



# HOUSE BILL No. 4218

January 30, 1995, Introduced by Reps. Leland, Brewer, Hanley and DeMars and referred to the Committee on Local Government.

A bill to amend section 5 of Act No. 237 of the Public Acts of 1879, entitled

"An act to provide for the execution, acknowledgment, and recording of contracts for the sale of land,"

being section 565.355 of the Michigan Compiled Laws; and to add section 4a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 5 of Act No. 237 of the Public Acts of  
2 1879, being section 565.355 of the Michigan Compiled Laws, is  
3 amended and section 4a is added to read as follows:

4 SEC. 4A. A CONTRACT FOR THE SALE OF LAND SHALL BE RECORDED  
5 IN THE OFFICE OF THE REGISTER OF DEEDS NOT LATER THAN 30 DAYS  
6 AFTER THE CONTRACT IS EXECUTED AND ACKNOWLEDGED. A CONTRACT FOR  
7 THE SALE OF LAND THAT IS NOT RECORDED AS REQUIRED IN THIS SECTION  
8 IS INVALID. THIS SECTION APPLIES ONLY TO CONTRACTS FOR THE SALE

1 OF LAND THAT ARE EXECUTED AFTER THE EFFECTIVE DATE OF THIS  
2 SECTION.

3       Sec. 5. When the vendor named in ~~said~~ A contract FOR THE  
4 SALE OF LAND has ceased in law to be bound by the provisions of  
5 the contract, and is entitled to a release therefrom, the vendee  
6 named in ~~said~~ THE contract, OR his OR HER heirs or assigns,  
7 shall, when requested by ~~said~~ THE vendor, execute a discharge  
8 of ~~said~~ THE contract in the same manner as now provided by law  
9 for the discharge ~~{discharging}~~ of mortgages, and for a refusal  
10 to so discharge the ~~same he~~ CONTRACT shall be subject to the  
11 same penalties as are now provided by law for a refusal to dis-  
12 charge a mortgage after the ~~same~~ MORTGAGE has been fully paid,  
13 and the party entitled to have ~~said~~ THE contract discharged  
14 from the records may ~~proceed to~~ enforce the discharge of the  
15 ~~same~~ CONTRACT as provided BY LAW. ~~in section 45 of chapter 150~~  
16 ~~of the Compiled Laws of 1871 for enforcing the discharge of mort-~~  
17 ~~gages, and the petition or bill asking for said discharge shall~~  
18 ~~contain all the material averments regarding the subject matter~~  
19 ~~thereof required by said section in regard to mortgages, so far~~  
20 ~~as the same are applicable to contracts for the sale of lands.~~  
21 ~~Provided however, That no~~ HOWEVER, A contract for the sale of  
22 lands shall NOT be deemed invalid for want of acknowledgment. ~~or~~  
23 ~~recording.~~

24       Section 2. This amendatory act shall not take effect unless  
25 all of the following bills of the 88th Legislature are enacted  
26 into law:

1 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
2 (request no. 00884'95).

3 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4217 (request  
4 no. 01085'95 a).