

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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THOMAS D. PETZ,

Plaintiff-Counter-Defendant-  
Appellee,

v

CAMERON MANAGEMENT GROUP, INC.,

Defendant-Cross-Defendant,

and

WILLIAM BLACK,

Defendant-Counter-Plaintiff-Cross-  
Plaintiff-Appellant,

and

AMERICAN TITLE INSURANCE,

Defendant,

and

ROBERT J. JABLONSKI and PATRICIA J.  
JABLONSKI,

Defendants-Cross-Defendants-  
Appellees,

and

STATE OF MICHIGAN and MARY HOMER,

Third-Party Defendants.

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UNPUBLISHED

October 14, 2004

No. 248231

Wayne Circuit Court

LC No. 01-134229-CZ

Before: Griffin, P.J., and Saad and O'Connell, JJ.

PER CURIAM.

Defendant William Black appeals as of right the order granting plaintiff's motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff brought this action to quiet title after defendant Black obtained a tax deed on property purchased by plaintiff. Plaintiff had not recorded his deed, but he filed a claim of interest in the property. The trial court granted plaintiff's motion for summary disposition, finding that Black failed to give plaintiff notice of the tax deed, as required by MCL 211.140.<sup>1</sup>

This Court reviews de novo a trial court's decision on a motion for summary disposition as a question of law. *Equivest Ltd Partnership v Foster*, 253 Mich App 450, 453; 656 NW2d 369 (2002).

MCL 211.72 provides that tax deeds convey an absolute title to land sold and constitute conclusive evidence of title. The statute authorizes a person holding a state tax deed to bring an action to quiet title against all parties who have a recorded interest in the property. *Id.* However, under MCL 211.141, interested parties are given a redemption period that lasts for six months after the tax deed holder complies with the notice requirements of MCL 211.140. *Id.*

MCL 211.140(1) requires that notice be given to five categories of persons:

- (a) The last grantee or grantees in the regular chain of title of the property, or of an interest in the property, according to the records of the county register of deeds.
- (b) The person or persons in actual open possession of the land.
- (c) The grantee or grantees under the tax deed issued by the state treasurer for the latest year's taxes according to the records of the county register of deeds.
- (d) The mortgagee or mortgagees named in all undischarged recorded mortgages, or assignees of record.
- (e) The holder of record of all undischarged recorded liens.

The statute provides that the status of the persons entitled to notice is determined as of the date the notice was delivered to the sheriff for service. If proper statutory notice is not served, the six-month redemption period never begins to run, and the right to redemption continues to

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<sup>1</sup> Although not pertinent to the present case, we note that MCL 211.140 was repealed, effective December 31, 2003.

exist. *Ottaco, Inc v Kalport Development Co, Inc*, 239 Mich App 88, 91; 607 NW2d 403 (1999). Strict compliance with the notice requirement of MCL 211.140 is required because the effect of the proceedings under the tax law is to divest the true owners of the title to their property. *Andre v Fink*, 180 Mich App 403, 407-408; 447 NW2d 808 (1989).

Subsection (a) provides that notice must be given to the last grantee of the property or of an interest in the property according to the records of the county register of deeds. The statute requires notice to be served on persons who have a recorded interest in the land, as evidenced by the records of the county register of deeds. *Dunn v Papenfus*, 202 Mich 131, 135; 167 NW 1006 (1918). The fact that the interest is unspecified does not provide a basis for ignoring the requirements of the statute. The trial court did not err in granting summary disposition to plaintiff.

Affirmed.

/s/ Richard Allen Griffin  
/s/ Henry William Saad  
/s/ Peter D. O'Connell