be~~ decreed valid.

25 Sec. 87. (1) The accounts between ~~the~~ THIS state ~~,~~ AND
26 EACH county and ~~each township~~ LOCAL TAX COLLECTING UNIT IN THIS
27 STATE shall be adjusted on the basis of crediting and paying to

1 each COUNTY AND LOCAL TAX COLLECTING UNIT the taxes collected by
2 and for each COUNTY AND LOCAL TAX COLLECTING UNIT with ~~the~~
3 interest ~~thereon~~ ON THOSE TAXES.

4 (2) The ~~auditor general~~ STATE TREASURER shall, on ~~the~~
5 ~~first day of~~ January 1, April 1, July 1, and October 1 in each
6 year, make a statement of account between ~~the~~ THIS state and
7 each county ~~respectively,~~ and ~~render the same~~ DELIVER THE
8 STATEMENT OF ACCOUNT to the county treasurer of each county ~~,~~
9 and ~~draw his~~ TOGETHER WITH A warrant ~~on the state treasurer,~~
10 payable to ~~such~~ THE county treasurer ~~,~~ for all ~~moneys~~ MONEY
11 in the state treasury collected for the county, ~~township~~ A
12 LOCAL TAX COLLECTING UNIT, school DISTRICT, OR highway IN THAT
13 COUNTY, or any other purposes for ~~such~~ THAT county, ~~or town-~~
14 ~~ship or district thereof,~~ and ~~transmit such warrant to the county~~
15 ~~treasurer, and~~ LOCAL TAX COLLECTING UNIT, SCHOOL DISTRICT, OR
16 HIGHWAY. THE STATE TREASURER SHALL SEND notice OF THE WARRANT to
17 the county clerk. ~~thereof.~~

18 (3) At the ~~same~~ time DESIGNATED IN SUBSECTION (2), the
19 county ~~treasurers~~ TREASURER shall pay to ~~the~~ THIS state all
20 ~~moneys~~ MONEY collected and due from ~~their respective counties~~
21 ~~to the~~ THAT COUNTY TO THIS state, as shown by ~~such account so~~
22 ~~rendered~~ THE STATEMENT OF ACCOUNT PREPARED by the ~~auditor gen-~~
23 ~~eral to be due the~~ state TREASURER. On January 15, and on the
24 fifteenth day of each month thereafter, the county treasurer
25 shall pay to ~~the~~ THIS state all ~~moneys~~ MONEY coming into his
26 OR HER hands from the collection of ~~said~~ THE state tax, and
27 shall transmit ~~therewith~~ a sworn statement of the amount of

HB5722, As Passed House, April 16, 2002

40

1 taxes received from the collector in each assessing district in
2 ~~his~~ THAT county. ~~Also the~~ THE collector in each assessing
3 district in the county shall pay to the county treasurer of its
4 respective county all ~~moneys~~ MONEY collected not later than
5 January 10, and not later than the tenth day of each month there-
6 after until the regular quarterly settlement for the quarter
7 ending March 31 ~~shall have been~~ IS made each year. ~~Said~~ THE
8 county treasurer or collector of each assessing district in the
9 ~~said~~ county shall also pay to the ~~auditor general~~ STATE
10 TREASURER for the use of ~~the~~ THIS state 1/2 of 1% for each
11 month or fraction ~~thereof~~ OF A MONTH as interest on all money
12 in his OR HER possession belonging to ~~the~~ THIS state and not
13 remitted on the fifteenth of the month. ~~on which remittance is~~
14 ~~to be made as herein provided.~~ The ~~auditor general~~ STATE
15 TREASURER shall include all sums due as interest in his OR HER
16 quarterly statement to the county treasurer. ~~Such~~ THE sum DUE
17 AS INTEREST shall be paid by the county the same as the taxes are
18 paid and ~~thereafter~~ collected by the county from the treasurer
19 or the sureties on his OR HER bond.

20 (4) The county treasurer of each county shall, on or before
21 the fifteenth day of each month, make out a detailed statement of
22 ~~the~~ account for the preceding calendar month between the county
23 and the ~~several townships or cities, which~~ LOCAL TAX COLLECTING
24 UNITS IN THAT COUNTY. THE statement shall show the different
25 funds to which the several debits and credits belong. ~~, and~~
26 ~~render the same~~ THE COUNTY TREASURER SHALL DELIVER THE STATEMENT
27 to the ~~township or city~~ treasurer ~~,~~ OF THE LOCAL TAX

1 COLLECTING UNIT and pay ~~all moneys~~ THE AMOUNT shown by ~~said~~
2 THE statement ~~so rendered~~ to the ~~township or city to the~~
3 ~~proper receiving officer of the township or city, and~~ LOCAL TAX
4 COLLECTING UNIT. THE COUNTY TREASURER SHALL notify the ~~township~~
5 ~~or city~~ clerk OF THE LOCAL TAX COLLECTING UNIT of the ~~items~~
6 ~~and~~ total amount ~~thereof; also~~ PAID AND PROVIDE a description
7 of the ~~lands~~ PROPERTY upon which ~~such~~ THE taxes were paid.
8 The county clerk shall charge ~~such amounts~~ THAT AMOUNT to the
9 county treasurer, and the ~~township or city~~ clerks OF THE LOCAL
10 TAX COLLECTING UNITS shall charge ~~such~~ THAT amount to the
11 ~~township or city~~ treasurers OF THE LOCAL TAX COLLECTING UNITS
12 on the books of their respective offices. ~~Township and city~~
13 ~~treasurers shall~~

14 (5) TREASURERS FOR THE LOCAL TAX COLLECTING UNITS ARE not
15 ~~be~~ required to make A settlement with the county ~~treasurers~~
16 TREASURER for the items of state and county taxes included in the
17 annual charge back list until ~~their~~ THE annual settlement with
18 ~~their~~ THE county treasurer.

19 (6) The COUNTY board of ~~supervisors~~ COMMISSIONERS by ~~a~~
20 majority vote ~~of its members elect~~ may authorize the county
21 treasurer to pay directly to the school districts all ~~moneys as~~
22 MONEY shown on ~~such~~ THE statement TO BE due to the school dis-
23 tricts within the county. In ~~such~~ THAT case the county super-
24 intendent ~~shall~~ IS not ~~be~~ required to compute and report
25 delinquent school taxes handled by the county.

26 Sec. 88. The ~~auditor general~~ STATE TREASURER shall, on
27 the first Monday in each month, transmit to the treasurer of each

HB5722, As Passed House, April 16, 2002

42

1 county a list of the ~~lands therein~~ PROPERTY IN THAT COUNTY upon
2 which the taxes have been paid to the state treasurer ~~—~~, and
3 also a list of all ~~lands bid in~~ PROPERTY BID OFF to the state
4 ~~which have~~ THAT HAS been sold during the preceding month. ~~—~~
5 ~~and upon~~ UPON receiving ~~such~~ THE lists the county treasurer
6 shall make the proper entries showing ~~such~~ THE payment or
7 sale. Where a sale has been made by the ~~auditor general~~ STATE
8 TREASURER, the county treasurer shall note ~~the~~ THAT fact upon
9 the tax record.

