

SENATE BILL No. 516

September 6, 2017, Introduced by Senator SCHMIDT and referred to the Committee on Banking and Financial Institutions.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 3204, 4001, 4011, 5726, 5728, and 6001 (MCL 600.3204, 600.4001, 600.4011, 600.5726, 600.5728, and 600.6001), section 3204 as amended by 2014 PA 125 and section 4011 as amended by 1994 PA 346, and by adding sections 3104 and 4010.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3104. (1) A PERSON SHALL NOT FILE AN ACTION UNDER THIS
2 CHAPTER TO FORECLOSE A MORTGAGE OR LAND CONTRACT IF THE FARM LOAN
3 MEDIATION ACT APPLIES TO THE DEBT THAT IS SECURED BY THE MORTGAGE
4 OR THE LAND CONTRACT INDEBTEDNESS, UNLESS BOTH OF THE FOLLOWING
5 APPLY:

1 (A) THE PERSON HAS SERVED A MEDIATION NOTICE UNDER SUBSECTION
2 (2) ON THE MORTGAGOR OR LAND CONTRACT VENDEE AND A COPY ON THE
3 DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT.

4 (B) FORECLOSURE OF THE MORTGAGE OR LAND CONTRACT IS ALLOWED
5 UNDER THE FARM LOAN MEDIATION ACT.

6 (2) A MEDIATION NOTICE UNDER SUBSECTION (1) MUST CONTAIN THE
7 FOLLOWING LANGUAGE WITH THE BLANKS PROPERLY FILLED IN:

8 TO:(NAME OF MORTGAGOR OR VENDEE)....

9 YOU HAVE DEFAULTED ON (A MORTGAGE) (A LAND CONTRACT FOR THE SALE)
10 OF THE AGRICULTURAL PROPERTY DESCRIBED AS....(SIZE AND REASONABLE
11 LOCATION, NOT LEGAL DESCRIPTION). THE AMOUNT OF THE OUTSTANDING
12 DEBT ON THIS PROPERTY IS....(AMOUNT OF DEBT)....

13 AS (HOLDER OF THE MORTGAGE) (LAND CONTRACT VENDOR),....(NAME OF
14 MORTGAGE HOLDER OR LAND CONTRACT VENDOR)....INTENDS TO FORECLOSE ON
15 THE PROPERTY DESCRIBED ABOVE.

16 YOU HAVE THE RIGHT TO HAVE THE (MORTGAGE) (LAND CONTRACT) DEBT
17 REVIEWED FOR MEDIATION UNDER THE FARM LOAN MEDIATION ACT. IF YOU
18 REQUEST MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY
19 ONCE. IF YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE
20 SUBJECT TO FUTURE MEDIATION IF THE (MORTGAGE HOLDER) (LAND CONTRACT
21 VENDOR) ENFORCES THE DEBT.

22 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE DEPARTMENT OF
23 AGRICULTURE AND RURAL DEVELOPMENT WILL PROVIDE AN ORIENTATION
24 MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL
25 INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE
26 TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION
27 RECORDS AND TO CONTACT THE DIRECTOR OF THE DEPARTMENT OF

1 AGRICULTURE AND RURAL DEVELOPMENT OR AN MSU EXTENSION COUNTY OFFICE
2 AS SOON AS POSSIBLE. MEDIATION WILL BE AN ATTEMPT TO ARRIVE AT AN
3 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.

4 TO HAVE THE (MORTGAGE) (LAND CONTRACT) DEBT REVIEWED FOR MEDIATION,
5 YOU MUST FILE A MEDIATION REQUEST WITH THE DIRECTOR OF THE
6 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT WITHIN 14 DAYS
7 AFTER YOU RECEIVE THIS NOTICE. THE MEDIATION REQUEST FORM MAY BE
8 OBTAINED FROM THE WEBSITE OF THE DEPARTMENT OF AGRICULTURE AND
9 RURAL DEVELOPMENT OR ANY MSU EXTENSION COUNTY OFFICE.

