

Legislative Analysis



PREVIOUSLY RECORDED DOCUMENTS: CORRECT ERRORS OR OMISSIONS

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House Bill 4928
Sponsor: Rep. Kevin Cotter
Committee: Judiciary

Complete to 4-17-12

A SUMMARY OF HOUSE BILL 4928 AS INTRODUCED 9-8-11

House Bill 4928 would add a new section to Public Act 123 of 1915, which concerns recording affidavits affecting real property, to allow affidavits to correct errors or omissions in previously recorded documents.

The bill would specify that an affidavit to correct errors or omissions in previously recorded documents relating to the proper place of recording and to scriveners errors or omissions could be recorded in the Office of Register of Deeds for the county where the real property that is the subject of the affidavit was located.

An affidavit recorded under the bill could only be made by a person having knowledge of the relevant facts, or by a person competent to testify concerning those facts in open court, and would have to meet the requirements of Section 1c of the act. [Section 1c concerns the protocols to be used for land descriptions.] In addition, the affidavit could not alter the substantive rights of any party unless it was executed by that party.

A county register of deeds would be required to index all names recited within an affidavit to correct an error or omission recorded under the bill. Lastly, the bill would not prohibit the recording of a corrected version of the previously recorded document indicating the corrective changes and making reference to the previously recorded document by liber and page number or by another unique identifying number.

MCL 565.451d

FISCAL IMPACT:

The bill would have no fiscal impact on the Judiciary.

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