10 Sec. 90. All compensation of officers in the assessment and
11 collection of taxes in townships and in the return of delinquent
12 taxes to the county treasurer, except fees collected by township
13 treasurers on their tax rolls, shall be paid by the township.
14 All compensation of county officers and ~~expense~~ EXPENSES
15 incurred by them under the provisions of this act shall be paid
16 by the county. ~~—, and the~~ THE compensation of all state officers
17 and expenses INCURRED by them ~~incurred or paid,~~ shall be paid
18 by ~~the~~ THIS state. Expenses ~~made~~ INCURRED by the state offi-
19 cers shall be audited by the ~~auditor general~~ STATE TREASURER
20 and paid out of the general fund.

21 Sec. 95. (1) If the ~~auditor general~~ STATE TREASURER or
22 county treasurer ~~shall discover~~ DISCOVERS before the sale of
23 any ~~lands, as aforesaid,~~ PROPERTY FOR DELINQUENT TAXES that for
24 any reason ~~they~~ THE PROPERTY should not be sold, ~~he~~ THE STATE
25 TREASURER OR COUNTY TREASURER shall cause the ~~same~~ PROPERTY to
26 be withheld from sale. ~~—; and if~~

1 (2) IF the error originated with the ~~township~~ LOCAL TAX
2 COLLECTING UNIT or county officers, the amount of ~~such~~ THE
3 taxes shall be charged against the county from which the ~~same~~
4 ~~was~~ TAXES WERE returned ~~if such~~ AS DELINQUENT.

5 (3) IF THE error was made by ~~a township~~ AN officer OF A
6 LOCAL TAX COLLECTING UNIT, the amount ~~thereof~~ OF THE TAXES
7 shall be charged by the county treasurer to the ~~township in~~
8 ~~which such error occurred~~ LOCAL TAX COLLECTING UNIT.

9 (4) If there has been a change in the boundaries of ~~any~~
10 THE county ~~or town~~ in which the ~~lands are~~ PROPERTY IS situa-
11 ted after the return of ~~such~~ THE taxes, ~~such rejected~~ THE
12 taxes shall be charged to the county ~~to~~ IN which the ~~lands~~
13 ~~belong at the time of such rejection~~ PROPERTY WAS LOCATED WHEN
14 THE TAXES WERE RETURNED AS DELINQUENT.

15 Sec. 96. (1) The county treasurer shall, on or before ~~the~~
16 ~~thirtieth day of~~ June 30 of each year, prepare a statement ~~of~~
17 SETTING FORTH all rejected taxes, ~~giving~~ the reasons for ~~such~~
18 ~~rejections~~ THE REJECTION, and a description of the ~~lands~~
19 PROPERTY upon which the ~~same~~ TAXES were assessed. ~~and the~~
20 ~~auditor general shall after~~

21 (2) AFTER due examination, if ~~such rejections are~~ THE
22 REJECTION IS approved, THE STATE TREASURER SHALL submit the
23 ~~same~~ REJECTED TAXES, through the county treasurer, to the
24 COUNTY board of ~~supervisors at their~~ COMMISSIONERS AT THE next
25 annual fall session.

26 (3) If ~~such~~ taxes ~~shall have been~~ ARE rejected or
27 charged back by the ~~auditor general~~ STATE TREASURER or the

1 county treasurer, ~~except for the reason that such land~~ UNLESS
2 THE PROPERTY was not subject to taxation at the time ~~of the~~
3 ~~assessment for such taxes, or that~~ TAXES WERE ASSESSED, the
4 taxes ~~thereon~~ ON THE PROPERTY have been paid, or ~~that~~ there
5 had been a double assessment ~~thereof~~ OF THE TAXES ON THE
6 PROPERTY, the COUNTY board of ~~supervisors~~ COMMISSIONERS shall
7 cause the ~~same~~ TAXES to be reassessed upon the same ~~land, and~~
8 PROPERTY, collected with the taxes of the ~~then~~ current year,
9 and treated in the same manner as taxes of ~~said~~ THE current
10 year. ~~and shall be~~ TAXES THAT ARE REJECTED OR CHARGED BACK ARE
11 NOT subject to ~~no other~~ penalties OTHER than ~~applies to the~~
12 ~~taxes of the year of the reassessment and shall be entitled to~~
13 ~~all the privileges and benefits of Act No. 126 of the Public~~
14 ~~Acts of 1933, as amended~~ THE PENALTIES THAT APPLY TO TAXES
15 ASSESSED IN THE CURRENT YEAR. If ~~such~~ THE taxes cannot be
16 properly reassessed upon the same ~~lands~~ PROPERTY, the COUNTY
17 board of ~~supervisors~~ COMMISSIONERS shall cause the ~~same~~ TAXES
18 to be reassessed upon the taxable property of the proper
19 ~~township~~ LOCAL TAX COLLECTING UNIT.

20 Sec. 97. ~~It shall be the duty of the~~ THE COUNTY board of
21 ~~supervisors to~~ COMMISSIONERS SHALL furnish to the ~~auditor~~
22 ~~general~~ STATE TREASURER a list of all taxes ~~which shall~~ THAT
23 have been rejected or charged back to their county ~~by him,~~ upon
24 ~~lands which shall have~~ PROPERTY THAT HAS been detached from
25 ~~such~~ THE county ~~subsequent to the time when such~~ AFTER THE
26 taxes were assessed. ~~, and the auditor general shall thereupon~~
27 THE STATE TREASURER SHALL credit to ~~such~~ THAT county the amount

1 ~~which he may have so far~~ charged back, and charge ~~the same~~
2 THAT AMOUNT to the county in which ~~such lands may then be~~
3 ~~situated: Provided, Such~~ THE PROPERTY IS SITUATED IF THE taxes
4 ~~shall not~~ have NOT been ~~previously~~ paid or ~~re-assessed~~
5 REASSESSED.

6 Sec. 98. (1) ~~Whenever any lands~~ IF PROPERTY returned to
7 the ~~office of the auditor general under the provisions of any of~~
8 the general tax laws, or to the county treasurer during the life
9 of the tax law of 1891, shall have been sold on account of
10 ~~non-payment~~ STATE TREASURER UNDER THIS ACT IS SOLD FOR THE
11 NONPAYMENT of taxes ~~thereon, if~~ AND the ~~auditor general shall~~
12 ~~discover before a conveyance of said lands is executed and~~
13 ~~delivered~~ STATE TREASURER DISCOVERS ANY OF THE FOLLOWING, THE
14 STATE TREASURER SHALL SUSPEND THE SALE OR FORFEITURE OF THAT
15 PROPERTY:

16 (A) ~~First, That the land so sold~~ THE PROPERTY was not
17 subject to taxation ~~at~~ ON the date of the assessment of the
18 taxes for which it was sold. ~~;/ or~~

19 (B) ~~Second, That the~~ THE taxes had been paid to the proper
20 officer within the time limited by law for ~~the~~ payment or
21 redemption. ~~thereof; or~~

22 (C) ~~Third, That such sale was in contravention of any of~~
23 ~~the provisions of this act; or~~ THE SALE VIOLATED A PROVISION OF
24 THIS ACT.

