

SUBSTITUTE FOR  
HOUSE BILL NO. 5362

A bill to amend 1998 PA 386, entitled  
"Estates and protected individuals code,"  
by amending section 7913 (MCL 700.7913), as added by 2009 PA 46.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7913. (1) Instead of furnishing a copy of the trust  
2 instrument to a person other than a trust beneficiary, the trustee  
3 may furnish to the person a certificate of trust ~~containing~~ **THAT**  
4 **MUST INCLUDE** all of the following information:

5       (a) The name of the trust, ~~and the date of the trust,~~ **AND THE**  
6 **DATE OF EACH OPERATIVE TRUST** instrument. ~~and any amendments.~~

7       (b) The name and address of ~~the currently acting~~ **EACH CURRENT**  
8 trustee.

9       (c) The powers of the trustee relating to the purposes for  
10 which the certificate **OF TRUST** is being offered.

1 (d) The revocability or irrevocability of the trust and the  
2 identity of any person holding a power to revoke the trust.

3 (e) The authority of cotrustees to sign **ON BEHALF OF THE TRUST**  
4 or otherwise authenticate **ON BEHALF OF THE TRUST** and whether all or  
5 less than all **OF THE COTRUSTEES** are required ~~in order to~~ exercise  
6 powers of the trustee.

7 (2) A certificate of trust may be signed or otherwise  
8 authenticated by the settlor, any trustee, or an attorney for the  
9 settlor or trustee. The certificate ~~shall~~ **MUST** be in the form of an  
10 affidavit.

11 (3) A certificate of trust ~~shall~~ **MUST** state that the trust has  
12 not been revoked, modified, or amended in any manner that would  
13 cause the representations ~~contained~~ **INCLUDED** in the certificate of  
14 trust to be incorrect.

15 (4) A certificate of trust need not ~~contain~~ **INCLUDE** the  
16 dispositive terms of the trust **INSTRUMENT**.

17 (5) A recipient of a certificate of trust may require the  
18 trustee to furnish copies of those excerpts from ~~the original~~ **EACH**  
19 trust instrument ~~and later amendments~~ that designate the trustee  
20 and confer ~~upon~~ **ON** the trustee the power to act in the pending  
21 transaction.

22 (6) A person ~~who~~ **THAT** acts in reliance ~~upon~~ **ON** a certificate  
23 of trust without knowledge that the representations ~~contained~~  
24 **INCLUDED** in the certificate **OF TRUST** are incorrect is not liable to  
25 any person for so acting and may assume without inquiry the  
26 existence of the **TRUST AND OTHER** facts ~~contained~~ **INCLUDED** in the  
27 certificate **OF TRUST**.

1           (7) A person ~~who~~**THAT** in good faith enters into a transaction  
2 in reliance ~~upon~~**ON** a certificate of trust may enforce the  
3 transaction against the trust property as if the representations  
4 ~~contained~~**INCLUDED** in the certificate **OF TRUST** were correct.

5           (8) A person ~~making~~**THAT MAKES** a demand for the trust  
6 instrument in addition to a certificate of trust or excerpts **OF THE**  
7 **TRUST INSTRUMENT** is liable for damages, costs, expenses, and legal  
8 fees if the court determines that the person ~~was~~**THAT MADE THE**  
9 **DEMAND DID** not ~~acting~~**ACT** pursuant to a legal requirement ~~in~~  
10 ~~demanding~~**TO DEMAND** the trust instrument.

11           (9) This section does not limit the right of a person to  
12 obtain a copy of the trust instrument in a judicial proceeding  
13 ~~concerning~~**THAT CONCERNS** the trust.