

## TAX FORECLOSURE TIMELINES

### YEAR OF DELINQUENCY

**March 1:** Delinquent taxes turned over to county treasurer. MCL 211.78a(2).

**Before June 1:** First class mail notice to TPOR or to the last person identified as owner. MCL 211.78b.

**Before Sept 1:** Second first class mail notice to TPOR or to the last person identified as owner. MCL 211.78c.

**Nov 1:** Prepare forfeiture list. MCL 211.78e(1).

**Not later than Dec 1:** Search LOCAL tax records to identify owners of interest of delinquent parcels. MCL 211.78e(2). (As a practical matter few treasurers do this due to the large number of parcels involved.)

### YEAR OF FORFEITURE

**Not later than Feb 1:** Third first class notice to TPOR, the last person identified as owner, and to all interestholders identified in December search of local records. MCL 211.78f(1).

**March 1:** Delinquent property forfeits to county treasurer. MCL 211.78g(1).

**Not later than April 15:** Record Certificate of Forfeiture with ROD. MCL 211.78g(2).

**April-Jan:** Maintain list of forfeited property, track redemptions, and track parcels that must be withheld from foreclosure for other reasons, *i.e.*, bankruptcy, etc.

**April-Jan:** Obtain titlework identifying all interests of record in the ROD for all forfeited parcels. MCL 211.78i.

**Before June 15:** Prepare list of active parcels (*i.e.*, removing redeemed parcels, those subject to bankruptcy, parcels with improperly taxes, parcels having erroneous tax descriptions, etc.) to attach to Petition to be filed with circuit court..

**Before June 15:** Prepare check or other fund transfer payable to circuit court for filing fee. MCL 600.2529. (\$150 as of 2017.)

**Before June 15:** Prepare Petition for Foreclosure pursuant to MCL 211.78h(1) (with attached list of active forfeited parcels) and proposed Order for Hearing.

**NO LATER THAN JUNE 15:** File Petition with fee and proposed Order for Hearing. Ask court to schedule hearing to be held within 30 days prior to the next March 1. MCL 211.78h(5). Get hearing date from court ASAP since no foreclosure notices can be sent or posted without hearing date. Some courts have difficulty scheduling a hearing date 8 months in advance.

**June-Jan:** Send notices of show cause and judicial hearings by certified mail and track returned service. MCL 211.78i(1) and (2). Either send first class notices to all interestholders for all parcels or, at a minimum, follow up on returned certified mail notices with notices by first class mail.

**June-Jan:** Personal visit to each parcel and post notice of show cause and judicial hearings on, at a minimum, occupied properties. MCL 211.78i(3). You may choose to post all properties.

**Dec-Jan:** Publish notice of show cause hearing and judicial foreclosure hearing in names of interestholders in active parcels two consecutive weeks and obtain Proofs of Publication. MCL 211.78i(5), 211.78s.

## **YEAR OF FORCLOSURE**

**Jan:** Hold informal show cause hearings at least 7 days prior to judicial foreclosure hearing. May be held by phone, mail, or personal appearance. MCL 211.78j. Respond to all who appear, including (especially) tax protestors.

**Prior to judicial foreclosure hearing:** File Proofs of Personal Visit, Proofs of Publication, and Proofs of Mail Service with circuit court. MCL 211.78k(1). These may be in the form of affidavits from contractors.

**Prior to judicial foreclosure hearing:** File Amended Petition. May not be necessary. MCL 211.78h(2) states that “[i]f property is redeemed after the petition for foreclosure is filed under this section, the foreclosing governmental unit shall request that the circuit court remove that property from the petition for foreclosure before entry of judgment foreclosing the property under section 78k.” There may be easier ways of doing this than going through the hassle of filing an amended petition, although that is what the state always did.

**Prior to judicial foreclosure hearing:** Prepare Judgment.

**Date of hearing:** Attend hearing and have judgment entered as to uncontested parcels. JUDGMENT MUST BE ENTERED NO LATER THAN MARCH 30. MCL 211.78k(5).