25 (D) ~~Fourth, That a~~ A certificate, including the certifi-
26 cate provided for in section 135, ~~of this act,~~ tax history, or
27 statement to the effect that all taxes charged against ~~said~~

1 ~~lands had~~ THE PROPERTY HAS been paid, ~~has been~~ IS given by the
2 proper officer within the time limited by law for ~~the~~ payment
3 or redemption. ~~thereof; or~~

4 (E) ~~Fifth, That the~~ THE description of ~~such lands as~~ THE
5 PROPERTY used in the assessment was so indefinite or erroneous as
6 to result in the tax lien being void.

7 (2) The ~~auditor general~~ STATE TREASURER shall withhold a
8 conveyance of ~~such lands~~ PROPERTY THE SALE OF WHICH IS SUS-
9 PENDED PURSUANT TO SUBSECTION (1) and shall, on demand, ~~cause~~
10 ~~the money paid therefor to be refunded~~ REFUND THE PURCHASE PRICE
11 to the purchaser with interest ~~thereon~~ at ~~6 per cent~~ 6% per
12 annum. ~~:- Provided, That in the fourth above mentioned case the~~

13 (3) IF A SALE IS SUSPENDED PURSUANT TO SUBSECTION (1)(D),
14 THE person ~~in~~ ON whose behalf ~~such~~ THE certificate, tax
15 history, or statement was given shall, ~~at the time of~~ WHEN
16 presenting ~~such~~ THE certificate to the ~~auditor general~~ STATE
17 TREASURER, pay to the state treasurer ~~, on the statement of the~~
18 ~~auditor general,~~ all taxes and charges due to ~~the~~ THIS state
19 upon ~~such lands~~ THE PROPERTY at the time ~~such~~ THE certificate
20 was issued. ~~:- Provided further, That refunds of purchase money~~
21 A REFUND OF THE PURCHASE PRICE and interest shall not be made
22 ~~after a period of~~ MORE THAN 5 years ~~from~~ AFTER the expiration
23 of the redemption period.

24 (4) If the discovery OF ANY OF THE CONDITIONS SET FORTH IN
25 SUBSECTION (1) is not made until after ~~the~~ A conveyance ~~has~~
26 ~~been~~ OF THE PROPERTY IS executed and delivered, a certificate of
27 error may be issued in proper form for ~~record;~~ RECORDING and

1 the deed, if not recorded, shall be surrendered when the purchase
2 ~~money~~ PRICE is refunded. If the deed has been recorded, the
3 ~~money~~ PURCHASE PRICE shall be refunded on a recorded release
4 from the holder of the tax deed. ~~:- Provided further, That the~~
5 ~~conveyance~~ CONVEYANCE of ~~such lands~~ THE PROPERTY shall not be
6 withheld or a certificate of error issued ~~after a period of~~
7 MORE THAN 5 years ~~from~~ AFTER the date of THE sale ~~thereof~~
8 ~~except for the reasons, first, that the land described therein~~
9 UNLESS 1 OR MORE OF THE FOLLOWING CONDITIONS EXIST:

10 (A) THE PROPERTY was not subject to taxation at the time of
11 the assessment of the taxes for which it was sold. ~~;/ or, second,~~
12 ~~that the~~

13 (B) THE taxes had been paid to the proper officer within the
14 time limited by law for the payment or redemption. ~~thereof~~
15 ~~Provided further, That refund~~

16 (5) REFUND of THE purchase ~~money~~ PRICE and interest shall
17 not be made ~~after a period of~~ MORE THAN 5 years ~~from the date~~
18 AFTER the purchaser ~~,~~ OR his OR HER heirs or assigns ~~,~~ was
19 entitled to a tax deed.

20 (6) ~~In case~~ IF a conveyance of ~~lands~~ PROPERTY is with-
21 held or a certificate of error issued ~~in accordance with the~~
22 ~~provisions of~~ UNDER this section, the ~~auditor general~~ STATE
23 TREASURER shall cancel ~~such~~ THE sale. ~~, and if~~ IF A convey-
24 ance is withheld or certificate of error issued for ~~either of~~
25 the ~~first, second or fifth~~ reasons ~~above~~ set forth IN
26 SUBSECTION (1)(A), (B), AND (E), THE STATE TREASURER SHALL reject
27 the taxes and special assessments for the nonpayment of which

1 ~~such lands were~~ THE PROPERTY WAS sold. ~~Such~~ THE rejected
2 taxes and special assessments shall be reassessed ~~in accordance~~
3 ~~with the provisions of~~ PURSUANT TO section 96. ~~of this act. In~~
4 ~~case such~~ IF A conveyance is withheld or certificate of error
5 issued for ~~either third or fourth~~ THE reasons ~~above~~ set forth
6 IN SUBSECTION (1)(C) OR (D), ~~he~~ THE STATE TREASURER may proceed
7 to enforce the collection of ~~such~~ THE taxes under ~~and in~~
8 ~~accordance with provisions of~~ this act. ~~, as in the case of~~
9 ~~lands returned hereunder.~~

10 Sec. 98a. (1) ~~When taxes have been actually~~ IF TAXES ARE
11 paid to the officer authorized ~~by the provisions of~~ UNDER this
12 act to receive ~~the same~~ PAYMENT, and the entry of ~~such~~ THAT
13 payment ~~was~~ IS not made upon the tax roll, ~~the~~ A person
14 ~~thereafter~~ applying for a certificate of error or a cancella-
15 tion of the sale FOR DELINQUENT TAXES, and rejection of the
16 taxes, shall present to the ~~auditor general~~ STATE TREASURER the
17 certificate of the ~~proper~~ county treasurer that ~~such~~ THE
18 taxes were paid on the day of (giving
19 date), as IT appears ~~from~~ ON THE copy of THE receipt ~~therefor~~
20 FOR PAYMENT OF THE TAXES on file in ~~his~~ THE COUNTY TREASURER'S
21 office.

22 (2) A certified copy of ~~such~~ THE receipt shall be for-
23 warded to the ~~auditor general with such~~ STATE TREASURER WITH
24 THE certificate.

25 (3) The county treasurer shall make a certified copy of
26 receipts ~~so~~ presented to him OR HER and file ~~the same~~ THOSE
27 RECEIPTS in his OR HER office, and shall return THE ORIGINAL

1 RECEIPT to the person entitled ~~thereto~~ TO the original
2 receipt. ~~It shall be the duty of the~~

3 (4) THE county treasurer ~~to~~ SHALL immediately notify the
4 person or officer receiving ~~such~~ payment of the production of
5 ~~such~~ THE receipt and require payment ~~to be made forthwith~~ to
6 ~~him,~~ the ~~said~~ county treasurer ~~,~~ of the amount not dis-
7 charged by entry upon the tax roll at the time of payment. ~~And~~
8 ~~in case of failure of said delinquent treasurer to pay said~~
9 ~~amount, as requested,~~ IF THE PERSON WHO RECEIVED PAYMENT DOES
10 NOT PAY THAT AMOUNT within 30 days of the receipt of ~~said~~ THE
11 notice, ~~it shall be the duty of~~ the county treasurer ~~so noti-~~
12 ~~fying, to institute~~ SHALL BRING suit against ~~delinquent~~
13 ~~treasurer~~ THAT PERSON and ~~his bondsmen~~ AGAINST HIS OR HER BOND
14 for the recovery of ~~said~~ THAT amount. ~~Upon the~~ ON receipt of
15 ~~such money so paid to him~~ THE AMOUNT PAID, the county treasurer
16 shall ~~at once~~ pay ~~the same over~~ THAT AMOUNT to the proper
17 ~~township or other~~ officer OF THE LOCAL TAX COLLECTING UNIT or
18 fund entitled to ~~the same~~ THAT AMOUNT, and shall notify the
19 COUNTY board of ~~supervisors at their~~ COMMISSIONERS AT THE
20 annual session in October of the ~~several~~ amounts ~~thus~~ col-
21 lected and paid. ~~over.~~

