

# HOUSE BILL NO. 6031

November 07, 2024, Introduced by Rep. Andrews and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 3208, 3212, 3216, and 3220 (MCL 600.3208,  
600.3212, 600.3216, and 600.3220), section 3212 as amended by 2019  
PA 142.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3208. **(1)** Notice that ~~the~~**a** mortgage will be foreclosed  
2 **under this chapter** by a sale of the mortgaged premises, or ~~some~~  
3 part of ~~them, shall~~**the premises, must** be given by publishing the  
4 ~~same~~**notice** for 4 successive weeks at least once in each week, in a

1 newspaper published in the county where the premises included in  
 2 the mortgage and intended to be sold, or ~~some part of them, are~~  
 3 ~~situated.~~ **the premises, is located.** If no newspaper is published in  
 4 the county, the notice ~~shall~~**must** be published in a newspaper  
 5 published in an adjacent county. ~~In every case within~~

6 **(2) Within** 15 days after the first publication of the notice  
 7 **under subsection (1),** a true copy ~~shall~~**or the notice must** be  
 8 posted in a conspicuous place ~~upon~~**on** any part of the premises  
 9 described in the notice.

10 **(3) If the sale of the premises is to be held online, the**  
 11 **person conducting the sale shall post notice of the sale on the**  
 12 **website of the county in which the premises, or part of the**  
 13 **premises, is located and shall give notice of the sale by any other**  
 14 **means that the person considers necessary to ensure that the public**  
 15 **is aware of the sale.**

16 Sec. 3212. (1) A notice of foreclosure by advertisement must  
 17 include all of the following:

18 (a) The names of the mortgagor, the original mortgagee, and  
 19 the foreclosing assignee, if any.

20 (b) The date of the mortgage and the date the mortgage was  
 21 recorded.

22 (c) The amount claimed to be due on the mortgage on the date  
 23 of the notice.

24 (d) A description of the mortgaged premises that substantially  
 25 conforms with the description contained in the mortgage.

26 (e) A description of the property by giving its street  
 27 address, if any. The validity of the notice and the validity of any  
 28 eventual sale under this chapter are not affected by the fact that  
 29 the street address in the notice is erroneous or that the street

1 address is omitted.

2 (f) For a mortgage executed after December 31, 1964, the  
3 length of the redemption period as determined under section 3240.

4 (g) A statement that if the property is sold at a foreclosure  
5 sale under this chapter, under section 3278 the borrower will be  
6 held responsible to the person who buys the property at the  
7 mortgage foreclosure sale or to the mortgage holder for damaging  
8 the property during the redemption period.

9 (h) The name, address, and telephone number of the attorney  
10 for the party foreclosing the mortgage.

11 (i) For a residential mortgage, a statement in the following  
12 form: "Attention homeowner: If you are a military service member on  
13 active duty, if your period of active duty has concluded less than  
14 90 days ago, or if you have been ordered to active duty, please  
15 contact the attorney for the party foreclosing the mortgage at the  
16 telephone number stated in this notice.".

17 (j) ~~A statement~~ **Statements** in the following form:

18 (i) "Notice of foreclosure by advertisement. Notice is given  
19 under section 3212 of the revised judicature act of 1961, 1961 PA  
20 236, MCL 600.3212, that the ~~following~~ mortgage **described in this**  
21 **notice** will be foreclosed by a sale of the mortgaged premises, or  
22 ~~some part of them,~~ **the mortgaged premises**, at a public auction sale  
23 to the highest bidder ~~for cash or cashier's check at the place of~~  
24 ~~holding the circuit court in \_\_\_\_\_ County,~~ starting promptly at  
25 (time), on ~~(date)~~ **(date)**.".

26 (ii) One of the following statements, as applicable:

27 (A) "The public auction sale will be conducted in person at  
28 the place that the circuit court is held in \_\_\_\_\_ County. The  
29 mortgaged premises will be sold for cash, a cashier's check, or a

1 wire transfer.".

2 (B) "The public auction sale will be held online. Details of  
3 how to participate in or observe the online auction, and how the  
4 mortgaged premises will be sold, may be viewed at (website  
5 address) .".

6 (iii) ~~The~~ "The amount due on the mortgage may be greater on the  
7 day of the sale. Placing the highest bid at the sale does not  
8 automatically entitle the purchaser to free and clear ownership of  
9 the property. A potential purchaser is encouraged to contact the  
10 county register of deeds office or a title insurance company,  
11 either of which may charge a fee for this information.".

12 (2) The party foreclosing the mortgage shall not publish a  
13 notice of foreclosure under this chapter in a newspaper in which  
14 the party foreclosing, or its agent, has a majority ownership  
15 interest.

16 Sec. 3216. (1) ~~The A sale shall of mortgaged property under~~  
17 **this chapter must be conducted at a public sale, held between the**  
18 ~~hour of 9 o'clock in the forenoon and 4 o'clock in the afternoon,~~  
19 **at 9:00 a.m. and 4:00 p.m. The sale may be conducted in either of**  
20 **the following ways:**

21 (a) **In person at** the place ~~of holding where~~ the circuit court  
22 ~~within is held in~~ the county in which the premises to be sold, or  
23 ~~some part of them, are situated, and shall the premises, is~~  
24 **located.**

25 (b) **Online. The person conducting the sale shall ensure that**  
26 **the online auction platform used is secure, reliable, and**  
27 **accessible to all interested bidders.**

28 (2) **The sale under subsection (1) must** be made by the person  
29 appointed for that purpose in the mortgage, or by the sheriff,

1 undersheriff, or a deputy sheriff of the county, to the highest  
2 bidder.

3 Sec. 3220. **(1) ~~Such~~ A sale of mortgaged property under this**  
4 **chapter** may be adjourned from time to time, by the sheriff or other  
5 officer or person appointed to make ~~such-the~~ sale, at the request  
6 of the party in whose name the notice of sale is published by  
7 posting a notice of ~~such-the~~ adjournment before or at the time of  
8 ~~and at the place where said-the~~ sale.

9 **(2) Unless the sale** is to be made ~~, and if any online,~~ the  
10 **notice of adjournment under this section must be posted at the**  
11 **place where the sale is to be conducted. If the sale is to be made**  
12 **online, the notice of adjournment must be posted in a highly**  
13 **visible manner on the platform on which the sale was to be**  
14 **conducted and on the website of the county on which notice of the**  
15 **sale was previously posted, and must be given by any other means**  
16 **that the notice of sale was previously given under section 3208(3).**

17 **(3) If an adjournment be-of a sale under this section is** for  
18 more than 1 week at one time, the notice ~~thereof, appended to-of~~  
19 **adjournment and** the original notice of sale ~~, shall-must~~ also be  
20 published in the newspaper in which the original notice was  
21 published, the first publication to be within 10 days of the date  
22 from which the sale was adjourned and ~~thereafter-after~~ **the first**  
23 **publication** once in each full secular week during the time for  
24 which ~~such-the~~ sale ~~shall-be-is~~ adjourned. No

25 **(4) An** oral announcement of ~~any-an~~ adjournment ~~shall-be-under~~  
26 **this section is not** necessary.