

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.3410 Open-market sale of heirs property; compliance with reporting requirements; failure to obtain offer to purchase; hearing; sealed bids or auction.

Sec. 3410.

(1) If the court orders a sale of heirs property, the sale must be an open-market sale unless the court finds that a sale by sealed bids or an auction would be more economically advantageous and in the best interest of the cotenants as a group.

(2) If the court orders an open-market sale and the parties, not later than 10 days after the entry of the order, agree on a real estate broker licensed in this state to offer the property for sale, the court shall appoint the real estate broker and establish a reasonable commission. If the parties do not agree on a real estate broker, the court shall appoint a disinterested real estate broker licensed in this state to offer the property for sale and shall establish a reasonable commission. The real estate broker shall offer the property for sale in a commercially reasonable manner at a price no lower than the determination of value and on the terms and conditions established by the court.

(3) If the real estate broker appointed under subsection (2) obtains, within a reasonable time, an offer to purchase the property for not less than the determination of value, the real estate broker must comply with the reporting requirements in section 3411 and the sale may be completed in accordance with the requirements of state law other than this chapter.

(4) If the real estate broker appointed under subsection (2) does not obtain, within a reasonable time, an offer to purchase the property for not less than the determination of value, the court, after a hearing, may do any of the following:

(a) Approve the highest outstanding offer, if any.

(b) Redetermine the value of the property and order that the property continue to be offered for an additional time.

(c) Order that the property be sold by sealed bids or at an auction.

(5) If the court orders a sale by sealed bids or an auction, the court shall set the terms and conditions of the sale. If the court orders an auction, the auction must be conducted under chapter 33.

(6) If a purchaser is entitled to a share of the proceeds of the sale, the purchaser is entitled to a credit against the price in an amount equal to the purchaser's share of the proceeds.

History: Add. 2024, Act 215, Eff. Apr. 2, 2025