

PUBLIC AND LOCAL ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN
PASSED AT THE
REGULAR SESSION OF 1947



CONTAINING JOINT RESOLUTIONS, AMENDMENTS TO
CONSTITUTION AND ABSTRACTS OF PROCEEDINGS
RELATIVE TO CHANGE OF BOUNDARIES OF TOWN-
SHIPS AND INCORPORATION, ETC., OF CITIES AND
VILLAGES.



COMPILED BY
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SECRETARY OF STATE

FRANKLIN DE KLEINE COMPANY, STATE PRINTERS, LANSING, MICHIGAN



amounts decreed them in a court of chancery, and to enforce all interlocutory and decretal orders; to provide for the appointment of a friend of the court to act in such cases and to provide for the rights, powers and duties of such friend of the court," as amended by Act No. 306 of the Public Acts of 1939, being section 12785 of the Compiled Laws of 1929.

The People of the State of Michigan enact:

Section amended.

Section 1. Section 3 of Act No. 412 of the Public Acts of 1919, as amended by Act No. 306 of the Public Acts of 1939, being section 12785 of the Compiled Laws of 1929, is hereby amended to read as follows:

12785 [25.173] Friend of the court, powers; reference of pleadings by circuit judges; oath; report to court.

Sec. 3. Said "Friend of the Court" shall have full power by citation or other order duly issued by the circuit court to compel the attendance of witnesses to take testimony and to do each and everything necessary, including the taking of contempt proceedings, to collect any and all delinquent payments due for said dependent minor children, to make recommendations to the circuit courts for the betterment of the conditions of said dependent minor children and to ascertain the moral and general conditions surrounding said dependent minor children and shall report the result of his findings in writing to the circuit court. The judges of each of the several judicial circuits throughout the state of Michigan may refer to the "Friend of the Court" for investigation and recommendation all pleadings, including motions in divorce, separate maintenance and annulment cases wherein the rights of dependent minor children are involved. Said "Friend of the Court" shall assume responsibility for the enforcement of all preliminary and interlocutory as well as decretal orders in such causes. The court may designate the "Friend of the Court" to act as referee in the taking of testimony of witnesses and hearing the statement of parties upon pending motions and such "Friend of the Court" so designated shall take and subscribe the oath of office provided by constitution and shall have authority to administer oaths and examine witnesses and shall make a written, signed report to the court containing a summary of the testimony and a recommendation for the court's findings and disposition of such matters.

Approved July 2, 1947.

[No. 329.]

AN ACT to provide for the descent and devolution of escheated and abandoned property; to provide for the discovery, marshalling, protection, conservation and disposition of escheatable, abandoned and escheated property; to prescribe the procedure to declare escheatable and abandoned property escheated; to protect the rights and interests of owners and holders of escheatable, abandoned and escheated property in and to such property; to prescribe the procedure for the administration of this act and to prescribe penalties for violation of certain of its provisions; to remove the bar of general statutes of limitation as a defense to proceedings instituted under this act in certain cases; to repeal Act No. 238 of the Public Acts of 1897, being sections 13455 to 13477, inclusive, of the Compiled Laws of 1929, and all amendments thereto, together with all other acts or parts of acts insofar as they conflict with or in anywise contravene the provisions of this act.

The People of the State of Michigan enact:

[26.1053(1)] Escheated property; attorney general to take charge.

Sec. 1. That the attorney general of this state shall, as hereinafter provided, except as to those powers and duties vested by the constitution or general laws of this state or the provisions of this act in the state board of escheats, take charge of all matters pertaining to lands or other property which is subject to escheat or escheatable, by reason of the owner thereof having died intestate, leaving no known heirs-at-law; or, by reason of the owner thereof having disappeared or being missing from his last known place of residence for a continuous period of 7 years or more, leaving no known heirs-at-law; or, by reason of the owner thereof having abandoned such property.

[26.1053(2)] State board of escheats, duty.

Sec. 2. It shall be the duty of the state board of escheats to investigate and make inquiry into every county of this state to ascertain whether there is any property therein which, because of (a) the death of the owner thereof, intestate, leaving no known heirs-at-law; (b) by reason of the owner thereof having disappeared or being missing from his last known place of residence for a continuous period of 7 years or more, leaving no known heirs-at-law; or (c) by reason of the same having been abandoned by the owner thereof, as hereinafter defined, has escheated, is subject to escheat or escheatable to the state, in accordance with the constitution, the general laws of this state or the provisions of this act.

[26.1053(3)] Attorney general to institute proceedings to conserve property, etc.

Sec. 3. Whenever the attorney general has knowledge of any property which has escheated, is subject to escheat or escheatable to the state, it shall be his duty to protect the interests of the state therein and he shall immediately cause to be instituted appropriate proceedings, in accordance with the general laws of this state and as in this act provided, for the purpose of marshalling, protecting and conserving such property, and he shall represent the state and protect its interests, in and to such property, as well as that of the owners and/or their unknown heirs-at-law.

[26.1053(4)] Escheated property.

Sec. 4. All property, as hereinafter defined, the title to which has failed and the power of alienation suspended by reason of, (a) the death of the owner thereof, intestate, leaving no known heirs-at-law; (b) the owner thereof having disappeared or being missing from his last known place of residence for a continuous period of 7 years or more, leaving no known heirs-at-law; or (c) the same having been abandoned by the owner thereof, as hereinafter defined, shall descend to the state of Michigan as an escheat in accordance with the constitution, the general laws of this state or the provisions of this act.

[26.1053(5)] Definitions.

Sec. 5. For the purpose of this act the following definitions shall be applied, except when a different definition or meaning is clearly indicated by the text:

(a) The word "person" includes a natural person, a corporation doing business, or which has been engaged in business in this state, a copartnership, a voluntary association, and every or any other association or organization of individuals.

(b) The word "property" means personal property, of every kind or description, tangible or intangible, in the possession or under the control of a holder, as hereinafter defined, and includes, but not by way of limitation, (1) money; (2) bills of exchange; (3) stocks, bonds and other securities;

(4) credits; (5) deposits, howsoever evidenced; (6) dividends; (7) certificates of membership in a corporation or association; (8) amounts due and payable pursuant to the terms of any policy of insurance; (9) security deposits; (10) funds deposited by holder with fiscal agents or fiduciaries for payment to owner of dividends, coupon interest and liquidation value of stocks and bonds; (11) funds to redeem stocks and bonds; and (12) all liquidated choses-in-action of whatsoever kind or character: *Provided*, That the word "property" does not include credits or deposits evidenced by travelers checks, money orders, cash balances on unclaimed or refused personal property: *Provided further*, That the word "property" does not include any property, except the items specified in (1) to (11) in this sub-section 5 (b), both inclusive, the right to recover which in a proceeding brought by the owner would be barred by the provisions of any statute of limitations, state or federal.

(c) The word "owner," in addition to its commonly accepted meaning, shall be construed to particularly mean and include any person, as hereinbefore defined, having the legal or equitable title to property coming within the purview of this act.

(d) The term "holder" means any person, as hereinbefore defined, having possession, custody or control of the property of another person, and includes a bank, either state or national; savings and loan association; credit union; a post office; a trust company; a depository; a bailee; a trustee; a receiver or other liquidating officer; a fiduciary; a governmental department, institution or agency; a municipal corporation and the fiscal officers thereof; a custodian or officer appointed by a court to receive, keep, handle or disburse money or other funds or property; a public utility, insurance or service corporation; and every other legal entity doing business in this state. This definition shall be construed as distinguishing the term "holder" of property from the term "owner" of property as hereinbefore defined, and as excluding from the term "holder" any person holding or possessing property by virtue of title or ownership.

(e) The term "abandoned property" means property, as hereinbefore defined, against which a full period of dormancy, as hereinafter defined, has run.