22 Sec. 99. (1) ~~No~~ A tax assessed upon ~~any~~ property ~~,~~ or
23 A sale ~~therefor,~~ OF PROPERTY FOR A DELINQUENT TAX shall NOT be
24 held invalid by any court of this state on account of any OF THE
25 FOLLOWING:

26 (A) AN irregularity in any assessment. ~~, or on account of~~
27 ~~any~~

1 (B) AN assessment or tax roll not having been made or A
2 proceeding ~~had~~ HELD within the time required by law. ~~, or on~~
3 ~~account of the~~

4 (C) THE property having been assessed without the name of
5 the owner, or in the name of any person other than the owner. ~~,~~
6 ~~or on account of any~~

7 (D) ANY other irregularity, informality, or omission, or
8 ~~want~~ LACK of any matter of form or substance in any proceeding
9 that does not prejudice the property rights of the person whose
10 property is taxed. ~~;/ and all~~

11 (2) ALL proceedings in assessing and levying taxes and in
12 the sale ~~and conveyance therefor,~~ OF PROPERTY FOR DELINQUENT
13 TAXES shall be presumed by all the courts of this state to be
14 legal, ~~until the contrary is~~ UNLESS affirmatively shown TO BE
15 ILLEGAL.

16 (3) All records, statements, and certificates ~~herein~~ pro-
17 vided for ~~shall be~~ IN THIS ACT ARE prima facie evidence of the
18 facts ~~therein~~ set forth IN THE RECORD, STATEMENT, OR
19 CERTIFICATE.

20 (4) The absence of any record of any proceeding, ~~or pro-~~
21 ~~ceedings, or~~ the omission of any mention in any record of any
22 vote or proceeding, or ~~of~~ THE mention of any matter in any
23 statement or certificate that should appear ~~therein~~ IN THE
24 STATEMENT OR CERTIFICATE under ~~the provisions of~~ any law of
25 this state ~~, shall~~ DOES not affect the validity of any proceed-
26 ing, tax, or title, ~~depending thereon, provided~~ IF the fact
27 that ~~such~~ THE vote or proceeding was had or THE tax WAS

1 authorized is shown by any other record, statement, or
2 certificate ~~made~~ ENTERED AS evidence ~~by the terms of~~ UNDER
3 this act or any other law of this state. ~~No~~

4 (5) A tax ~~—~~ or sale of property for any tax ~~—~~ shall NOT
5 be rendered or held invalid ~~by showing that any~~ IF A record,
6 statement, certificate, affidavit, paper, or return cannot be
7 found in the proper office. ~~— and unless~~ UNLESS the contrary is
8 affirmatively shown, the presumption ~~shall be~~ IS that ~~such~~
9 THE record was made, and ~~such~~ THE certificate, statement, affi-
10 davit, paper, or return was duly made and filed. ~~Where~~

11 (6) IF any statement, certificate, or record is required to
12 be made or signed by a school district board or ~~a township~~
13 ~~board~~ THE GOVERNING BODY OF A LOCAL TAX COLLECTING UNIT, ~~such~~
14 THAT statement, certificate, or record may be made and signed by
15 the members of ~~such boards~~ THE SCHOOL DISTRICT BOARD OR THE
16 GOVERNING BODY OF A LOCAL TAX COLLECTING UNIT, or a majority
17 ~~thereof~~ OF THE SCHOOL DISTRICT BOARD OR THE GOVERNING BODY OF A
18 LOCAL TAX COLLECTING UNIT, and it ~~shall~~ IS not ~~be~~ necessary
19 that other members be present when each signs the ~~same.~~ ~~The~~
20 ~~provisions of this~~ CERTIFICATE, STATEMENT, AFFIDAVIT, PAPER, OR
21 RETURN.

22 (7) THIS section shall not be construed to authorize any
23 showing impeaching the validity of any deed executed by the
24 ~~auditor general~~ STATE TREASURER under ~~the provisions of~~ this
25 act, ~~but such~~ AND THAT deed ~~shall be held~~ IS absolute and
26 conclusive as ~~herein~~ provided IN THIS ACT.

HB5722, As Passed House, April 16, 2002

52

1 Sec. 101. ~~In all cases of sale of lands for taxes, if~~ IF
2 PROPERTY IS SOLD FOR DELINQUENT TAXES AND the purchaser or his OR
3 HER assigns ~~shall die~~ DIES before a deed ~~shall be~~ IS executed
4 on ~~such~~ THE sale, the deed may be executed by the ~~auditor~~
5 ~~general,~~ STATE TREASURER to and in the name of the deceased
6 person, if ~~such~~ THE deceased person ~~being still alive~~ would
7 be entitled to a deed IF STILL ALIVE, ~~which~~ AND THE deed ~~shall~~
8 ~~vest the~~ VESTS title TO THE PROPERTY in the heirs or devisees of
9 ~~such~~ THE deceased person, in the same manner ~~,~~ AND liable to
10 ~~like~~ THE claims of creditors and other persons as if the ~~same~~
11 DEED had been executed to ~~said~~ THE deceased person immediately
12 ~~previous~~ PRIOR to his OR HER death. ~~,~~ ~~or the~~ THE executor or
13 administrator may assign the certificate of purchase and the deed
14 may issue to the assignee ~~thereof, and in like cases which have~~
15 ~~heretofore occurred, the same rule shall apply, and all deeds~~
16 ~~heretofore issued in the name of any person deceased who, if~~
17 ~~living at the time of the execution thereof, would have been~~
18 ~~entitled thereto, shall have like effect as above provided.~~ OF
19 THE CERTIFICATE.

20 Sec. 102. (1) The county treasurer shall, at the same time
21 ~~when~~ he OR SHE makes his OR HER return of delinquent ~~lands~~
22 PROPERTY to the ~~auditor general~~ STATE TREASURER, make a similar
23 return to the ~~commissioner of the state land office~~ DEPARTMENT
24 OF NATURAL RESOURCES of all homestead and part paid state ~~lands~~
25 PROPERTY, the fee of which is in ~~the~~ THIS state, the taxes upon
26 which have not been collected, with a statement of the amount
27 ~~thereof~~ OF THE TAXES.

1 (2) The ~~commissioner of the state land office~~ DEPARTMENT
2 OF NATURAL RESOURCES shall provide suitable books, and enter in
3 ~~the same~~ THOSE BOOKS the description of every parcel of ~~land~~
4 ~~so~~ PROPERTY returned ~~to his office,~~ and the taxes ~~thereon~~ ON
5 THAT PROPERTY.

