

HOUSE BILL No. 4711

May 3, 2001, Introduced by Rep. Hager and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1893 PA 206, entitled
"The general property tax act,"
by amending section 78h (MCL 211.78h), as added by 1999 PA 123.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 78h. (1) Not later than June 15 in each tax year, the
2 foreclosing governmental unit shall file a SINGLE petition with
3 the clerk of the circuit court of that county listing ~~the~~ ALL
4 property forfeited and not redeemed to the county treasurer under
5 section 78g to be foreclosed under section 78k for the total of
6 the forfeited unpaid delinquent taxes, interest, penalties, and
7 fees. If available to the foreclosing governmental unit, the
8 petition shall include the street address of each parcel of prop-
9 erty set forth in the petition. The petition shall seek a
10 judgment in favor of the foreclosing governmental unit for the
11 forfeited unpaid delinquent taxes, interest, penalties, and fees

1 listed against each parcel of property. The petition shall
2 request that a judgment be entered vesting absolute title to each
3 parcel of property in the foreclosing governmental unit, without
4 right of redemption. Before the date of the hearing on the peti-
5 tion, the foreclosing governmental unit shall file with the clerk
6 of the circuit court proof of ~~any notice, service, or publica-~~
7 ~~tion required under this act~~ SERVICE OF THE NOTICE OF THE SHOW
8 CAUSE HEARING UNDER SECTION 78J, PROOF OF SERVICE OF THE NOTICE
9 OF THE FORECLOSURE HEARING UNDER SECTION 78K, AND PROOF OF THE
10 PERSONAL VISIT TO THE PROPERTY AND PUBLICATION UNDER SECTION
11 78I.

12 (2) If property is redeemed after the petition for foreclo-
13 sure is filed under this section, the foreclosing governmental
14 unit shall request that the circuit court remove that property
15 from the petition for foreclosure before entry of judgment fore-
16 closing the property under section 78k.

17 (3) The foreclosing governmental unit may withhold the fol-
18 lowing property from the petition for foreclosure filed under
19 this section:

20 (a) Property the title to which is held by minor heirs or
21 persons who are incompetent or without means of support until a
22 guardian is appointed to protect that person's rights and
23 interests.

24 (b) Property the title to which is held by a person undergo-
25 ing substantial financial hardship, AS DETERMINED BY APPLYING THE
26 STANDARDS SET FORTH IN SECTION 7U.

1 (4) If a foreclosing governmental unit withholds property
2 from the petition for foreclosure under subsection (3), a taxing
3 unit's lien for taxes due or the foreclosing governmental unit's
4 right to include the property in a subsequent petition for fore-
5 closure is not prejudiced.

6 (5) The clerk of the circuit court in which the petition is
7 filed shall immediately set the date, time, and place for a hear-
8 ing on the petition for foreclosure, which hearing shall be held
9 not more than 30 days before the March 1 immediately succeeding
10 the date the petition for foreclosure is filed.