(f) The term "period of dormancy" means the full and continuous period of 7 years, during which an owner has ceased, failed or neglected to exercise dominion or control over his property or to assert a right of ownership or possession; or to make presentment and demand for payment and satisfaction; or to do any other act in relation to or concerning such property. The term does not apply to a period of time during which the owner has failed or neglected to make a demand or file a claim within the time prescribed in an order or decree of court or in a legal notice served and published pursuant to law or an order of court, and the period of dormancy shall not commence to run with respect to claims, demands, or other property held by a holder pursuant to a written agreement which contemplates that there shall be a period of inactivity, until the expiration of the contemplated period of inactivity. This definition shall be construed as excluding any act or doing of a holder of abandoned property not done at the express request or authorization of the owner.

(g) The term "escheat" means the descent or devolution of property to the state of Michigan under and by virtue of the constitution of the state, the provisions of the general laws of this state, or the provisions of this act.

(h) The term "escheatable property" means property which is subject to escheat to the state of Michigan under and by virtue of the provisions of the constitution of the state, the general laws of this state, or the provisions of this act.

(i) The term "escheated property" means property which has descended to the state of Michigan as an escheat.

(j) The term "appropriation" means the act of the state, through its duly constituted officers or agencies, in taking or accepting possession or custody of abandoned, unprotected, unclaimed or lost property as conservator thereof for later disposition by descent to the state as an escheat or redemption by the owner as provided in this act.

(k) The term "redemption" means the reclamation of escheated property, or the proceeds of the sale thereof, made by the owner or other person entitled thereto, pursuant to the provisions of this act.

(l) The term "unprotected property" means and refers to property which the owner thereof has mislaid or left unprotected against loss, damage, waste or deterioration under circumstances indicating the disappearance of the owner or an abandonment of the property.

(m) The singular number shall include the plural and vice versa, and the masculine shall include the feminine and neuter genders respectively and vice versa.

[26.1053(6)] Abandoned property, holders to make report; exceptions.

Sec. 6. Every holder of abandoned property as herein defined shall on or before the thirtieth day of June of each year make and file with the state board of escheats a report, in duplicate, as of the last preceding first day of January, containing a full, true and itemized statement of all abandoned property in his possession or under his control not previously reported; *Provided*, That the requirements of this section for an annual report shall not apply to fiduciaries of decedent estates, nor to municipal corporations and the fiscal officers thereof, other than counties and the fiscal officers thereof, except when such municipal corporation is a holder of such property in a capacity other than a governmental capacity or as bailee, or by virtue of other special contract, express or implied, nor shall such annual report be required as to any account or item of property, evidenced by a written investment contract, time certificate of deposit or other written contract maturing on a specified date, or upon notice in writing to the holder by the owner, or at the end of a fixed or adjusted term, except that such report shall be made and filed by the holder as to any such account or item of property when the owner or beneficiary therein shall have disappeared from his last known place of residence and his whereabouts remain unknown for a full and continuous period of 7 years after the maturity of said contract, or when such owner or beneficiary shall fail or neglect for a period of 7 years after the maturity of said contract to claim and demand his property; *Provided further*, That no holder shall be required to report abandoned property in any case wherein according to the books and records of the holder the owner of such abandoned property is a non-resident of this state and such holder is required to make a report of such abandoned property to any other state under the provisions of the escheats laws of that state; *Provided further*, That a corporation or any other legal entity organized under the laws of any other state licensed to transact business in this state shall be required to report only abandoned property belonging to an owner who, according to the last known address of such owner, was a resident of this state.

[26.1053(7)] Same; contents.

Sec. 7. The report required by section 6 hereof shall set forth the name and last known post office address of the owner(s) of the property reported, or the owner(s) to whom the holder is accountable; a description of the property and the date it came into the possession or under the control of the holder, the date of the last transaction or other act by the owner(s) in relation to each item of property so reported; the amount or estimated value

of each item of such property; the amount of accrued interest or increment thereon; the account number, if any, as carried on the books or records of the holder, together with such other data or information as shall be required by the state board of escheats and indicated upon a blank form of report, such blank form of report to be furnished by the board upon request of the holder.

[26.1053(8)] Demand report.

Sec. 8. Every holder of abandoned property who has not made and filed the current annual report required by section 6 hereof, or who has failed to make any report as in this act required, shall, within 60 days after the service upon it of a written demand of the attorney general, or the state board of escheats, make and file with said board of escheats the report of abandoned property or such other report as in this act required. Such demand report shall be made as of the date of the demand therefor.

[26.1053(9)] Municipal corporations, reports.

Sec. 9. Municipal corporations and their fiscal officers or governmental agencies, other than counties and their fiscal officers or governmental agencies, shall not be required to make the annual report required by section 6 hereof, but shall upon demand therefor make and file the report required by section 8: *Provided*, That whenever such municipal corporation shall be the holder of abandoned property as bailee, or by virtue of other special contract or as a holder in a proprietary capacity, it shall, through its fiscal officers or agencies, make the annual report required by section 6 of this act. Every county, through its fiscal officers or agencies, shall be subject to the provisions of sections 6 and 8 hereof.

[26.1053(10)] Corporations to attach copy of inventory to report.

Sec. 10. Every corporation in this state conducting a safe deposit and collateral deposit business hereinafter referred to in this section as "company", shall attach to each report made and filed by it under the requirements of this act a copy of any inventory of property in its possession, not previously reported, which shall have been removed from any safe deposit box or compartment, more than 7 years prior to the date as of which such report is made by reason of the termination of the lease thereof for failure to pay the rental charges thereon. Such report shall include a statement of the name and last known address of each lessee whose lease has been so terminated for failure to pay such rental charges, the number or identifying description of the safe deposit box or compartment from which the contents have been removed and the date of the opening of such safe deposit box or compartment. Such report shall contain such further identifying data and information as shall be required by the state board of escheats.

From and after the effective date of this act, such company, its officers, employees or agents, at the time of the opening of any safe deposit box or compartment and removal of the contents thereof, because of the termination of the lease for failure to pay rental charges thereon, shall cause an inventory to be made of the contents thereof, a true copy of which shall be attached to its report to the state board of escheats as above provided.

[26.1053(11)] Property in possession of court, etc., report to state board of escheats; duty of attorney general.

Sec. 11. Whenever any officer of a court in this state, including federal courts, or any county officer is in possession of any money or other property collected or received pursuant to an order of court, and such officer is unable to distribute or pay out such money or property to the person or persons entitled thereto as prescribed by such order or decree of court, due to the failure of the distributee or distributees to claim the same, or for the reason that the whereabouts of such distributee or distributees cannot be ascertained and

such inability shall continue for a period of 7 years from and after the receipt of such money or property by such officer, then it shall be the duty of such officer to report the same to the state board of escheats as abandoned property in conformity with the provisions of section 6 or 8 hereof.

Upon the receipt of the report required by this section, the board of escheats shall immediately deliver a copy thereof to the attorney general whose duty it shall be to institute or cause to be instituted a proper suit or proceeding for an adjudication of abandonment and the descent of such property to the state as an escheat as provided in this act: *Provided*, That nothing contained in this section shall be construed as divesting the court, under whose order or decree the money was received by said officer, of jurisdiction over said money or property and the power to control the distribution thereof to the rightful owner or owners, except as such court shall waive jurisdiction, or the owner or owners of such property shall fail to appear and cause their appearance to be entered in the suit or proceeding instituted by the attorney general, or at his instance, as provided in this act.

[26.1053(12)] Voluntary dissolution, etc., of corporation; fiscal agent, etc., to report abandoned property to state board of escheats.

