

Kalkaska County Board of Commissioners  
Special Workshop Meeting Minutes  
June 20, 2017  
(UNAPPROVED)

Meeting called to order by Chair McKinnon at 5:04 PM, Commissioner Chambers, Administration Building, 605 N Birch Street, Kalkaska, MI. Present Commissioners Dave Comai, Patty Cox, Kohn Fisher (arrived at 5:15 PM), Stuart McKinnon. Commissioners absent Michael Buchanan, Craig Crambell and James Sweet.

Also present Bonnie Toskey of Cohl, Stoker, and Toskey, (County legal counsel); Bill Kerr and Bob Englebrecht, Equalization Director; Jo Ann DeGraaf, Register of Deeds; and Janet Wilson, Arlette Papcun and Valerie Thornburg, County Treasurer office.

**Public Input:** None

**Purpose of Meeting:**

Chair McKinnon called for workshop with county counsel Toskey, requesting legal review of duties and communications of county Equalization, Treasurer and Register of Deeds.

Toskey addressed the Board and attendees with overview of statutory process and relationship between the three offices, following communication with Register and Treasurer. Treasurer noted concern with bad legal descriptions, mapping and historical mapping concerns with foreclosures; Register of Deeds noted concern with incorrect legal descriptions on deeds filed; whose responsibility is the proper description and obligation to customers? Discussion regarding concern with abbreviations assessors use in property descriptions.

Toskey advised the legal descriptions statutorily come from the assessors; discussion regarding past practice, Toskey noted concern of County's role in prior process of correcting legal descriptions as could lead to legal issues for the county/Treasurer in foreclosing; concern with conflict. Toskey advised that legal descriptions are not the responsibility of the County Treasurer or the Register of Deeds; the Treasurer issues the tax certificates, the Register of Deeds records the deed; noted the Treasurer would advise the property owner, then up to property owner, title company, realtor, attorney or whoever, to provide adequate information in order for the Treasurer to provide a tax certificate. Toskey noted recommendation for Treasurer to adopt a policy to *request* property tax ID number to property for requests by owners.

Toskey noted it is not Equalization's role to verify legal descriptions; acknowledged local government wanting to assist with GIS, updating database, etc., if local government has the funding for additional staff and expense, again noting the liability of the county for this process. Toskey noted a transition period should be considered if changes made with local process. Discussion regarding historical errors in database should be mentioned to customer if noted by county, and advise property owner as a professional courtesy and process as usual.

Discussion regarding foreclosures and property discrepancies, recently assumed by the County, now the responsibility of the County Treasurer. Discussion regarding property

information passing from assessor to the county if inaccurate; Toskey noted Treasurer will need to advise the property owner if they are unable to provide a tax certificate based on the legal description provided, return document to property owner and note there are discrepancies. Discussion. Toskey noted 'tax payer of record' data may also provide assistance; noted GIS and Equalization are not the avenue to verify the legal description; that deeds are recorded only, not certified by filing; the Treasurer tax certificate does not 'certify' the property description or deed. Toskey noted the County Treasurer agreed to the responsibility in the foreclosure process with verifying the legal descriptions, when assumed from the State. Treasurer Thornburg noted she would prepare a document to notify the property owner. Toskey advised Treasurer not to engage in a dispute over legal description; neither office should assume role of verifying legal descriptions.

Discussion regarding prior Equalization staff making corrections to property descriptions without authorization, concern with database errors and overstepping by prior EQ staff with making changes in property descriptions; review of foreclosure process by Treasurer; Treasurer noted process based on tax description. Toskey noted she would follow up on any inquiries.

Register advised concern with erroneous addresses that are provided; Toskey noted property owner responsible for providing accurate information including address. Register inquired as to how to 'handle' unrecorded surveys copies that are given to Equalization; Toskey noted posting of a notice that any filings at the county become public record, may be helpful to the public.

Consensus County will follow recommendations and advice of legal counsel; noted foreclosure process is the responsibility of the County Treasurer. Treasurer will prepare a form as recommended by counsel when unable to produce tax certificate.

**Public Input:** None

**Motion** to adjourn by Fisher at 6:40 PM. Supported by Cox. 4 yeas. 0 nays. 3 absent. **Carried.**

Respectfully submitted from Commissioner Cox notes and recording.

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Deborah Hill, Kalkaska County Clerk and  
Clerk of Board of Commissioners

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Stuart McKinnon, Chair of  
Kalkaska County Board of Commissioners

These minutes are not official until they are approved at the next Regular Board of Commissioners meeting.