

HOUSE BILL NO. 6049

November 07, 2024, Introduced by Reps. Tyrone Carter and Filler and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2558 and 3240 (MCL 600.2558 and 600.3240), section 2558 as amended by 2002 PA 429 and section 3240 as amended by 2019 PA 130.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2558. (1) ~~The~~ **A** sheriff is entitled to the fees provided
2 in this section and section 2559.
- 3 (2) The following fees of ~~the~~ **a** sheriff are allowed:
- 4 ~~(a) For taking a bond if the sheriff is authorized to take the~~

1 ~~bond, \$1.50; for a certified copy of the bond, if requested, \$1.00.~~

2 (a) ~~(b)~~ For every certificate on the sale of real estate,
3 ~~\$1.50; \$10.00; and for each copy of the certificate, \$1.50, \$10.00,~~
4 ~~which, together with the register's fee for filing the certificate,~~
5 ~~shall **must** be collected as other fees on execution.~~

6 ~~(c) For taking a bond for the liberties of the jail, \$1.50.~~

7 ~~(d) For summoning a jury upon a writ of inquiry, attending the~~
8 ~~jury, and making and returning the inquisition, \$5.00.~~

9 ~~(e) For summoning a jury pursuant to any precept or summons of~~
10 ~~any officer in any special proceeding, \$5.00, and for attending the~~
11 ~~jury when required, \$5.00.~~

12 ~~(f) For bringing up a prisoner upon habeas corpus, \$3.00, and~~
13 ~~for traveling each mile from the jail, 15 cents; for attending any~~
14 ~~court with that prisoner, \$5.00 per day, plus actual necessary~~
15 ~~expenses.~~

16 ~~(g) For attending before any officer with a prisoner for the~~
17 ~~purpose of having the prisoner surrendered in exoneration of his or~~
18 ~~her bail, or for attending to receive a prisoner so surrendered,~~
19 ~~who was not committed at the time, and receiving that prisoner into~~
20 ~~the sheriff's custody, in either case, \$15.00.~~

21 ~~(h) For attending a view, when ordered by the court, \$15.00~~
22 ~~per day, including the time occupied in going and returning.~~

23 (b) ~~(i)~~ For making and returning an inventory and appraisal to
24 the appraisers, ~~\$10.00~~ **\$100.00** for each day actually employed, and
25 ~~\$5.00~~ **\$50.00** for each half day. The court, by rule, may adjust a
26 schedule fixing the amount of appraisal fees if the court considers
27 the statutory fee to be inadequate.

28 (c) ~~(j)~~ For drafting an inventory, ~~\$1.25~~ **\$10.00** for each page
29 and for copying the inventory, ~~10~~ **80** cents for each page.

1 ~~(k) For giving notice for general or special election to the~~
 2 ~~inspectors of the different townships and wards of the county,~~
 3 ~~\$1.00 for each township or ward, and the expenses of publishing the~~
 4 ~~notices required by law, those fees and expenses to be paid by the~~
 5 ~~county, as other contingent expenses of the election.~~

6 ~~(l) For attending the supreme court by the order of the court,~~
 7 ~~\$10.00 for each day, to be allowed by the state treasurer on the~~
 8 ~~certificate of the clerk, and paid out of the state treasury, not~~
 9 ~~taxable as costs.~~

10 ~~(m) For attending the circuit court, by the order of the~~
 11 ~~court, \$15.00 for each day, except in the county of Wayne; not~~
 12 ~~taxable as costs. In the county of Wayne there shall be paid to the~~
 13 ~~deputy sheriffs in actual attendance on the circuit court in the~~
 14 ~~county such compensation as shall be fixed by the board of~~
 15 ~~commissioners in accordance with the county uniform salary plan to~~
 16 ~~be allowed and paid as other contingent charges of the county are~~
 17 ~~paid; the number of deputies shall not exceed 2 for each judge of~~
 18 ~~the third judicial circuit.~~

19 ~~(n) For summoning grand or petit jurors to attend the circuit~~
 20 ~~court, \$2.00 for each juror summoned, not taxable as costs.~~

21 ~~(o) For keeping and providing for a debtor in jail where the~~
 22 ~~debtor is unable to support himself or herself, \$1.00 for each day~~
 23 ~~or such sum as shall be fixed by the board of commissioners, to be~~
 24 ~~paid by the creditor each week, in advance, and which sum the~~
 25 ~~creditor shall be entitled to recover from the debtor.~~

26 ~~(d) (p) For posting notices on property for foreclosure sales,~~
 27 ~~\$16.00~~ **\$26.00** for each posting, plus mileage.

