

# HOUSE BILL No. 6072

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1944 (1st Ex Sess) PA 52, entitled

"An act to provide for the establishment of and quieting the title to and the recreating of the public records of lands in counties where records of title have been destroyed in whole or in any material part by fire, flood or other major disaster, and to establish the procedure therefor and to provide an appropriation to pay certain costs thereof,"

by amending section 2 (MCL 561.2).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. (1) ~~When~~**IF** the public records in the office of the  
2 register of deeds of any county have been, or shall hereafter be,  
3 lost or destroyed, in whole or in any material part, by fire,  
4 flood, or other disaster, the circuit court ~~in chancery~~for any  
5 ~~such~~**THAT** county ~~shall have~~**HAS** jurisdiction and authority to hear  
6 and determine any suit instituted under ~~the provisions of this act~~  
7 ~~and~~ the rights of the several parties in ~~said~~**THE** suit, and it  
8 ~~shall be~~**IS** the duty of the prosecuting attorney of ~~such~~**THE**

1 county, when directed by the **COUNTY** board of ~~supervisors~~  
2 **COMMISSIONERS** of ~~such-**THE**~~ county, to file a bill ~~in chancery~~ on  
3 behalf of the people of ~~the-**THIS**~~ state ~~of Michigan~~ and of the  
4 county to determine and quiet title in and to the lands in ~~such-**THE**~~  
5 county, the defendants in which shall be described as "all persons  
6 having or claiming any interest in or lien upon the real property  
7 herein described, or any part thereof.". The bill of complaint  
8 shall contain an allegation setting forth that all or a material  
9 part of the public records in the office of the register of deeds  
10 of the county have been lost or destroyed by fire, flood, or other  
11 disaster and the property rights of ~~the-**THIS**~~ state, ~~of Michigan~~,  
12 its political subdivisions, and private citizens have been  
13 imperiled thereby, ~~and~~ shall describe all real property in ~~said~~  
14 **THE** county ~~affected by said-**THE**~~ loss. Real property in ~~said-**THE**~~  
15 county shall be sufficiently described by giving the name of the  
16 county and describing the territory included ~~therein-**IN THE COUNTY**~~  
17 at the time of the destruction of the records by using the same  
18 descriptions set forth in the act or acts of the legislature  
19 organizing and assigning territory to ~~such-**THE**~~ county ~~or the~~  
20 applicable parts ~~thereof-**OF THE COUNTY**~~. The court ~~shall have-**HAS**~~  
21 jurisdiction of all real property affected by the loss or  
22 destruction of the records of the register of deeds. ~~In case-**IF**~~ the  
23 entire records of the office of the register of deeds are not lost  
24 or destroyed, the circuit court shall take judicial notice thereof.

25 (2) Upon the filing of the bill of complaint, the circuit  
26 court shall enter an order for appearance and fix a time and place  
27 for hearing. ~~Said-**THE**~~ order ~~shall be deemed-**IS**~~ sufficient for the

1 purposes of this act ~~—~~if the persons ordered to appear are  
2 described as: "All persons having or claiming any interest in or  
3 lien upon the property described in the bill of complaint including  
4 their unknown heirs, devisees, legatees, and assigns, as the case  
5 may be," and setting out the same descriptions of real property as  
6 are contained in the bill of complaint. The court may direct that  
7 the order for appearance ~~shall include~~ **INCLUDES** additional  
8 descriptions by name or otherwise of territory within the county,  
9 including without describing the several pieces or parcels thereof,  
10 the several townships by name, and sections thereof by number, and  
11 the names of cities and villages and recorded plats and  
12 subdivisions outside of cities and villages. ~~± Provided, however,~~  
13 ~~That~~ **HOWEVER**, the inclusion or exclusion of ~~such~~ additional  
14 descriptions shall not affect the jurisdiction of the court or the  
15 validity of any proceeding under this act or any order or decree  
16 made therein. ~~Such~~ **BEFORE JANUARY 1, 2015, THE** order for appearance  
17 shall be published for 6 successive weeks at least once each week,  
18 in a newspaper published in the county where the real estate is  
19 located, if there ~~be~~ **IS** one, ~~—~~and if ~~no~~ **A** newspaper ~~be~~ **IS NOT**  
20 published in ~~such~~ **THE** county, then ~~such~~ **THE** order for appearance  
21 shall be published in a newspaper published in an adjacent county  
22 and, in every case within 30 days after the first publication of  
23 ~~such~~ **THE** order for appearance, a true copy shall be posted in a  
24 conspicuous place on the building in which the circuit court is  
25 sitting. **BEGINNING JANUARY 1, 2015, TIER A PUBLIC NOTICE OF THE**  
26 **ORDER FOR APPEARANCE SHALL BE PROVIDED AS SET FORTH IN THE LOCAL**  
27 **GOVERNMENT PUBLIC NOTICE ACT. IN ADDITION, BEGINNING JANUARY 1,**

