



HOUSE BILL No. 5192

November 4, 1993, Introduced by Reps. Leland, Jondahl, Bobier, Scott, Berman, Points, Bennane, Murphy, DeMars, Bankes, Clack, Freeman, Stallworth, Jersevic, Wallace, Parks, Emerson, Vorva and Gire and referred to the Committee on Housing and Urban Affairs.

A bill to amend section 5 of Act No. 237 of the Public Acts of 1879, entitled

"An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land,"

being section 565.355 of the Michigan Compiled Laws; and to add section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 of Act No. 237 of the Public Acts of
2 1879, being section 565.355 of the Michigan Compiled Laws, is
3 amended and section 4a is added to read as follows:

4 SEC. 4A. A CONTRACT FOR THE SALE OF LAND SHALL BE RECORDED
5 IN THE OFFICE OF THE REGISTER OF DEEDS NOT LATER THAN 30 DAYS
6 AFTER THE CONTRACT IS EXECUTED AND ACKNOWLEDGED. A CONTRACT FOR
7 THE SALE OF LAND THAT IS NOT RECORDED AS REQUIRED IN THIS SECTION
8 IS INVALID. THIS SECTION APPLIES ONLY TO CONTRACTS FOR THE SALE

1 OF LAND THAT ARE EXECUTED AFTER THE EFFECTIVE DATE OF THIS
2 SECTION.

3 Sec. 5. (1) When the vendor named in ~~said~~ A contract FOR
4 THE SALE OF LAND has ceased in law to be bound by the provisions
5 of the contract, and is entitled to a release ~~therefrom~~ FROM
6 THE CONTRACT, the vendee named in ~~said~~ THE contract ~~,~~ OR his
7 OR HER heirs or assigns, shall, when requested by ~~said~~ THE
8 vendor, execute a discharge of ~~said~~ THE contract in the same
9 manner as now provided by law for the discharge ~~[discharging]~~
10 of mortgages. ~~, and for a refusal to so discharge the same he~~

11 (2) IF A VENDEE REFUSES TO DISCHARGE A CONTRACT AS REQUIRED
12 IN SUBSECTION (1), THE VENDEE shall be subject to the same penal-
13 ties as are now provided by law for a refusal to discharge a
14 mortgage after the ~~same~~ MORTGAGE has been fully paid. ~~,~~ and
15 ~~the party entitled to have said contract discharged from the~~
16 ~~records may proceed to enforce the discharge of the same as pro-~~
17 ~~vided in section 45 of chapter 150 of the Compiled Laws of 1871~~
18 ~~for enforcing the discharge of mortgages, and the petition or~~
19 ~~bill asking for said discharge shall contain all the material~~
20 ~~averments regarding the subject matter thereof required by said~~
21 ~~section in regard to mortgages, so far as the same are applicable~~
22 ~~to contracts for the sale of lands. Provided however, That no~~

23 (3) A contract for the sale of ~~lands~~ LAND shall NOT be
24 deemed invalid for want of acknowledgment. ~~or recording.~~

25 Section 2. This amendatory act shall not take effect unless
26 all of the following bills of the 87th Legislature are enacted
27 into law:

1 (a) Senate Bill No. _____ or House Bill No. 5191 (request
2 no. 01672'93 a).

3 (b) House Bill No. 5075.