

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.159r Sale of seized property by unit of government; disposal of received money; order of priority; appointment, compensation, and duties of receiver.

Sec. 159r. (1) If property is criminally or civilly forfeited under this chapter, the unit of government that seized or filed a lien against the property may sell the property that is not required to be destroyed by law and that is not harmful to the public and may dispose of the money received from the sale of the property and any money, negotiable instrument, security, or other thing of value that is forfeited pursuant to this chapter in the following order of priority:

(a) Pay any outstanding security interest or unpaid land contract balance of a secured party or land contract vendor who did not have prior actual knowledge of, or consent to the commission of, the crime.

(b) Satisfy any order of restitution in the prosecution for the crime.

(c) Pay the claim of each person who shows that he or she is a victim of the crime to the extent that the claim is not covered by an order of restitution.

(d) Pay any valid outstanding lien against the property that has been imposed by a governmental unit.

(e) Pay the proper expenses of the proceedings for forfeiture and sale, including, but not limited to, expenses incurred during the seizure process and expenses for maintaining custody of the property, advertising, and court costs.

(f) The balance remaining after the payment of restitution, the claims of victims, outstanding liens, and expenses shall be distributed by the court having jurisdiction over the forfeiture proceedings to the unit or units of government substantially involved in effecting the forfeiture. The money received by a unit of government under this subdivision shall be used to enhance enforcement of the criminal laws.

(2) In the course of selling real property pursuant to subsection (1), the court that enters an order or sentence of forfeiture, on motion of the unit of government to which the property is forfeited, may appoint a receiver to dispose of the real property forfeited. The receiver is entitled to reasonable compensation. The receiver may do all of the following:

(a) List the forfeited real property for sale.

(b) Make whatever arrangements are necessary for maintaining and preserving the forfeited real property.

(c) Accept offers to purchase the forfeited real property.

(d) Execute instruments transferring title to the forfeited real property.

History: Add. 1995, Act 187, Eff. Apr. 1, 1996.