10 FROM:(NAME AND ADDRESS OF MORTGAGE HOLDER OR LAND CONTRACT
11 VENDOR)....

12 Sec. 3204. (1) ~~A~~SUBJECT TO SUBSECTION (4), A party may
13 foreclose a mortgage by advertisement if all of the following
14 circumstances exist:

15 (a) A default in a condition of the mortgage has occurred, by
16 which the power to sell became operative.

17 (b) An action or proceeding has not been instituted, at law,
18 to recover the debt secured by the mortgage or any part of the
19 mortgage or, if an action or proceeding has been instituted, either
20 the action or proceeding has been discontinued or an execution on a
21 judgment rendered in the action or proceeding has been returned
22 unsatisfied, in whole or in part.

23 (c) The mortgage containing the power of sale has been
24 properly recorded.

25 (d) The party foreclosing the mortgage is either the owner of
26 the indebtedness or of an interest in the indebtedness secured by
27 the mortgage or the servicing agent of the mortgage.

1 (2) If a mortgage is given to secure the payment of money by
2 installments, each of the installments mentioned in the mortgage
3 after the first ~~shall~~**MUST** be treated as a separate and independent
4 mortgage. The mortgage for each of the installments may be
5 foreclosed in the same manner and with the same effect as if a
6 separate mortgage were given for each subsequent installment. A
7 redemption of a sale by the mortgagor has the same effect as if the
8 sale for the installment had been made upon an independent prior
9 mortgage.

10 (3) If the party foreclosing a mortgage by advertisement is
11 not the original mortgagee, a record chain of title must exist
12 before the date of sale under section 3216 evidencing the
13 assignment of the mortgage to the party foreclosing the mortgage.

14 (4) A PERSON SHALL NOT PUBLISH A NOTICE UNDER SECTION 3208 TO
15 FORECLOSE A MORTGAGE OF AGRICULTURAL PROPERTY IF THE FARM LOAN
16 MEDIATION ACT APPLIES TO THE DEBT THAT IS SECURED BY THE MORTGAGE
17 UNLESS BOTH OF THE FOLLOWING APPLY:

18 (A) THE PERSON HAS SERVED A MEDIATION NOTICE UNDER SUBSECTION
19 (5) ON THE MORTGAGOR AND A COPY ON THE DIRECTOR OF THE DEPARTMENT
20 OF AGRICULTURE AND RURAL DEVELOPMENT.

21 (B) FORECLOSURE OF THE MORTGAGE IS ALLOWED UNDER THE FARM LOAN
22 MEDIATION ACT.

23 (5) A MEDIATION NOTICE UNDER SUBSECTION (4) MUST CONTAIN THE
24 FOLLOWING LANGUAGE WITH THE BLANKS PROPERLY FILLED IN:

