

HOUSE BILL No. 4404

March 9, 2011, Introduced by Rep. Jackson and referred to the Committee on Banking and Financial Services.

A bill to amend 1966 PA 346, entitled "State housing development authority act of 1966," by amending sections 48d, 49, and 49i (MCL 125.1448d, 125.1449, and 125.1449i), sections 48d and 49i as added by 1981 PA 173 and section 49 as amended by 1993 PA 221.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 48d. ~~Whenever a complaint is filed~~ **SUBJECT TO SECTION**
 2 **3116 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL**
 3 **600.3116, IN AN ACTION** for the foreclosure or satisfaction of ~~any~~ **A**
 4 mortgage on real estate or land contract held by the authority, the
 5 court ~~has power to~~ **MAY** order a sale of the premises ~~which~~ **THAT** are
 6 the subject of the mortgage ~~on real estate or land contract~~ held by
 7 the authority, or of ~~that~~ part of the premises ~~which~~ **THAT** is

1 sufficient to discharge the amount due on the mortgage ~~on real~~
 2 ~~estate or~~ land contract held by the authority, plus costs. ~~But the~~
 3 ~~ircuit judge~~ **THE COURT** shall not order that the lands subject to
 4 the mortgage be sold within 6 months after the filing of the
 5 complaint for foreclosure of the mortgage or that the lands ~~which~~
 6 **THAT** are the subject of the land contract be sold within 3 months
 7 after the filing of the complaint for foreclosure of the land
 8 contract.

9 Sec. 49. ~~Every~~ **SUBJECT TO SECTION 3201(3) OF THE REVISED**
 10 **JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.3201, EVERY** mortgage
 11 of real estate held by the authority ~~which~~ **THAT** contains a power of
 12 sale, upon default ~~being made in any condition of such~~ **THE**
 13 mortgage, may be foreclosed by advertisement, ~~in the cases and in~~
 14 ~~the manner specified~~ **AS PROVIDED** in sections 49a to 49v, including
 15 the giving of a notice as described in sections 49b and 49c.

16 Sec. 49i. (1) ~~Unless~~ **EXCEPT AS PROVIDED IN SECTION 3237 OF THE**
 17 **REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.3237, UNLESS**
 18 the premises described in ~~such~~ **THE** deed ~~shall be~~ **OF SALE ARE**
 19 redeemed within the ~~time limited for such~~ **APPLICABLE PERIOD OF**
 20 redemption as provided in section 49j, ~~such~~ **THE** deed shall
 21 ~~thereupon become~~ **BECOMES** operative, ~~on the expiration of the~~
 22 **PERIOD OF REDEMPTION** and ~~shall vest~~ **VESTS** in the grantee therein
 23 named **IN THE DEED** or his or her heirs or assigns, ~~all the right,~~
 24 title, and interest ~~which the mortgagor had at the time of the~~
 25 execution of the mortgage, or at any time ~~thereafter~~ **AFTER THE**
 26 **EXECUTION**, except as to any parcel or parcels ~~which may~~ **THAT** have
 27 been redeemed ~~and canceled,~~ as provided in sections 49j ~~to 49u,~~ and

1 49/.

2 (2) AFTER THE PERIOD OF REDEMPTION EXPIRES, the record thereof
3 shall thereafter, ~~OF THE DEED OF SALE IS~~ for all purposes be deemed
4 a valid record of the deed OF SALE without being re-recorded. ~~, but~~
5 ~~no~~ **HOWEVER, A** person ~~having any~~ **WHO HAS A** valid subsisting lien
6 ~~upon~~ **ON** the mortgaged premises or any part thereof ~~OF THE MORTGAGED~~
7 **PREMISES**, created before the lien of ~~such~~ **THE** mortgage took effect,
8 shall **NOT** be prejudiced by ~~any such~~ **THE** sale, ~~nor shall~~ **AND** his or
9 her rights or interests ~~be~~ **ARE NOT** in any way affected ~~thereby~~ **BY**
10 **THE SALE.**

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No. _____ or House Bill No. 4405 (request no.
13 01873'11) of the 96th Legislature is enacted into law.