

SUBSTITUTE FOR  
HOUSE BILL NO. 6695

A bill to amend 1846 RS 65, entitled  
"Of alienation by deed, and the proof and recording of  
conveyances, and the canceling of mortgages,"  
(MCL 565.1 to 565.49) by adding section 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1           SEC. 50. (1) AS USED IN THIS SECTION:  
2           (A) "BENEFICIARY DEED" MEANS A DEED AUTHORIZED UNDER THIS  
3 SECTION.  
4           (B) "OWNER" MEANS ANY PERSON WHO EXECUTES A BENEFICIARY DEED  
5 AS PROVIDED IN THIS SECTION.  
6           (2) A DEED THAT CONVEYS AN INTEREST IN REAL PROPERTY,  
7 INCLUDING ANY DEBT SECURED BY A LIEN ON REAL PROPERTY, TO A  
8 GRANTEE BENEFICIARY DESIGNATED BY THE OWNER AND THAT EXPRESSLY  
9 STATES THAT THE DEED IS EFFECTIVE ON THE DEATH OF THE OWNER  
10 TRANSFERS THE INTEREST TO THE DESIGNATED GRANTEE BENEFICIARY

1 EFFECTIVE ON THE DEATH OF THE OWNER SUBJECT TO ALL CONVEYANCES,  
2 ASSIGNMENTS, CONTRACTS, MORTGAGES, DEEDS OF TRUST, LIENS,  
3 SECURITY PLEDGES, AND OTHER ENCUMBRANCES MADE BY THE OWNER OR TO  
4 WHICH THE OWNER WAS SUBJECT DURING THE OWNER'S LIFETIME.

5 (3) A BENEFICIARY DEED MAY DESIGNATE MULTIPLE GRANTEES WHO  
6 TAKE TITLE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP, TENANTS  
7 IN COMMON, TENANTS BY THE ENTIRETIES, OR ANY OTHER TENANCY THAT  
8 IS VALID UNDER THE LAWS OF THIS STATE.

9 (4) A BENEFICIARY DEED MAY DESIGNATE A SUCCESSOR GRANTEE  
10 BENEFICIARY. IF THE BENEFICIARY DEED DESIGNATES A SUCCESSOR  
11 GRANTEE BENEFICIARY, THE DEED SHALL STATE THE CONDITION ON WHICH  
12 THE INTEREST OF THE SUCCESSOR GRANTEE BENEFICIARY WOULD VEST.

13 (5) IF REAL PROPERTY IS OWNED AS JOINT TENANTS WITH THE  
14 RIGHT OF SURVIVORSHIP, A DEED THAT CONVEYS AN INTEREST IN THE  
15 REAL PROPERTY TO A GRANTEE BENEFICIARY DESIGNATED BY ALL OF THE  
16 THEN SURVIVING OWNERS AND THAT EXPRESSLY STATES THAT THE DEED IS  
17 EFFECTIVE ON THE DEATH OF THE LAST SURVIVING OWNER TRANSFERS THE  
18 INTEREST TO THE DESIGNATED GRANTEE BENEFICIARY EFFECTIVE ON THE  
19 DEATH OF THE LAST SURVIVING OWNER. IF A BENEFICIARY DEED IS  
20 EXECUTED BY FEWER THAN ALL OF THE OWNERS OF REAL PROPERTY OWNED  
21 AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP OR TENANCY BY THE  
22 ENTIRETIES, THE BENEFICIARY DEED IS VALID IF THE LAST SURVIVING  
23 OWNER IS 1 OF THE PERSONS WHO EXECUTES THE BENEFICIARY DEED. IF  
24 THE LAST SURVIVING OWNER DID NOT EXECUTE THE BENEFICIARY DEED,  
25 THE TRANSFER LAPSES AND THE DEED IS VOID. AN ESTATE IN JOINT  
26 TENANCY WITH RIGHT OF SURVIVORSHIP IS NOT AFFECTED BY THE  
27 EXECUTION OF A BENEFICIARY DEED THAT IS EXECUTED BY FEWER THAN

1 ALL OF THE OWNERS OF THE REAL PROPERTY, AND THE RIGHTS OF A  
2 SURVIVING JOINT TENANT WITH RIGHT OF SURVIVORSHIP PREVAILS OVER A  
3 GRANTEE BENEFICIARY NAMED IN A BENEFICIARY DEED.

4 (6) A BENEFICIARY DEED IS VALID ONLY IF THE DEED IS EXECUTED  
5 AND RECORDED AS PROVIDED BY LAW IN THE OFFICE OF THE COUNTY  
6 REGISTER OF DEEDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED  
7 BEFORE THE DEATH OF THE OWNER OR THE LAST SURVIVING OWNER. A  
8 BENEFICIARY DEED MAY BE USED TO TRANSFER AN INTEREST IN REAL  
9 PROPERTY TO THE TRUSTEE OF A TRUST EVEN IF THE TRUST IS  
10 REVOCABLE.

11 (7) A BENEFICIARY DEED MAY BE REVOKED AT ANY TIME BY THE  
12 OWNER OR, IF THERE IS MORE THAN 1 OWNER, BY ANY OF THE OWNERS WHO  
13 EXECUTED THE BENEFICIARY DEED. TO BE EFFECTIVE, THE REVOCATION  
14 MUST BE EXECUTED AND RECORDED AS PROVIDED BY LAW IN THE OFFICE OF  
15 THE COUNTY REGISTER OF DEEDS OF THE COUNTY IN WHICH THE REAL  
16 PROPERTY IS LOCATED BEFORE THE DEATH OF THE OWNER WHO EXECUTES  
17 THE REVOCATION. IF THE REAL PROPERTY IS OWNED AS JOINT TENANTS  
18 WITH RIGHT OF SURVIVORSHIP AND IF THE REVOCATION IS NOT EXECUTED  
19 BY ALL THE OWNERS, THE REVOCATION IS NOT EFFECTIVE UNLESS  
20 EXECUTED BY THE LAST SURVIVING OWNER.

