Act No. 149
Public Acts of 1991
Approved by the Governor
November 22, 1991
Filed with the Secretary of State
November 25, 1991

STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1991

Introduced by Reps. Clarke and DeMars

ENROLLED HOUSE BILL No. 4918

AN ACT to amend sections 16, 17, 19, 20, 21, 22, and 23 of chapter 65 of the Revised Statutes of 1846, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," being sections 565.16, 565.17, 565.19, 565.20, 565.21, 565.22, and 565.23 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 16, 17, 19, 20, 21, 22, and 23 of chapter 65 of the Revised Statutes of 1846, being sections 565.16, 565.17, 565.19, 565.20, 565.21, 565.22, and 565.23 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 16. If any grantor residing in this state shall refuse to acknowledge his or her deed, the grantee or any person claiming under him or her may apply to the circuit court in the county where the land lies, or where the grantor or any subscribing witness to the deed resides, which shall issue a summons to the grantor to appear at a certain time and place before the court, to hear the testimony of the subscribing witnesses to the deed; and the summons with a copy of the deed annexed shall be served at least 7 days before the time therein assigned for proving the deed.

Sec. 17. At the time mentioned in the summons, or at any time to which the hearing may be adjourned, the due execution of the deed may be proved by the testimony of 1 or more of the subscribing witnesses; and if proved to the satisfaction of the court, it shall certify the same, and in the certificate he or she shall note the presence or absence of the grantor, as the fact may be.

Sec. 19. The court before whom any deed may be presented to be proved, as provided by this act, may issue subpoenas to the subscribing witnesses or others, as the case may require, to appear and testify touching the execution of the deed. The subpoenas may be served in any part of this state.

Sec. 20. Every person who being served with a subpoena under this act, shall without reasonable cause, refuse or neglect to appear, or appearing shall refuse to answer on oath, shall be liable to the injured party in the sum of 100 dollars damages, and for further damages as the party may sustain, and may also be committed to prison for contempt by the court who issued the subpoena, there to remain until he or she shall submit to answer upon oath.

Sec. 21. A person interested in a deed that is not acknowledged may at any time before or during an application to the circuit court file in the office of the register of deeds of the county where the lands are situated, a copy of the deed compared with the original by the register, which shall in the case of proceedings before a court of record, for the space of 10 days after the first day of the next term of the court, have the same effect as the recording of the deed, if the deed shall, within that time be duly proved and recorded.

Sec. 22. If at the expiration of the time mentioned in the preceding section for that purpose, the proceedings for proving the execution of the deed shall be pending before the circuit court, the effect of filing such copy shall continue until the expiration of 7 days after the termination of the proceedings, if such deed shall within that time be duly proved and recorded.

Sec. 23. A certificate of the acknowledgment of any deed, or of the proof of the execution thereof before a court of record, signed by the clerk of such court before whom the same was taken, as provided in this chapter, and, in the cases where the same is necessary, the certificate required by section 11 of this chapter shall entitle the deed with the certificate or certificates to be recorded in the office of the register of deeds of the county where the lands lie.

This act is ordered to take immediate effect.

                                                    Clerk of the House of Representatives.

                                                    Secretary of the Senate.

Approved---

                        Governor.