25 TO: (NAME OF MORTGAGOR)

26 YOU HAVE DEFAULTED ON A MORTGAGE OF THE AGRICULTURAL PROPERTY

27 DESCRIBED AS (SIZE AND REASONABLE LOCATION, NOT LEGAL

1 DESCRIPTION). THE AMOUNT OF THE OUTSTANDING DEBT ON THIS PROPERTY
2 IS.... (AMOUNT OF DEBT)....
3 AS HOLDER OF THE MORTGAGE,.... (NAME OF MORTGAGE HOLDER)....INTENDS
4 TO FORECLOSE ON THE PROPERTY DESCRIBED ABOVE.
5 YOU HAVE THE RIGHT TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION
6 UNDER THE FARM LOAN MEDIATION ACT. IF YOU REQUEST MEDIATION, A DEBT
7 THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT
8 REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE
9 MEDIATION IF THE MORTGAGE HOLDER ENFORCES THE DEBT.
10 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE DEPARTMENT OF
11 AGRICULTURE AND RURAL DEVELOPMENT WILL PROVIDE AN ORIENTATION
12 MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL
13 INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE
14 TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION
15 RECORDS AND TO CONTACT THE DIRECTOR OF THE DEPARTMENT OF
16 AGRICULTURE AND RURAL DEVELOPMENT OR AN MSU EXTENSION COUNTY OFFICE
17 AS SOON AS POSSIBLE. MEDIATION WILL BE AN ATTEMPT TO ARRIVE AT AN
18 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.
19 TO HAVE THE MORTGAGE DEBT REVIEWED FOR MEDIATION, YOU MUST FILE A
20 MEDIATION REQUEST WITH THE DIRECTOR OF THE DEPARTMENT OF
21 AGRICULTURE AND RURAL DEVELOPMENT WITHIN 14 DAYS AFTER YOU RECEIVE
22 THIS NOTICE. THE MEDIATION REQUEST FORM MAY BE OBTAINED FROM THE
23 WEBSITE OF THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT OR
24 ANY MSU EXTENSION COUNTY OFFICE.
25 FROM: (NAME AND ADDRESS OF MORTGAGE HOLDER)....

26 Sec. 4001. ~~Upon~~SUBJECT TO SECTION 4010, ON AN ex parte
27 application showing that the person against whom a claim is

1 asserted is not subject to the judicial jurisdiction of ~~the~~ **THIS**
2 state or, after diligent effort, cannot be served with process as
3 required to subject ~~him~~ **THE PERSON** to the judicial jurisdiction of
4 ~~the~~ **THIS** state, the circuit court ~~shall have the power~~ **MAY** by
5 attachment ~~to~~ apply to the satisfaction of the claim due or to
6 become due any interest in things ~~which~~ **THAT** are subject to the
7 judicial jurisdiction of ~~the~~ **THIS** state and belonging to the person
8 against whom the claim is asserted. A copy of the writ of
9 attachment ~~shall~~ **MUST** be served ~~upon~~ **ON** the person against whom the
10 claim is made in the same manner as provided by **MICHIGAN COURT**
11 rules ~~of the supreme court~~ for service of process in other civil
12 actions in which personal jurisdiction over the defendant is not
13 required. The court may exercise the jurisdiction granted in this
14 section only if action is taken in accordance with **MICHIGAN COURT**
15 rules ~~adopted by the supreme court~~ to protect the parties.

16 **SEC. 4010. (1) A PERSON SHALL NOT APPLY FOR A WRIT OF**
17 **ATTACHMENT, GARNISHMENT, OR EXECUTION AGAINST AGRICULTURAL PROPERTY**
18 **THAT IS SUBJECT TO THE FARM LOAN MEDIATION ACT UNLESS BOTH OF THE**
19 **FOLLOWING APPLY:**

20 (A) THE PERSON HAS SERVED A MEDIATION NOTICE UNDER SUBSECTION
21 (2) ON THE JUDGMENT DEBTOR AND A COPY ON THE DIRECTOR OF THE
22 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT.

23 (B) APPLICATION FOR THE WRIT IS ALLOWED UNDER THE FARM LOAN
24 MEDIATION ACT.

25 (2) A MEDIATION NOTICE UNDER SUBSECTION (1) MUST CONTAIN THE
26 FOLLOWING LANGUAGE WITH THE BLANKS PROPERLY FILLED IN:

