

Act No. 492
Public Acts of 2018
Approved by the Governor
December 24, 2018
Filed with the Secretary of State
December 27, 2018
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**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Rep. Lucido

ENROLLED HOUSE BILL No. 5398

AN ACT to amend 1991 PA 133, entitled “An act to allow the use and recording of certain documents regarding trusts in the case of real property that is conveyed or otherwise affected by a trust; and to prescribe their effect,” by amending sections 1, 4, and 5 (MCL 565.431, 565.434, and 565.435), section 4 as amended by 2018 PA 194; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. An instrument that conveys, encumbers, or otherwise affects real property, executed pursuant to an express trust, may be accompanied by either of the following:

(a) A copy of each operative trust instrument. As used in this subdivision, “trust instrument” means that term as defined in section 7103 of the estates and protected individuals code, 1998 PA 386, MCL 700.7103.

(b) A certificate of trust under section 7913 of the estates and protected individuals code, 1998 PA 386, MCL 700.7913, that includes the legal description of the affected real property.

Sec. 4. A trust instrument or certificate of trust under section 7913 of the estates and protected individuals code, 1998 PA 386, MCL 700.7913, that accompanies an instrument as described in section 1, and any amendments to or revocations of the trust instrument or the certificate of trust under section 7913 of the estates and protected individuals code, 1998 PA 386, MCL 700.7913, may be recorded in the office of the register of deeds of each county where the lands that are the subject of or affected by the trust instrument are located. If a trust instrument or certificate of trust under section 7913 of the estates and protected individuals code, 1998 PA 386, MCL 700.7913, accompanies an instrument as described in section 1, the trust instrument or certificate of trust under section 7913 of the estates and protected individuals code, 1998 PA 386, MCL 700.7913, must be recorded as a separate document. As used in this section, “trust instrument” means that term as defined in section 7103 of the estates and protected individuals code, 1998 PA 386, MCL 700.7103.

Sec. 5. A purchaser or other party relying on the information included in a recorded certificate of trust under section 7913 of the estates and protected individuals code, 1998 PA 386, MCL 700.7913, has the same protection as is provided to a subsequent purchaser in good faith under section 29 of 1846 RS 65, MCL 565.29. A purchaser or other party described in this section is not required to further examine the trust instrument, unless an instrument amending or revoking the trust instrument or certificate of trust under section 7913 of the estates and protected individuals code, 1998 PA 386, MCL 700.7913, is recorded in the same office in which the trust instrument or certificate of trust under section 7913 of the estates and protected individuals code, 1998 PA 386, MCL 700.7913, was previously recorded. As used in this section, “trust instrument” means that term as defined in section 7103 of the estates and protected individuals code, 1998 PA 386, MCL 700.7103.

Enacting section 1. Sections 2, 3, and 6 of 1991 PA 133, MCL 565.432, 565.433, and 565.436, are repealed.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor