



Know Your Right!

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 is foreclosed upon by the local government because they didn't pay their property taxes, and there is money left over after the government sells the property, the previous owner 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 receive any extra money the government made from selling their property. There are specific rules to follow, and you must act within certain time limits set by the law.

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 by submitting Form 5743.
2. In January, you will receive a notice Form 5744 from the Treasurer requesting you to file a 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 property.

Seek assistance from an attorney or these agencies for help to claim your money.

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](#). <https://michiganlegalhelp.org/>. Note that the tool only works for the former owners and where there are no other claimants for the proceeds.

Legal Aid of Western Michigan

Address: 25 Division Ave S Ste 300
Grand Rapids MI 49503
Phone: 616-774-0672
Fax: 616-774-2412
<https://lawestmi.org>

For general questions regarding tax foreclosures and surplus proceeds contact:

Tonia Hartline, Osceola County Treasurer
301 W Upton Ave
Reed City MI 49677
231-832-6107
<https://osceola-county.org>



Lawyer Referral and Information Service

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