27 TO:(NAME OF RECORD OWNER)....

1 A JUDGMENT WAS ENTERED AGAINST YOU IN THE....(NAME OF COURT)....
2 ON....(DATE OF JUDGMENT).
3 AS A JUDGMENT CREDITOR,....(NAME OF JUDGMENT CREDITOR)....INTENDS
4 TO TAKE ACTION AGAINST THE AGRICULTURAL PROPERTY DESCRIBED
5 AS....(DESCRIPTION OF AGRICULTURAL PROPERTY).... TO SATISFY THE
6 UNSATISFIED JUDGMENT IN THE AMOUNT OF....(UNSATISFIED AMOUNT OF
7 JUDGMENT)....
8 YOU HAVE THE RIGHT TO HAVE THE DEBT REVIEWED FOR MEDIATION UNDER
9 THE FARM LOAN MEDIATION ACT. IF YOU REQUEST MEDIATION, A DEBT THAT
10 IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF YOU DO NOT REQUEST
11 MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO FUTURE MEDIATION IF THE
12 JUDGMENT CREDITOR ENFORCES THE DEBT.
13 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE DEPARTMENT OF
14 AGRICULTURE AND RURAL DEVELOPMENT WILL PROVIDE AN ORIENTATION
15 MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL
16 INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE
17 TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION
18 RECORDS AND TO CONTACT THE DIRECTOR OF THE DEPARTMENT OF
19 AGRICULTURE AND RURAL DEVELOPMENT OR AN MSU EXTENSION COUNTY OFFICE
20 AS SOON AS POSSIBLE. MEDIATION WILL BE AN ATTEMPT TO ARRIVE AT AN
21 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.
22 TO HAVE THE DEBT REVIEWED FOR MEDIATION, YOU MUST FILE A MEDIATION
23 REQUEST WITH THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE AND
24 RURAL DEVELOPMENT WITHIN 14 DAYS AFTER YOU RECEIVE THIS NOTICE. THE
25 MEDIATION REQUEST FORM MAY BE OBTAINED FROM THE WEBSITE OF THE
26 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT OR ANY MSU
27 EXTENSION COUNTY OFFICE.

1 FROM:(NAME AND ADDRESS OF JUDGMENT CREDITOR)....

2 Sec. 4011. (1) Subject to sections 4010, 4061, and 4061a, and
3 the conditions in subsections (2) to (10), the court has power by
4 garnishment to apply the following property or obligation, or both,
5 to the satisfaction of a claim evidenced by contract, judgment of
6 this state, or foreign judgment, whether or not the state has
7 jurisdiction over the person against whom the claim is asserted:

8 (a) Personal property belonging to the person against whom the
9 claim is asserted but which is in the possession or control of a
10 third person if the third person is subject to the judicial
11 jurisdiction of ~~the~~**THIS** state and the personal property to be
12 applied is within the boundaries of this state.

13 (b) An obligation owed to the person against whom the claim is
14 asserted if the obligor is subject to the judicial jurisdiction of
15 ~~the~~**THIS** state.

16 (2) Except as provided in sections 4061 and 4061a, the court
17 may exercise the jurisdiction granted in this section only in
18 accordance with the Michigan court rules. Except as otherwise
19 provided by sections 4061 and 4061a and the Michigan court rules,
20 ~~the~~**THIS** state and each governmental unit within ~~the~~**THIS** state,
21 including but not limited to a public, municipal, quasi-municipal,
22 or governmental corporation, unincorporated board, public body, or
23 political subdivision, may be proceeded against as a garnishee in
24 the same manner and with the same effect as a proceeding against an
25 individual garnishee.

26 (3) A writ of garnishment may be issued before judgment only
27 as provided in this subsection. ~~Upon~~**SUBJECT TO SECTION 4010, ON AN**

1 ex parte application showing that the person against whom the claim
2 is asserted is not subject to the judicial jurisdiction of ~~the~~**THIS**
3 state or, after diligent effort, cannot be served with process as
4 required to subject the person to the judicial jurisdiction of ~~the~~
5 **THIS** state, a copy of the writ of garnishment ~~shall~~**MUST** be served
6 ~~upon~~**ON** the person against whom the claim is made in the same
7 manner as provided by the Michigan court rules for service of
8 process in other civil actions in which personal jurisdiction over
9 the defendant is not required. ~~Upon~~**ON** entry of judgment in the
10 principal action, the obligation or property garnished ~~shall~~**MUST**
11 be applied to the satisfaction of the judgment.

