

# HOUSE BILL No. 6349

November 10, 2004, Introduced by Reps. Adamini, LaSata, Lipsey, Condino, Gillard and Howell and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
 "Revised judicature act of 1961,"  
 by amending section 2431 (MCL 600.2431).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2431. (1) The expenses of foreclosing any mortgage by  
 2 advertisement shall be taxed in the circuit court as in civil  
 3 actions upon the request of any person paying the expenses  
 4 thereof, and upon such party liable to pay the same.

5       (2) ~~Where~~ **If** an attorney is employed to foreclose a  
 6 mortgage by advertisement, ~~an~~ **a reasonable** attorney's fee, not  
 7 ~~to exceed~~ **exceeding** any amount ~~which may be~~ **for attorney's**  
 8 **fees** provided for in the mortgage, may be included as a part of  
 9 the expenses in the amount bid upon such sale for principal and  
 10 interest due thereon. ~~in the following amounts:~~

11       ~~(a) for all sums of \$1,000.00 or less, \$25.00.~~

1       ~~(b) for all sums over \$1,000.00 but less than \$5,000.00,~~  
2       ~~\$50.00.~~

3       ~~(c) for all sums of \$5,000.00 or more, \$75.00.~~

4       ~~But if payment is made after foreclosure proceedings are~~  
5       ~~commenced and before sale is made, only 1/2 of such attorney's~~  
6       ~~fees shall be allowed. Both the principal and the interest due~~  
7       ~~thereon shall be included in the sum on which the attorney's fee~~  
8       ~~is computed.~~