6 (3) The person holding ~~such~~ AN interest in any parcel of
7 ~~said lands~~ PROPERTY RETURNED shall, on or before the first day
8 of July following ~~such~~ THE return, pay to the state treasurer
9 the taxes assessed ~~thereon~~ ON THAT PROPERTY, with interest at
10 the rate of ~~1 per cent~~ 1% per month or fraction ~~thereof~~ OF A
11 MONTH from the ~~first day of March last preceding; and in default~~
12 ~~thereof~~ IMMEDIATELY PRECEDING MARCH 1. IF THE TAXES ARE NOT
13 PAID, the certificate of purchase of ~~such~~ THAT parcel shall
14 become void and ~~such land~~ THAT PARCEL shall be subject to sale
15 and redemption in the same time and manner as ~~lands~~ PROPERTY
16 forfeited for nonpayment of interest. ~~and no~~ A patent shall
17 NOT be made of ~~such lands~~ THAT PROPERTY until all taxes
18 ~~thereon~~ LEVIED ON THAT PROPERTY are paid.

19 Sec. 103. The ~~commissioner of the state land office~~
20 DEPARTMENT OF NATURAL RESOURCES shall, on or before the first day
21 of May and November in each year, make out and furnish to the
22 ~~auditor general~~ STATE TREASURER a statement containing a
23 description of the ~~lands~~ PROPERTY upon which the taxes have
24 been paid, and the amount of ~~such~~ THE payments. ~~, and shall,~~
25 ~~at~~ AT the same time, THE DEPARTMENT OF NATURAL RESOURCES SHALL
26 transmit to each county treasurer a copy of ~~such~~ THE statement
27 so far as the same relates to his OR HER county. The ~~auditor~~

1 ~~general~~ STATE TREASURER shall credit to each county its proper
2 part of ~~such~~ THOSE taxes, and the county treasurer shall credit
3 each township with its share of ~~such~~ THAT amount.

4 Sec. 105. (1) ~~In case of the organization of~~ IF a new
5 county IS ORGANIZED after the time for making the assessment roll
6 ~~, and prior to~~ BEFORE the return of the ~~township~~ treasurer
7 OF THE LOCAL TAX COLLECTING UNIT, ~~such~~ THE new organization
8 ~~shall in no way~~ DOES NOT affect the assessment, collection, or
9 return of taxes for that year on any ~~lands~~ PROPERTY attached to
10 the new county. ~~No~~

11 (2) THE division of a ~~township~~ LOCAL TAX COLLECTING UNIT
12 after the time for making the assessment roll ~~, and prior to~~
13 BEFORE the return of the ~~township~~ treasurer ~~, shall in any~~
14 ~~way~~ OF THE LOCAL TAX COLLECTING UNIT DOES NOT affect the assess-
15 ment, collection, and return of ~~such~~ taxes ~~but such~~ SET
16 FORTH ON THAT ASSESSMENT ROLL. THE taxes shall be assessed,
17 collected, and ~~returns made~~ RETURNED as though there had been
18 no ~~such~~ division OF THE LOCAL TAX COLLECTING UNIT.

19 (3) If ~~lands are~~ PROPERTY IS detached from any county
20 after the taxes ~~thereon~~ ON PROPERTY IN THAT COUNTY are returned
21 to the ~~auditor general~~ STATE TREASURER, and any ~~such~~ OF THOSE
22 taxes are ~~afterwards~~ rejected or set aside, the county from
23 which ~~they~~ THE TAXES were detached shall receive credit, and
24 the county to which they are attached shall be charged. ~~, as may~~
25 ~~be proper under the provisions of this act.~~

26 Sec. 113. (1) ~~It shall be unlawful for any~~ A person ~~to~~
27 SHALL NOT remove any building or fixture, ~~therefrom,~~ sand,

1 gravel, or minerals, or ~~to~~ cut or remove any logs, wood, ~~or~~
2 timber, or any other part of ~~such~~ property ~~reflected in any~~
3 ~~assessment thereof resulting in any unpaid tax lien, from any~~
4 ~~lands sold and bid to the state of Michigan, for the nonpayment~~
5 ~~of taxes,~~ SOLD FOR DELINQUENT TAXES while ~~the~~ THIS state
6 ~~remains the owner of such lands~~ OWNS THAT PROPERTY or ~~the~~
7 holder of any HOLDS A tax lien ~~thereon~~ ON THAT PROPERTY by
8 virtue of ~~such~~ THE sale or the nonpayment of any other delin-
9 quent taxes. ~~, and if any~~

10 (2) IF A person ~~shall remove such~~ REMOVES A building or
11 ~~fixtures therefrom~~ FIXTURE, sand, gravel, or minerals, or
12 ~~shall cut or remove such~~ CUTS OR REMOVES logs, wood, timber, or
13 any other part of ~~such~~ property ~~reflected in any assessment~~
14 ~~thereof resulting in any unpaid tax lien from such lands during~~
15 ~~the time aforesaid the auditor general~~ IN VIOLATION OF SUBSEC-
16 TION (1), THE STATE TREASURER or his ~~deputy~~ OR HER DESIGNATED
17 REPRESENTATIVE shall issue a warrant ~~under his hand,~~ in the
18 name of the people of ~~the~~ THIS state ~~of Michigan,~~ directed to
19 the sheriff of the county ~~where such lands are~~ IN WHICH THE
20 PROPERTY IS situated. ~~, giving therein~~ THE WARRANT SHALL SET
21 FORTH a description of ~~such lands,~~ THE PROPERTY AND the amount
22 of ~~such~~ THE UNPAID taxes, ~~with~~ interest, and charges,
23 ~~thereon, then remaining unpaid, commanding such~~ AND COMMAND THE
24 sheriff ~~forthwith~~ to seize ~~such~~ THE buildings, fixtures,
25 sand, gravel, minerals, logs, wood, timber, or other property
26 ~~reflected in any assessment thereof, resulting in any unpaid tax~~
27 ~~lien~~ wherever ~~the same may be~~ found in any county in this

1 state and to sell the ~~same~~ BUILDINGS, FIXTURES, SAND, GRAVEL,
2 MINERALS, LOGS, WOOD, TIMBER, OR OTHER PROPERTY or a sufficient
3 quantity ~~thereof~~ OF THE BUILDINGS, FIXTURES, SAND, GRAVEL, MIN-
4 ERALS, LOGS, WOOD, TIMBER, OR OTHER PROPERTY to satisfy ~~such~~
5 THE taxes, ~~with the~~ interest, and charges ~~thereon~~ and the
6 cost of ~~such~~ THE seizure and sale.

7 (3) The sheriff shall receive ~~such~~ THE warrant and execute
8 the ~~same~~ WARRANT as ~~therein~~ directed IN THE WARRANT, as ~~in~~
9 ~~case of~~ IF A levy and sale on execution, and make A return
10 ~~thereof with his doings thereon~~ ON THE WARRANT to the ~~auditor~~
11 ~~general~~ STATE TREASURER, within 60 days after the receipt of the
12 ~~same~~ WARRANT, and pay ~~over~~ all money collected ~~thereon~~ to
13 the state treasurer.

