

HOUSE BILL NO. 4773

June 15, 2023, Introduced by Reps. Neeley and Morgan and referred to the Committee on Government Operations.

A bill to amend 1948 (1st Ex Sess) PA 39, entitled
"An act to repeal Act No. 317 of the Public Acts of 1947, entitled
"An act to provide for the creation of a community estate between
husband and wife in real and personal property as defined herein;
to prescribe the effect of such community estate; to define and
prescribe certain rights and liabilities of parties affected
hereby; to eliminate curtesy and dower in such community estate; to
preserve the right of dower in the separate property of the
husband, and to repeal all acts and parts of acts inconsistent
herewith,""

by amending sections 3 and 4 (MCL 557.253 and 557.254).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. **(1)** Any property ~~which, at the time this act takes~~

1 ~~effect, constitutes that, on May 10, 1948, constituted~~ community
 2 ~~property by virtue because~~ of the provisions of Act No. 317 of the
 3 ~~Public Acts of 1947 shall continue former 1947 PA 317 continues~~ to
 4 be community property and ~~remain remains~~ subject to the provisions
 5 of ~~said that~~ act, and for ~~such that~~ purpose ~~said that~~ act shall
 6 ~~continue continues~~ in force. ~~:- Provided, That, except where~~
 7 **However, unless** the conveyance or other instrument of title under
 8 which the ~~same property~~ was acquired or other evidence of ownership
 9 ~~thereof of the property~~ expressly states the intention that ~~such~~
 10 **the** property shall ~~be is~~ community property, ~~any such the~~ property
 11 shall, upon the expiration of 1 year after the time this act takes
 12 effect, **must, after May 9, 1949,** be deemed to be the separate
 13 property of **1 or both of** the ~~husband or the wife, or both, spouses,~~
 14 according to the name or names set forth in the conveyance or other
 15 instrument of title under which ~~such the~~ property was acquired or
 16 other evidence of ownership ~~thereof, of the property,~~ unless,
 17 ~~within such 1 year period, after May 9, 1948 and before May 10,~~
 18 **1949,** either spouse having an interest ~~therein, in the property,~~ or
 19 any of the devisees, legatees, heirs, or distributees of either of
 20 them who ~~shall have has~~ died ~~prior to or during the running of such~~
 21 ~~1 year period, shall file before May 10, 1949, files~~ notice of
 22 claim that ~~such the~~ property constitutes community property.

23 (2) ~~Such A~~ notice of claim **under this section,** to be
 24 effective, ~~shall must~~ be in writing, ~~shall contain~~ a description of
 25 each item of property to which the ~~same notice~~ relates, ~~shall be~~
 26 executed by the party making the ~~same claim~~ in the manner required
 27 for the execution of deeds, and ~~shall be~~ filed in the office of the
 28 register of deeds for the county in which the spouse by whom, or in
 29 whose behalf, the ~~same claim~~ is made resides at the time of the

1 filing thereof, or, in the event that such ~~if the~~ spouse shall have
 2 **has** died, for the county in which ~~such the~~ spouse resided at the
 3 time of death. ~~In the event that such~~ **If the** notice of claim
 4 relates to real property located in any other county or counties,
 5 to be effective as to ~~such that~~ property, a duplicate original of
 6 ~~such the~~ notice of claim shall ~~shall~~ **must** also be filed in the office of
 7 the register of deeds for each ~~such other~~ county.

8 (3) ~~No~~ **A** disability of any kind or lack of knowledge on the
 9 part of anyone shall ~~shall~~ **does not** suspend the running of the time for
 10 filing ~~such a~~ notice of claim **under this section**, but ~~such the~~
 11 notice may be executed and filed by any other person acting in
 12 behalf of any party by whom ~~such the~~ notice of claim may be filed
 13 who is under a disability or otherwise unable to make ~~such the~~
 14 claim in his or her own behalf.

15 Sec. 4. Any property hereafter ~~derived~~ **after May 10, 1948** from
 16 property ~~which that~~ constitutes community property by virtue of ~~the~~
 17 ~~provisions of Act No. 317 of the Public Acts of 1947 shall~~
 18 ~~constitute~~ **former 1947 PA 317 constitutes** community property and
 19 ~~remain~~ **remains** subject to the provisions of ~~said that~~ act and for
 20 ~~such that~~ purpose ~~said that~~ act shall ~~continue~~ **continues** in force.
 21 ~~: Provided, That, except where~~ **However, unless** the conveyance or
 22 other instrument of title under which the ~~same~~ **property** is acquired
 23 or other evidence of ownership ~~thereof of the property~~ expressly
 24 states the intention that ~~such the~~ property shall ~~be~~ **is** community
 25 property, any ~~such~~ property acquired ~~within 1 year after the time~~
 26 ~~this act takes effect shall~~ **before May 10, 1949 must** be deemed to
 27 be separate property of **1 or both of** the ~~husband or the wife, or~~
 28 ~~both,~~ **spouses** according to the name or names set forth in the
 29 conveyance or other instrument of title under which ~~such the~~

1 property is acquired or other evidence of ownership thereof, ~~of the~~
 2 **property**, unless ~~within such 1 year period~~ **after May 9, 1948 and**
 3 **before May 10, 1949**, either spouse having an interest therein, ~~in~~
 4 **the property** or any of the devisees, legatees, heirs, or
 5 distributees of either of them who ~~shall have~~ **has** died ~~prior to or~~
 6 ~~during the running of such 1 year period~~, shall file **before May 10,**
 7 **1949 files** notice of claim that ~~such the~~ property constitutes
 8 community property. ~~And provided further, That any~~ **Any** such
 9 property acquired after ~~the expiration of such 1 year period~~ shall
 10 **May 9, 1949 must** be deemed to be separate property, as aforesaid,
 11 **provided in this section**, unless the conveyance or other instrument
 12 of title under which ~~such the~~ property is acquired or other
 13 evidence of ownership thereof ~~shall of the property~~ expressly state
 14 **states** the intention that ~~such the~~ property shall constitute
 15 **constitutes** community property. ~~All of the~~ **The** provisions of
 16 section 3 ~~of this act with respect to any~~ **about a** notice of claim
 17 ~~pursuant thereto shall be applicable with respect~~ **under that**
 18 **section apply** to ~~any a~~ notice of claim under ~~the provisions of this~~
 19 section.

20 Enacting section 1. This amendatory act does not take effect
 21 unless Senate Joint Resolution ____ or House Joint Resolution F
 22 (request no. 00367'23) of the 102nd Legislature becomes a part of
 23 the state constitution of 1963 as provided in section 1 of article
 24 XII of the state constitution of 1963.