

LOSS OR DESTRUCTION OF PUBLIC RECORDS (EXCERPT)
Act 52 of 1944 (1st Ex. Sess.)

561.5 Intervening petition to establish lien or interest; summons; service, form; file for re-recording.

Sec. 5. Any person having any interest in or lien upon any parcel or parcels of land covered by said bill of complaint may, at any time, intervene in said proceedings and petition the circuit court to establish his interest therein or lien thereon, and said circuit court shall have jurisdiction to hear and determine such interest or lien and determine the interest of all claims adverse thereto. Service of the summons issued under said intervening petition shall be made personally or by registered mail on any person or persons known to have an interest in any of the parcels of land described in said intervening petition, and service as to persons unknown shall be deemed to have been made by the general publication provided for in sections 2 and 3 of this act. The intervening petition shall be sworn to by the moving party, his agent or attorney, and shall state that the affiant does not know and has been unable after diligent search and inquiry to ascertain the names of the persons who are included as defendants therein without being named: Provided, however, That as to lands, the title to which heretofore or hereafter has vested in the state of Michigan by reason of tax reversion under the provisions of Act No. 206 of the Public Acts of 1893, no affidavit of search or inquiry as to parties in interest prior to the vesting of title in the state shall be required.

All persons, other than the intervening petitioner, in actual possession of land included within the claim under any intervening petition shall be served with a copy of the summons required under this section and if personal service cannot be obtained upon such persons, then a copy of the summons shall be posted in a conspicuous place on a building used for residence purposes on such land, if any, or if there is no residence building, then on some other building thereon.

The summons to be used under this act shall be substantially in the following form:

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF
IN CHANCERY

.....

Petitioner

vs.

(Here insert the names of all known person claiming any interest in the real property described in the petition and the following language: "and all other persons claiming any interest in or lien upon the real property herein described or any part thereof, and their unknown heirs, devisees, legatees and assigns, as the case may be")

Defendants

Petition filed.....

Date

In the name of the people of the State of Michigan, to (here insert names of all known holders of interest in the lands described in the petition and all the following language: "All other persons claiming any interest in, or lien upon, the real property herein described or any part thereof, and their unknown heirs, devisees, legatees and assigns"), defendants, greetings:

You are hereby required to appear and answer the intervening petition of

(Here insert name of petitioner)

plaintiff, filed with the clerk of the above entitled court and county, within 3 months after the date of filing noted above and to set forth what interest or lien, if any, you have in or upon that certain real property or any part thereof, situated in the township of, county of (or city and county), state of Michigan, particularly described as follows: (here insert description).

And you are hereby notified that, unless you so appear and answer, the plaintiff will apply to the court for the relief demanded in the intervening petition, to wit: (here insert a statement of the relief so demanded).

Issued under the seal of this court, at theof, the place of holding said court, this day of, 19.....

.....
Clerk

(SEAL)

.....
Deputy Clerk

One copy of each petition shall be filed with the register of deeds who shall make suitable entry thereof on the map provided for in section 8.

Any and all defendants appearing hereunder shall state the address at which they can be served with process in any proceedings under this act.

Petitioners hereunder shall be entitled to file for re-recording any conveyance or other instrument pertaining to the title of the particular parcel of land described in their petition and the same shall be re-recorded by the register of deeds without charge to the petitioner if filed within 1 year from the date of filing of the bill of complaint provided for in section 2. The court may order the determination of title to lands which are in dispute by proceedings under any other applicable statute.

History: 1944, 1st Ex. Sess., Act 52, Imd. Eff. Mar. 6, 1944;—CL 1948, 561.5;—Am. 1952, Act 146, Eff. Sept. 18, 1952.