

# HOUSE BILL No. 5057

October 3, 2013, Introduced by Reps. Johnson, Rendon, Goike, Lauwers, Daley, Robinson and Bumstead and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 5801, 5821, and 5867 (MCL 600.5801, 600.5821, and 600.5867), section 5821 as amended by 1988 PA 35.

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

1           Sec. 5801. (1) ~~No~~ **SUBJECT TO SUBSECTION (2)**, A person may **NOT**  
 2 bring or maintain ~~any~~ **AN** action for the recovery or possession of  
 3 ~~any lands~~ **REAL PROPERTY** or make ~~any~~ **AN** entry ~~upon any lands~~ **ON REAL**  
 4 **PROPERTY** unless, after the claim or right to make the entry first  
 5 ~~accrued~~ **ACCRUES** to ~~himself~~ **THE PERSON** or to someone through whom ~~he~~  
 6 **THE PERSON** claims, ~~he~~ **THE PERSON** commences the action or makes the  
 7 entry within **WHICHEVER OF** the **FOLLOWING** periods of ~~time prescribed~~  
 8 ~~by this section.~~ **LIMITATION IS APPLICABLE:**

9           **(A)** ~~(1) When~~ **IF** the defendant claims title to the ~~land in~~

1 ~~question~~ **REAL PROPERTY** by or through ~~some~~ **A** deed made ~~upon~~ **ON** the  
 2 sale of the ~~premises~~ **PROPERTY** by an ~~executor, administrator, A~~  
 3 **PERSONAL REPRESENTATIVE**, guardian, or testamentary trustee; ~~or~~ by a  
 4 sheriff or other proper ministerial officer under ~~the~~ **AN** order,  
 5 judgment, **OR** process, ~~or decree~~ of a court or legal tribunal of  
 6 competent jurisdiction ~~within~~ **IN** this state; ~~or~~ by a sheriff ~~upon~~  
 7 **ON** a mortgage foreclosure sale, the period of limitation is 5  
 8 years.

9 (B) ~~(2) When~~ **IF** the defendant claims title under ~~some~~ **A** deed  
 10 made by an officer of this state or of the United States who is  
 11 authorized to make deeds ~~upon~~ **ON** the sale of ~~lands~~ **REAL PROPERTY**  
 12 for taxes assessed and levied ~~within~~ **IN** this state, the period of  
 13 limitation is 10 years.

14 (C) ~~(3) When~~ **IF** the defendant claims title through a devise in  
 15 ~~any~~ **A** will, the period of limitation is 15 years after the probate  
 16 of the will in this state.

17 (D) ~~(4) In all other cases under this section,~~ **IF SUBDIVISIONS**  
 18 **(A) TO (C) DO NOT APPLY**, the period of limitation is 15 years.

19 **(2) THE PERIODS OF LIMITATION FOR BRINGING OR MAINTAINING AN**  
 20 **ACTION FOR THE RECOVERY OR POSSESSION OF REAL PROPERTY DO NOT APPLY**  
 21 **TO A PERSON IF AN ADVERSE PARTY IS ASSERTING A CLAIM TO THE**  
 22 **PROPERTY BASED ON ADVERSE POSSESSION OR ACQUIESCENCE.**

23 Sec. 5821. (1) ~~Actions~~ **AN ACTION** for the recovery of ~~any land~~  
 24 ~~where the~~ **REAL PROPERTY TO WHICH THIS** state is a party ~~are~~ **IS** not  
 25 subject to the periods of ~~limitations,~~ **LIMITATION** or laches.  
 26 ~~However, a person who could have asserted claim to title by adverse~~  
 27 ~~possession for more than 15 years is entitled to seek any other~~

1 ~~equitable relief in an action to determine title to the land.~~

2       (2) ~~Actions~~**AN ACTION** brought by ~~any~~**A** municipal corporations  
3 **CORPORATION** for the recovery of the possession of ~~any~~**A** public  
4 highway, street, alley, or ~~any~~ other public ground ~~are~~**IS** not  
5 subject to the periods of ~~limitations~~**LIMITATION**.

6       (3) The periods of ~~limitations~~**LIMITATION** prescribed for  
7 personal actions apply equally to personal actions brought in the  
8 name of the people of this state ~~,~~ or in the name of ~~any~~**AN** officer  
9 ~~,~~ or otherwise for the benefit of this state, subject to the  
10 exceptions contained in subsection (4).

11       (4) ~~Actions~~**AN ACTION** brought in the name of ~~the~~**THIS** state,  
12 ~~of Michigan,~~ the people of ~~the~~**THIS** state, ~~of Michigan,~~ or ~~any~~**A**  
13 political subdivision of ~~the~~**THIS** state ~~of Michigan,~~ or in the name  
14 of ~~any~~**AN** officer or otherwise for the benefit of ~~the~~**THIS** state ~~of~~  
15 ~~Michigan~~ or ~~any~~**A** political subdivision of ~~the~~**THIS** state ~~of~~  
16 ~~Michigan~~ for the recovery of the cost of maintenance, care, and  
17 treatment of persons in hospitals, homes, schools, and other state  
18 institutions ~~are~~**IS** not subject to the statute of limitations and  
19 may be brought at any time without limitation, ~~the provisions of~~  
20 any statute **TO THE CONTRARY** notwithstanding.

21       Sec. 5867. In ~~every~~**AN** action for the recovery or possession  
22 of real estate, ~~the~~**PROPERTY, A** person establishing ~~the~~**WHO**  
23 **ESTABLISHES** legal title to the ~~premises~~**PROPERTY** is presumed to  
24 have been in possession of the ~~premises within~~**PROPERTY FOR** the  
25 ~~time limited by law~~**APPLICABLE PERIOD OF LIMITATION** for bringing  
26 ~~such~~**THE** action, unless it appears that ~~the same has been possessed~~  
27 ~~adversely to such legal title by the defendant or by those from or~~

1 ~~under whom he claims, or that the~~ **A** grantee ~~, or his assigns, in~~  
2 **UNDER** a contract of purchase, **OR THE GRANTEE'S ASSIGNS**, have been  
3 in possession **OF THE PROPERTY** claiming title by virtue of ~~said~~ **THE**  
4 contract ~~of purchase~~ for a period of 20 years **OR MORE** after the  
5 last payment was due on ~~said~~ **THE** contract or after the last payment  
6 was made on ~~said~~ **THE** contract. ~~of purchase.~~