
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5022 (Substitute H-1 as passed by the House)
House Bill 5023 (Substitute H-2 as passed by the House)
House Bill 5023 (Substitute H-1 as passed by the House)
House Bill 5025 (as passed by the House)
Sponsor: Representative Alan Sanborn
House Committee: Local Government and Urban Policy
Senate Committee: Local, Urban and State Affairs

Date Completed: 2-6-02

CONTENT

The bills would amend various statutes to eliminate witness requirements for documents conveying land or an interest in land, including deeds, contracts, and a proprietor's certificate on a plat.

House Bill 5022 (H-1)

The bill would amend Chapter 65 of the Revised Statutes of 1846, which governs the conveyance of real property, to eliminate the requirement that deeds of land, or any interest in land, executed within the State be executed in the presence of two witnesses.

In addition, under the current law, a deed, mortgage, or other written instrument affecting the title to land, or any interest in land, that by law is required to be acknowledged, may not be recorded by the register of deeds of any county unless the document is duly witnessed and acknowledged, or proved as provided by Chapter 16. The bill would eliminate the witness requirement.

House Bill 5023 (H-2)

The bill would amend Public Act 103 of 1937, which prescribes conditions for the execution of instruments to be recorded in the register of deeds office, to eliminate the requirement that the name of each witness to an instrument be legibly printed, typewritten, or stamped upon the instrument immediately beneath the signature of the witness.

The bill also would delete the requirement that the address of each person executing an instrument be printed, typed, or stamped on it.

In addition, the bill would delete language expressing legislative intent that a signature be written directly above the printed, typed, or stamped name on an instrument, wherever the Act requires the name of a person to be "printed, typewritten, or stamped upon such instrument immediately beneath the signature"; providing that the signature may not be superimposed upon the name in a way that makes it illegible; and providing that the instrument is entitled to be recorded if the name and signature are, in the discretion of the register of deeds, placed on the instrument in a way that makes the connection between them apparent.

The bill also provides that an instrument that complied with the provisions of the Act and any

other act relating to the recording of instruments could not be rejected for recording because of the content of the instrument.

The bill would retain language under which any instrument received and recorded by a register of deeds must be conclusively presumed to comply with the Act, and the requirements of the Act are cumulative to the requirements imposed by any other act relating to the recording of instruments.

House Bill 5024 (H-1)

The bill would amend Public Act 237 of 1879, which provides for the execution, acknowledgment, and recording of contracts, to eliminate the requirement that contracts for the sale of land or any interest in land be executed in the presence of two witnesses.

House Bill 5025

The bill would amend the Land Division Act to eliminate the requirement that the signatures on a proprietor's certificate on a plat be witnessed by two persons.

Under the Act, a final plat (a map or chart of a subdivision of land) may not be recorded unless it contains certain certificates, including a certificate of the proprietor submitting the plat. The proprietor's certificate must be signed by all persons holding the title by deed of the land, all persons holding any other title of record, all persons who hold title as mortgagee or land contract vendee or who are in possession (but not renters), and the spouses of these individuals. The bill would delete the requirement that each of these signatures be witnessed by two people.

MCL 565.8 & 565.47 (H.B. 5022)
565.201 (H.B. 5023)
565.351 (H.B. 5024)
560.144 (H.B. 5025)

Legislative Analyst: Nobuko Nagata

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Jay Wortley