



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4928 (as reported with amendment)
Sponsor: Representative Kevin Cotter
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend Public Act 123 of 1915, which provides for the recording and use in evidence of affidavits affecting real property, to allow an affidavit correcting certain errors or omissions in previously recorded documents to be recorded with the register of deeds.

Specifically, an affidavit to correct the following types of errors or omissions in previously recorded documents could be recorded in the office of register of deeds for the county where the real property that was the subject of the affidavit was located:

- Errors relating to the proper place of recording.
- Scrivener's errors or omissions.

The affidavit would have to be made by a person who had knowledge of the relevant facts and was competent to testify concerning those facts in open court, and would have to meet the requirements of Section 1c of the Act. (Section 1c requires an affidavit to include a description of the land whose title may be affected by facts stated in the affidavit, and allows a deed, will, mortgage, or other instrument affecting the title that contains a full and adequate description of the land to be incorporated in the affidavit by reference.)

An affidavit to correct errors or omissions could not alter the substantive rights of any party unless that party executed it.

The register of deeds would have to index all names recited within an affidavit recorded under the bill.

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.

Proposed MCL 565.451d

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 6-6-12

Fiscal Analyst: David Zin