

HOUSE BILL No. 5969

October 17, 2012, Introduced by Rep. Brown and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 218a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 218A. (1) A PERSON WHO DOES ANY OF THE FOLLOWING AND WHO
2 KNOWS OR HAS REASON TO KNOW THAT THE DOCUMENT IS FORGED OR
3 GROUNDLESS, CONTAINS A MATERIAL MISSTATEMENT OR FALSE CLAIM,
4 CONTAINS A SIGNATURE THAT IS NOT THE SIGNATURE OF THE PERSON WHOSE
5 NAME IS BEING SIGNED, OR IS OTHERWISE INVALID MAKES A FALSE
6 REPRESENTATION CONCERNING TITLE AND IS GUILTY OF A FELONY
7 PUNISHABLE BY IMPRISONMENT FOR NOT LESS THAN 1 YEAR AND NOT MORE
8 THAN 5 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH FINE
9 AND IMPRISONMENT:

1 (A) CLAIMS AN INTEREST IN, OR A LIEN OR ENCUMBRANCE AGAINST,
2 REAL PROPERTY IN A DOCUMENT THAT IS RECORDED IN THE OFFICE OF THE
3 REGISTER OF DEEDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED.

4 (B) EXECUTES OR NOTARIZES A DOCUMENT PURPORTING TO CREATE AN
5 INTEREST IN, OR A LIEN OR ENCUMBRANCE AGAINST, REAL PROPERTY, THAT
6 IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF THE COUNTY
7 WHERE THE PROPERTY IS LOCATED.

8 (C) CAUSES A DOCUMENT DESCRIBED IN SUBDIVISION (A) OR (B) TO
9 BE RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF THE COUNTY
10 WHERE THE PROPERTY IS LOCATED.

11 (D) ROBOSIGNS A DOCUMENT OR CAUSES A DOCUMENT TO BE
12 ROBOSIGNED.

13 (2) A PERSON WHO MAKES A FALSE REPRESENTATION CONCERNING TITLE
14 IN 2 OR MORE TRANSACTIONS ENGAGES IN A PATTERN OF MAKING FALSE
15 REPRESENTATIONS CONCERNING TITLE AND IS GUILTY OF A FELONY
16 PUNISHABLE BY IMPRISONMENT FOR NOT LESS THAN 3 YEARS AND NOT MORE
17 THAN 20 YEARS OR A FINE OF NOT MORE THAN \$50,000.00, OR BOTH FINE
18 AND IMPRISONMENT, IF ALL OF THE FOLLOWING APPLY TO THE
19 TRANSACTIONS:

20 (A) THE TRANSACTIONS HAVE THE SAME OR SIMILAR PATTERN,
21 PURPOSES, RESULTS, ACCOMPLICES, VICTIMS, OR METHODS OF COMMISSION,
22 OR ARE OTHERWISE INTERRELATED BY DISTINGUISHING CHARACTERISTICS.

23 (B) THE TRANSACTIONS ARE NOT ISOLATED INCIDENTS WITHIN THE
24 PRECEDING 4 YEARS.

25 (C) THE AGGREGATE LOSS OR INTENDED LOSS IN THE TRANSACTIONS IS
26 MORE THAN \$250.00.

27 (3) IN ADDITION TO THE CRIMINAL PENALTIES IMPOSED UNDER

1 SUBSECTIONS (1) AND (2), A PERSON WHO MAKES A FALSE REPRESENTATION
2 CONCERNING TITLE AS DESCRIBED IN SUBSECTION (1) IS SUBJECT TO A
3 CIVIL FINE OF NOT MORE THAN \$5,000.00 FOR EACH VIOLATION. A PENALTY
4 UNDER THIS SUBSECTION MAY BE RECOVERED IN A CIVIL ACTION BROUGHT IN
5 THE NAME OF THIS STATE BY THE ATTORNEY GENERAL. THE ATTORNEY
6 GENERAL MAY RECOVER REASONABLE ATTORNEY FEES AND COSTS IN AN ACTION
7 UNDER THIS SUBSECTION.

8 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), THE OWNER OR HOLDER
9 OF THE BENEFICIAL INTEREST IN REAL PROPERTY THAT IS THE SUBJECT OF
10 A FALSE REPRESENTATION CONCERNING TITLE AS DESCRIBED IN SUBSECTION
11 (1) MAY BRING A CIVIL ACTION TO RECOVER ANY DAMAGES SUFFERED BY THE
12 OWNER OR HOLDER OF THE BENEFICIAL INTEREST, REASONABLE ATTORNEY
13 FEES, AND COSTS. ADDITIONALLY, A PERSON WHO MAKES A FALSE
14 REPRESENTATION CONCERNING TITLE BY ROBOSIGNING UNDER SUBSECTION
15 (1) (D) IS LIABLE TO THE OWNER OR HOLDER OF THE BENEFICIAL INTEREST
16 IN THE PROPERTY FOR 3 TIMES THE AMOUNT FOR WHICH THE PERSON WOULD
17 OTHERWISE BE LIABLE UNDER THIS SUBSECTION.

18 (5) BEFORE BRINGING A CIVIL ACTION UNDER SUBSECTION (4), THE
19 OWNER OR HOLDER OF THE BENEFICIAL INTEREST IN THE REAL PROPERTY
20 SHALL REQUEST IN WRITING THAT THE PERSON WHO MADE THE FALSE
21 REPRESENTATION RECORD A DOCUMENT THAT CORRECTS THE FALSE
22 REPRESENTATION. IF THE PERSON RECORDS A CORRECTIVE DOCUMENT WITHIN
23 20 DAYS AFTER THE DATE OF THE WRITTEN REQUEST, THE OWNER OR HOLDER
24 OF THE BENEFICIAL INTEREST IS NOT ENTITLED TO FILE A CIVIL ACTION
25 UNDER SUBSECTION (4).

26 (6) AS USED IN THIS SECTION, "ROBOSIGN" MEANS TO SIGN A
27 DOCUMENT FOR THE SIGNOR OR TRANSFEROR.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No.____ or House Bill No. 5970(request no.
3 04602'11 a) of the 96th Legislature is enacted into law.