

HOUSE BILL No. 4131

February 6, 2001, Introduced by Reps. Raczkowski and Bishop and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding chapter 28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER 28

JUDGMENT LIENS

SEC. 2801. A FINAL JUDGMENT OF A COURT OF RECORD OF THIS
STATE OR A FOREIGN JUDGMENT THAT IS FILED PURSUANT TO THE UNIFORM
ENFORCEMENT OF FOREIGN JUDGMENTS ACT, 1996 PA 502, MCL 691.1171
TO 691.1179, SHALL BECOME A LIEN AGAINST THE REAL PROPERTY OF A
JUDGMENT DEBTOR IN THE COUNTY WITHIN WHICH A NOTICE OF JUDGMENT
LIEN IS FILED IF ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

(A) A NOTICE OF JUDGMENT LIEN IS FILED WITH THE REGISTER OF
DEEDS IN THE COUNTY WHERE THE JUDGMENT DEBTOR'S PROPERTY IS
LOCATED.

1 (B) A COPY OF THE JUDGMENT IS ATTACHED TO THE NOTICE OF
2 JUDGMENT LIEN.

3 (C) THE JUDGMENT HAS NOT EXPIRED.

4 (D) THE FILING FEE IS PAID TO THE REGISTER OF DEEDS.

5 (E) A COPY OF THE NOTICE OF JUDGMENT LIEN IS SERVED UPON THE
6 JUDGMENT DEBTOR AT THE LAST KNOWN ADDRESS OF THE JUDGMENT DEBTOR
7 BY FIRST-CLASS MAIL.

8 (F) A COPY OF THE NOTICE OF JUDGMENT LIEN AND PROOF OF SERV-
9 ICE IS FILED WITH THE COURT THAT ISSUED THE JUDGMENT INDICATING
10 SERVICE OF THE NOTICE ON THE DEBTOR AS DESCRIBED IN THIS SECTION.

11 SEC. 2802. (1) A NOTICE OF JUDGMENT LIEN SHALL CONTAIN THE
12 CAPTION OF THE CASE IN WHICH THE JUDGMENT UNDERLYING THE LIEN WAS
13 OBTAINED, INCLUDING THE NAMES OF THE PARTIES, THE COURT, THE CASE
14 NUMBER, THE DATE AND AMOUNT OF THE JUDGMENT, ANY ACCRUED INTER-
15 EST, ANY ACCRUED COURT COSTS, THE TOTAL PAYMENTS MADE, AND THE
16 CURRENT BALANCE OF THE JUDGMENT AS OF THE DATE OF FILING THE
17 NOTICE OF JUDGMENT LIEN.

18 (2) A JUDGMENT LIEN UNDER THIS CHAPTER IS NOT REQUIRED TO
19 INCLUDE A LEGAL DESCRIPTION OF REAL PROPERTY.

20 SEC. 2803. A JUDGMENT LIEN THAT SATISFIES THE CONDITIONS
21 PRESCRIBED IN SECTION 2801 AND COMPLIES WITH SECTION 2802 HAS
22 PRIORITY OVER ALL OTHER LIENS THAT ARE FILED WITH THE REGISTER OF
23 DEEDS SUBSEQUENT TO THE FILING DATE OF THE NOTICE OF LIEN AND
24 ALSO ATTACHES TO ALL REAL PROPERTY ACQUIRED BY THE JUDGMENT
25 DEBTOR AFTER THE FILING DATE OF THE NOTICE OF JUDGMENT LIEN IN
26 EACH COUNTY IN WHICH THE JUDGMENT LIEN WAS FILED.

1 SEC. 2804. THE REGISTER OF DEEDS SHALL FILE THE JUDGMENT
2 LIEN IN THE MISCELLANEOUS INDEX.

3 SEC. 2805. A JUDGMENT LIEN IS EXTINGUISHED WHEN 1 OR MORE
4 OF THE FOLLOWING EVENTS OCCUR:

5 (A) THE JUDGMENT EXPIRES.

6 (B) THE JUDGMENT CREDITOR FILES A RELEASE WITH THE REGISTER
7 OF DEEDS.

8 (C) A TRUE COPY OF A SATISFACTION OF JUDGMENT IS FILED WITH
9 THE REGISTER OF DEEDS.

10 (D) A TRUE COPY OF A COURT ORDER THAT DIRECTS THE RELEASE OF
11 THE LIEN IS FILED WITH THE REGISTER OF DEEDS.

12 SEC. 2806. A JUDGMENT LIEN MAY BE FORECLOSED BY SALE BY AN
13 OFFICER APPOINTED BY A COURT AND IN THE SAME MANNER AS THE SALE
14 OF ANY REAL ESTATE TAKEN ON EXECUTION PURSUANT TO SECTIONS 6041,
15 6042, 6044 TO 6046, AND 6052 TO 6072.

16 SEC. 2807. A JUDGMENT LIEN IS IN ADDITION TO AND SEPARATE
17 FROM ANY OTHER REMEDY OR INTEREST CREATED BY LAW OR CONTRACT.