Sec. 12. Whenever any corporation or unincorporated association which shall have been doing business in this state shall be in process of voluntary reorganization or dissolution by virtue of a statute of this state, or otherwise, wherein certificates of shares of stock, or membership, or other evidences of interest therein remain unclaimed by the owner thereof, or wherein the owner has failed or neglected to claim interest, profit, dividends or other increment thereon duly declared in such reorganization or dissolution proceedings, or has failed, neglected, or refused to accept a reissue of said certificates or other evidences of interest, or exchange therefor, and such failure, neglect or refusal has continued for the full period of dormancy, as defined in this act, then such certificates, reissued or exchanged certificates and the interest, profits, dividends or other increment thereon, as well as an exchange for cash provided for in such proceedings, shall be deemed to be abandoned property and shall be reported to the state board of escheats by the holder thereof, or any committee or other fiscal agent in charge of such reorganization or dissolution, as required by section 6 or 8 of this act: *Provided*, That said holder, committee, or fiscal agent may deliver such property, together with the increment thereon, to the state board of escheats, notwithstanding that the said full period of dormancy has not elapsed, in which case the further procedure in relation to such property, and the protection of the interests of the owners thereof, shall be in conformity with the provisions of section 19 of this act: *Provided further*, That if the full period of dormancy has elapsed the attorney general or the state public administrator shall cause proper proceedings to be instituted for a determination of abandonment and the descent of such property to the state of Michigan as an escheat as provided in this act.

[26.1053(13)] Abandoned, etc., property subject to descent and devolution, holder to report.

Sec. 13. Except as otherwise expressly provided in this act, all property, as that term is defined herein, in the possession or under the control of a holder and for which the holder is accountable to the owner thereof, which is unpaid to, uncashed by, unclaimed, uncalled for or abandoned by such owner and against which the full period of dormancy has run, shall be subject to descent and devolution to the state under the provisions of this act and the same shall be duly reported by the holder thereof at the time and in the manner prescribed herein.

[26.1053(14)] Holder required to make report.

Sec. 14. No holder of property, as that term is defined herein, shall be relieved from the obligation of making the reports required by this act by reason of a claim of exemption from the provisions thereof, a change of corporate name, insolvency, receivership or any other change in the status of the holder, or any special or adversary defense other than payment or accord and satisfaction: *Provided*, That the making and filing of any such report shall not be deemed to be an admission of liability by the holder nor shall it estop him from interposing any valid defense in a suit or proceeding instituted under the provisions of this act in which such holder is a party or otherwise interested.

[26.1053(15)] Date of last activity.

Sec. 15. In any report, demand for report, notice or other procedure provided for by this act, the beginning of the period of dormancy of a given account may be stated and referred to in general terms as the date of last activity thereof.

[26.1053(16)] Period of dormancy not suspended; holder not relieved of certain duties; contractual rights preserved.

Sec. 16. The period of dormancy as defined in this act shall not be tolled or in any manner suspended, nor shall any holder be relieved of the duty of making any report as in this act required, by any act of the holder in charging an account, or other item of property, with a carrying or service charge, counterclaim, or debit of any kind, or in entering a credit thereto after the last action or transaction by the owner in relation to said account or other item of property. Nothing in this section contained shall affect a contractual right of the holder to charge such carrying or service charge, counterclaim or debit of any kind or to enter a credit thereto or any lien of such holder upon such account or other item of property or its right to enforce said lien by sale or otherwise. In the event of the charging of such account or other item of property with such a contractual carrying or service charge, counterclaim or debit of any kind, or in the event of the enforcement of such lien by sale or otherwise, the reports required by this act shall be made and filed by the holder with respect only to the remainder, if any, of such account or other item of property, or to the proceeds arising from the enforcement of said lien after payment therefrom of all charges secured by said lien and the expenses of the enforcement thereof.

[26.1053(17)] State board of escheats, duty; failure to file report, penalty; mandamus, etc., to compel compliance.

Sec. 17. It shall be the duty of the state board of escheats to see that all reports by this act required are properly made at the time and in the manner and form herein provided and to take any necessary action to secure compliance with the provisions of this act. Any holder who shall fail, neglect or refuse to make and file any report, required by this act, shall be liable to the state of Michigan in the penal sum of \$300.00 for each and every such failure, neglect or refusal, and an additional penal sum of \$10.00 for each and every day of the period of default. Such penalty may be recovered by the state in an action of assumpsit, or other appropriate legal proceeding instituted by the state upon the relation of the attorney general. The proceeds of collection of any judgment recovered in such an action shall be paid into the state treasury to the credit of the primary school fund: *Provided*, That the recovery of such penalty shall not relieve the defendant holder from the duty of making and filing said reports. The state of Michigan, at the instance or relation of the attorney general, shall have the benefit of the remedy of mandamus to compel compliance with the requirements of this act relative to the making and filing of said reports or the attorney general may compel

compliance by suit and/or bill for discovery in chancery commenced in a court of competent jurisdiction.

[26.1053(18)] Property, delivery to board by holder; release from liability.

Sec. 18. Any holder who has made and filed the report of abandoned property pursuant to the provisions of this act may deliver such property to the state board of escheats, or may satisfy any claim or demand for which he is accountable to an owner named in said report by paying such claim or demand to the state board of escheats, taking proper receipt therefor. Thereupon such holder shall be released and discharged from all liability or accountability to the owner on account of such property, except such as shall have accrued prior to the date of such voluntary delivery.

[26.1053(19)] Proceedings to determine issue of abandonment, etc.; disposal of property by board.

Sec. 19. It shall be the duty of the state board of escheats, upon receiving such property, or the payment of money, to keep and hold the same in an account separate from accounts of other escheated property and immediately report the account to the state public administrator. It shall be the duty of the attorney general, or the state public administrator, to commence or cause to be commenced appropriate judicial proceedings for a determination of the issue of actual abandonment of such property by the owner or owners thereof, as described in such report, and for the purpose of procuring an order or decree assigning the money or other property to the state of Michigan as an escheat. Such proceedings shall be instituted as soon as may be after the period of dormancy has run against such property, except as otherwise provided in section 11 hereof, and the attorney general, or the state public administrator, may employ any of the permissible alternative methods of procedure provided by this act: *Provided*, That no property so received by the board of escheats shall be sold until after the termination of such judicial proceedings, and the entry of an order or decree therein, except that said board, in its discretion, and upon good cause shown, may earlier dispose of any such property which, because of its nature, location or condition, would suffer loss, depreciation or damage by reason of necessary delay attendant to obtaining of said order or decree.

[26.1053(20)] Holder, release and discharge; right of redemption.

Sec. 20. The delivery of property, or the payment of money to the state board of escheats by any holder, or the payment of money or delivery of property to a public administrator in his capacity as fiduciary of the estate of an owner upon demand therefor, whether made voluntarily or pursuant to an order or decree of a court, shall release and discharge such holder from any and all liability to the owner or owners thereof, (their heirs or assigns, by reason of such delivery, and such payment and delivery may be pleaded as a bar to recovery and be a conclusive defense in any suit or action brought by such owner or owners, his or their heirs or assigns, against said holder by reason of such delivery: *Provided*, That nothing contained in this section shall be deemed, or construed, as, an assumption by the state or said state board of escheats of any liability of the holder to the owner upon a cause of action arising prior to said delivery, nor as depriving such owner, heir, heirs or assigns, of the right of redemption provided for in this act.

[26.1053(21)] Governmental agency, when deemed holder.

Sec. 21. Notwithstanding any provision of law to the contrary, all departments, commissions, boards, officials, institutions, or other governmental agencies of the state or subdivisions thereof, which shall be possessed of or accountable for any property of a deceased owner who died intestate and without known legal heirs, or who has disappeared leaving his whereabouts unknown and not ascertainable, and who has no known wife, husband, heir or other

kindred entitled to inherit his property, shall be deemed to be a holder of such property as defined in this act, and subject to its provisions, and said property shall be deemed unprotected or abandoned property subject to appropriation by the state and to descent as an escheat as provided in this act.

[26.1053(22)] Unprotected or abandoned property, report by holder; delivery to board.