28 ~~(e) (q) For selling lands on the foreclosure of a mortgage by~~
 29 ~~advertisement; and executing a deed to the purchaser and for all~~

1 services required on that sale, ~~\$50.00~~ **\$75.00**.

2 (f) ~~(r)~~ For each adjournment of the sale of land on the
3 foreclosure of a mortgage by advertisement, ~~\$8.00~~ **\$16.00**.

4 (g) ~~(s)~~ For serving notice of a person claiming title under a
5 tax deed, in person and by mail, ~~\$16.00~~ **\$26.00** plus mileage.

6 (3) Mileage allowed under subsection (2) ~~shall~~ **must** be
7 computed in the same manner as provided for process served out of
8 the circuit court under section 2559(3).

9 (4) ~~Any~~ **A** sheriff or other officer who demands ~~or~~ **and** receives
10 any greater fees or compensation for performing any of the services
11 mentioned in this section than as allowed by this section ~~, shall,~~
12 **is**, in addition to all other liabilities now provided by law, ~~be~~
13 liable to the party injured ~~, for~~ paying the illegal fees ~~, in~~ 3
14 times the amount ~~so demanded,~~ received ~~, or~~ paid ~~, together with~~
15 **and** all costs of the action.

16 (5) ~~Any~~ **A** sheriff or other officer who neglects or refuses any
17 of the services required by law, after the fees specified have been
18 tendered, ~~shall be~~ **is** liable to the party injured for all damages
19 ~~which~~ **that** the party sustains ~~by reason~~ **because** of that neglect or
20 refusal.

21 Sec. 3240. (1) A purchaser's deed under section 3232 is void
22 if the mortgagor, the mortgagor's heirs or personal representative,
23 or any person that has a recorded interest in the property lawfully
24 claiming under the mortgagor or the mortgagor's heirs or personal
25 representative redeems the entire premises sold by paying the
26 amount required under subsection (2) and any amount required under
27 subsection (4), within the applicable time limit prescribed in
28 subsections (7) to (12), to the purchaser or the purchaser's
29 personal representative or assigns, or to the register of deeds in

1 whose office the deed is deposited for the benefit of the
2 purchaser.

3 (2) The amount required to be paid under subsection (1) is the
4 amount that was bid for the entire premises sold, interest from the
5 date of the sale at the interest rate provided for by the mortgage,
6 the amount of the sheriff's fee paid by the purchaser under section
7 ~~2558(2)(g)~~, **2558(2)(e)**, and an additional \$5.00 as a fee for the
8 care and custody of the redemption money if the payment is made to
9 the register of deeds. Except as provided in subsection (14), the
10 register of deeds shall not determine the amount necessary for
11 redemption. The purchaser shall provide an affidavit with the deed
12 to be recorded under this section that states the exact amount
13 required to redeem the property under this subsection, including
14 any daily per diem amounts, and the date by which the property must
15 be redeemed ~~shall~~**must** be stated on the certificate of sale. The
16 purchaser may include in the affidavit the name of a designee
17 responsible on behalf of the purchaser to assist the person
18 redeeming the property in computing the exact amount required to
19 redeem the property. The designee may charge a fee of not more than
20 \$250.00 as stated in the affidavit and may be authorized by the
21 purchaser to receive redemption money. The purchaser shall accept
22 the amount computed by the designee.

23 (3) If a distinct lot or parcel separately sold is redeemed,
24 leaving a portion of the premises unredeemed, the deed is void only
25 to the redeemed parcel or parcels.

26 (4) If, after a sale under section 3216, the purchaser, the
27 purchaser's heirs or personal representative, or any person
28 lawfully claiming under the purchaser or the purchaser's heirs or
29 personal representative pays taxes assessed against the property,

1 amounts necessary to redeem senior liens from foreclosure,
2 condominium assessments, homeowner association assessments,
3 community association assessments, or premiums on an insurance
4 policy covering any buildings located on the property that under
5 the terms of the mortgage it would have been the duty of the
6 mortgagor to pay if the mortgage had not been foreclosed and that
7 are necessary to keep the policy in force until the expiration of
8 the period of redemption, the property may be redeemed only on
9 payment of the amount specified in subsection (2) plus the amounts
10 specified in this subsection with interest on the amounts specified
11 in this subsection from the date of the payment to the date of
12 redemption at the interest rate specified in the mortgage. This
13 subsection does not apply unless all of the following are filed
14 with the register of deeds with whom the deed is deposited:

15 (a) An affidavit by the purchaser or someone in his or her
16 behalf who has knowledge of the facts of the payment showing the
17 amount and items paid.

