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STATE OF MICHIGAN

BILL SCHUETTE, ATTORNEY GENERAL

GENERAL PROPERTY TAX ACT: Payment of delinquent property taxes by a
stranger to title.
FORECLOSURE:

Because MCL 211.78g(5) of the General Property Tax Act, 1893 PA 206, MCL 211.1 et seq., creates a lien for the amount of taxes paid to redeem forfeited property only where the redeeming party already holds an “existing lien, title, or interest,” a stranger to title cannot acquire any interest in forfeited property by paying forfeited delinquent property taxes.

Opinion No. 7279

June 11, 2014

The Honorable Ellen Cogen Lipton
State Representative
The Capitol
Lansing, Michigan 48909

You ask whether a person with no existing title, lien, or interest in a parcel of property, commonly called a stranger to title, can acquire a legal interest in the property by paying delinquent property taxes.

Information supplied with your request indicates that individuals are paying delinquent property taxes on real property in which they hold no prior legal interest. The process of paying delinquent property taxes is known as redemption. The individuals then claim a legal interest in the property based on the tax redemption by recording an affidavit of interest or a lien with the county register of deeds, citing MCL 211.78g. These individuals then bring quiet title actions in the circuit court based on their tax redemption lien.

The answer to your question is controlled by the language of section 78g, MCL 211.78g, added to the General Property Tax Act (GPTA or the Act), 1893 PA 206, MCL 211.1 et seq., by 1999 PA 123 (PA 123). In 1999, the Legislature entirely rewrote the process for foreclosing liens for unpaid real property taxes. Before the adoption of PA 123, the GPTA described two detailed processes for foreclosure of liens for unpaid property taxes, one process for liens purchased by private tax lien buyers at the annual tax sale, and a second process where no private buyer acquired the tax lien and the lien was bid to the State Treasurer by default at the annual tax sale. Public Act 123 eliminated the annual tax sale process, replacing it with a single foreclosure process where liens for unpaid taxes are foreclosed by foreclosing

governmental units in each county, defined as the county treasurer or the State,^[1] if the county elects to have the State foreclose delinquent taxes. MCL 211.78(7)(a).^[2]

As a preliminary matter, it is helpful to note the property tax collection process. Real property taxes are assessed and collected under the GPTA. They are assessed and, in the first instance, collected by the city, township, or village treasurer. Real property taxes are due and payable in two installments each year. Except where a local charter provides for a different date, property taxes become a lien on property on their due dates, July 1 (summer taxes), MCL 211.44a(4), and December 1 (winter taxes), MCL 211.40. Taxes not paid by March 1 of the following year are delinquent and the tax rolls – the list of unpaid taxes and those obligated to pay – are turned over (returned) to the county treasurer for collection. MCL 211.55. Before March 1, taxes are paid to the assessing municipality – a city, township, or village treasurer. Once the taxes are returned as delinquent to the county treasurer, taxes, interest, penalties, and fees are paid to the county treasurer.

Before PA 123 was enacted, tax liens were offered at tax lien sales in May of the third year of delinquency, where anyone could purchase the tax lien. The tax lien sale was followed by a one-year redemption period. If not redeemed within the one-year period, the property was deeded to the private lien buyer for final foreclosure under MCL 211.140 – 211.142, or, if there was no private buyer, the property was deeded to the State for foreclosure under MCL 211.131c and 211.131e.

With respect to this annual tax sale process, the GPTA previously provided two detailed processes for foreclosure of tax liens acquired at the tax sale, one process for liens purchased by private tax lien buyers and a second process for parcels bid to the State at the tax sale. Both afforded ample due process including: detailed notice requirements, an opportunity for owners to challenge the underlying taxes, either in court or at an administrative hearing, and specific means by which former owners or interest-holders could extinguish the interest created by the sale of the tax lien, including time limitations and amounts necessary to redeem at each stage of the process.

Public Act 123 repealed the former tax lien sale provisions and added sections 78 through 78o to the GPTA, MCL 211.78 – 211.78o, implementing a new process for forfeiting and foreclosing delinquent taxes. As amended by PA 123, the GPTA prescribes an entirely different detailed process for foreclosure of tax liens by creating foreclosing governmental units, and by including notice requirements, administrative and judicial hearings, redemption rights of interest-holders, and the amounts necessary to redeem at each stage of the process. But PA 123 contains no process for extinguishing or foreclosing liens acquired under subsection 78g(5). As described in your request, certain individuals, who are strangers to title, are attempting to resurrect the repealed tax lien sale process in existence before the adoption of PA 123. But a review of the language of MCL 211.78g and the broader legislative context in which PA 123 was adopted to replace the former tax lien sale, does not support their actions.