14 (4) The ~~auditor general~~ STATE TREASURER may furnish the
15 state trespass agent with lists or plats of ~~land bid in by the~~
16 PROPERTY BID OFF TO THIS state and on which the taxes remain
17 unpaid. ~~, and the said~~ THE STATE trespass agent shall examine
18 ~~such lands~~ THE PROPERTY and promptly report to the ~~auditor~~
19 ~~general~~ STATE TREASURER all violations of ~~the provisions of~~
20 this section.

21 (5) The sheriff and county treasurer of each county ~~are~~
22 ~~hereby directed to~~ SHALL report ~~all such~~ ANY trespass ~~and~~ OR
23 other acts ~~, prohibited by this section~~, to the ~~auditor~~
24 ~~general~~ STATE TREASURER immediately ~~whenever they shall have~~
25 AFTER EITHER HAS knowledge of the ~~same~~ TRESPASS OR PROHIBITED
26 ACT, and any ~~county or township~~ officer ~~having~~ OF A LOCAL TAX
27 COLLECTING UNIT WITH knowledge of ~~such~~ A trespass or ~~other~~

1 ~~acts~~ PROHIBITED ACT shall report the facts to the sheriff or
2 county treasurer. ~~:- Provided, That any~~

3 (6) A person ~~having~~ WITH a fee interest or a land contract
4 vendee ~~—~~ may enter into a contract and agreement with the
5 ~~auditor general~~ STATE TREASURER or the county treasurer,
6 whereby ~~such~~ THE person may ~~proceed to~~ remove any ~~such~~
7 buildings or fixtures, ~~therefrom~~, sand, gravel, or minerals, or
8 ~~to~~ cut or remove any logs, wood, timber, or any other part of
9 ~~such~~ THE property ~~reflected in any assessment thereof result-~~
10 ~~ing in any unpaid tax lien provided such~~ IF THAT person posts
11 satisfactory bonds securing to ~~the~~ THIS state absolute protec-
12 tion against loss to ~~the~~ THIS state, A county, or ~~any~~ OTHER
13 POLITICAL subdivision ~~thereof by reason of such cutting or~~
14 ~~removing~~ OF THIS STATE.

15 (7) ~~The~~ THIS state or any board or department ~~thereof,~~
16 OF THIS STATE having jurisdiction ~~thereof, shall have the right~~
17 ~~to~~ OF PROPERTY SOLD OR FORFEITED TO THIS STATE MAY OBTAIN an
18 injunction to restrain waste on any of ~~such land and~~ THAT
19 PROPERTY, to prevent the removal or tearing down of any ~~such~~
20 building or the removal of a fixture, ~~therefrom or~~ THE REMOVAL
21 OF any ~~such~~ sand, gravel, or minerals, or the cutting or
22 removal of any ~~such~~ logs, wood, timber, or any other part of
23 ~~such~~ THAT property, ~~reflected in any assessment thereof,~~
24 whether or not ~~such acts constitute~~ THAT ACT CONSTITUTES
25 waste.

26 (8) The circuit court ~~in chancery~~ of the county in which
27 ~~such lands or any part thereof are situated shall have~~ THE

1 PROPERTY OR ANY PART OF THE PROPERTY IS LOCATED HAS jurisdiction
2 to grant ~~such~~ INJUNCTIVE relief upon the filing of a bill or
3 petition ~~therefor~~ FOR RELIEF whether or not other relief is
4 sought.

5 Sec. 121. The ~~auditor general~~ STATE TREASURER shall, from
6 time to time ~~, as he may deem~~ necessary, cause to be printed
7 at the expense of ~~the~~ THIS state ~~, a sufficient number of~~
8 copies of this act ~~, and such other laws in force~~ relating
9 to the taxation of property, as ~~may be requisite to~~ NECESSARY
10 FOR a full understanding of all the duties of assessing officers
11 ~~, or other state, county, or township~~ LOCAL TAX COLLECTING
12 UNIT officers. ~~, with~~ THE STATE TREASURER SHALL INCLUDE proper
13 side notes, AN index, and forms of proceedings, as ~~may be~~
14 necessary. ~~and proper, to~~ THE STATE TREASURER SHALL furnish 1
15 copy to each supervisor, assessor, ~~township~~ clerk FOR A LOCAL
16 TAX COLLECTING UNIT, and county clerk, and 3 copies to each
17 county treasurer. Each copy shall be marked "state property."
18 ~~He~~ THE STATE TREASURER shall transmit to each county treasurer,
19 at the expense of the county, a sufficient number of copies for
20 each county, and ~~every~~ EACH county treasurer shall immediately
21 furnish to the ~~township~~ clerk of each ~~township~~ LOCAL TAX COL-
22 LECTING UNIT IN THAT COUNTY 5 copies ~~, to be distributed by~~
23 ~~him~~ to the officers OF THE LOCAL TAX COLLECTING UNIT entitled
24 ~~thereto~~ TO A COPY. The ~~board of state auditors~~ STATE
25 TREASURER shall examine and audit all properly certified claims
26 for services rendered and expenses incurred under ~~the provisions~~
27 of ~~sections 121, 127 and 128 of this act~~ THIS SECTION.

1 Sec. 122. ~~It shall be the duty of the auditor general to~~
2 THE STATE TREASURER SHALL prescribe or approve all forms, blanks,
3 and record books ~~made necessary by~~ REQUIRED UNDER this act. ~~,~~
4 ~~and it shall be the duty of said~~ THE county clerks and treasur-
5 ers ~~to~~ SHALL use the blanks prescribed or approved by the
6 ~~auditor general,~~ STATE TREASURER and no others.

7 Sec. 127b. (1) ~~Lands~~ PROPERTY located within the corpo-
8 rate limits of any city or village, and acquired by ~~the~~ THIS
9 state by ~~virtue of~~ the automatic operation of FORMER section
10 127 ~~hereof~~ prior to June 15, 1933, and not ~~heretofore~~ con-
11 veyed to ~~the~~ THIS state by the ~~auditor general in accordance~~
12 ~~with said section~~ STATE TREASURER, after absolute title
13 ~~thereto~~ TO THAT PROPERTY has been determined ~~so~~ to be in
14 ~~the~~ THIS state by final judgment ~~or decree~~ of a court of com-
15 petent jurisdiction, and after ~~such~~ THAT judgment ~~or decree~~
16 is no longer subject to modification or reversal ~~by the same or~~
17 ~~a higher court,~~ shall be conveyed by the director of
18 ~~conservation~~ THE DEPARTMENT OF NATURAL RESOURCES to ~~such~~ THAT
19 city or village.