18 (b) The receipt or copy of the canceled check evidencing the
19 payment of the taxes, amounts necessary to redeem senior liens from
20 foreclosure, condominium assessments, homeowner association
21 assessments, community association assessments, or insurance
22 premiums.

23 (c) An affidavit of an insurance agent of the insurance
24 company stating that the payment was made and what portion of the
25 payment covers the premium for the period before the expiration of
26 the period of redemption.

27 (5) If the redemption payment in subsection (4) includes an
28 amount used to redeem a senior lien from a nonjudicial foreclosure,
29 the mortgagor has the same defenses against the purchaser with

1 respect to the amount used to redeem the senior lien as the
2 mortgagor would have had against the senior lien.

3 (6) The register of deeds shall indorse on documents filed
4 under subsection (4) the time they are received. The register of
5 deeds shall record the affidavit of the purchaser only and shall
6 preserve in his or her files the recorded affidavit, receipts,
7 insurance receipts, and insurance agent's affidavit until
8 expiration of the period of redemption.

9 (7) Subject to section 3238, for a mortgage executed on or
10 after January 1, 1965, of commercial or industrial property, or
11 multifamily residential property in excess of 4 units, the
12 redemption period is 6 months from the date of the sale.

13 (8) Subject to subsections (9) to (11) and section 3238, for a
14 mortgage executed on or after January 1, 1965, of residential
15 property not exceeding 4 units, if the amount claimed to be due on
16 the mortgage at the date of the notice of foreclosure is more than
17 $66\frac{2}{3}\%$ of the original indebtedness secured by the mortgage, the
18 redemption period is 6 months.

19 (9) For a mortgage of residential property not exceeding 4
20 units, if the property is abandoned as determined under section
21 3241, the redemption period is 1 month.

22 (10) If the property is abandoned as determined under section
23 3241a, the redemption period is 30 days or until the time to
24 provide the notice required by section 3241a(c) expires, whichever
25 is later.

26 (11) Subject to section 3238, for a mortgage of property that
27 is used for agricultural purposes, the redemption period is 1 year
28 from the date of the sale.

29 (12) If subsections (7) to (11) do not apply, and subject to

1 section 3238, the redemption period is 1 year from the date of the
2 sale.

3 (13) The amount stated in any affidavits recorded under this
4 section is the amount necessary to satisfy the requirements for
5 redemption under this section.

6 (14) The register of deeds of a county with a population of
7 more than 750,000 and less than 1,500,000, at the request of a
8 person entitled to redeem the property under this section, shall
9 determine the amount necessary for redemption. In determining the
10 amount, the register of deeds shall consider only the affidavits
11 recorded under subsections (2) and (4). A county, register of
12 deeds, or employee of a county or register of deeds is not liable
13 for damages proximately caused by an incorrect determination of an
14 amount necessary for redemption under subsection (2).

15 (15) A register of deeds may charge not more than \$50.00 for
16 determining the amount necessary for redemption under this section.

17 (16) For purposes of this section, there is a presumption that
18 the property is used for agricultural purposes if, before the
19 foreclosure sale under this chapter, the mortgagor provides the
20 party foreclosing the mortgage and the foreclosing party's attorney
21 proof that the mortgagor filed a schedule F to the mortgagor's
22 federal income tax form 1040 for the year preceding the year in
23 which the proceedings to foreclose the mortgage were commenced and
24 records an affidavit with the register of deeds for the county in
25 which the property is located stating that the proof has been
26 delivered. If the mortgagor fails to provide proof and record an
27 affidavit as required by this subsection before the foreclosure
28 sale, there is a presumption that the property is not used for
29 agricultural purposes. The party foreclosing the mortgage or the

1 mortgagor may file a civil action to produce evidence to rebut a
2 presumption created by this subsection. An action under this
3 subsection must be filed before the expiration of the redemption
4 period that would apply if the property is determined not to be
5 used for agricultural purposes.