Neither the GPTA nor any other law limits who may pay taxes, delinquent or otherwise, on a parcel of property. For example, taxes may be paid by an owner, a mortgagee or other lien holder, a relative of an owner, or a complete stranger.

Your question involves the payment of taxes by a stranger to title once the property has been forfeited by the county treasurer under GPTA section 78g, MCL 211.78g, which addresses the redemption of forfeited property.^[3] Subsection 78g(3) authorizes the redemption of forfeited property:

Property forfeited to the county treasurer under subsection (1) *may be redeemed* at any time on or before the March 31 immediately succeeding the entry of a judgment foreclosing the property under section 78k or in a contested case within 21 days of the entry of a judgment foreclosing the property under section 78k upon payment to the county treasurer of [taxes, penalties, interest, and fees]. [MCL 211.78g(3); emphasis added.]

Subsection 78g(5) addresses the interest acquired by the person who redeems forfeited property:

If property is redeemed by a person with a legal interest as provided under subsection (3), the person redeeming does not acquire a title or interest in the property greater than that person would have had if the property had not been forfeited to the county treasurer, but the person redeeming, other than the owner, is entitled to a lien for the amount paid to redeem the property in addition to any other lien or interest the person may have, which shall be recorded within 30 days with the register of deeds by the person entitled to the lien. The lien acquired shall have the same priority as the existing lien, title, or interest. [MCL 211.78g(5).]

You ask whether subsection 78g(5) creates a lien in favor of a stranger to title who redeems forfeited property.

The primary goal of statutory interpretation is to give effect to the intent of the Legislature. *Title Office, Inc v Van Buren County Treasurer*, 469 Mich 516, 519; 676 NW2d 207 (2004). Where the language of a statute is clear and unambiguous, it must be assumed that the Legislature intended its plain meaning and the statute must be enforced as written. *Lash v Traverse City*, 479 Mich 180, 187; 735 NW2d 628 (2007). But if a statute is ambiguous, construction is appropriate. *Whitman v City of Burton*, 493 Mich 303, 312; 831 NW2d 223 (2013). A statutory provision is ambiguous only if it irreconcilably conflicts with another provision or it is equally susceptible to more than a single meaning. *Fluor Enterprises, Inc v Dep't of Treasury*, 477 Mich 170, 177 n 3; 730 NW2d 722 (2007).

Again, subsection 78g(3) allows the redemption of property forfeited to the county treasurer. And subsection 78g(5) addresses what happens when a person redeems the property following forfeiture. The first sentence of subsection 78g(5) sets forth two concepts, (1) “the person redeeming does not acquire a title or interest in the property greater than that person would have had if the property had not been forfeited to the county treasurer,” and (2) “the person redeeming, other than the owner, is entitled to a lien for the amount paid to redeem the property in addition to any other lien or interest the person may have.” And the second sentence qualifies the lien provided for in the first sentence: “The lien acquired shall have

the same priority as the existing lien, title, or interest.” MCL 211.78g(5).

Read in isolation, the second concept set out in the first sentence of subsection 78g(5) is susceptible to more than a single meaning. The language can be read to provide that anyone, including a stranger to title who redeems property under subsection 78g(3), obtains an interest in the redeemed property and the right to a lien. Alternatively, it can be read to provide that only a person with an existing interest who redeems under subsection 78g(3) obtains a right to a lien.^[4] But the opening language of the first sentence of subsection 78g(5) and the language of the second sentence do not support the conclusion that a stranger to title can acquire a lien by redeeming forfeited property. Nor does the language of subsection 78g(3) itself, or the broader legislative context in which PA 123 adopted the current process to replace the former process, support that conclusion.

The first possible interpretation, the one discussed in your request, that anyone redeeming under subsection 78g(3) obtains a “legal interest” in the redeemed property and the right to a lien, is not supported by the language of subsection 78g(3). That subsection has no words creating an interest in the redeemed property; it merely describes the process for redemption after forfeiture. *Halloran v Bhan*, 470 Mich 572, 577; 683 NW2d 129 (2004) (nothing may be read into an unambiguous statute that is not within the manifest intent of the Legislature as derived from the words of the statute itself).

