

# HOUSE BILL No. 5022

July 11, 2001, Introduced by Rep. Sanborn and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1846 RS 65, entitled

"Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,"

by amending sections 8 and 47 (MCL 565.8 and 565.47), section 8 as amended by 1980 PA 488.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 8. Deeds executed within this state of lands, or any  
2 interest in lands, shall be ~~executed in the presence of 2 wit-~~  
3 ~~nesses, who shall subscribe their names to the deed as such and~~  
4 ~~the persons executing the deeds may acknowledge the execution~~  
5 ACKNOWLEDGED before any judge, clerk of a court of record, or  
6 notary public within ~~the~~ THIS state. The officer taking the  
7 acknowledgment shall endorse on the deed a certificate of the  
8 acknowledgment, and the true date of taking the acknowledgment,  
9 under his or her hand. Any deed ~~which~~ THAT was acknowledged

1 before any county clerk or clerk of any circuit court, before  
2 September 18, 1903, and the acknowledgment of the deed, and, if  
3 recorded, the record of the deed, shall be as valid for all pur-  
4 poses so far as the acknowledgment and record are concerned, as  
5 if the deed had been acknowledged before any other officer named  
6 in this section, and the legality of the acknowledgment and  
7 record shall not be questioned in any court or place. If a deed  
8 has been recorded ~~which~~ THAT lacks 1 or more witnesses and the  
9 deed has been of record for a period of 10 years or more, and is  
10 otherwise eligible to record, the record of the deed shall be  
11 effectual for all purposes of a legal record and the record of  
12 the deed or a transcript ~~thereof~~ OF THE RECORD may be given in  
13 evidence in all cases and the deed shall be as valid and effec-  
14 tual as if it had been duly executed in compliance with this  
15 section.

16       Sec. 47. ~~No deed,~~ A mortgage ~~,~~ or other ~~instruments~~  
17 INSTRUMENT in writing ~~which~~ THAT by law ~~are~~ IS required to be  
18 acknowledged affecting the title to lands, or any interest there-  
19 in, shall NOT be recorded by the register of deeds of any county  
20 unless the ~~same shall be duly witnessed and~~ DEED, MORTGAGE, OR  
21 OTHER INSTRUMENT IS acknowledged ~~,~~ or proved as provided by  
22 this chapter. ~~and the amendments thereto.~~