12 (4) A **PLAINTIFF SHALL NOT COMMENCE A** garnishment proceeding
13 ~~shall not be commenced against the~~**THIS** state or a governmental
14 unit of ~~the~~**THIS** state, including, but not limited to, a public,
15 municipal, quasi-municipal, or governmental corporation,
16 unincorporated board, public body, or political subdivision, until
17 after the plaintiff's claim has been reduced to judgment.

18 (5) A **PLAINTIFF SHALL NOT COMMENCE A** garnishment proceeding
19 ~~shall not be commenced against a person for money owing~~**OWED** to a
20 defendant ~~on account~~**BECAUSE** of labor performed by the defendant
21 until after the plaintiff's claim has been reduced to judgment.

22 (6) A sheriff or other public officer is not subject to
23 garnishment for money or things received or collected by him or her
24 pursuant to an execution or other legal process in ~~the~~-favor of the
25 defendant or because of any money in his or her hands for which he
26 or she is accountable merely as a public officer to the defendant.

27 (7) A **PERSON SHALL NOT COMMENCE A** garnishment proceeding ~~shall~~

1 ~~not be commenced~~ if the commencement of ~~such a~~ **THE** proceeding is
2 forbidden by a statute of this state.

3 (8) Except as otherwise provided in sections 4012 and 4061, a
4 plaintiff shall pay a fee of \$1.00 to the garnishee at the time the
5 garnishee is served with a writ of garnishment.

6 (9) If the court or garnishee possesses money or property
7 pursuant to a writ of garnishment after the court releases the
8 garnishee from liability under ~~that~~ **THE** writ, the court shall
9 convey or order the conveyance of the money or property to any of
10 the following, as the court determines appropriate:

11 (a) The defendant's attorney, if the defendant is represented
12 by counsel in the garnishment proceeding.

13 (b) The defendant, if the defendant is not represented by
14 counsel in the garnishment proceeding.

15 (c) The plaintiff.

16 (10) A writ of garnishment is not effective if both of the
17 following conditions are met:

18 (a) The plaintiff fails to provide the garnishee with
19 information sufficient for the garnishee to identify the defendant.

20 (b) The garnishee provides the court with written notice of
21 the insufficiency described in subdivision (a).

22 Sec. 5726. (1) ~~A~~ **SUBJECT TO SUBSECTION (2)**, A person entitled
23 to any premises may recover possession ~~thereof~~ **OF THE PREMISES** by a
24 proceeding under this chapter after forfeiture of an executory
25 contract for the purchase of the premises, but only if the terms of
26 the contract expressly provide for termination or forfeiture, or
27 give the vendor the right to declare a forfeiture, ~~in consequence~~

1 ~~BECAUSE~~ of the ~~nonpayment of any moneys~~ **FAILURE TO PAY MONEY**
 2 required to be paid under the contract or any other material breach
 3 of the contract. For purposes of this chapter, ~~moneys~~ **MONEY**
 4 required to be paid under the contract ~~shall~~ **DOES** not include any
 5 accelerated indebtedness ~~by reason of~~ **THAT RESULTS FROM A** breach of
 6 the contract.

7 (2) A PERSON SHALL NOT DECLARE A FORFEITURE OF AN EXECUTORY
 8 CONTRACT FOR THE PURCHASE OF AGRICULTURAL PROPERTY OR COMMENCE A
 9 PROCEEDING UNDER THIS CHAPTER TO RECOVER POSSESSION OF THE PROPERTY
 10 IF THE FARM LOAN MEDIATION ACT APPLIES TO THE CONTRACTUAL
 11 INDEBTEDNESS UNLESS BOTH OF THE FOLLOWING APPLY:

12 (A) THE PERSON HAS SERVED A MEDIATION NOTICE UNDER SUBSECTION
 13 (3) ON THE LAND CONTRACT VENDEE AND A COPY ON THE DIRECTOR OF THE
 14 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT.