Moreover, the first sentence of subsection 78g(5) states that “the person redeeming does not acquire a title or interest in the property greater than that person would have had if the property had not been forfeited to the county treasurer.” Consistent with this legislative statement, the first sentence does not create a new title or interest in a stranger to title who redeems forfeited property. And the second sentence of subsection 78g(5) limits the lien acquired under the first sentence to “the same priority as the existing lien, title, or interest.” In limiting the priority of the new lien to “the same priority as *the existing* lien, title, or interest,” the Legislature made clear its intent, consistent with the first sentence of the same subsection, that someone redeeming does not obtain a new interest, but only an additional lien of the same priority of the original lien if that individual had an existing lien. This leads to the result that a redeeming party with no prior lien, title, or interest, still has no lien, title, or interest.

Furthermore, statutory language must be read in context and assigned such meaning as is “in harmony with the whole of the statute, construed in the light of history and common sense.” *Sweatt v Dep’t of Corrections*, 468 Mich 172, 179; 661 NW2d 201 (2003). Limiting the lien acquired under subsection 78g(5) to those who already held a lien, title, or interest in the forfeited property is consistent with the Legislature’s elimination of the former tax lien sale process.

As noted above, before the adoption of PA 123, the GPTA contained two detailed processes for foreclosure of tax liens acquired at the annual tax sale, one for liens purchased by private tax lien buyers and a second for parcels bid to the State at the tax sale. Again, these two processes included detailed notice requirements and provided owners with an opportunity to challenge the underlying taxes, and specific means by which former owners or interest-holders could extinguish the interest created by the sale of the tax lien.

Under PA 123, there is a detailed process for foreclosure of tax liens by foreclosing governmental units, including notice requirements, administrative and judicial hearings, redemptions rights of interest-holders, and amounts necessary to redeem at each stage of the process. Significantly, the Legislature eliminated the former tax lien sale process and replaced it with a defined process of foreclosure by foreclosing governmental units—not private individuals. Attempts to resurrect the tax lien sale process by reference to the first sentence of subsection 78g(5) are inconsistent with the Legislature’s elimination of the annual tax lien sale.

The language of subsection 78g(5) does not allow a stranger to title to acquire an interest in forfeited property. Rather, it allows existing interest-holders in forfeited property to protect their interests from foreclosure by redeeming the property, at the same time granting them a lien for the amount they paid on behalf of the owner.

In addition, allowing strangers to title to redeem taxes and acquire an interest in property would mean the Legislature replaced a highly publicized annual public tax lien auction, which protected owners by requiring bidders to bid down the interest they were willing to accept in the property, with one that creates a race to the county treasurer to see who can pay delinquent taxes first and acquire the redemption lien.

In summary, interpreting subsection 78g(5) as allowing a stranger to title to acquire an interest in forfeited property leads to an untenable scheme—tax foreclosure with no defined process. It is also inconsistent with the remaining language of subsection 78g. It is inconsistent with the history of property tax foreclosure and the Legislature’s elimination of the tax lien sale process. And it is contrary to the legislative purpose in eliminating a detailed process for acquiring and foreclosing privately-held tax liens to assert that the Legislature created a means by which strangers to title could pay the taxes and acquire an interest in property, with no mention of the process by which existing interest-holders could extinguish that interest or the redeeming party could foreclose the lien.

Before enactment of PA 123, the GPTA provided a specific means by which strangers to title could acquire an interest in property by purchasing the delinquent tax lien at the annual tax lien sale. And the Act provided specific means by which existing interest-holders could extinguish the interest acquired by strangers to title through the tax sale process. With the repeal of those provisions and the adoption of the language set forth above in subsection 78g(5), the Legislature made clear its intent that current interest-holders can protect their interests from foreclosure, but that strangers to title can no longer acquire an interest in tax-delinquent property by paying the delinquent taxes.

It is my opinion, therefore, that because MCL 211.78g(5) creates a lien for the amount of taxes paid to redeem forfeited property only where the redeeming party already holds an “existing lien, title, or interest,” a stranger to title cannot acquire any interest in forfeited property by paying forfeited delinquent property taxes.

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[1] The State is currently the foreclosing governmental unit in 12 counties: Branch, Clinton, Dickinson, Eaton, Iosco, Iron, Kalkaska, Keweenaw, Livingston, Luce, Mecosta, and Shiawassee.

[2] A summary of both the former foreclosure process and the current foreclosure process is set forth in the attached Appendix. For a more complete discussion of these processes, see Kevin T. Smith, *Foreclosure of Real Property Tax Liens*, 75 Mich Bar Journal 953 (1996), and Kevin T. Smith, *Foreclosure of Real Property Tax Liens Under Michigan's New Foreclosure Process*, 29 Mich Real Prop Rev 51 (2002).

