

HOUSE BILL No. 5364

December 13, 2017, Introduced by Rep. Schor and referred to the Committee on Financial Services.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5728 (MCL 600.5728).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5728. (1) Possession may be recovered under section 5726
2 only after the vendee or person holding possession under ~~him~~**THE**
3 **VENDEE** has been served with a written notice of forfeiture and has
4 failed in the required time to pay ~~moneys~~**MONEY** required to be paid
5 under the contract or to cure any other material breach of the
6 contract. Unless the parties have agreed in writing to a longer
7 time, the person served with a notice of forfeiture ~~shall have~~**HAS**
8 15 days ~~thereafter~~**AFTER BEING SERVED** before he **OR SHE** is required
9 to pay ~~moneys~~**MONEY** required to be paid under the contract and cure
10 other material breaches of the contract or to deliver possession of
11 the premises.

(2) ~~The~~ **A** notice of forfeiture ~~shall~~ **UNDER THIS SECTION MUST** state the names of the parties to the contract, ~~and~~ the date of ~~its~~ **THE CONTRACT'S** execution, **AND, IF APPLICABLE, THE DATE OF THE RECORDING OF THE CONTRACT OR A CERTIFICATE OF RESIDENTIAL LAND CONTRACT AS DESCRIBED IN SECTION 4 OF 1879 PA 237, MCL 565.354, CONCERNING THE LAND,** give the address or legal description of the premises, specify the unpaid amount of ~~moneys~~ **MONEY** required to be paid under the contract and the dates on which payments ~~thereof~~ **OF THE MONEY** were due, specify any other material breaches of the contract, and ~~shall~~ declare forfeiture of the contract effective in 15 days, or **ANY** specified longer time, after service of the notice, unless the money required to be paid under the contract is paid and any other material breaches of the contract are cured within that time. The notice ~~shall~~ **MUST** be dated and signed by the person entitled to possession, ~~his~~ **OR THE PERSON'S** attorney or agent.

(3) **A NOTICE OF FORFEITURE UNDER THIS SECTION IS NOT EFFECTIVE FOR ANY PURPOSE UNLESS THE LAND CONTRACT, OR A CERTIFICATE OF RESIDENTIAL LAND CONTRACT AS DESCRIBED IN SECTION 4 OF 1879 PA 237, MCL 565.354, CONCERNING THE LAND HAS BEEN RECORDED WITH THE REGISTER OF DEEDS FOR THE COUNTY IN WHICH THE AFFECTED PROPERTY IS LOCATED. TO BE EFFECTIVE, THE LAND CONTRACT OR CERTIFICATE OF RESIDENTIAL LAND CONTRACT MUST HAVE BEEN RECORDED FOR WHICHEVER OF THE FOLLOWING IS LESS:**

(A) **HALF THE TIME ELAPSED FROM THE EXECUTION OF THE LAND CONTRACT TO THE DATE OF THE NOTICE.**

(B) **ONE YEAR.**

(4) **SUBSECTION (3) ONLY APPLIES TO CONTRACTS FOR THE SALE OF**

1 **LAND WITH 1 TO 4 RESIDENTIAL UNITS.**

2 Enacting section 1. Section 5728 of the revised judicature act
3 of 1961, 1961 PA 236, MCL 600.5728, as amended by this amendatory
4 act, only applies to land contracts entered into on or after the
5 effective date of this amendatory act.

6 Enacting section 2. This amendatory act does not take effect
7 unless Senate Bill No. _____ or House Bill No. 5365 (request no.
8 01181'17 *) of the 99th Legislature is enacted into law.