15 (B) FORFEITURE OF THE LAND CONTRACT IS ALLOWED UNDER THE FARM
 16 LOAN MEDIATION ACT.

17 (3) A MEDIATION NOTICE UNDER SUBSECTION (2) MUST CONTAIN THE
 18 FOLLOWING LANGUAGE WITH THE BLANKS PROPERLY FILLED IN:

19 TO: (NAME OF VENDEE)

20 YOU HAVE DEFAULTED ON A LAND CONTRACT FOR THE SALE OF THE
 21 AGRICULTURAL PROPERTY DESCRIBED AS (SIZE AND REASONABLE
 22 LOCATION, NOT LEGAL DESCRIPTION). THE AMOUNT OF THE OUTSTANDING
 23 DEBT ON THIS PROPERTY IS (AMOUNT OF DEBT)

24 AS LAND CONTRACT VENDOR, (NAME OF LAND CONTRACT
 25 VENDOR) INTENDS TO DECLARE THE CONTRACT FORFEITED AND RECOVER
 26 POSSESSION OF THE PROPERTY DESCRIBED ABOVE.

27 YOU HAVE THE RIGHT TO HAVE THE LAND CONTRACT DEBT REVIEWED FOR

1 MEDIATION UNDER THE FARM LOAN MEDIATION ACT. IF YOU REQUEST
2 MEDIATION, A DEBT THAT IS IN DEFAULT WILL BE MEDIATED ONLY ONCE. IF
3 YOU DO NOT REQUEST MEDIATION, THIS DEBT WILL NOT BE SUBJECT TO
4 FUTURE MEDIATION IF THE LAND CONTRACT VENDOR ENFORCES THE DEBT.
5 IF YOU PARTICIPATE IN MEDIATION, THE DIRECTOR OF THE DEPARTMENT OF
6 AGRICULTURE AND RURAL DEVELOPMENT WILL PROVIDE AN ORIENTATION
7 MEETING AND A FINANCIAL ANALYST TO HELP YOU PREPARE FINANCIAL
8 INFORMATION. IF YOU DECIDE TO PARTICIPATE IN MEDIATION, IT WILL BE
9 TO YOUR ADVANTAGE TO ASSEMBLE YOUR FARM FINANCE AND OPERATION
10 RECORDS AND TO CONTACT THE DIRECTOR OF THE DEPARTMENT OF
11 AGRICULTURE AND RURAL DEVELOPMENT OR AN MSU EXTENSION COUNTY OFFICE
12 AS SOON AS POSSIBLE. MEDIATION WILL BE AN ATTEMPT TO ARRIVE AT AN
13 AGREEMENT FOR HANDLING FUTURE FINANCIAL RELATIONS.
14 TO HAVE THE LAND CONTRACT DEBT REVIEWED FOR MEDIATION, YOU MUST
15 FILE A MEDIATION REQUEST WITH THE DIRECTOR OF THE DEPARTMENT OF
16 AGRICULTURE AND RURAL DEVELOPMENT WITHIN 14 DAYS AFTER YOU RECEIVE
17 THIS NOTICE. THE MEDIATION REQUEST FORM MAY BE OBTAINED FROM THE
18 WEBSITE OF THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT OR
19 ANY MSU EXTENSION COUNTY OFFICE.

20 FROM:(NAME AND ADDRESS OF LAND CONTRACT VENDOR)....

21 Sec. 5728. (1) Possession may be recovered under section 5726
22 only after the vendee or person holding possession under ~~him~~**THE**
23 **VENDEE** has been served with a written notice of forfeiture and has
24 failed in the required time to pay ~~moneys~~**MONEY** required to be paid
25 under the contract or to cure any other material breach of the
26 contract. ~~Unless~~**SUBJECT TO SUBSECTION (3), UNLESS** the parties have
27 agreed in writing to a longer time, the person served with a notice

1 of forfeiture ~~shall have~~ **HAS** 15 days thereafter ~~before he is~~
2 ~~required~~ **AFTER BEING SERVED WITH A NOTICE OF FORFEITURE UNDER THIS**
3 **SECTION** to pay ~~moneys~~ **MONEY** required to be paid under the contract
4 and cure other material breaches of the contract or to deliver
5 possession of the premises.