1 2015, WITHIN 30 DAYS AFTER TIER A PUBLIC NOTICE OF THE ORDER FOR  
 2 APPEARANCE IS PROVIDED, A TRUE COPY OF THE ORDER FOR APPEARANCE  
 3 SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE BUILDING IN WHICH THE  
 4 CIRCUIT COURT IS SITTING. The circuit judge may order ~~such~~  
 5 additional ~~publications~~ **NOTICES** as the court ~~shall deem~~ **CONSIDERS**  
 6 necessary to give reasonable notice of the pendency of ~~such~~ **THE**  
 7 suit. The court may order that printed copies of the order for  
 8 appearance be furnished to the supervisor of each township for  
 9 distribution to the residents ~~thereof~~ **OF THE TOWNSHIP** and may order  
 10 that copies ~~thereof~~ **OF THE ORDER FOR APPEARANCE** be posted in  
 11 conspicuous places on townhalls, school buildings, post offices,  
 12 and other buildings where persons assemble, and that copies be  
 13 mailed to all persons within the county having a post office  
 14 address ~~therein~~, **IN THE COUNTY** and to each person whose name on any  
 15 township treasurer's assessment roll shows an address outside of  
 16 ~~said~~ **THE** county.

17 (3) After the expiration of 90 days from the date of ~~said~~ **THE**  
 18 order, ~~and upon proof of the publication provided for in the~~  
 19 ~~foregoing paragraph~~, the court on the date set for hearing or on an  
 20 adjourned date therefor and upon hearing and proof ~~thereof~~, **OF**  
 21 **HEARING**, shall enter a decree which ~~shall state~~ **STATES** that the  
 22 records in the office of the register of deeds have been lost or  
 23 destroyed, in whole or in any material part, by fire, flood, or  
 24 other disaster and shall authorize the filing of intervening  
 25 petitions as provided in section 5, ~~of this act~~, and the issuance  
 26 of orders based on testimony introduced under sections 5 and 6 ~~of~~  
 27 ~~this act~~ determining the interest or title to particular parcels of

1 land. The decree shall further provide that all persons entering  
2 appearance before the issuance of ~~such~~**THE** decree shall be served  
3 personally or by registered mail by any petitioner in any  
4 proceedings ~~hereafter~~-instituted under section 5 ~~of this act~~  
5 ~~wherein such~~**THAT THE** petitioner ~~shall claim~~**CLAIMS** an interest in  
6 or lien upon the lands described in their appearance. ~~Said~~**THE**  
7 decree shall further provide that all ~~such~~-appearances entered  
8 shall be recorded by the register of deeds and a reference to the  
9 book and page entered upon a map provided for in section 8. ~~of this~~  
10 ~~act.~~The court is authorized to issue ~~such~~-further orders as it  
11 ~~shall deem~~**CONSIDERS** necessary.

12 Enacting section 1. This amendatory act does not take effect  
13 unless Senate Bill No. \_\_\_\_ or House Bill No. 5560 (request no.  
14 03796'13) of the 97th Legislature is enacted into law.