

HOUSE BILL No. 4890

June 25, 2003, Introduced by Reps. Brandenburg, Woronchak, Drolet, Acciavatti, Milosch, Garfield, Hummel, Palmer, Voorhees, Emmons, Huizenga, Bisbee, Moolenaar, LaJoy, Pastor, Walker, Amos, DeRoche, Hoogendyk, Hune, Rocca, Hart, Shackleton, Meyer, Steil, Sheen, Palsrok, Gaffney, Mortimer, Casperson, Farhat, Nofs, Stakoe, Nitz, Vander Veen, Kooiman, Stahl, Wenke, Ward, Shaffer, Robertson, Howell, Ruth Johnson, Daniels, Hager, Shulman, Pumford, Stewart, Richardville, Caul, Plakas, Pappageorge, DeRossett, Newell, Middaugh and Julian and referred to the Committee on Tax Policy.

A bill to amend 1966 PA 134, entitled

"An act to impose a tax upon written instruments which transfer any interest in real property; to provide for the administration of this act; and to provide penalties for violations of this act,"

by amending section 5 (MCL 207.505).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. The following instruments and transfers shall be
2 exempt from this act:

3 (a) ~~Instruments~~ **A written instrument** where the value of
4 the consideration is less than \$100.00.

5 (b) ~~Instruments~~ **A written instrument** evidencing
6 ~~contracts~~ **a contract** or ~~transfers which are~~ **transfer that is**
7 not to be performed wholly within this state ~~insofar as such~~
8 ~~instruments include~~ **only to the extent that the instrument**
9 **includes** land lying outside of this state.

10 (c) ~~Written instruments which~~ **A written instrument that**

1 this state is prohibited from taxing under the **United States**
2 constitution or **federal** statutes. ~~of the United States.~~

3 (d) ~~Instruments or writings~~ **A written instrument** given as
4 security or ~~any~~ **an** assignment or discharge ~~thereof~~ **of the**
5 **security interest.**

6 (e) ~~Instruments~~ **A written instrument** evidencing ~~leases~~ **a**
7 **lease**, including **an** oil and gas ~~leases~~ **lease**, or ~~transfers~~ **a**
8 **transfer** of ~~such~~ **a** leasehold ~~interests~~ **interest.**

9 (f) ~~Instruments~~ **A written instrument** evidencing ~~any~~
10 ~~interests which are~~ **an interest that is** assessable as personal
11 property.

12 (g) ~~Instruments~~ **A written instrument** evidencing the
13 transfer of ~~rights~~ **a right** and ~~interests~~ **interest** for
14 underground gas storage purposes.

15 (h) ~~Instruments~~ **Any of the following written instruments:**

16 (i) **A written instrument** in which the grantor is the United
17 States, ~~the~~ **this** state, ~~any~~ **a** political subdivision or
18 municipality ~~thereof~~ **of this state**, or **an** officer ~~thereof~~ **of**
19 **the United States or of this state or a political subdivision of**
20 **this state** acting in his **or her** official capacity. ~~→~~

21 (ii) **A written instrument** given in foreclosure or in lieu of
22 foreclosure of a loan made, guaranteed, or insured by the United
23 States, ~~the~~ **this** state, ~~any~~ **a** political subdivision or
24 municipality ~~thereof~~ **of this state**, or **an** officer ~~thereof~~ **of**
25 **the United States or of this state or a political subdivision or**
26 **municipality of this state** acting in his **or her** official
27 capacity. ~~→~~

1 (iii) **A written instrument** given to the United States, ~~the~~
 2 **this** state, or 1 of their officers **acting in an official capacity**
 3 as grantee, pursuant to the terms or guarantee or insurance of a
 4 loan guaranteed or insured by the grantee.

5 (i) ~~Conveyances~~ **A conveyance** from a husband or wife or
 6 husband and wife creating or disjoining a tenancy by the
 7 entireties in the grantors or the grantor and his or her spouse.

8 (j) ~~Judgments~~ **A judgment** or ~~orders~~ **order** of ~~courts~~ **a**
 9 **court** of record making or ordering ~~transfers, except where a~~
 10 **transfer, unless** a specific monetary consideration is specified
 11 or ordered by the court ~~therefor~~ **for the transfer.**

12 (k) ~~Instruments~~ **A written instrument** used to straighten
 13 boundary lines ~~where~~ **if** no monetary consideration is given.

14 (l) ~~Instruments~~ **A written instrument** to confirm ~~titles~~
 15 **title** already vested in ~~grantees, such as a grantee, including~~
 16 **a quitclaim deeds deed** to correct ~~flaws~~ **a flaw** in ~~titles~~
 17 **title.**

18 (m) ~~Land contracts whereby~~ **A land contract in which** the
 19 legal title does not pass to the grantee until the total
 20 consideration specified in the contract has been paid.

21 (n) ~~Instruments~~ **A written instrument** evidencing the
 22 transfer of mineral rights and interests.

23 (o) ~~Instruments~~ **A written instrument** creating a joint
 24 tenancy between 2 or more persons ~~where~~ **if** at least 1 of the
 25 persons already ~~owned~~ **owns** the property.

26 (p) **A written instrument that conveys an interest in**
 27 **property in which 1 or more of the transferors or 1 or more of**

1 the transferees is 65 years of age or older.