

HOUSE BILL No. 4532

April 26, 2017, Introduced by Rep. Whiteford and referred to the Committee on Financial Services.

A bill to amend 1915 PA 79, entitled

"An act to provide certain requirements in written instruments conveying or mortgaging real estate or any interest therein in which there are male grantors, mortgagors or other parties executing the same to entitle the same to record,"

by amending section 1 (MCL 565.221), as amended by 1980 PA 489.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. **(1)** All written instruments conveying or mortgaging
2 real estate or any interest ~~therein, hereafter executed, shall~~ **IN**
3 **THE REAL ESTATE BEFORE APRIL 6, 2017 MUST** state whether any ~~and all~~
4 male grantors, mortgagors, or other parties executing the
5 instrument are married or single, and the register of deeds of the
6 county in which the instrument is offered for record shall refuse
7 to receive the instrument for record unless it conforms to ~~the~~
8 ~~provisions of~~ this act.

9 **(2)** If ~~the~~ **AN** instrument has been recorded in the office of

1 ~~the~~ **A** register of deeds ~~of any county~~ without the instrument
2 showing the marital status as ~~herein~~ required **UNDER THIS SECTION**,
3 an affidavit stating the facts, executed ~~in conformity with the~~
4 ~~provisions of Act No. 123 of the Public Acts of 1915, as amended,~~
5 ~~being sections~~ **UNDER 1915 PA 123, MCL 565.451a to 565.453**, ~~of the~~
6 ~~Michigan Compiled Laws,~~ may be recorded in the register's office.
7 ~~Upon the~~ **ON** recording ~~of the~~ affidavit showing the marital status
8 of the male grantor, mortgagor, or party executing, on the date of
9 the instrument, the record of the affidavit and the record of the
10 instrument ~~shall be~~ **ARE** effectual for all purposes ~~of~~ **AS** a legal
11 record, and the record of the instrument and affidavit or a
12 transcript ~~thereof~~ **OF THEM** may be given in evidence in all cases,
13 and the instrument ~~shall~~ **MUST** be construed to be as valid and
14 effectual as if it had contained a statement showing the marital
15 status of the male ~~person or persons~~ **INDIVIDUAL OR INDIVIDUALS**
16 executing it.

17 (3) If an instrument has been recorded in the office of ~~the~~ **A**
18 register of deeds ~~of any county~~ without the instrument showing the
19 marital status as ~~herein~~ required **UNDER THIS SECTION**, and a ~~period~~
20 ~~of 10 years~~ has elapsed since the recording, ~~of the instrument,~~ the
21 record of the instrument or a transcript ~~thereof~~ **OF IT** may be given
22 in evidence in all cases and ~~shall be~~ **IS** effectual for all purposes
23 ~~of~~ **AS** a legal record and the instrument ~~shall~~ **MUST** be construed to
24 be as valid and effectual as if it had contained a statement
25 showing the marital status of the male ~~person or persons~~ **INDIVIDUAL**
26 **OR INDIVIDUALS** executing it.