REFUND OF PURCHASE PRICE AND CANCELLATION OF CONVEYANCE
Act 130 of 1907

AN ACT to provide for refunding to purchasers the price paid to the state on sale of land by the commissioner of the state land office, under section 131 of Act 206 of Public Acts of 1893, as amended by Act 141 of Public Acts of 1901, in cases where the land sold did not belong to the class of lands liable to sale thereunder; for cancelling the conveyance of such lands to the state and restoring the tax liens thereon in favor of the state, which were erroneously cancelled.

History: 1907, Act 130, Imd. Eff. June 12, 1907.

The People of the State of Michigan enact:

211.451 Purchase price refund; conditions.

Sec. 1. Any purchaser of land from this state at any sale previously made, or that may be made, by the department of natural resources under section 131 of the general property tax act, 1893 PA 206, MCL 211.131, may petition the state treasurer for a refund of the purchase price paid for the land if the land purchased did not belong to the class of lands liable to sale by the department of natural resources.

History: 1907, Act 130, Imd. Eff. June 12, 1907;—CL 1915, 4162;—CL 1929, 3726;—CL 1948, 211.451;—Am. 2002, Act 430, Imd. Eff. June 5, 2002.

Compiler's note: The office of commissioner of the state land office, referred to in this section, was abolished and its powers and duties transferred to the public domain commission by MCL 322.221. The public domain commission was in turn abolished and its powers and duties transferred to the department of conservation by MCL 299.2. The department of conservation was transferred to the department of natural resources by MCL 16.352.

For provisions of section 131, referred to in this section, see MCL 211.131.

211.452 Purchase price refund; circumstances authorizing.

Sec. 2. If shown by proof satisfactory to the state treasurer that land purchased by the petitioner in the manner set forth in section 1 was occupied by the person having the record title to the land at the time of making and recording the determination relating to the land by the state treasurer and at the time the sale was made to the petitioning purchaser, and that the purchaser never obtained possession or any beneficial use of the land and that he or she acquired no title to the land by the purchase for the reason that, on the date of the determination and the sale, the land was occupied, within the meaning of the statutes under which the sale was assumed to be made to the purchaser, or, in any case where the tax homestead deed issued by the state treasurer to this state has been held invalid by any court of competent jurisdiction in a case that was pending at the time of purchase of the land from the department of natural resources by the petitioner, the state treasurer shall cause the money paid to this state to be refunded to the purchaser, or his or her assignee, with interest on that money at 6% per annum.

History: 1907, Act 130, Imd. Eff. June 12, 1907;—Am. 1909, Act 242, Eff. Sept. 1, 1909;—CL 1915, 4163;—CL 1929, 3727;—CL 1948, 211.452;—Am. 2002, Act 430, Imd. Eff. June 5, 2002.

211.453 Unrecorded deed; cancellation; release of recorded deed, recording.

Sec. 3. (1) If the deed executed and delivered to the petitioning purchaser by the department of natural resources on a sale is not recorded, the deed shall be delivered to the state treasurer for cancellation.

(2) If the deed has been recorded, the petitioning purchaser shall execute and deliver to the state treasurer a release of the land to this state and shall pay to the state treasurer the cost of recording the release in the office of the register of deeds of the proper county. the state treasurer shall cause the release to be so recorded.

History: 1907, Act 130, Imd. Eff. June 12, 1907;—CL 1915, 4164;—CL 1929, 3728;—CL 1948, 211.453;—Am. 2002, Act 430, Imd. Eff. June 5, 2002.

211.454 Cancellation deed to state; certificate of error; recording; tax liens and state bids restored.

Sec. 4. (1) The state treasurer shall cancel the conveyance of the land made by the state treasurer to this state by issuing a certificate of error in the form required by law, and shall cause the certificate of error to be recorded in the office of the register of deeds of the proper county.

(2) The state treasurer shall restore the tax liens in favor of this state upon the land, which were erroneously canceled at the time of the conveyance of the land to this state by the state treasurer. The tax liens and the state bids on those tax liens shall continue and shall have the same force and validity in every respect as if the erroneous cancellation had not been made.

History: 1907, Act 130, Imd. Eff. June 12, 1907;—CL 1915, 4165;—CL 1929, 3729;—CL 1948, 211.454;—Am. 2002, Act 430,

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Imd. Eff. June 5, 2002.

211.455 Refund; allocation of burden.

Sec. 5. The state and county and all municipal bodies within such county shall respectively bear and be charged with their share of such refund in the same proportion that the proceeds of any sale cancelled under the provisions of this act was divided among or apportioned to said several bodies.

History: 1907, Act 130, Imd. Eff. June 12, 1907;—CL 1915, 4166;—CL 1929, 3730;—CL 1948, 211.455.

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