

HOUSE BILL No. 4523

March 17, 2005, Introduced by Reps. Sheltroun, Lipsey, Vagnozzi, Gosselin, Cushingberry, Brown and Kathleen Law 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 of
2 real ~~estate~~ **PROPERTY**, the person establishing the legal title to
3 the ~~premises~~ **REAL PROPERTY** is presumed to have been in possession
4 of the ~~premises~~ **REAL PROPERTY** within the time ~~limited by law~~
5 **LIMITS PRESCRIBED IN SECTION 5801** for bringing ~~such~~ **THE** action,
6 ~~unless it appears that the same~~ **AND THE OCCUPATION OF THE REAL**
7 **PROPERTY BY ANY OTHER PERSON IS PRESUMED TO BE IN SUBORDINATION TO**
8 **THE LEGAL TITLE, EXCEPT IN EITHER OF THE FOLLOWING SITUATIONS:**

1 (A) THE REAL PROPERTY has been possessed adversely to ~~such~~
2 THE legal title by the ~~defendant~~ CLAIMANT or by those from or
3 under whom ~~he~~ THE CLAIMANT claims. ~~—, or that the~~ A CLAIM OF
4 ADVERSE POSSESSION IS SUBJECT TO SECTION 5867A.

5 (B) THE grantee, or ~~his~~ THE GRANTEE'S assigns, in a contract
6 of purchase have been in possession claiming title by virtue of
7 ~~said~~ THE contract of purchase for a period of 20 years after the
8 last payment was due on ~~said~~ THE contract OF PURCHASE or after
9 the last payment was made on ~~said~~ THE contract of purchase.

10 SEC. 5867A. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A
11 CLAIM OF ADVERSE POSSESSION CANNOT BE MAINTAINED IF THE PERSON
12 AGAINST WHOM THE CLAIM IS MADE HAS PAID ALL STATE AND LOCAL TAXES
13 AND SPECIAL ASSESSMENTS LEVIED AGAINST THE REAL PROPERTY DURING THE
14 TIME PERIOD PRESCRIBED IN SECTION 5801.