

HOUSE BILL No. 4846

June 17, 2003, Introduced by Reps. Shackleton, Tabor, Milosch, Palsrok, Sheen, Wenke, Casperson, Palmer, Amos, Kooiman, Farhat, Brandenburg, Meyer, Hummel, Ehardt, Acciavatti, DeRoche, Pastor, Pappageorge, Stahl, Garfield, Steil, Nofs, Newell and Huizenga and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5867 (MCL 600.5867) and by adding section
5867a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5867. In every action for the recovery or possession
2 of real ~~estate~~ **property**, the person establishing the legal
3 title to the ~~premises~~ **real property** is presumed to have been in
4 possession of the ~~premises~~ **real property** within the time
5 ~~limited by law~~ **limits prescribed in section 5801** for bringing
6 ~~such~~ **the** action, ~~unless it appears that the same~~ **and the**
7 **occupation of the real property by any other person is presumed**
8 **to be in subordination to the legal title, except in either of**
9 **the following situations:**

10 (a) The **real property** has been possessed adversely to ~~such~~

1 **the** legal title by the ~~defendant~~ **claimant** or by those from or
2 under whom ~~he~~ **the claimant** claims. ~~—, or that the~~ **A claim of**
3 **adverse possession is subject to section 5867a.**

4 **(b) The** grantee, or ~~his~~ **the grantee's** assigns, in a
5 contract of purchase have been in possession claiming title by
6 virtue of ~~said~~ **the** contract of purchase for a period of 20
7 years after the last payment was due on ~~said~~ **the** contract **of**
8 **purchase** or after the last payment was made on ~~said~~ **the**
9 contract of purchase.

10 **Sec. 5867a. Beginning of the effective date of this**
11 **section, a claim of adverse possession cannot be maintained if**
12 **the person against whom the claim is made has paid all state and**
13 **local taxes and special assessments levied against the real**
14 **property during the time period prescribed in section 5801.**