

Act No. 15  
Public Acts of 2018  
Approved by the Governor  
February 6, 2018  
Filed with the Secretary of State  
February 6, 2018  
EFFECTIVE DATE: May 7, 2018

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

**Introduced by Rep. Iden**

# **ENROLLED HOUSE BILL No. 4470**

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending sections 3204 and 5807 (MCL 600.3204 and 600.5807), section 3204 as amended by 2014 PA 125.

*The People of the State of Michigan enact:*

Sec. 3204. (1) A party may foreclose a mortgage by advertisement if all of the following circumstances exist:

(a) A default in a condition of the mortgage has occurred, by which the power to sell became operative.

(b) An action or proceeding has not been instituted, at law, to recover the debt secured by the mortgage or any part of the mortgage or, if an action or proceeding has been instituted, either the action or proceeding has been discontinued or an execution on a judgment rendered in the action or proceeding has been returned unsatisfied, in whole or in part. For purposes of this subdivision, an action or proceeding for the appointment of a receiver is not an action or proceeding to recover a debt.

(c) The mortgage containing the power of sale has been properly recorded.

(d) The party foreclosing the mortgage is either the owner of the indebtedness or of an interest in the indebtedness secured by the mortgage or the servicing agent of the mortgage.

(2) If a mortgage is given to secure the payment of money by installments, each of the installments mentioned in the mortgage after the first shall be treated as a separate and independent mortgage. The mortgage for each of the installments may be foreclosed in the same manner and with the same effect as if a separate mortgage were given for each subsequent installment. A redemption of a sale by the mortgagor has the same effect as if the sale for the installment had been made upon an independent prior mortgage.

(3) If the party foreclosing a mortgage by advertisement is not the original mortgagee, a record chain of title must exist before the date of sale under section 3216 evidencing the assignment of the mortgage to the party foreclosing the mortgage.

Sec. 5807. (1) A person may not bring or maintain an action to recover damages or money due for breach of contract or to enforce the specific performance of a contract unless, after the claim first accrued to the person or to someone through whom the person claims, the person commences the action within the applicable period prescribed by this section.

(2) The period of limitations on an action charging a surety on a bond of a personal representative or guardian is 4 years after the discharge of the personal representative or guardian.

(3) Except as otherwise provided in this section or another statute of this state, the period of limitations is 10 years for an action founded on a bond of a public officer.

(4) The period of limitations on an action founded on a bond executed under sections 80 and 81 of 1846 RS 16, MCL 41.80 and 41.81, is 2 years after the expiration of the year for which the constable was elected.

(5) The period of limitations is 10 years for an action founded on a covenant in a deed or mortgage of real estate.

(6) Except as otherwise provided in another statute of this state, the period of limitations is 2 years for an action charging a surety for costs.

(7) The period of limitations is 2 years for an action brought on a bond or recognizance given on appeal from a court in this state.

(8) The period of limitations is 10 years for an action on a bond, note, or other like instrument that is the direct or indirect obligation of, or was issued by although not the obligation of, this state or a county, city, village, township, school district, special assessment district, or other public or quasi-public corporation in this state.

(9) The period of limitations is 6 years for an action to recover damages or money due for breach of contract that is not described in subsections (2) to (8).

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4471 of the 99th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor