

SENATE BILL No. 1134

February 26, 2002, Introduced by Senator DE BEAUSSAERT and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5801 and 5867 (MCL 600.5801 and 600.5867) and by adding section 5867a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5801. (1) ~~No~~ A person may NOT bring or maintain any
2 action for the recovery or possession of any lands or make any
3 entry upon any lands unless, after the claim or right to make the
4 entry first accrued to himself OR HERSELF, or to someone through
5 whom he OR SHE claims, he OR SHE commences the action or makes
6 the entry within the periods of time prescribed by this section.

7 (2) ~~(1)~~ When the defendant claims title to the land in
8 question by or through some deed made upon the sale of the
9 premises by an executor, administrator, guardian, or testamentary
10 trustee; or by a sheriff or other proper ministerial officer

1 under the order, judgment, process, or decree of a court or legal
2 tribunal of competent jurisdiction within this state, or by a
3 sheriff upon a mortgage foreclosure sale the period of limitation
4 is 5 years.

5 (3) ~~(2)~~ When the defendant claims title under some deed
6 made by an officer of this state or of the United States who is
7 authorized to make deeds upon the sale of lands for taxes
8 assessed and levied within this state the period of limitation is
9 10 years.

10 (4) ~~(3)~~ When the defendant claims title through a devise
11 in any will, the period of limitation is 15 years after the pro-
12 bate of the will in this state.

13 (5) ~~(4)~~ In all other cases under this section, the period
14 of limitation is 15 years. BEGINNING ON THE EFFECTIVE DATE OF
15 THE 2001 AMENDATORY ACT THAT AMENDED THIS SECTION, THE PERIOD OF
16 LIMITATIONS PRESCRIBED IN THIS SUBSECTION NO LONGER APPLIES TO AN
17 ACTION FOR THE RECOVERY OR POSSESSION OF LANDS FROM A PERSON
18 CLAIMING TITLE TO THE LANDS UNDER THE DOCTRINE OF ADVERSE POSSES-
19 SION, WHICH DOCTRINE IS ABOLISHED PURSUANT TO SECTION 5867A.

20 Sec. 5867. In every action for the recovery or possession
21 of real estate, the person establishing the legal title to the
22 ~~premises~~ REAL ESTATE is presumed to have been in possession of
23 the ~~premises~~ REAL ESTATE within the time limited by law for
24 bringing ~~such~~ THE action, unless ~~it appears that the same has~~
25 ~~been possessed adversely to such legal title by the defendant or~~
26 ~~by those from or under whom he claims, or that~~ the grantee, or
27 his OR HER assigns, in a contract of purchase have been in

1 possession claiming title by virtue of ~~said~~ THE contract of
2 purchase for a period of 20 years after the last payment was due
3 on ~~said~~ THE contract OF PURCHASE or after the last payment was
4 made on ~~said~~ THE contract of purchase.

5 SEC. 5867A. BEGINNING ON THE EFFECTIVE DATE OF THIS SEC-
6 TION, THE DOCTRINE OF SECURING TITLE TO REAL PROPERTY BY ADVERSE
7 POSSESSION IS ABOLISHED IN THIS STATE.

8 Enacting section 1. This amendatory act does not take
9 effect unless Senate Bill No. 1135
10 of the 91st Legislature is enacted into
11 law.