Sec. 22. The holder described in section 21 hereof, upon the happening of the event whereby property therein described shall become unprotected or abandoned property, shall make and file with the state board of escheats a report of such property in substantial conformity with the provisions of section 6 of this act and shall also, upon demand therefor by the attorney general, state public administrator or by the state board of escheats, or may voluntarily, deliver or pay over such property to the state board of escheats and take proper receipt therefor. Said board, upon the receipt of such property, shall hold and dispose of the same pursuant to the applicable provisions of this act. The delivery of such property by the holder shall relieve it of all further liability to such owner, on account of such delivery, except such as may have accrued prior thereto. Such report shall be signed by the superintendent, manager, executive, or other official head of the holder and may be made without oath.

[26.1053(23)] Proceedings for administration of estate of owner; manner and form.

Sec. 23. The attorney general, or the state public administrator, may cause appropriate proceedings to be instituted in the probate court of the proper county of this state for the administration of the estate of any natural person who is the owner of abandoned property discovered as provided for in this act or of which he otherwise has knowledge. Such proceeding, except as herein otherwise provided, shall be commenced upon petition of the state public administrator in the probate court of the county in which the owner at the time of abandonment was a resident or inhabitant, or in the probate court of the county in which the holder of said property resided or had its principal office for the transaction of business in this state, or in the county in which the abandoned property was discovered, and shall be entitled in manner and form as follows: "In the matter of the estate(s) of, Owner(s) of Abandoned Property." For the purposes of such proceeding, and of this act, it shall be presumed that the owner was a legal resident of the state of Michigan. The probate court of the county in which the petition of the state public administrator is first filed, praying for the appointment of himself or of a county public administrator as administrator of such estate, shall have full and complete jurisdiction over all of the assets of such owner, wheresoever situated, except that such jurisdiction shall not be exclusive of the jurisdiction of the probate court of another county acquired by reason of the filing of a petition for the administration of assets of the same owner discovered in such other county. Except as in this act otherwise provided, the procedure in such proceedings shall be in conformity with the general laws of the state providing for the administration of the estates of deceased persons.

[26.1053(24)] Same; when assets of 2 or more estates \$1,000 or less, proceedings consolidated; inclusion of further estate.

Sec. 24. Whenever it shall appear that 2 or more estates having total combined assets of \$1,000.00 or less are to be administered in the same court, the proceedings provided for in section 23 of this act may be consolidated into a single proceeding and upon a single petition for the appointment of a public administrator, in which case all subsequent proceedings predicated upon such petition, so far as may be, shall be conducted as in a single pro-



ceeding: *Provided*, That whenever it shall be deemed desirable to do so, or whenever it may avoid a multiplicity of proceedings, the probate court may, in its discretion, by an order therefor endorsed upon said petition, or otherwise made and entered, authorize the inclusion of a further estate or estates having total combined assets not exceeding in value the sum of \$200.00: *And provided further*, That whenever it shall appear from the petition filed that all of the assets of such consolidated estates consist of abandoned property for which a single holder is accountable, or of which a single holder is in possession or control, then all of such estates may be consolidated in a single proceeding regardless of the total value of the combined assets thereof.

[26.1053(25)] Public administrator, bond; rights and remedies.

Sec. 25. The public administrator appointed under the provisions of section 23 of this act shall immediately qualify by executing and filing in the probate court an administrator's bond in such amount as shall be fixed and determined by the court. Such bond shall be substantially in the form, and be conditioned in the same manner, as administrator's bonds provided for by the general laws of the state. Upon the approval of such bond by the probate court, letters of administration shall issue to such public administrator who shall immediately proceed to marshal and collect the assets of the estate or estates of which he is administrator. For this purpose he shall have all the rights and remedies vested in a fiduciary of a decedent estate by the general laws of the state.

[26.1053(26)] Notice of appointment, etc., served upon owners; notice of hearing of final account, publication; consolidated proceedings.

Sec. 26. Immediately upon the issuance to him of letters of administration in proceedings provided for in section 23 hereof, the public administrator so appointed shall cause notice of his appointment and time and place of hearing claims against such estate or estates, to be served upon the owner or owners named in said petition and all other persons interested. Such service shall be made by said public administrator by posting the same, together with a true copy of said petition to be thereto attached, on the bulletin board of the court house of the county, or in the absence of such a bulletin board, then upon a front door of said court house. Proof of such posting, and of the time and place thereof, shall be made by the public administrator by proper affidavit duly filed. Such service shall not be construed as substituted service. Notice of hearing of the final account of such public administrator shall be published in a newspaper printed, published and circulating in said county once each week for 3 consecutive weeks prior to the date of such hearing: *Provided*, That in consolidated proceedings where the hearings are set for the same day, and notices are to be published in the same issue of a newspaper, a single notice of the hearing of such final account, listing the names of all owners in the consolidated estates under a proper title and file number of the proceedings, shall be sufficient publication. No other or further notice or service or publication of notice, shall be required in said proceedings.

[26.1053(27)] Order declaring property abandoned; delivery.

Sec. 27. Upon full administration of the estate or estates involved in the proceedings instituted under the provisions of sections 23 and 24 of this act, and the approval of the final account of the public administrator, if it appears that there has been an actual abandonment of such property by the owner, and that no heir of such owner or other person entitled to inherit or receive the same, has filed a claim therefor with the administrator, the court shall make and enter an order declaring such property to be abandoned and assigning all property remaining as residue in such estate to the state board of escheats, and directing the public administrator to make delivery thereof, and upon the filing of the official receipt of the state board of escheats for

said residue with the said court, the administrator shall be discharged and his bond cancelled.

[26.1053(28)] Suit to determine issue of actual abandonment; service of process.

Sec. 28. Whenever it shall appear to the attorney general from examination of any report, information or knowledge submitted and received as in this act provided, that it would be to the interest and advantage of the owner or owners of the property reported upon and of the state, so to do, the attorney general may institute suit in chancery in the name of the people of the state of Michigan, upon his relation, for the purpose of determining the issue of actual abandonment of such property, and to procure a decree for the descent and devolution thereof to the state of Michigan as an escheat. Such suit may be commenced in the circuit court of the county in which a holder of the property resides or has its principal office or place of business. The holders of such property and the owners thereof shall be made parties defendant, and any number of owners or holders may be joined as such parties defendant. Process in such suit shall be served upon all holders defendant in the same manner as is provided by law, or rules of court, for service of process in other suits in chancery. Process shall be served upon all owners joined as parties defendant by delivering an original and true copy of summons issued out of said court, together with a true copy of the plaintiff's bill of complaint, to the sheriff of said county. It shall be the duty of said sheriff, within 15 days after the delivery to him of such process, to post the true copy of said summons and true copy of said bill of complaint on the bulletin board or other panel provided for the public posting of legal process and/or notices in or on the court house of his county, or in the absence of such a bulletin board or other panel, then upon a front door of said court house and make due return thereof. Such service shall not be construed to be substituted service.

[26.1053(29)] Same; when owners residents or inhabitants; suit instituted; service of process.

Sec. 29. Whenever it shall appear from a report of a holder of abandoned property made and filed as hereinbefore provided, that the owners of the abandoned property, enumerated in said report, were at the time of such abandonment residents or inhabitants respectively of diverse counties of the state, the attorney general may institute the suit provided for in section 28 of this act in the circuit court for the county of Ingham, which court shall have full jurisdiction in the premises to the exclusion of the jurisdiction of the circuit court of any other county of the state. Process in such suit shall be served upon any such defendant holder in the manner prescribed in section 28 of this act. Process shall be served on all defendant owners by delivering an original summons and a true copy thereof, together with a true copy of said bill of complaint, to the sheriff of said county of Ingham and to the sheriff of the county in which each respective defendant owner, at the time of the abandonment of his property, resided or was an inhabitant, or had his last known place of residence. When residence of such owner is not indicated in said report, such residence shall be presumed to be in the county wherein the holder is located or has its principal place of business in this state. Each of said sheriffs shall make service thereof by posting in the manner provided in said section 28, and shall make due return of such service to the circuit court for the county of Ingham. Such service shall not be construed to be substituted service.

[26.1053(30)] Same; decree; delivery of property.

Sec. 30. In chancery proceedings instituted under the provisions of sections 28 or 29 hereof, the court, upon due and satisfactory proof of the mat-

ters alleged in the plaintiff's bill of complaint, and upon a finding of actual abandonment by the owner or owners of the property described in said bill, and after a consideration and allowance of proper claims filed, and upon a further finding that no legal heir, or other person entitled thereto has appeared and made claim to such property or any part thereof, shall make and enter a decree providing for the descent of all remaining property to the state of Michigan as an escheat, and decreeing that the same be assigned, transferred and delivered to the state board of escheats to be held and disposed of by said board in the manner provided by this act. Except as the court may otherwise direct, the appointment of a receiver, or other officer of the court, shall not be necessary for the purpose of effecting a manual delivery of said property, but the court may order and direct that such delivery be made by the holder, or other person in possession thereof.

[26.1053(31)] Corporation presumed dissolved.

Sec. 31. Whenever it shall appear from a report of abandoned property filed pursuant to the provisions of this act, or it is otherwise discovered, that the owner of any abandoned property so reported or discovered was a corporation, copartnership, or voluntary association, it shall be presumed for the purposes of this act that the corporation has been dissolved and its charter forfeited and that the copartnership is no longer in existence, and that the voluntary association is dissolved and no longer exists, whereby the ownership of said property shall be presumed to be in the shareholders, copartners or members of such association as the case may be. In any suit or proceeding instituted under the provisions of this act such shareholders, copartners or members shall be named and designated as owner or owners in their individual names, if known, and if not known, they may be named and designated as the unknown shareholders, copartners or members of the corporation, copartnership or association, and the presumption of abandonment declared in section 32 of this act shall be operative.

[26.1053(32)] Property, when deemed abandoned.

Sec. 32. Whenever it shall appear in any suit or proceeding instituted under the provisions of this act that property which is the subject matter of such suit or proceeding has been abandoned by the owner thereof for the full period of dormancy, as defined in this act, or that the owner has failed to claim his property in the manner specified in section 38 hereof, then such property shall be presumed to be abandoned property within the meaning and intent of this act.

[26.1053(33)] Redemption.

Sec. 33. Abandoned property may be reclaimed during the pendency of a suit or proceeding instituted under this act by filing a verified claim therefor and therein, signed by the applicant. Such claim shall be subject to allowance or disallowance by the court in the same manner as other claims. If the claim is filed by the owner named in the proceedings and is allowed by the court after due consideration of proofs presented, the court shall make and enter an order directing and ordering a return of the property or a payment over of money as the case may be without deduction of administration expenses or costs of suit. If the claimant is a person other than said owner, redemption shall be made after a deduction of administration expenses or costs of suit.

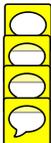
[26.1053(34)] Proceedings for administration of estate of disappeared or missing person; petition, manner and form; jurisdiction of probate court.

Sec. 34. Whenever it shall appear from reports filed as in this act provided, or when in any other manner it shall come to the knowledge of the attorney general that there is property in the possession or under the control of a holder, as hereinbefore defined, and for which such holder is accountable

to a natural person, as owner, as hereinbefore defined, and that such owner has, for the full period of dormancy or more, ceased to exercise dominion or control, or has failed or neglected to assert a right of ownership or possession in and to such property, and that there is good reason to believe such owner may be dead, leaving no known heirs-at-law, and that his estate should escheat to the state of Michigan, then in such case, the attorney general or the state public administrator may cause appropriate proceedings to be instituted in the probate court of the proper county for the administration of the estate of such owner as a disappeared or missing person. Such proceeding, except as herein otherwise provided, shall be commenced upon petition of the state public administrator in the probate court of the county in which the owner at the time of his disappearance was a resident or inhabitant, or in the probate court of the county in which the holder of said property resides or had its principal office for the transaction of business in this state, or in the county in which the property was discovered, and shall be entitled in manner and form as follows: "In the matter of the estate(s) of Disappeared or Missing Person (s)." For the purposes of such proceeding, and of this act, it shall be presumed that the owner was a legal resident of the state of Michigan. The probate court of the county in which the petition of the state public administrator, praying for the appointment of himself or of a county public administrator as administrator of such estate is first filed, shall have full and complete jurisdiction over all of the assets of such owner wheresoever situated. After the appointment of such administrator and upon his giving due and sufficient bond to be required by the court, he shall have the right and it shall be his duty to demand and receive from any holder having property in his possession or under his control, for which he is accountable to the aforesaid owner, and the administrator shall have all the rights of action to reduce such property to his personal possession and control, as any other administrator would have if administering upon the estate of a deceased person. If there are no known heirs-at-law, legatees, devisees or assigns of such disappeared or missing owner, upon the allowance of his final report and accounting by the probate court such administrator shall be ordered by said probate court to transfer and deliver all property remaining in such estate to the state board of escheats as escheated property. Except as in this act otherwise provided, the procedure in such proceedings shall be in conformity with the general laws of the state providing for the administration of the estates of deceased persons.

[26.1053(35)] Proof of ownership; publication of notice of granting administration and hearing on final account.

Sec. 35. It shall be sufficient proof for the purposes of escheat under the provisions of this act, when it shall appear from the reports as in this act required or from reliable sources and/or from the books and records of any holder, that there is in the possession or under the control of any such holder, property to which the owner thereof is legally or equitably entitled to possession thereof, and concerning which property the aforesaid owner has for the full period of dormancy or more, failed or neglected to exercise dominion or control, or has failed or neglected to assert a right of ownership or possession in and to such property, and that there are no known heirs-at-law, legatees, devisees or assigns of such owner: *Provided, however,* That within 30 days after the granting of administration upon the petition for the state public administrator, notice of granting of such administration shall be published in the form of similar notices as in the administration of estates of deceased persons: *Provided further,* That notice of the hearing on the final account of public administrator shall be published once each week for 3 weeks consecutively prior to the date of such hearing: *Provided further,* That no other



or additional notices or proof of publication shall be required for the purposes of escheat in the probate court under the provisions of this act, except as herein otherwise provided.

[26.1053(36)] Application of administrator for administration of more than 1 estate in same proceeding; publication; notice of hearing on final accounts.

Sec. 36. For the purposes of escheat in the probate court under sections 34 and 35, it shall be lawful for the state public administrator to apply for administration of more than 1 estate in one and the same proceeding, in accordance with the provisions of section 24: *Provided*, That the publication requisite in the course of administration of said estates shall also apply hereunder with the exception, however, that estates combined in accordance with the provisions of this section and section 24 shall all be listed in the same issues of publication and no separate publication shall be required for the individual estates hereunder combined: *Provided further*, That notices of granting of administration of 2 or more combined estates published in the same issue of the paper, where the appointment of the administration of such 2 or more combined estates was made on the same day, may list the names of each combined estate under a proper title and proceeding number, with only 1 notice of appointment immediately following the listing of all the names in the combined estates: *Provided further*, That notices of hearing on the final accounts of 2 or more combined estates published in the same issue of the paper, where the hearings are set for the same day, may list the names in each combined estate under a proper title and proceeding number, with only 1 notice of hearing immediately following the listing of all the names in the combined estates: *Provided further*, That a single surety bond sufficient to cover the aggregate value of the combined estates in each proceeding shall be filed by the administrator: *Provided further*, That in all other respects, and whenever advisable and possible, estates hereunder combined shall be treated in a similar manner as that of individual estates under the general laws of this state.

[26.1053(37)] Administration when owner presumed dead.

