



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 1102 (as reported without amendment)  
Sponsor: Senator Rick Jones  
Committee: Regulatory Reform

**CONTENT**

The bill would amend Chapter 32 (Foreclosure of Mortgages by Advertisement) of the Revised Judicature Act to require a notice of foreclosure by advertisement to include certain information.

Chapter 32 specifies that every mortgage of real estate, which contains a power of sale, upon default of any condition of the mortgage, may be foreclosed by advertisement, in the cases and in the manner specified in Chapter 32. Notice that a mortgage will be foreclosed by a sale of the mortgaged premises, or part of them, must be given by publishing the notice for four successive weeks at least once each week, in a newspaper published in the county where the premises included in the mortgage and intended to be sold are situated. Within 15 days after the first publication, a copy of the notice must be posted in a conspicuous place upon any part of the premises.

In addition to information currently required under Chapter 32, the bill would require a notice of foreclosure by advertisement to contain the following: a) the name, address, and telephone number of the attorney for the party foreclosing the mortgage; b) a statement in a form specified by the bill indicating that a debt collector was attempting to collect a debt, and that any information obtained would be used for that purpose; c) for a residential mortgage, a statement in a form specified by the bill indicating that there are a number of programs from a variety of organizations, such as MSHDA and the Michigan Veterans Homeowners Assistance Program (MiVHAP), that could help a homeowner who was having trouble making mortgage payment, and containing the contact information for MSHDA and MiVHAP; d) a statement in a form specified by the bill indicating that the property would be foreclosed by sale at a public auction; the location, date, and time of the auction; that placing the highest bid would not automatically entitle the purchaser to free and clear ownership of the property; and that the purchaser would be encouraged to investigate the existence, priority, and size of any outstanding liens that could exist on the property by contacting the county register of deeds, or a title insurance company; and e) a description of the property by giving its street address, if any.

MCL 600.3212

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

The bill would have no fiscal impact on the State and an indeterminate, though likely small, fiscal impact on local governments. Fee revenue from informational requests regarding liens could increase, but only if a county charges fees for that information.

Date Completed: 10-1-18

Fiscal Analyst: Abbey Frazier

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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