

Legislative Analysis



MARITAL STATUS IN RECORDING REAL ESTATE

Phone: (517) 373-8080
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House Bill 4532 (passed by the House as H-1)

Sponsor: Rep. Mary Whiteford

Committee: Financial Services

Complete to 6-1-17

Analysis available at
<http://www.legislature.mi.gov>

(Enrolled Version)

SUMMARY:

House Bill 4532 would eliminate, effective April 6, 2017, the requirement in Public Act 79 of 1915, that all written instruments conveying or mortgaging real estate, or any interest in real estate, state whether male grantors, mortgagors, or other parties executing the instrument are married or single. Currently, the act says the register of deeds of the county in which an instrument is offered for record shall refuse to record it unless the instrument conforms to this provision.

Specifically, the bill would amend PA 79 (MCL 565.221) so that the requirement only applies to instruments executed and offered for record before April 6, 2017.

(The bill would retain a current provision that after ten years an instrument that was offered for record and recorded in the office of a register of deeds without showing the marital status, the record of the instrument or a transcript of it may be given in evidence in all cases and would be effective for all purposes as a legal record, and would be construed to be as valid and effective as if it had contained a statement showing the marital status.)

BACKGROUND INFORMATION:

The Real Property Law Section of the State Bar of Michigan has said that this provision will no longer be necessary with the legislation to abolish common law and statutory dower taking effect on April 6, 2017. (Generally speaking, Michigan's "right of dower" was a provision of law entitling a surviving widow to one-third of her husband's real property during her lifetime.) For additional information, see analyses of Public Acts 489 & 490 of 2016, as well as a related act, Public Act 378, at: [http://www.legislature.mi.gov/\(S\(bgyxrha21w2pqqljw2neatq\)\)/mileg.aspx?page=getObject&objectname=2015-SB-0558](http://www.legislature.mi.gov/(S(bgyxrha21w2pqqljw2neatq))/mileg.aspx?page=getObject&objectname=2015-SB-0558)

FISCAL IMPACT:

The bill would have no apparent fiscal impact.

POSITIONS:

Michigan Bankers Association supports the bill. (5-17-17)

Michigan Credit Union League supports the bill. (5-17-17)

Michigan Realtors supports the bill. (5-24-17)

Real Property Law Section of the State Bar supports the bill. (5-17-17)

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