

SENATE BILL No. 917

December 4, 2001, Introduced by Senator MC COTTER and referred to the Committee on Government Operations.

A bill to amend 1907 PA 130, entitled

"An act to provide for refunding to purchasers the price paid to the state on sale of land by the commissioner of the state land office, under section 131 of Act 206 of Public Acts of 1893, as amended by Act 141 of Public Acts of 1901, in cases where the land sold did not belong to the class of lands liable to sale thereunder; for cancelling the conveyance of such lands to the state and restoring the tax liens thereon in favor of the state, which were erroneously cancelled,"

by amending sections 1, 2, 3, and 4 (MCL 211.451, 211.452, 211.453, and 211.454).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SENATE BILL No. 917

1 Sec. 1. Any purchaser of land from ~~the~~ THIS state ~~of~~
2 Michigan ~~at any sale heretofore~~ PREVIOUSLY made, or that may
3 be ~~hereafter~~ made, by the ~~commissioner of the state land~~
4 ~~office~~ DEPARTMENT OF NATURAL RESOURCES under section 131 of ~~Act~~
5 ~~206 of Public Acts of 1893, as amended by Act 141 of Public Acts~~
6 ~~of 1901~~ THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.131,

SB 917, As Passed Senate, April 30, 2002

2

1 may petition the ~~auditor general~~ STATE TREASURER for a refund
2 of the purchase price paid ~~by him~~ for ~~such~~ THE land ~~in cases~~
3 ~~where~~ IF the land ~~so~~ purchased did not belong to the class of
4 lands liable to sale by ~~such commissioner under said acts~~ THE
5 DEPARTMENT OF NATURAL RESOURCES.

6 Sec. 2. ~~In any case where it shall be~~ IF shown by ~~due~~
7 proof ~~,~~ satisfactory to the ~~auditor general,~~ STATE TREASURER
8 that land purchased by the petitioner in THE manner set forth in
9 ~~paragraph~~ SECTION 1 ~~of this act~~ was ~~in fact actually~~ occu-
10 pied by the person having the record title ~~thereto~~ TO THE LAND
11 at the time of making and recording the determination relating
12 ~~thereto~~ TO THE LAND by the ~~auditor general and commissioner of~~
13 ~~the state land office under the provisions of Act No. 107 of the~~
14 ~~Public Acts of 1899,~~ STATE TREASURER and at the time ~~such~~ THE
15 sale was ~~in fact~~ made to the petitioning purchaser, and that
16 ~~such~~ THE purchaser never obtained possession or any beneficial
17 use of ~~such~~ THE land and that he OR SHE acquired no title
18 ~~thereto~~ TO THE LAND by ~~such~~ THE purchase for the reason that,
19 ~~at~~ ON the date of ~~such~~ THE determination and ~~such~~ THE sale,
20 the ~~same~~ LAND was ~~in fact~~ occupied, ~~land,~~ within the mean-
21 ing of the statutes under which ~~said~~ THE sale was assumed to be
22 made to ~~such~~ THE purchaser, or, in any case where the tax home-
23 stead deed issued by the ~~auditor general~~ STATE TREASURER to
24 ~~the~~ THIS state ~~of Michigan~~ has been held invalid by ~~a decree~~
25 ~~of~~ any court of competent jurisdiction ~~of this state made and~~
26 ~~entered~~ in a case ~~which~~ THAT was pending at the time of
27 purchase of ~~said~~ THE land from the ~~state land commissioner~~

SB 917, As Passed Senate, April 30, 2002

3

1 DEPARTMENT OF NATURAL RESOURCES by the petitioner, the ~~auditor~~
2 ~~general~~ STATE TREASURER shall cause the money paid ~~therefor~~ to
3 ~~the state of Michigan~~ THIS STATE to be refunded to the purchas-
4 er, or his OR HER assignee, with interest ~~thereon~~ ON THAT MONEY
5 at ~~6 per centum~~ 6% per annum.

6 Sec. 3. (1) ~~In case~~ IF the deed executed and delivered to
7 the petitioning purchaser by the ~~commissioner of the state land~~
8 ~~office~~ DEPARTMENT OF NATURAL RESOURCES on ~~such~~ A sale ~~shall~~
9 IS not ~~have been~~ recorded, the ~~same~~ DEED shall be delivered
10 to the ~~auditor general~~ STATE TREASURER for cancellation.

11 (2) If ~~such~~ THE deed has been recorded, ~~such~~ THE peti-
12 tioning purchaser shall execute and deliver to the ~~auditor~~
13 ~~general~~ STATE TREASURER a release of ~~said~~ THE land to ~~the~~
14 ~~state of Michigan~~ THIS STATE and shall pay to the ~~auditor~~
15 ~~general~~ STATE TREASURER the cost of recording the ~~same~~ RELEASE
16 in the office of the register of deeds of the proper county. ~~—~~
17 ~~and it shall be the duty of the auditor general to~~ THE STATE
18 TREASURER SHALL cause ~~such~~ THE release to be so recorded.

19 Sec. 4. (1) The ~~auditor general~~ STATE TREASURER shall
20 ~~thereupon~~ cancel the conveyance of ~~said~~ THE land made by the
21 ~~auditor general~~ STATE TREASURER to ~~the state of Michigan~~ THIS
22 STATE by issuing a certificate of error in ~~such proper legal~~
23 THE form ~~as may be~~ required by ~~the recording laws of the state~~
24 ~~of Michigan~~ LAW, and shall cause ~~such~~ THE certificate of error
25 to be recorded in the office of the register of deeds of the
26 proper county. ~~— and shall thereupon~~

SB 917, As Passed Senate, April 30, 2002

4

1 (2) THE STATE TREASURER SHALL restore the tax liens in favor
2 of ~~the state of Michigan~~ THIS STATE upon ~~said~~ THE land, which
3 were erroneously ~~cancelled~~ CANCELED at the time of the convey-
4 ance of the ~~same to the~~ LAND TO THIS state by the ~~auditor gen-~~
5 ~~eral, and said~~ STATE TREASURER. THE tax liens and the state
6 bids ~~thereon~~ ON THOSE TAX LIENS shall continue and shall have
7 the same force and validity in every respect as if ~~such~~ THE
8 erroneous cancellation had not been made.