20 (2) All ~~lands~~ PROPERTY conveyed ~~hereunder~~ UNDER THIS
21 SECTION or any part ~~thereof~~ OF THAT PROPERTY or interest
22 ~~therein~~ IN THAT PROPERTY may be sold by ~~such~~ THE city or vil-
23 lage as provided by law or charter. ~~, and the~~ THE proceeds of
24 any ~~such~~ sale shall be applied as provided in section 131.
25 ~~hereof.~~

26 Sec. 130. (1) All taxes charged against ~~such lands~~ THE
27 PROPERTY in the office of the ~~auditor general at the time they~~

1 ~~are~~ STATE TREASURER IF THE PROPERTY IS deeded to ~~the~~ THIS
2 state shall be canceled. ~~, but no~~ NO part of ~~such~~ THE taxes
3 due to the township or county shall be charged to ~~the~~ THIS
4 state, but ~~the~~ THIS state ~~, AND~~ AND THE county and township
5 respectively shall bear the share of loss on ~~such~~ THE taxes
6 that properly belongs to each. ~~, and the auditor general~~

7 (2) THE STATE TREASURER shall make a list of all ~~such~~
8 ~~lands~~ PROPERTY DEEDED TO THIS STATE in each county on or before
9 the first day of March in each year and transmit ~~such~~ THE list
10 to the county treasurer. ~~and the~~ THE county treasurer shall
11 serve, or cause to be served, upon the supervisor of the township
12 in which ~~such lands are~~ THE PROPERTY IS located a copy of the
13 list of ~~lands~~ PROPERTY in ~~such~~ THE township as furnished to
14 ~~said~~ THE treasurer by the ~~auditor general~~ STATE TREASURER.
15 ~~Said~~

16 (3) THE supervisor shall produce ~~said~~ THE list to the
17 board of review while in session for the purpose of reviewing the
18 assessment roll. The supervisor shall omit and cancel from his
19 OR HER assessment roll all ~~said lands so~~ PROPERTY deeded to
20 ~~the~~ THIS state, as shown by ~~said~~ THE list. ~~, and it shall~~
21 ~~also be the duty of the~~ THE board of review SHALL, when in ses-
22 sion, ~~to~~ compare the assessment roll of the township with the
23 list ~~so~~ furnished by the county treasurer, ~~as aforesaid,~~ and
24 correct all mistakes. ~~, and said lands so~~

25 (4) THE PROPERTY deeded ~~as aforesaid~~ TO THIS STATE shall
26 not be liable to any assessment for any purpose until the ~~same~~
27 ~~are again~~ PROPERTY IS sold ~~and deeded~~ by ~~the~~ THIS state, and

1 notice of ~~said~~ THE sale ~~and deed~~ given to the county
2 treasurer by the ~~commissioner of the state land office, as here-~~
3 ~~inafter provided~~ DEPARTMENT OF NATURAL RESOURCES.

4 Sec. 135. (1) ~~When~~ IF any deed, land contract, plat of
5 any townsite ~~,~~ OR village, ~~or~~ addition to any townsite,
6 village, or city plat, or any other instrument for the conveyance
7 of title to any ~~real estate~~ PROPERTY, is presented to the reg-
8 ister of deeds of any county in this state for ~~record~~ RECORDING
9 or filing, ~~in his office, he~~ THE REGISTER OF DEEDS shall
10 require ALL OF THE FOLLOWING from the person presenting the ~~same~~
11 ~~a~~ INSTRUMENT FOR FILING:

12 (A) A certificate from the ~~auditor general~~ STATE
13 TREASURER, or from the county treasurer of the county, STATING
14 whether there are any tax liens or titles held by ~~the~~ THIS
15 state, or by any individual, against ~~such piece or description~~
16 ~~of land~~ THE PROPERTY sought to be conveyed by ~~such~~ THE
17 instrument. ~~,~~ and

18 (B) A CERTIFICATE that all taxes due ~~thereon~~ ON THAT
19 PROPERTY have been paid for the 5 years ~~next~~ preceding the date
20 of ~~such~~ THE instrument. ~~,~~ and ~~a~~

21 (C) A certificate from the city, village, or township trea-
22 surer ~~,~~ wherein the lands are located, in any city, village or
23 township collecting its own delinquent taxes or special
24 assessments IN WHICH THE PROPERTY IS LOCATED, whether there are
25 any tax titles or certificates of tax sale held by ~~such~~ THE
26 city, village, or township, or by any individual, against ~~such~~

1 ~~piece or description of land sought~~ THE PROPERTY to be conveyed.
2 ~~by such instrument, and~~

3 (D) A CERTIFICATE that all tax titles, tax certificates, or
4 special assessments sold ~~thereon~~ ON THAT PROPERTY to the city,
5 village, or township ~~certifying,~~ have been redeemed for the 5
6 years ~~next~~ preceding the date of ~~such~~ THE instrument. ~~, and~~
7 ~~in default of the presentation of such~~

8 (2) IF THE certificate or certificates ~~he~~ REQUIRED UNDER
9 SUBSECTION (1) ARE NOT PROVIDED, THE PERSON PRESENTING THE
10 INSTRUMENT FOR RECORDING shall not record the ~~same~~ INSTRUMENT
11 until ~~such~~ THE NECESSARY certificate is ~~secured and~~
12 presented. ~~When~~

13 (3) IF any instrument is presented for certification on or
14 after March 1 and before the local treasurer of the LOCAL TAX
15 COLLECTING unit in which the ~~lands are~~ PROPERTY IS located has
16 made his OR HER return of current delinquent taxes, the county
17 treasurer shall include with his OR HER certification a notation
18 that the current delinquent return was not available for
19 examination. ~~, and the~~ THE register of deeds shall not refuse
20 to record the instrument because of A lack of complete
21 certification.

22 (4) Taxes ~~cancelled~~ CANCELED by court decree made pursuant
23 to section 67 ~~of this act~~ shall be ~~deemed~~ CONSIDERED to have
24 been paid within the meaning of this section, provided title to
25 the ~~lands~~ PROPERTY against which ~~such~~ THOSE taxes were
26 assessed is not in ~~the~~ THIS state ~~at~~ ON the date of ~~such~~
27 THE certificate.

1 (5) The register of deeds shall note the fact upon ~~said~~
2 THE deed that ~~said~~ THE REQUIRED certificate or certificates
3 have or have not been presented to him OR HER when ~~such~~ THE
4 instrument is presented for ~~record, and in case~~ RECORDING. IF
5 the person presenting ~~such~~ THE instrument ~~shall refuse~~
6 REFUSES to procure ~~such~~ A certificate or certificates, ~~he~~ THE
7 REGISTER OF DEEDS shall endorse that fact upon ~~said~~ THE instru-
8 ment, over his OR HER official signature, and shall refuse to
9 receive and record the ~~same: Provided, That the provisions of~~
10 ~~this section shall~~ INSTRUMENT.

11 (6) THIS SECTION DOES not apply to ~~the~~ ANY OF THE
12 FOLLOWING:

13 (A) THE filing of any town or village plat for the purpose
14 of incorporation, ~~in so far~~ INSOFAR as the ~~land therein~~
15 ~~embraced~~ PROPERTY INCLUDED IN THAT PLAT is included in a plat
16 already filed in the office of the register of deeds, or ~~in so~~
17 ~~far~~ INSOFAR as the description of ~~lands therein~~ THE PROPERTY
18 IN THAT PLAT is not changed by ~~such~~ THE plat. ~~, nor to the~~

19 (B) THE filing of any copy of the town, village, or city
20 plat ~~in case~~ IF the original plat filed in the office of ~~such~~
21 THE register of deeds has been lost or destroyed. ~~, nor to~~

22 (C) TO any sheriff's or commissioner's deed executed for the
23 sale of ~~lands~~ PROPERTY under any proceeding in law, or by
24 virtue of any ~~decree~~ JUDGMENT of any of the courts of this
25 state. ~~, nor to~~

HB5722, As Passed House, April 16, 2002

64

1 (D) TO any deed of trust by any assignee, executor, or
2 corporation executed pursuant to any law of this state. ~~-, nor~~
3 ~~to~~

4 (E) TO any quitclaim deed or other conveyance containing no
5 covenants of warranty. ~~-, nor to~~

6 (F) TO any ~~land~~ patent executed by the president of the
7 United States ~~-, or the governor of this state. -, nor to~~

8 (G) TO any tax deed made by the ~~auditor general; nor to~~
9 STATE TREASURER.