Sec. 37. If any owner, as hereinbefore defined, being a natural person, shall have disappeared or shall have been absent from his last known place of abode for the continuous period of 7 years with his whereabouts for such period unknown to those persons most likely to know thereof, and such owner has for the like period not been heard from by those persons most likely to hear from such owner, he shall be presumed to be dead, and if no person or persons can be found who would be his heir or heirs-at-law, if he were dead, then in such case administration shall be taken upon his estate in accordance with the provisions of the general laws of the state and as in this act provided.

[26.1053(38)] Property presumed to be abandoned; intervention by attorney general; liquidation, etc., proceedings; terms defined.

Sec. 38. When the business of a holder is being liquidated, or is in process of dissolution, pursuant to any law of this state or of the United States, wherein a receiver or other liquidating officer or agency shall have in possession or custody any property for which he or it, as such liquidating officer or agency is accountable to the owner or owners thereof or to which an owner is entitled by reason of a claim having theretofore been filed and allowed but for which no demand has been made or filed with such liquidating officer or agency by such owner or owners within the time during which such demand is by law required to be made or filed within the time prescribed in a legal notice duly published by such liquidating officer, or within a time prescribed by an order or decree of a court having jurisdiction over such liquidation or dissolution proceedings, or over the final approval and closing thereof, then such property

shall be presumed to have been abandoned by the owner or owners thereof, and shall be deemed to be abandoned property, as defined in this act, notwithstanding that the full period of dormancy may or may not have run against the whole, or any part of said property, and the same shall be subject to descent and devolution to the state of Michigan as an escheat the same as other abandoned property. The attorney general, in the name of the state of Michigan, may intervene in any such suit or proceeding for the purpose of procuring a determination of actual abandonment and an adjudication of the right of the state to an assignment, transfer, payment and delivery of said property as an escheat in accordance with the provisions of this act. No such liquidation or dissolution proceeding shall go to final decree in any court, either federal or state, until after the service on the attorney general by such liquidating officer of a written notice of the filing of a petition for the entry of such final decree and the date of the final hearing thereon. Service of such notice shall be made at least 20 days before the date set for such final hearing. The terms "liquidation" and "dissolution" as used in this and succeeding sections of this act shall be deemed to mean and include every form of proceeding for winding up the business or affairs of a holder by whomsoever instituted, or conducted, and the term "liquidating officer" shall be deemed to mean and include any person instituting or having charge of such proceedings, as well as the holder itself.

[26.1053(39)] Payment and delivery by receiver, etc.

Sec. 39. The receiver or other liquidating officer or agency described in section 38 hereof may pay over or deliver to the state board of escheats any such abandoned property in its hands, taking proper receipt therefor. Such payment or delivery shall release and discharge the said receiver or other liquidating officer or agency in charge of such liquidation or dissolution proceedings from any and all liability to the owner or owners of such abandoned property, except such as may have accrued prior to the date of such payment or delivery otherwise than by reason of such payment or delivery. Upon receiving such money or other property the state board of escheats shall keep and dispose of the same in the manner provided for in this act.

[26.1053(40)] Organization of board of escheats, chairman, quorum, meetings; deputies may represent; duties; records; state public administrator, powers.

Sec. 40. The state board of escheats shall organize by electing a chairman who shall hold office for a term of 2 years, or until his successor has been duly elected and qualified. Two members of the board shall constitute a quorum for the transaction of business. It shall hold a regular meeting once each month, at a time and place to be fixed by the rules and regulations of the board, and such other or special meetings as shall be called by the chairman or any 2 members. It is empowered to employ such clerical and other assistance as it deems necessary. Any member who has a duly constituted deputy may be represented by such deputy at any board meeting; a member not having such deputy may be represented at such meeting by a duly appointed official of his office.

The board shall accept delivery of all property descending to the state of Michigan as an escheat and duly assigned to it under the provisions of this act. It shall install and maintain a full and complete system of records and accounts covering all transactions and proceedings had or conducted by it under the provisions of this act. Such records shall contain an account of all property of whatsoever kind coming into its possession or under its control, the nature and description thereof and the date when received; the time and manner of its disposal; the amount of interest, or other increment thereon, received by it and from what sources; an account of all monies deposited by it in the state treasury and the date of such deposit; an account of all sales of such property

and the terms and conditions thereof; an account of the names of all original owners of abandoned or unprotected property so received; an account of all redemptions made by it; and the names and addresses of the persons to whom redemption was made.

Notwithstanding any provision of law to the contrary, the state public administrator, upon recommendation and approval of the said board of escheats, in writing, shall have power to authorize a county public administrator to petition for the sale of personal assets of an estate of which he is administrator and convert the same into cash whenever it shall be deemed by the board to be to the best interests of the estate, and of the state of Michigan, to do so. Like authority may be given to such state public administrator to authorize a county public administrator to sell real property whenever the appraised value thereof shall not exceed the sum of \$500.00: *Provided*, That nothing herein contained shall be construed as depriving any such county public administrator of the power, under license of the probate court, to sell personal property when necessary to pay debts and administration expenses, or to sell real property for such purposes whenever the personal assets of the estate are insufficient therefor, or to sell personal and real property in accordance with the general laws of this state in order to prevent loss, depreciation or damage of or to such property.

[26.1053(41)] May issue subpoenas, administer oaths, etc.

Sec. 41. The board of escheats shall have power to cause the issuance of subpoenas for the attendance of witnesses at any hearing held or conducted by it under the authority of this act. Any member of the board shall have power to administer oaths to witnesses. The board shall have such other and further power as shall be necessary to enable it to arrive at a just and equitable determination of the issues presented at such hearing.

[26.1053(42)] Care of property assigned to state.

Sec. 42. Whenever property, either real or personal, shall have been duly assigned to the state of Michigan and delivered to the state board of escheats pursuant to the general laws of this state or the provisions of this act, the board shall have power to take such measures for the care, preservation or protection thereof as it shall deem to be to the best interests of the owner thereof, or of the state, or of the person entitled to redeem the same. Any expenditures for such purpose shall be carried as a charge against the specific property and may be defrayed in the same manner as are other administrative expenses of the board.

[26.1053(43)] Recording of decrees, etc., assigning real property to state.

Sec. 43. It shall be the duty of the board of escheats to cause to be promptly recorded in the office of the register of deeds of the proper county all duly certified copies of decrees or orders of any court assigning real property to the state of Michigan.

[26.1053(44)] Sale or disposal of property by board of escheats.

Sec. 44. No property, real or personal, assigned to the state of Michigan and delivered to the state board of escheats pursuant to an order or decree of a court shall be sold or otherwise disposed of by said board until the time for appeal from or rehearing on such order or decree shall have expired.

[26.1053(45)] Intervention by board, etc., in suits, etc.

Sec. 45. Whenever any suit, action or other legal proceeding is brought against the state, or the board of escheats or the owner, or other person entitled to redeem, in which the ownership or right of possession of property which has been assigned to the state of Michigan and delivered to the state board of escheats is in issue or in anywise affected, the board of escheats may cause its appearance to be entered in such suit, action or proceeding and interpose any defense thereto available to the state or the state board of

escheats, or which would have been available to said owner or other person entitled to redeem either before or after said assignment and delivery, or the attorney general may intervene in behalf of the state and said board in any such suit, action or proceeding.

[26.1053(46)] Sales of personal property by board; bill of sale, etc.

Sec. 46. Personal property delivered to the board of escheats may be sold by said board either at public or private sale, as it shall deem to be to the best interests of the state or of the person or persons entitled to redemption as herein provided; except that at least 2 public sales of personal property, other than intangibles, shall be held and conducted in each calendar year at such time and place as the board shall determine, and upon such notice as the board, in its rules and regulations shall prescribe. All public sales of personal property shall be made to the highest responsible bidder for cash and the board shall have the right to reject any or all bids upon each item of property offered for sale.

