

# Remaining Proceeds Process

If your home was sold because of a tax foreclosure, you can ask for any money that is left over after the taxes are paid.

In order to claim this money, you have to submit a form saying that you plan to ask for the money. The Michigan Department of Treasury has created a Notice of Intention to Claim Interest in Foreclosure Sales Proceeds Form that you can fill out.

This form must be sent by the **July 1** following when your home was foreclosed. This means that if the foreclosure was finalized between **July 1, 2023 and June 30, 2024**, you need to submit the form **by July 1, 2024**.

You can call your county treasurer's office to find out when your home was foreclosed or search the court record at the circuit court where your home is located.

Once you fill out the form, get it notarized.

After it is notarized, make a copy for your records. Then, send the original by certified mail, return receipt requested, or give the form in person to your Foreclosing Governmental Unit (FGU) . Most of the time, the FGU is the treasurer in the county where the home is located.

## Notice from the FGU

After you fill out and send the Notice, the FGU will send you a Notice called the 5744 Notice to Claimant to File Motion. They will send you this Notice by January 31 after your home was sold or transferred. This Notice will have a lot of important information in it, including:

- if there is leftover money to claim (the law calls this “remaining proceeds”),
- if anyone else has filed a claim for the leftover money,
- a statement that you have to file a motion to claim the remaining money, and
- the case number, judge and contact information for the circuit court clerk for the case where you need to file the motion

## Filing Your Motion

After getting your notice from the FGU, you need to file a motion asking the court for the leftover money from the foreclosure sale. You need to file this motion between February 1 and May 15 after your home was sold or transferred.

The motion has to include all of the following:

- You need to explain why you are asking for the leftover money, including that you owned the home right before the foreclosure. You need to attach documents to prove it, like a copy of the deed.
- You need to say that you did not transfer the home to someone else before the foreclosure happened.
- You need to say whether you (or a company or corporation you have interest in) bought your home at the foreclosure auction.
- You need to say whether you have an interest in the home when you are filing the motion, like if you bought the home at auction. You do not have an interest in the home just because you owned it before, because those rights went away after the property was foreclosed.

The motion must be verified and include a sworn statement or affirmation that it is accurate. After you file the motion with the court, you need to serve a copy of it on the FGU. You can serve it the same way you served the Form.

## Hearing on the Motion

After you file and serve the motion, the FGU will file a response. The court will then set a court date for the judge to decide the motion. You will get a notice from the court with that court date.

At this hearing, you will need to explain why you are asking for the leftover money. Be sure to bring a copy of your motion and any proof you have that you owned the home before it went into tax foreclosure. The judge will then decide whether you get any of the leftover money. If you do, the FGU has to pay you within 21 days.

## Check Back for Developments

There have been some recent court cases that may change how tax foreclosure works in Michigan and how someone can get the leftover money from a tax foreclosure auction. Until that is figured out, you can still use this process. You can check back on this site for any developments.