

SENATE BILL No. 1102

September 5, 2018, Introduced by Senator JONES and referred to the Committee on Regulatory Reform.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3212 (MCL 600.3212), as amended by 2011 PA 301.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3212. ~~Every~~ **A** notice of foreclosure by advertisement
2 ~~shall~~ **MUST** include all of the following:

3 (a) The names of the mortgagor, the original mortgagee, and
4 the foreclosing assignee, if any.

5 (b) The date of the mortgage and the date the mortgage was
6 recorded.

7 (c) The amount claimed to be due on the mortgage on the date
8 of the notice.

9 (d) A description of the mortgaged premises that substantially
10 conforms with the description contained in the mortgage.

11 **(E) A DESCRIPTION OF THE PROPERTY BY GIVING ITS STREET**

1 ADDRESS, IF ANY. THE VALIDITY OF THE NOTICE AND THE VALIDITY OF ANY
2 EVENTUAL SALE UNDER THIS CHAPTER ARE NOT AFFECTED BY THE FACT THAT
3 THE STREET ADDRESS IN THE NOTICE IS ERRONEOUS OR THAT THE STREET
4 ADDRESS IS OMITTED.

5 (F) ~~(e)~~ For a mortgage executed ~~on or after January 1, 1965,~~
6 DECEMBER 31, 1964, the length of the redemption period as
7 determined under section 3240.

8 (G) ~~(f)~~ A statement that if the property is sold at a
9 foreclosure sale under this chapter, under section 3278 the
10 borrower will be held responsible to the person who buys the
11 property at the mortgage foreclosure sale or to the mortgage holder
12 for damaging the property during the redemption period.

13 (H) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE ATTORNEY
14 FOR THE PARTY FORECLOSING THE MORTGAGE.

15 (I) A STATEMENT IN THE FOLLOWING FORM: "THIS FIRM IS A DEBT
16 COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION WE OBTAIN
17 WILL BE USED FOR THAT PURPOSE."

18 (J) FOR A RESIDENTIAL MORTGAGE, A STATEMENT IN THE FOLLOWING
19 FORM: "ATTENTION HOMEOWNER: ARE YOU A HOMEOWNER WHO IS HAVING
20 TROUBLE MAKING YOUR MORTGAGE PAYMENTS? THERE ARE A NUMBER OF
21 PROGRAMS FROM A VARIETY OF ORGANIZATIONS TO HELP YOU. THE MICHIGAN
22 STATE HOUSING DEVELOPMENT AUTHORITY, OR MSHDA, CAN HELP IF YOU ARE
23 HAVING FINANCIAL TROUBLE AND NEED HELP FINDING LOCAL RESOURCES.
24 INFORMATION IS AVAILABLE, AND MSHDA CAN BE REACHED, BY GOING TO
25 THEIR WEBSITE, WWW.HOUSING.STATE.MI.US, OR BY CALLING 517-373-8370.
26 MILITARY SERVICE MEMBERS AND HONORARY DISCHARGED VETERANS CAN
27 CONTACT THE MICHIGAN VETERANS HOMEOWNERS ASSISTANCE PROGRAM AT 877-

1 664-2233. PLEASE CONTACT THE TELEPHONE NUMBER FOR THE ATTORNEY FOR
2 THE PARTY FORECLOSING THE MORTGAGE IF YOU ARE IN ACTIVE MILITARY
3 DUTY.".

4 (K) A STATEMENT IN THE FOLLOWING FORM: "NOTICE OF FORECLOSURE
5 BY ADVERTISEMENT. NOTICE IS GIVEN UNDER SECTION 3212 OF THE REVISED
6 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.3212, THAT THE
7 FOLLOWING MORTGAGE WILL BE FORECLOSED BY A SALE OF THE MORTGAGED
8 PREMISES, OR SOME PART OF THEM, AT A PUBLIC AUCTION SALE TO THE
9 HIGHEST BIDDER FOR CASH OR CASHIER'S CHECK AT THE PLACE OF HOLDING
10 THE CIRCUIT COURT IN _____ COUNTY, AT (TIME), ON (DATE). THE
11 AUCTION SALE WILL CLOSE AT (TIME). THE SALE WILL BE MADE, BUT
12 WITHOUT COVENANT OR WARRANTY, EXPRESSED OR IMPLIED, REGARDING
13 TITLE, POSSESSION, OR ENCUMBRANCES, TO PAY THE REMAINING PRINCIPAL
14 SUM OF THE NOTE OR NOTES SECURED BY THE MORTGAGE, WITH INTEREST AND
15 LATE CHARGES ON THE REMAINING PRINCIPAL SUM, AS PROVIDED IN THE
16 NOTE OR NOTES, ADVANCES, UNDER THE TERMS OF THE MORTGAGE, INTEREST
17 ON THE ADVANCES, FEES, AND CHARGES AND EXPENSES OF THE ATTORNEY,
18 FOR THE TOTAL AMOUNT, AT THE TIME OF THE INITIAL PUBLICATION OF THE
19 NOTICE OF FORECLOSURE, REASONABLY ESTIMATED TO BE SET FORTH BELOW.
20 THE AMOUNT MAY BE GREATER ON THE DAY OF THE SALE. PLACING THE
21 HIGHEST BID AT THE SALE DOES NOT AUTOMATICALLY ENTITLE THE
22 PURCHASER TO FREE AND CLEAR OWNERSHIP OF THE PROPERTY. THE
23 PURCHASER IS ENCOURAGED TO INVESTIGATE THE EXISTENCE, PRIORITY, AND
24 SIZE OF ANY OTHER OUTSTANDING LIENS THAT MAY EXIST ON THIS PROPERTY
25 BY CONTACTING THE COUNTY REGISTER OF DEEDS OFFICE OR A TITLE
26 INSURANCE COMPANY, EITHER OF WHICH MAY CHARGE A FEE FOR THIS
27 INFORMATION.".

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.