The state board of escheats shall make, execute and deliver to the purchaser or purchasers at such sale a good and sufficient bill of sale, assignment or transfer of title of the property sold, signed and executed by the chairman of the board, accompanied by a delivery of the property. If a certificate of shares of stock or of membership in a corporation or association is so sold and assigned, the assignment thereof shall have the same force and effect as though made by the original owner thereof, and shall entitle the purchaser to all rights of ownership in and to such certificate and to a transfer of ownership of such certificates on the books of the corporation or association, any law of this state, or by-law of the issuing corporation or association, to the contrary notwithstanding. It is the intent hereof to confer upon said board of escheats full power to make such assignment and transfer in its own name and official title as the duly constituted agent and trustee of such original owner.

[26.1053(47)] Real property, sale by board.

Sec. 47. All real property acquired by the board of escheats under the general laws of this state shall be sold within 2 years after it was acquired unless it shall be deemed by said board to be to the best interest of the person entitled to redeem, or more advantageous to the state to extend such time, in which case the time of extension shall be duly entered upon the records of its proceedings. All sales may be made at either public or private sale as the board shall deem to be most advantageous to the state and of the person entitled to redemption. No sale, either public or private, shall be made until after the publication by the board of a notice of the time and place of such sale containing a description of the property to be sold, and the terms and conditions thereof, shall have been made in a newspaper printed, published and circulating in the county in which the real estate is situated, once each week for at least 3 consecutive weeks immediately preceding the date of such sale. If there be no newspaper printed and published in such county, then such notice shall be published in a newspaper printed and published in an adjoining county at a place nearest to the location of the property to be sold. All such sales shall be held between the hours of 10 o'clock in the forenoon and 3 o'clock in the afternoon of the day of sale, and may be made in parcels, or otherwise, as the board shall deem best calculated to obtain the best price. The board shall have the right to reject any or all bids made at such sale, and it shall have the right to adjourn such sale upon such further notice thereof as is provided by law for sales of land upon mortgage sale by advertisement.

[26.1053(48)] Sale of real property, terms and conditions.

Sec. 48. The sale of real property, whether made at public or private sale,

after publication of the notice hereinbefore provided may be made upon such terms and conditions as the board, by rule and regulation, shall prescribe.

[26.1053(49)] Deed of conveyance.

Sec. 49. Every deed of conveyance of real property shall be made and executed in behalf of the state of Michigan as grantor under the signature and by the acknowledgment of the chairman of said board of escheats, except when some other member of the board is by a majority vote thereof authorized so to do. Delivery of such deed may be made by the secretary or assistant secretary of said board of escheats. If the sale is made subject to a mortgage or other lien, or unpaid taxes thereon, the deed of conveyance shall expressly so provide.

[26.1053(50)] Notice to assessing officer.

Sec. 50. Immediately upon the delivery of a deed of conveyance of real property, or of a contract for the sale thereof as provided in this act, the state board of escheats shall cause notice of such sale to be served upon the assessing officer of every municipality in which the property is situated by registered mail addressed to such assessing officer at his office or place of residence in the assessing district. Such notice shall contain a description of the property, the date of the sale and the name and address of the purchaser thereof.

[26.1053(51)] State officer, etc., sales to, prohibited.

Sec. 51. No state officer, employee or agency shall, directly or indirectly, become the purchaser of either real or personal property sold by the board of escheats under the provisions of this act, nor shall such state officer or employee bid at any such sale, or be personally interested therein in any manner whatsoever.

[26.1053(52)] Delivery of property to board of escheats; proceeds to state treasury; real property, disposal, etc.

Sec. 52. All property descending to the state of Michigan as an escheat, pursuant to the provisions of this act, the constitution or general laws of this state, and which has been duly assigned and transferred to the state of Michigan by an order or decree made and entered in any proceeding or suit instituted under the general laws of this state or the provisions of this act, shall be delivered to the board of escheats of the state of Michigan to be received and held by such board as trustee and conservator thereof for the use and benefit of the state of Michigan and any person or persons who may be entitled to redemption as provided in this act. Said board shall within a reasonable time thereafter cover the same, or the proceeds of the sale thereof, into the state treasury to the credit of the primary school fund to be expended for the advancement of primary training and instruction in the public schools under the direction and supervision of the state superintendent of public instruction: *Provided*, That all escheated real property, or the proceeds of the sale thereof, shall be held, disposed of, invested or reinvested and used in conformity with the provisions of section 12 of Article XI of the constitution of this state, and said board of escheats shall be vested with full power and authority to administer the funds so created and accruing, except that the investment or reinvestment of such funds shall be subject to the supervision and direction of the state administrative board.

[26.1053(53)] Redemption by owner, etc.; application; manner.

Sec. 53. All property, or the proceeds of the sale thereof, which has descended to the state of Michigan as an escheat, or which has been paid or delivered to the state board of escheats pursuant to the general laws of this state or the provisions of this act shall be subject to redemption by the owner thereof, his legal heirs, devisees, legatees or assignees, in the manner provided in this section. To obtain such redemption the person entitled thereto shall

make and file with the state board of escheats a written application for such redemption signed and verified by the applicant. Such application shall be substantially in the form prescribed by the rules and regulations of said board of escheats, and shall state the full name, residence and address of the owner and, if made by one other than the owner of the property, it shall state the relationship of the applicant to said owner. The application shall be accompanied by satisfactory proof of the matters therein stated, together with full proof of the identity of the applicant and of his right to redemption.

All applications for redemption shall be heard, examined and considered by the board of escheats and shall be allowed or disallowed by the board after due consideration of the proofs. If the application is allowed by the board, redemption shall be made in the manner following:

(a) If redemption is to be made to an applicant who was the owner of the property at the time of escheat, and such property, real or personal, other than money, is still in possession of the board of escheats or the state, the identical property shall be delivered to such owner, together with all earned increment thereon realized and collected by the board after the descent and assignment thereof to the state. Such delivery shall be contingent upon the reimbursement of the state by the owner for all expenditures made by the board for the preservation and protection of the property, including payment of taxes, during the time it was in its possession.

(b) If the specific property has been sold by the board of escheats and converted into cash as provided in this act, the proceeds of such sale shall be paid over to such applicant owner as a redemption, together with any and all earned increment thereon realized and collected by the board, less the amount expended by the board prior to sale for the protection and preservation of the property, including the payment of taxes.

(c) If the property to be redeemed by such owner consists wholly of money assigned to the state and delivered to the board of escheats, pursuant to an order or decree of court entered in proceedings instituted under the provisions of this act, redemption shall be made by payment to the applicant owner of the full amount of money so assigned and received. In addition there shall be paid to such owner a sum equal to the amount deducted from the assets of the owner's estate on account of administration expenses, or costs of suit instituted in the circuit court in chancery.

(d) If redemption is to be made to an applicant entitled to redeem other than the owner at the time of escheat, such redemption shall be made in the same manner as provided in paragraphs "a," "b," and "c" of this section; except that such applicant shall not be entitled to the additional payment for administration expenses and costs of suit deducted from the assets of the estate as described in paragraph "c" of this section.

[26.1053(54)] Disallowance of claim; notification to applicant.

Sec. 54. When an application for redemption shall be disallowed the board of escheats shall make and file in the office of the secretary of the board a finding of facts and law setting forth the reasons for such disallowance, and its decision thereon. The secretary of the board shall forthwith notify the applicant of the disallowance of his claim.

[26.1053(55)] Appeal from decision of board.

Sec. 55. The decision of the board of escheats denying an application for redemption shall be subject to review by the supreme court upon appeal after leave granted in conformity with the applicable rule of court providing for the review of the action of any other administrative board, officer or tribunal of the state and presently established by section 6 of Michigan court rule No. 60. Application for such leave shall be filed within 60 days from and

after the filing of the decision of the state board of escheats: *Provided*, That no costs shall be awarded either party on such review.

[26.1053(56)] Board to adopt rules and regulations.

