



Know Your Rights! Claiming Surplus Proceeds from Tax Foreclosure

In the case of *Rafaeli, LLC v. Oakland County*, the Michigan Supreme Court decided that if someone's property gets taken away by the local government because they didn't pay their property taxes, and there's money left over after the government sells the property, the previous owner still has a right to that extra money. This right remains even after the property officially belongs to the county. This decision gives taxpayers a new way to get back any extra money the government made from selling their property. But, there are specific rules to follow, and you have to act within certain time limits set by the law to make it happen.

Understanding the Process to Claim Surplus Proceeds.

1. By July 1 immediately following the effective date of the foreclosure of the property, you must notify the County Treasurer using a form 5743.
2. In January, you will receive a notice Form 5744 from the Treasurer requesting you to file Motion with the Circuit Court.
3. Between February 1 and May 15, you must file a motion with the circuit court immediately following the sale or transfer of the property.

Seek assistance from an attorney or the agencies listed below.

Michigan Legal Help

Michigan Legal Help has developed a DIY tool for people to create a motion to claim proceeds from a tax foreclosure sale. The link to the tool itself is [here](#). The resource page, which includes step-by-step instructions (which also prints from the motion tool) is [here](#). And an article that discusses the process, and links to the DIY tool is [here](#). Note that the tool only works for former owners and where there are no other claimants for the proceeds.

Lawyer Referral and Information Service

Grand Rapids Bar Association
Address: 99 Monroe, Suite 510 Grand Rapids MI 49503
Phone: (616) 454-5550
Fax: (616) 454-7707 www.grbar.org

Legal Aid of Western Michigan

Address: 25 Division Ave S Ste 300
Grand Rapids MI 49503
Direct Dial: 616.608.8042
Fax: 616.774.2412 <https://lawestmi.org>
Karen Merrill Tjapkes
Director of Litigation ktjapkes@lawestmi.org

Legal Assistance Center

Address: 180 Ottawa Ave NW, Suite 5100
Grand Rapids, MI 49503
616-632-6007 www.legalassistancecenter.org
Deborah J. Hughes, JD
Executive Director deborah@legalassistancecenter.org

For general questions regarding tax foreclosures and surplus proceeds contact:

Peter MacGregor, Kent County Treasurer | 300 Monroe Avenue NW Grand Rapids, MI 49503 | 616-632-7490 | accesskent.com