



# SENATE BILL No. 631

September 12, 1995, Introduced by Senator CONROY  
and referred to the Committee on Financial  
Services.

A bill to amend section 5867 of Act No. 236 of the Public  
Acts of 1961, entitled as amended  
"Revised judicature act of 1961,"  
being section 600.5867 of the Michigan Compiled Laws; and to add  
section 5867a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5867 of Act No. 236 of the Public Acts  
2 of 1961, being section 600.5867 of the Michigan Compiled Laws, is  
3 amended and section 5867a is added to read as follows:

4 Sec. 5867. In every action for the recovery or possession  
5 of real estate, the person establishing the legal title to the  
6 ~~premises~~ REAL ESTATE is presumed to have been in possession of  
7 the ~~premises~~ REAL ESTATE within the time limited by law for  
8 bringing ~~such~~ THE action, unless it appears that the ~~same~~  
9 REAL ESTATE has been possessed adversely to ~~such~~ THE legal

1 title ~~by~~ OF the defendant or by those from or under whom he OR  
2 SHE claims FOR THE PERIOD REQUIRED UNDER SECTION 5867A(2), or  
3 that the grantee, or his OR HER assigns, in a contract of pur-  
4 chase have been in possession claiming title by virtue of ~~said~~  
5 THE contract of purchase for a period of 20 years after the last  
6 payment was due on ~~said~~ THE contract OF PURCHASE or after the  
7 last payment was made on ~~said~~ THE contract of purchase.

8 SEC. 5867A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2),  
9 BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, THE DOCTRINE OF  
10 SECURING TITLE TO REAL PROPERTY BY ADVERSE POSSESSION IS ABOL-  
11 IShed IN THIS STATE.

12 (2) A CLAIM OF TITLE TO REAL PROPERTY BY ADVERSE POSSESSION  
13 MAY BE MADE IF THE PERIOD OF CONTINUOUS POSSESSION OF THE REAL  
14 PROPERTY, AS REQUIRED BY LAW, HAS RUN IN ITS ENTIRETY BEFORE THE  
15 EFFECTIVE DATE OF THIS SECTION.

16 Section 2. This amendatory act shall not take effect unless  
17 Senate Bill No. 632  
18 of the 88th Legislature is enacted into law.