Sec. 56. The board of escheats shall adopt and promulgate reasonable rules and regulations to govern its procedure in the administration of the powers and duties imposed and conferred upon it by this act. Such rules and regulations shall prescribe: (a) the form of reports of abandoned or unprotected property required by this act; (b) the procedure in conducting sales of property coming into its possession, and the time and place thereof, except that at least 2 public sales of personal property shall be held in each calendar year at a time and place to be fixed by the board; (c) the form of applications for redemption of property, and the time and place of hearing thereof, except that all applications shall be heard within 30 days from and after the due filing thereof, unless such hearing shall, upon cause shown, be adjourned to a later fixed date; (d) a uniform practice and policy relative to the making of investments or reinvestments of the proceeds of the sale of real property assigned and delivered to it under the provisions of this act, subject, however, to the approval of the state administrative board; (e) the form of all legal notices required to be issued, served or published by it under the provisions of this act; (f) the form of the deeds of conveyance and contracts of purchase and sale of land described in this act, or any amendments thereto; (g) the form of all other notices, documents, or other writings to be given, made or executed by it in administering the functions imposed upon it by this act.

[26.1053(57)] Public administrator to install system of records, etc., accessibility; supervise proceedings in probate court; reports, etc., from county administrator.

Sec. 57. It shall be the duty of the public administrator of the state of Michigan to install and maintain in his office a proper and suitable system of records, files and accounts containing a digest record of all probate proceedings which he, or the attorney general, has caused to be instituted, or which have been commenced by a public administrator of a county under the provisions of this act. Such records, files and accounts shall be accessible to the attorney general and the state board of escheats during all established office hours for the purpose of examination relative to claims for redemption, for computation of administration expenses, or costs of suit, and for all necessary checking and comparison of records and accounts of the state board of escheats. He shall have supervision over the conduct of all proceedings commenced in probate court by a county public administrator under the provisions of this act or in which such public administrator has been duly appointed. He shall require of such public administrator such reports and copies of papers, documents, and orders in such proceedings as shall be necessary for keeping the records, files and accounts of his own office, as required by this act.

[26.1053(58)] Powers and duties of county administrator; fees; return or refund of property; leases.

Sec. 58. In addition to the duties otherwise prescribed by law, it shall be the duty of every county public administrator to promptly transmit for filing in the office of the state public administrator copies of all orders, documents or other papers in probate proceedings commenced and conducted by him pursuant to the provisions of this act, and as required of him by the state public administrator. In the administration of any estate in which he shall have received letters of administration, he shall have all of the powers conferred by law upon a fiduciary of a decedent estate appointed in accordance with the general laws of the state providing for the descent

and distribution of property, except as otherwise provided in this act. Unless it shall be necessary in order to pay debts and administration expenses or to prevent loss, damage or depreciation thereto he shall make no sale of real or personal property without authorization of the state public administrator.

In any estate in which any county public administrator is appointed fiduciary pursuant to the provisions of sections 23 and 34 of this act, any county public administrator shall be entitled to, and shall receive, the statutory fee fixed by the general law of the state, together with such compensation for extraordinary services performed by him as shall be allowed by the probate court: *Provided*, That the total of said statutory fees, extra compensation, including personal office administrative expense, shall not exceed 15 per cent of the cash value of all assets or property handled by him as such public administrator.

Such county public administrator shall have authority, during the pendency of proceedings for the administration of the estates of owners of property, upon order of the probate court, to make a return or refund of such property to any owner thereof or person legally entitled thereto who shall file a claim therefor which is duly approved by the probate court upon satisfactory proof of such person's right to such refund or return.

No public administrator shall petition the probate court for authority to lease any real or personal property for a longer term than 1 year from and after the time of his appointment without first obtaining the written authorization of the state public administrator and the state board of escheats.

[26.1053(59)] Statute of limitations not a defense to proceeding.

Sec. 59. In any proceeding brought by this state under the constitution, general laws or provisions of this act to recover property which has escheated, is escheatable or subject to escheat, except as otherwise provided in section 5 (b) of this act, no statute of limitations of this state prescribing a limitation of time during which an action or proceeding may be commenced shall be a defense to such proceeding to escheat or appropriate abandoned property nor prevent such money or property from being deemed abandoned property within the meaning of this act.

[26.1053(60)] Unlawful disposition of property, etc.

Sec. 60. Any individual or any officer, member, employee or agent of a corporation, association or copartnership who shall willfully conceal, destroy, damage or make other unlawful disposition of any property, or of the books, records, or accounts pertaining to such property, which is subject to descent to the state of Michigan as an escheat under the provisions of this act or who shall willfully violate any provision of this act, shall be deemed guilty of a misdemeanor.

[26.1053(61)] Escheated lands, etc., not subject to taxation.

Sec. 61. No lands the title to which has become vested in the state by descent as an escheat as provided by the constitution or general laws of this state, shall be subject to assessment or levy for taxes or special assessments by any taxing unit of this state, after final adjudication of escheat by a court of competent jurisdiction and while the title thereto remains in the state. Nor shall any personal property duly escheated to the state pursuant to the provisions of this act or general laws of this state be thereafter subject to any form of taxation, general or special, while the title continues in the state.

[26.1053(62)] Indemnification and payment.

Sec. 62. Where property, as defined in this act, is paid over or delivered to a public administrator, or to the state board of escheats, pursuant to the provisions of this act, and any holder paying or delivering over such property

is thereafter required by judgment or decree of a court of competent jurisdiction to carry out or perform its contract with the owner of such property, his personal representative, heirs, assigns, holder for value or the person in whose name such property was held, possessed or controlled, the state of Michigan shall indemnify and pay to such holder the amount of damage or loss which it shall or may have sustained, thereby providing that notice of the commencement of the action in which any such judgment or decree is sought shall have been given by such holder to the state board of escheats within 10 days after service of process upon such holder. The state board of escheats shall allow the amount so adjudged or decreed against such holder and certify the same to the auditor general, who shall thereupon draw his warrant for such amount on the state treasurer, who shall pay the same to the holder out of any money in the state treasury which has been derived from escheated estates or abandoned property.

[26.1053(63)] Act construed.

Sec. 63. This act, in all of its provisions, is intended to be retroactive, and it shall be construed as applying retrospectively to all persons and property coming within its purview.

[26.1053(64)] Purpose of act.

Sec. 64. This act, in all of its provisions, is intended to be a trustee and conservator measure for the initial purpose of marshalling, protecting and preserving the property rights and interests of the absent, incapacitated or missing owners of property, or those persons claiming by, through or under them, who by reason of chance, accident or circumstances beyond their control, or other untoward event, have become in the eyes of the law incapable persons and whose rights and interests in such property it is the duty of government and law to protect, and further, in the interest of society and in conformity with public policy, the ultimate purpose of vesting the title and right of possession of such property in a fiduciary capable of administering, protecting, conserving and alienating it. To those ends the act shall be liberally construed.

[26.1053(65)] Act repealed; pending suits, etc.

Sec. 65. Act No. 238 of the Public Acts of 1897, being sections 13455 to 13477 inclusive of the Compiled Laws of 1929, and all amendments thereto, is hereby repealed, together with all other acts or parts of acts insofar as they conflict with or in anywise contravene any provision of this act: *Provided*, That no pending suit or proceeding shall abate or be in any way affected by such repeal, but the same shall continue in full virtue and effect, notwithstanding such repeal.

[26.1053(66)] Michigan code of escheats; short title.

Sec. 66. This act shall be known and may be referred to and cited as "The Michigan code of escheats."

This act is ordered to take immediate effect.

Approved July 2, 1947.

[No. 330.]

AN ACT to amend Act No. 12 of the Public Acts of 1947, entitled "An act to provide for payments to persons who served in the armed forces of the United States between September 16, 1940, and June 30, 1946, and to beneficiaries of such persons; to prescribe the powers and duties of the state administrative board and state officers with respect thereto; to provide for acceptance of financial and other assistance from the federal government; to provide for certain administrative expenses; to make certain appropria-