[3] On March 1, exactly one year following the return of delinquent taxes to the county treasurer, if the delinquent taxes are still unpaid, the property is “forfeited” to the county treasurer. MCL 211.78g(1). “Forfeiture” in this context means only that a foreclosing governmental unit “may seek a judgment of foreclosure” if property is not redeemed as provided under the GPTA. MCL 211.78(7)(b).

[4] Stated another way, the question is whether the phrase “as provided under subsection (3)” as used in subsection 78g(5) modifies “a legal interest” or “is redeemed.”

APPENDIX

The Foreclosure Process Prior to Adoption of 1999 PA 123

Before enactment of PA 123, the GPTA described detailed processes for the sale of tax liens and redemption of those liens, whether purchased by a private tax lien buyer or bid to the State.[1] Those processes ensured that owners and other interest-holders in tax delinquent parcels were accorded full due process in the foreclosure of the liens for delinquent taxes, and they gave clear direction as to how property owners could redeem property from the tax sale.

Under the former process, tax liens were offered at the annual tax sale held in each county in the third year following the tax year.[2] MCL 211.60. Each year a petition was filed in the circuit court in the county in which the lands were situated on behalf of the state treasurer. MCL 211.61 (repealed). The county treasurer notified the taxpayer of record as shown in the county treasurer’s office, of the impending tax sale. MCL 211.61a (repealed). Notice was also given by publication of the tax descriptions in a local newspaper. MCL 211.62 (repealed). The county treasurer also sent notice addressed to “occupant” at the street address of each parcel included in the sale if notice was not earlier sent to that address or if notice sent to that address was returned. MCL 211.61b (repealed).

Following the newspaper publication, the circuit court held a hearing at which any person having an interest in a parcel of property could object to inclusion of a tax lien on the property in the tax sale. Following the hearing, the circuit court entered its order decreeing the taxes valid and ordering sale of the property at the annual tax sale if not redeemed before the sale date.[3]

The GPTA described the tax lien sale in detail. The tax sale was held on the first Tuesday in May of each year. MCL 211.70 (repealed). The lien was sold for the smallest undivided interest a bidder was willing to accept for payment of the judgment amount. Any lien not purchased at the tax sale was automatically bid to the State of Michigan. *Id.*

The Act gave owners until the first Tuesday in May of the year following the tax sale in which to redeem parcels from the preceding year’s tax sale by payment of the judgment amount plus

interest at 1.25% per month or portion thereof. MCL 211.74 (repealed). At least 120 days before the expiration of the redemption period, the county treasurer sent yet another notice to each person who, according to the records of the county treasurer, had an interest in a parcel of land offered at the tax sale and not yet redeemed. MCL 211.73c(1) (repealed).

For parcels not redeemed within the one-year first redemption period, private tax lien buyers became entitled to a tax deed and, if the property was bid to the State, title vested in the State. The GPTA described in detail the rights of former owners to redeem their property from the tax sale after this first redemption period, whether the property had been purchased by a private tax lien buyer or bid to the State.

Where title vested in the State following the first redemption period, owners had an additional right of redemption pursuant to GPTA section 131c, MCL 211.131c (repealed), extending to the day before the first Tuesday in November following vesting of title in the State, e.g., 18 months following the tax sale. In order to redeem, the owner was required to pay the judgment amount plus interest at 1.25% per month, all other delinquent taxes plus accrued interest and penalties, and an additional processing fee of \$50 per parcel.

Also for tax liens bid to the State, GPTA section 131e, MCL 211.131e (repealed effective December 31, 2014), provided an additional and final right of redemption after expiration of the section 131c redemption period. Section 131e provided a right of redemption extending until the owners of recorded property interests in the lands had been notified of a hearing before the Department of Treasury. The hearing provided the owners an opportunity to show cause why the tax sale and deed to the State should be canceled for any of the reasons set forth in GPTA section 98, MCL 211.98 (repealed), i.e., that the property was exempt from taxation; the taxes had been paid; the sale was in contravention of the GPTA; a certificate, tax history or statement had been issued by an appropriate officer showing the taxes had been paid; or that the description of the land used in the assessment was so indefinite or erroneous as to result in the tax lien being void. The notice and opportunity for a hearing under section 131e was necessary to provide due process to former owners. *Smith v Cliffs on the Bay Condo Ass'n*, 463 Mich 420, 428-429; 617 NW2d 536 (2000); *Dow v Michigan*, 396 Mich 192; 240 NW2d 450 (1976).

