

HOUSE BILL No. 4928

(As amended September 11, 2012)

September 8, 2011, Introduced by Reps. Cotter, Bumstead, Pettalia, Genetski, Kowall, MacGregor, Denby and Opsommer and referred to the Committee on Judiciary.

A bill to amend 1915 PA 123, entitled

"An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits,"

(MCL 565.451a to 565.453) by adding section 1d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1D. (1) AN AFFIDAVIT TO CORRECT THE FOLLOWING TYPES OF
2 ERRORS OR OMISSIONS IN PREVIOUSLY RECORDED DOCUMENTS MAY BE
3 RECORDED IN THE OFFICE OF REGISTER OF DEEDS FOR THE COUNTY WHERE
4 THE REAL PROPERTY THAT IS THE SUBJECT OF THE AFFIDAVIT IS LOCATED:

5 (A) ERRORS AND OMISSIONS RELATING TO THE PROPER PLACE OF
6 RECORDING.

7 (B) SCRIVENER'S ERRORS AND SCRIVENER'S OMISSIONS.

8 (2) ALL OF THE FOLLOWING APPLY TO AN AFFIDAVIT UNDER
9 SUBSECTION (1):

10 (A) THE AFFIDAVIT SHALL BE MADE BY A PERSON <<WHO HAS>>
KNOWLEDGE

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1 OF THE RELEVANT FACTS <<AND IS>> COMPETENT TO TESTIFY
2 CONCERNING THOSE FACTS IN OPEN COURT AND SHALL MEET THE
3 REQUIREMENTS OF SECTION 1C.

4 (B) THE AFFIDAVIT DOES NOT ALTER THE SUBSTANTIVE RIGHTS OF ANY
5 PARTY UNLESS IT IS EXECUTED BY THAT PARTY.

6 (3) THE COUNTY REGISTER OF DEEDS SHALL INDEX ALL NAMES RECITED
7 WITHIN AN AFFIDAVIT RECORDED UNDER SUBSECTION (1).

8 (4) SUBSECTION (1) DOES NOT PROHIBIT THE RECORDING OF A
9 CORRECTED VERSION OF THE PREVIOUSLY RECORDED DOCUMENT INDICATING
10 THE CORRECTIVE CHANGES AND MAKING REFERENCE TO THE PREVIOUSLY
11 RECORDED DOCUMENT BY LIBER AND PAGE NUMBER OR BY ANOTHER UNIQUE
12 IDENTIFYING NUMBER.