

# HOUSE BILL NO. 6433

November 12, 2020, Introduced by Reps. Meerman and Steven Johnson and referred to the Committee on Government Operations.

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~~  
 9 county, when directed by the **county** board of ~~supervisors~~  
 10 **commissioners** of ~~such the~~ county, to file a bill ~~in chancery~~ on  
 11 behalf of the people of ~~the this~~ state of Michigan and of the  
 12 county to determine and quiet title in and to the lands in ~~such the~~  
 13 county, the defendants in which ~~shall must~~ be described as "all  
 14 persons having or claiming any interest in or lien upon the real  
 15 property herein described, or any part thereof.". The bill of  
 16 complaint ~~shall must~~ contain an allegation setting forth that all  
 17 or a material part of the public records in the office of the  
 18 register of deeds of the county have been lost or destroyed by  
 19 fire, flood, or other disaster and the property rights of ~~the this~~  
 20 state, ~~of Michigan,~~ its political subdivisions, and private  
 21 citizens have been imperiled thereby, ~~, and shall must~~ describe all  
 22 real property in ~~said the~~ county ~~, affected by said the~~ loss. Real  
 23 property in ~~said the~~ county ~~shall must~~ be sufficiently described by  
 24 giving the name of the county and describing the territory included  
 25 ~~therein in the county~~ at the time of the destruction of the records  
 26 by using the same descriptions set forth in the act or acts of the  
 27 legislature organizing and assigning territory to ~~such the~~ county ~~, or~~  
 28 the applicable parts ~~thereof. of the county~~. The court ~~shall~~  
 29 ~~have~~ **has** jurisdiction of all real property affected by the loss or

1 destruction of the records of the register of deeds. ~~In case~~ **If** the  
 2 entire records of the office of the register of deeds are not lost  
 3 or destroyed, the circuit court shall take judicial notice thereof.

4 (2) Upon the filing of the bill of complaint, the circuit  
 5 court shall enter an order for appearance and fix a time and place  
 6 for hearing. ~~Said~~ **The** order ~~shall be deemed~~ **is** sufficient for the  
 7 purposes of this act, ~~if~~ the persons ordered to appear are  
 8 described as: "All persons having or claiming any interest in or  
 9 lien upon the property described in the bill of complaint including  
 10 their unknown heirs, devisees, legatees, and assigns, as the case  
 11 may be," and setting out the same descriptions of real property as  
 12 are contained in the bill of complaint. The court may direct that  
 13 the order for appearance ~~shall include~~ **includes** additional  
 14 descriptions by name or otherwise of territory within the county,  
 15 including without describing the several pieces or parcels thereof,  
 16 the several townships by name, and sections thereof by number, and  
 17 the names of cities and villages and recorded plats and  
 18 subdivisions outside of cities and villages. ~~÷ Provided, however,~~  
 19 ~~That~~ **However**, the inclusion or exclusion of ~~such~~ additional  
 20 descriptions ~~shall~~ **does** not affect the jurisdiction of the court or  
 21 the validity of any proceeding under this act or any order or  
 22 decree made therein. ~~Such~~ **Before January 1, 2022, the** order for  
 23 appearance ~~shall~~ **must** be published for 6 successive weeks at least  
 24 once each week, in a newspaper published in the county where the  
 25 real estate is located, if there ~~be~~ **is** one, ~~;~~ and if ~~no~~ **a** newspaper  
 26 ~~be~~ **is not** published in ~~such~~ **the** county, then ~~such~~ **the** order for  
 27 appearance ~~shall~~ **must** be published in a newspaper published in an  
 28 adjacent county and, in every case within 30 days after the first  
 29 publication of ~~such~~ **the** order for appearance, a true copy ~~shall~~

1 **must** be posted in a conspicuous place on the building in which the  
 2 circuit court is sitting. **Beginning January 1, 2022, public notice**  
 3 **of the order for appearance must be posted as set forth in the**  
 4 **local government public notice act. In addition, beginning January**  
 5 **1, 2022, within 30 days after public notice of the order for**  
 6 **appearance is posted, a true copy of the order for appearance must**  
 7 **be posted in a conspicuous place on the building in which the**  
 8 **circuit court is sitting.** The circuit judge may order ~~such~~  
 9 additional ~~publications~~ **notices** as the court ~~shall deem~~ **considers**  
 10 necessary to give reasonable notice of the pendency of ~~such the~~  
 11 suit. The court may order that printed copies of the order for  
 12 appearance be furnished to the supervisor of each township for  
 13 distribution to the residents ~~thereof~~ **of the township** and may order  
 14 that copies ~~thereof~~ **of the order for appearance** be posted in  
 15 conspicuous places on townhalls, school buildings, post offices,  
 16 and other buildings where persons assemble, and that copies be  
 17 mailed to all persons within the county having a post office  
 18 address ~~therein~~ **in the county** and to each person whose name on any  
 19 township treasurer's assessment roll shows an address outside of  
 20 ~~said the~~ county.

21 (3) After the expiration of 90 days from the date of ~~said the~~  
 22 order, and upon proof of the publication provided for in the  
 23 ~~foregoing paragraph~~, the court on the date set for hearing or on an  
 24 adjourned date therefor and upon hearing and proof ~~thereof~~ **of**  
 25 **hearing**, shall enter a decree which ~~shall state~~ **states** that the  
 26 records in the office of the register of deeds have been lost or  
 27 destroyed, in whole or in any material part, by fire, flood, or  
 28 other disaster and shall authorize the filing of intervening  
 29 petitions as provided in section 5, ~~of this act~~, and the issuance

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

14 Enacting section 1. This amendatory act does not take effect  
 15 unless Senate Bill No. \_\_\_\_ or House Bill No. 6440 (request no.  
 16 02449'19) of the 100th Legislature is enacted into law.