Section 131e gave owners and interest-holders the right to redeem the property from the tax sale up to 30 days following the section 131e hearing. In order to redeem, the owner or interest-holder had to pay the amounts set out above for redemption under section 131c, plus an additional amount of 50% of the taxes for which the property was offered at the tax sale.

The GPTA described an entirely different process for liens purchased by private tax lien buyers, a process that also ensured the owners were accorded due process. If the tax lien purchased by a private buyer at the tax sale was not redeemed by the first Tuesday in May of the following year, the tax lien buyer was entitled to a tax deed from the state treasurer. MCL 211.72 (repealed). The tax deed conveyed title to the lien buyer, subject to the former owner's redemption rights. *Id.*

Section 140 of the Act, MCL 211.140 (repealed), provided former owners and interest-holders a final redemption period after the tax deed was issued. Section 140 required the tax-deed holder to provide to the county sheriff notices of rights of redemption to be served on

occupants and all record interest-holders in the parcel. The Act set forth the language to be included in the notice and included detailed directions regarding the type of service the sheriff was to make. If the sheriff was unable to serve notice, the tax deed holder was required to give notice by publication. MCL 211.140(5). Once service was effectuated, the sheriff's returns of service or the proofs of publication were required to be filed with the county treasurer. MCL 211.140(1).

Under GPTA section 141, MCL 211.141 (repealed), parties entitled to notice under section 140 were also entitled to redeem the property from the tax sale by paying to the county treasurer the judgment amount that the tax deed holder paid at the tax sale, plus 50% of the judgment amount, plus service fees for service of the notices. Payment had to be made to the county treasurer within six months after the returns of service or proofs of publication were delivered to the county treasurer. Persons redeeming the property were entitled to receive a release and quitclaim deed from the tax-deed holder upon payment to the county treasurer. If the parcel was not redeemed within the six month redemption period, the county treasurer was directed to certify the notices and proofs of service and record them in the office of the register of deeds. MCL 211.142a (repealed).

During the six-month redemption period, a person served with notice of the right to redeem could file an action in the circuit court to set aside the tax deed. MCL 211.143 (repealed). If the six-month redemption period expired without the property being redeemed or an action filed in the circuit court to set aside the tax deed, the tax lien buyer's title could no longer be lost by redemption.

If the tax-lien buyer did not obtain a tax deed, provide the required notice to all interest-holders of record, and file the sheriff's returns of service or proofs of publication with the county treasurer within five years of the date the tax lien buyer was entitled to the tax deed, the lien buyer's purchase certificate or tax deed became void, leaving the existing owners with title to the property, with no tax lien for the taxes sold, and no liability to the tax lien buyer. MCL 211.73 (repealed); *McClure v Knight*, 284 Mich 649; 280 NW 76 (1938).

Contrary to these detailed and distinct processes for the foreclosure of tax liens by both the State Treasurer and private tax lien buyers under the former tax foreclosure process, PA 123 describes only a single process for foreclosing governmental units (FGUs) to foreclose delinquent tax liens.

The Current Foreclosure Process under 1999 PA 123

Public Act 123 added sections 78 through 78o to the GPTA, MCL 211.78-78o, providing a new process for forfeiting and foreclosing delinquent taxes.

On March 1, exactly one year following the return of delinquent taxes to the county treasurer, if the delinquent taxes are still unpaid, the property forfeits to the county treasurer. MCL 211.78g(1).^[4] A \$175 fee attaches to each forfeited parcel on that date, MCL 211.78g(1), and interest is recalculated at 1.5% per month (up from 1% per month) back to the previous March 1, when the taxes were returned delinquent, and continues to accrue at 1.5% per month. MCL 211.78g(3). After forfeiture, all recording, service of process, and notice fees must also be paid as part of the cost of redemption. *Id.* After forfeiture, county treasurers

must file with the register of deeds a certificate placing parties on notice that the parcel has been forfeited and that title to the parcel will be lost as of the following March 31, after entry of a foreclosure judgment, if not redeemed. MCL 211.78g(2). Recording the certificate of forfeiture provides notice of the forfeiture and pending foreclosure to anyone who acquires an interest in the property after the date of the recording.

The foreclosure is handled by the FGU in each county. The FGUs start the foreclosure process by filing with the circuit court of the county in which forfeited property is located, a petition listing all parcels forfeited and not redeemed, not later than June 15 following the forfeiture. MCL 211.78h(1).