21 (8) IF AN OWNER EXECUTES AND RECORDS MORE THAN 1 BENEFICIARY  
22 DEED CONCERNING THE SAME REAL PROPERTY, THE LAST BENEFICIARY DEED  
23 THAT IS RECORDED BEFORE THE OWNER'S DEATH IS THE EFFECTIVE  
24 BENEFICIARY DEED.

25 (9) THIS SECTION DOES NOT PROHIBIT OTHER METHODS OF  
26 CONVEYING PROPERTY THAT ARE PERMITTED BY LAW AND THAT HAVE THE  
27 EFFECT OF POSTPONING ENJOYMENT OF AN INTEREST IN REAL PROPERTY

1 UNTIL THE DEATH OF THE OWNER. THIS SECTION DOES NOT INVALIDATE  
2 ANY DEED OTHERWISE EFFECTIVE BY LAW TO CONVEY TITLE TO THE  
3 INTERESTS AND ESTATES PROVIDED IN THE DEED THAT IS NOT RECORDED  
4 UNTIL AFTER THE DEATH OF THE OWNER.

5 (10) THE SIGNATURE, CONSENT, OR AGREEMENT OF OR NOTICE TO A  
6 GRANTEE BENEFICIARY OF A BENEFICIARY DEED IS NOT REQUIRED FOR ANY  
7 PURPOSE DURING THE LIFETIME OF THE OWNER.

8 (11) A BENEFICIARY DEED THAT IS EXECUTED, ACKNOWLEDGED, AND  
9 RECORDED IN ACCORDANCE WITH THIS SECTION IS NOT REVOKED BY THE  
10 PROVISIONS OF A WILL.

11 (12) A BENEFICIARY DEED IS SUFFICIENT IF IT COMPLIES WITH  
12 OTHER APPLICABLE LAWS AND IF IT IS IN SUBSTANTIALLY THE FOLLOWING  
13 FORM:

14 BENEFICIARY DEED

15 I (WE) \_\_\_\_\_ (OWNER) WHOSE ADDRESS IS/ARE  
16 \_\_\_\_\_ CONVEY(S) TO  
17 \_\_\_\_\_ (GRANTEE BENEFICIARY) WHOSE ADDRESS  
18 IS/ARE \_\_\_\_\_ EFFECTIVE ON  
19 MY (OUR) DEATH THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED  
20 IN THE COUNTY OF \_\_\_\_\_ AND THE STATE OF MICHIGAN:

21  
22 (LEGAL DESCRIPTION)  
23 \_\_\_\_\_

24 TOGETHER WITH ALL AND SINGULAR THE TENEMENTS, HEREDITAMENTS,  
25 AND APPURTENANCES THEREUNTO BELONGING OR IN ANY WAY PERTAINING  
26 THERETO, SUBJECT TO EASEMENTS AND BUILDING AND USE RESTRICTIONS  
27 OF RECORD.

28 NOTICE: BY SIGNING THIS DEED, A MARRIED PERSON IS SURRENDERING

1 RIGHTS THAT HE OR SHE MIGHT OTHERWISE HAVE IN THE PROPERTY.

2 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

3 WITNESSES: SIGNED BY:

4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

7 STATE OF MICHIGAN } \_\_\_\_\_

8 COUNTY OF \_\_\_\_\_ }

9 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

10 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ BY \_\_\_\_\_.

11 \_\_\_\_\_  
12 NOTARY PUBLIC,  
13 \_\_\_\_\_ COUNTY, MICHIGAN

14 MY COMMISSION EXPIRES \_\_\_\_\_, \_\_\_\_\_.

15 WHEN RECORDED, RETURN TO:

16 \_\_\_\_\_  
17 NAME

18 \_\_\_\_\_  
19 STREET ADDRESS

20 \_\_\_\_\_  
21 CITY AND STATE

22 (13) THE INSTRUMENT OF REVOCATION SHALL BE SUFFICIENT IF IT  
23 COMPLIES WITH OTHER APPLICABLE LAWS AND IS IN SUBSTANTIALLY THE  
24 FOLLOWING FORM:

25 REVOCATION OF BENEFICIARY DEED

26 THE UNDERSIGNED HEREBY REVOKES THE BENEFICIARY DEED  
27 RECORDED ON \_\_\_\_\_ (DATE), IN DOCKET OR BOOK \_\_\_\_\_  
28 AT PAGE \_\_\_\_\_, OR INSTRUMENT NUMBER \_\_\_\_\_, RECORDS OF  
29 \_\_\_\_\_ COUNTY, MICHIGAN.

30 DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

31 WITNESSES: SIGNED BY:

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 STATE OF MICHIGAN }

5 COUNTY OF \_\_\_\_\_ }

6 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

7 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ BY \_\_\_\_\_ .

8 \_\_\_\_\_

9 NOTARY PUBLIC,

10 \_\_\_\_\_ COUNTY, MICHIGAN

11 MY COMMISSION EXPIRES \_\_\_\_\_, \_\_\_\_ .