

**Public Policy Position
HB 5045 and HB 5046**

The Real Property Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 3,750 members. The Real Property Law Section is not the State Bar of Michigan and the position expressed herein is that of the Real Property Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Real Property Law Section has a public policy decision-making body with 18 members. On October 22, 2025, the Section adopted its position after a discussion and vote at a scheduled meeting. 13 members voted in favor of the Section's position, 0 members voted against this position, 0 members abstained, 5 members did not vote.

Support**Explanation:**

The Section supports HB 5045 and HB 5046 to correct the issues created by the decision of the Court of Appeals in *Kessler v Longview Agricultural Asset Management, LLC*, 345 Mich App 196 (2023) which overturned the prevailing understanding of the applicable statutes and concluded that the purchaser at a mortgage foreclosure sale can wait until the day before the redemption period expires to record the sheriff's deed and the redemption period will expire the following day. This change in practice should be fixed by the legislature because it impedes the efficient administration of real estate law, denies property owners notice to allow them to exercise their right to redeem and deprives them of what were understood to be settled rights under the prevailing application of the law.

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