Owners of interests^[5] in forfeited property are entitled to notice of the forfeiture and the foreclosure proceedings if the owner's interest can be identified before the date on which the county treasurer records the certificate of forfeiture from any of the following records; the register of deeds, the county treasurer, the local assessor, or the local treasurer. MCL 211.78i(6). These notices provide notice of the forfeiture and pending foreclosure to anyone whose interest was recorded before the notice of forfeiture was recorded.

The FGUs are required to "determine the address reasonably calculated to apprise those owners of a property interest" in tax-delinquent property concerning the pendency of an administrative show-cause hearing, and the judicial foreclosure hearing. MCL 211.78i(2). The FGUs must send notice by certified mail, return receipt requested, to interest-holders entitled to notice. MCL 211.78i(2).

The FGUs must inspect each forfeited parcel. MCL 211.78i(3). If a parcel appears to be occupied, the FGU must serve notice upon the occupant or post a notice on the property if it is not possible to personally serve the occupant. And if an FGU is unable to ascertain the address of a person entitled to notice, or if the notice cannot be served, the FGUs must publish notice of the foreclosure proceedings in a local newspaper. MCL 211.78i(5).

The FGUs must hold an administrative show-cause hearing not less than seven days before the judicial foreclosure, thereby providing an opportunity for the FGU and the owner to address any issues, in hopes that the issue may not need to be addressed at the circuit court hearing. MCL 211.78j(1).

A hearing must be held in the circuit court during the 30 days before March 1 of the year following the forfeiture. MCL 211.78h(5). Any person claiming an interest in forfeited property may appear at the judicial foreclosure hearing to contest the validity or correctness of the taxes, interest, penalties, and fees at issue. MCL 211.78k(2).

The circuit court must enter a judgment in uncontested cases not later than March 30. MCL 211.78k(5). March 31 is the last date to redeem forfeited property.^[6] If not redeemed by March 31, the tax lien is foreclosed, meaning that title to the parcel vests in the FGU, all liens^[7] against the parcel are extinguished, and all existing recorded and unrecorded interests^[8] in the parcel are extinguished. Under these statutory timelines, unpaid 2011 taxes were returned delinquent to the county treasurer on March 1, 2012, forfeited to the county treasurer on March 1, 2013, and foreclosed on March 31, 2014.^[9] The FGUs must thereafter record with the register of deeds a notice of the foreclosure judgment for each

parcel foreclosed upon. MCL 211.78k(8).

MCL 211.78m provides for the disposition of foreclosed properties at public auction, unless the State or a local unit of government exercises its right of first refusal to acquire the parcel prior to auction.

[1] Most of the GPTA sections setting forth the former tax sale process have been repealed. See 1999 PA 123, enacting section 5; 2005 PA 183; 2006 PA 611, enacting sections 2, 3, and 5.

[2] Although many details of the process changed over time, the concept of a public sale of tax liens dates back to the original adoption of the GPTA in 1893 and even earlier.

[3] The judgment amount for which the lien was offered at the sale was the total of the unpaid taxes for the tax year and any prior years, plus a 4% administration fee, a \$10 expense of sale fee, and interest on the unpaid taxes at the rate of 1.25% per month back to the month of March when the taxes first became delinquent.

[4] “Forfeiture” in this context means only that a foreclosing governmental unit “may seek a judgment of foreclosure” if property is not redeemed as provided under the GPTA. MCL 211.78(7)(b). Forfeiture does not affect title per se. Forfeiture does not give the county treasurer or the State (if the State is the foreclosing governmental unit), “a right to possession or any other interest in the property.” *Id.*

[5] Interests could include fee title, mortgages, judgment liens, construction liens, land contracts, unpaid homeowner or condominium association fees, state or federal tax liens, etc.

[6] Contested foreclosures may be decided at a later hearing, in which case the redemption period expires 21 days after entry of the foreclosure judgment on the contested parcel. MCL 211.78k(5).

[7] Except future installments of special assessments and liens recorded by this State or the FGU pursuant to the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*

[8] Except visible or recorded easements or rights-of-way, private deed restrictions, interests of a lessee or an assignee of an interest of a lessee under a recorded oil or gas lease, certain severed oil or gas interests, and restrictions or other governmental interests imposed pursuant to the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*

[9] Under the former process liens for unpaid 2011 taxes would have been offered at tax sale on the first Tuesday in May 2014, followed by the redemption process extending for another 2 to 5 years.

<http://opinion/datafiles/2010s/op10358.htm>

State of Michigan, Department of Attorney General

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