10 (H) TO any deed executed by any railroad company conveying
11 its right-of-way, provided ~~such~~ THE deed is accompanied by a
12 certificate of the ~~auditor general~~ STATE TREASURER showing that
13 all specific taxes due from ~~said~~ THE railroad company have been
14 paid, ~~to and~~ including TAXES LEVIED IN the year in which ~~such~~
15 THE deed is executed.

16 (7) A violation of ~~the provisions of~~ this section by any
17 register of deeds ~~shall be deemed~~ IS a misdemeanor, ~~and upon~~
18 ~~conviction thereof he shall be fined not to exceed~~ PUNISHABLE BY
19 A FINE OF NOT MORE THAN \$100.00, and he ~~shall further be~~ OR SHE
20 IS liable to the grantee of any instrument ~~so~~ recorded for the
21 amount of damages sustained. ~~-, to be recovered in an action for~~
22 ~~debt in any court of this state.~~

23 Sec. 138. (1) All ~~lands which have~~ PROPERTY THAT HAS been
24 returned to the ~~auditor general~~ STATE TREASURER as delinquent
25 for taxes under the provisions of any general tax law in force
26 prior to the passage of ~~Act 200 of the Public Acts of 1891~~
27 FORMER 1891 PA 200, and upon which the taxes are ~~now or shall~~

1 ~~hereafter remain~~ unpaid and which have not been sold for ~~such~~
2 ~~THOSE~~ taxes, and all ~~lands so~~ PROPERTY returned ~~which have~~
3 ~~THAT HAS~~ been ~~heretofore~~ sold for ~~such~~ delinquent taxes, and
4 upon which the sale ~~or sales so made shall have~~ HAS been ~~or~~
5 ~~may hereafter~~ OR MAY be set aside by any court of competent
6 jurisdiction ~~, or shall have been or may hereafter be~~
7 canceled ~~, as provided by law, shall be~~ IS subject to dispo-
8 sition, sale, and redemption for the enforcement and collection
9 of ~~such~~ THE tax liens in the method and manner provided in this
10 act. ~~for the disposition, sale and redemption of lands made~~
11 ~~subject to the provisions of this act by section 60 thereof.~~
12 ~~Provided, That nothing in this~~

13 (2) THIS section contained ~~shall be held to provide for~~
14 DOES NOT APPLY TO the sale of any ~~lands heretofore~~ PROPERTY
15 PREVIOUSLY sold, if the sale ~~thereof shall have been~~ WAS set
16 aside or canceled for any reason affecting the validity of the
17 taxes for which the ~~land~~ PROPERTY was sold. ~~And provided fur-~~
18 ~~ther, That the~~

19 (3) THE court may ~~in its discretion, where equity appears~~
20 ~~to so demand,~~ enter decree of sale for the taxes for any year
21 prior to 1891, for the amount of the taxes found valid, without
22 including the charge for interest ~~thereon~~ as provided by law.
23 ~~And provided further, That if~~

24 (4) IF tender of the amount assessed against any ~~land~~
25 PROPERTY for taxes of 1890 ~~, or any prior year is made to the~~
26 ~~auditor general~~ STATE TREASURER, together with the collection
27 fee and the charge for expenses as provided by law, at any time

1 before the first day of the month preceding the month in which
2 sale is ordered to be made, ~~he~~ THE STATE TREASURER shall issue
3 A receipt ~~therefor,~~ and cancel any state bid under which ~~said~~
4 ~~land~~ THE PROPERTY is held for ~~said~~ THAT year, and ~~in such~~
5 ~~case the~~ THIS state ~~,~~ AND THE county ~~,~~ and township shall
6 bear the loss of accrued interest in proportion to their
7 ~~several~~ interests ~~therein~~ IN THE PROPERTY.

8 Sec. 139. (1) The ~~auditor general~~ STATE TREASURER may
9 cause an examination to be made of the proceedings under which
10 any ~~lands~~ PROPERTY bid ~~to the~~ OFF TO THIS state, and which
11 ~~have~~ HAS not been deeded by the ~~auditor general~~ STATE
12 TREASURER, were sold for delinquent taxes and bid ~~to the~~ OF TO
13 THIS state under the provisions of any general tax law. ~~,~~ and if
14 ~~he shall find~~

15 (2) IF THE STATE TREASURER FINDS that ~~such~~ THE sales or
16 the decrees under ~~and by virtue of~~ which ~~such~~ THE sales were
17 made were in contravention of any provision of the laws in force
18 at the time ~~such~~ THE decrees were entered or sales made, ~~he~~
19 THE STATE TREASURER may cancel ~~such~~ THE sales and proceed at
20 any time to enforce the collection of ~~such~~ THE taxes under ~~and~~
21 ~~in accordance with the provisions of~~ this act. ~~,~~ as in the case
22 ~~of lands returned or sold thereunder.~~

23 Sec. 144. (1) The ~~auditor general~~ STATE TREASURER shall
24 be made a party defendant to all actions or proceedings insti-
25 tuted ~~for the purpose of setting~~ TO SET aside any sale ~~or~~
26 ~~sales~~ for delinquent taxes on ~~lands which have~~ PROPERTY THAT
27 HAS been sold at annual tax sales, or ~~for purpose of setting~~ TO

1 SET aside any taxes returned to him OR HER and for which sale has
2 not been made. ~~/ in all such cases a~~

3 (2) A copy of the petition shall be served upon the ~~auditor~~
4 ~~general~~ STATE TREASURER, the prosecuting attorney of the county,
5 and the city, village, township, and school district, for the
6 taxes of which ~~such land~~ THE PROPERTY was sold or returned
7 delinquent at the time of commencing the action, which ~~said~~
8 service ~~shall be~~ IS in lieu of the service of other process.
9 Hearing upon ~~such~~ THE petition shall not be held until ~~such~~
10 service has been made and ~~due~~ proof ~~thereof~~ OF SERVICE
11 filed. ~~Upon so being made a party, it shall be the duty of the~~
12 ~~auditor general, whenever he shall, in his discretion deem the~~
13 ~~same to be expedient, to the end that the state of Michigan may~~
14 ~~be fully protected, to~~

15 (3) THE STATE TREASURER MAY cause the attorney general to
16 represent him OR HER in ~~such~~ THOSE proceedings. In any suit or
17 proceedings instituted ~~for the purpose in~~ UNDER this section,
18 ~~mentioned,~~ no costs shall be ~~taxed~~ ASSESSED against any party
19 to the action.