6 (2) ~~The~~ **A** notice of forfeiture ~~shall~~ **UNDER THIS SECTION MUST**
7 state the names of the parties to the contract and the date of its
8 execution, give the address or legal description of the premises,
9 specify the unpaid amount of ~~moneys~~ **MONEY** required to be paid under
10 the contract and the dates on which payments ~~thereof~~ **OF THE MONEY**
11 were due, specify any other material breaches of the contract, and,
12 **UNLESS SECTION 5276(2) APPLIES**, ~~shall~~ declare forfeiture of the
13 contract effective in 15 days, or **ANY** specified longer time, after
14 service of the notice, unless the money required to be paid under
15 the contract is paid and any other material breaches of the
16 contract are cured within that time. The notice ~~shall~~ **MUST** be dated
17 and signed by the person entitled to possession, ~~his~~ **OR THE**
18 **PERSON'S** attorney or agent. **IF SECTION 5276(2) APPLIES, INSTEAD OF**
19 **DECLARING FORFEITURE AFTER 15 DAYS, THE NOTICE MUST STATE THAT IF**
20 **THE PARTIES DO NOT REACH A MEDIATION AGREEMENT TO CONTINUE THE**
21 **CONTRACT UNDER THE FARM LOAN MEDIATION ACT OR IF THE VENDEE DOES**
22 **NOT PAY THE MONEY REQUIRED TO BE PAID UNDER THE CONTRACT BY THE**
23 **EXPIRATION OF THE 90-DAY PERIOD PROVIDED UNDER SECTION 5(2) OF THE**
24 **FARM LOAN MEDIATION ACT, THE FORFEITURE WILL BE DECLARED AFTER**
25 **EXPIRATION OF THE 90-DAY PERIOD PROVIDED UNDER SECTION 5(2) OF THE**
26 **FARM LOAN MEDIATION ACT.**

27 (3) **IF SECTION 5276(2) APPLIES, THE PERSON ENTITLED TO**

1 POSSESSION SHALL NOT DECLARE THE CONTRACT FORFEITED UNTIL
2 EXPIRATION OF THE 90-DAY PERIOD PROVIDED UNDER SECTION 5(2) OF THE
3 FARM LOAN MEDIATION ACT. IF A MEDIATION AGREEMENT IS REACHED THAT
4 INCLUDES THE CONTINUATION OF THE CONTRACT, WITH OR WITHOUT
5 RESTRUCTURING THE CONTRACT, THE PERSON ENTITLED TO POSSESSION SHALL
6 NOT DECLARE THE CONTRACT FORFEITED OR COMMENCE PROCEEDINGS UNDER
7 THIS CHAPTER UNLESS THE VENDEE SUBSEQUENTLY BREACHES THE CONTINUED
8 CONTRACT. IF A MEDIATION AGREEMENT IS NOT REACHED OR IF AN
9 AGREEMENT IS REACHED THAT DOES NOT INCLUDE THE CONTINUATION OF THE
10 CONTRACT, THE PERSON ENTITLED TO POSSESSION MAY DECLARE THE
11 CONTRACT FORFEITED AND COMMENCE PROCEEDINGS UNDER THIS CHAPTER.

12 Sec. 6001. ~~Whenever~~**SUBJECT TO SECTION 4010, IF** a judgment is
13 rendered in any court, execution to collect the ~~same~~**JUDGMENT** may
14 be issued to the sheriff, bailiff, or other proper officer of any
15 county, district, court district, or municipality of this state.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.

18 Enacting section 2. This amendatory act does not take effect
19 unless Senate Bill No. 517

20 of the 99th Legislature is enacted into law.