

LOSS OR DESTRUCTION OF PUBLIC RECORDS (EXCERPT)
Act 52 of 1944 (1st Ex. Sess.)

561.2 Public records; loss or destruction; land titles; bill of complaint; order for appearance; hearing; property description.

Sec. 2. When the public records in the office of the register of deeds of any county have been, or shall hereafter be, lost or destroyed, in whole or in any material part, by fire, flood or other disaster, the circuit court in chancery for any such county shall have jurisdiction and authority to hear and determine any suit instituted under the provisions of this act, and the rights of the several parties in said suit, and it shall be the duty of the prosecuting attorney of such county, when directed by the board of supervisors of such county, to file a bill in chancery on behalf of the people of the state of Michigan and of the county to determine and quiet title in and to the lands in such county, the defendants in which shall be described as "all persons having or claiming any interest in or lien upon the real property herein described, or any part thereof." The bill of complaint shall contain an allegation setting forth that all or a material part of the public records in the office of the register of deeds of the county have been lost or destroyed by fire, flood or other disaster and the property rights of the state of Michigan, its political subdivisions and private citizens have been imperiled thereby; and shall describe all real property in said county, affected by said loss. Real property in said county shall be sufficiently described by giving the name of the county and describing the territory included therein at the time of the destruction of the records by using the same descriptions set forth in the act or acts of the legislature organizing and assigning territory to such county, or the applicable parts thereof. The court shall have jurisdiction of all real property affected by the loss or destruction of the records of the register of deeds. In case the entire records of the office of the register of deeds are not lost or destroyed, the circuit court shall take judicial notice thereof.

Upon the filing of the bill of complaint the circuit court shall enter an order for appearance and fix a time and place for hearing. Said order shall be deemed sufficient for the purposes of this act, if the persons ordered to appear are described as: "All persons having or claiming any interest in or lien upon the property described in the bill of complaint including their unknown heirs, devisees, legatees and assigns, as the case may be," and setting out the same descriptions of real property as are contained in the bill of complaint. The court may direct that the order for appearance shall include additional descriptions by name or otherwise of territory within the county, including without describing the several pieces or parcels thereof, the several townships by name, and sections thereof by number, and the names of cities and villages and recorded plats and subdivisions outside of cities and villages: Provided, however, That the inclusion or exclusion of such additional descriptions shall not affect the jurisdiction of the court or the validity of any proceeding under this act or any order or decree made therein. Such order for appearance shall be published for 6 successive weeks at least once each week, in a newspaper published in the county where the real estate is located, if there be one; and if no newspaper be published in such county, then such order for appearance shall be published in a newspaper published in an adjacent county and, in every case within 30 days after the first publication of such order for appearance, a true copy shall be posted in a conspicuous place on the building in which the circuit court is sitting. The circuit judge may order such additional publications as the court shall deem necessary to give reasonable notice of the pendency of such suit. The court may order that printed copies of the order for appearance be furnished to the supervisor of each township for distribution to the residents thereof and may order that copies thereof be posted in conspicuous places on townhalls, school buildings, post offices and other buildings where persons assemble and that copies be mailed to all persons within the county having a post office address therein, and to each person whose name on any township treasurer's assessment roll shows an address outside of said county.

After the expiration of 90 days from the date of said order and upon proof of the publication provided for in the foregoing paragraph, the court on the date set for hearing or on an adjourned date therefor and upon hearing and proof thereof, shall enter a decree which shall state that the records in the office of the register of deeds have been lost or destroyed, in whole or in any material part, by fire, flood or other disaster and shall authorize the filing of intervening petitions as provided in section 5 of this act, and the issuance of orders based on testimony introduced under sections 5 and 6 of this act determining the interest or title to particular parcels of land. The decree shall further provide that all persons entering appearance before the issuance of such decree shall be served personally or by registered mail by any petitioner in any proceedings hereafter instituted under section 5 of this act wherein such petitioner shall claim an interest in or lien upon the lands described in their appearance. Said decree shall further provide that all such appearances entered shall be recorded by the register of deeds and a reference to the book and page entered upon a map provided for in section 8 of this act. The court is authorized to issue such further orders as it shall deem necessary.

History: 1944, 1st Ex. Sess., Act 52, Imd. Eff. Mar. 6, 1944;—CL 1948, 561.2.