

HOUSE BILL NO. 4797

June 15, 2023, Introduced by Reps. Wegela and Morgan and referred to the Committee on Government Operations.

A bill to amend 1925 PA 126, entitled

"An act to provide for the payment to the survivor of husband and wife, of land contracts, and of notes and other obligations secured by a mortgage, given as part of the purchase price of lands held as a tenancy by the entirety, and the vesting of the title of the mortgage or land contract in the survivor,"

by amending the title and section 1 (MCL 557.81).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for the payment to the survivor of husband

1 ~~and wife,~~ **spouses** of land contracts, and of notes and other
 2 obligations secured by a mortgage, given as part of the purchase
 3 price of lands held as a tenancy by the entirety, and **for** the
 4 vesting of the title of the mortgage or land contract in the
 5 survivor.

6 Sec. 1. ~~In all cases where a husband and wife shall~~ **If spouses**
 7 sell land held as a tenancy by the entirety and accept in part
 8 payment for the purchase price the note or other obligation of ~~said~~
 9 **the** purchaser payable to ~~said husband and wife,~~ **the spouses and**
 10 secured by a mortgage on ~~said~~ **the** land, ~~payable to husband and~~
 11 ~~wife,~~ the ~~said debt together with all~~ **and** interest thereon, ~~on the~~
 12 **debt**, unless otherwise expressly stated in ~~said~~ **the** mortgage, after
 13 the death of either ~~shall be~~ **spouse, are** payable to the survivor ~~,~~
 14 and the title to ~~said~~ **the** mortgage ~~shall vest~~ **vests** in the
 15 survivor. ~~, and in case~~ **If** a contract for the sale of property
 16 owned by ~~the husband and wife~~ **spouses** as tenants by the entirety ~~,~~
 17 is entered into by them as vendors, ~~the same provisions herein~~
 18 ~~applying~~ **this section applies** to the rights of the survivor in **the**
 19 **contract in the same way that it applies to** mortgages. ~~as above set~~
 20 ~~forth, shall apply to the survivor of the contract.~~

21 Enacting section 1. This amendatory act does not take effect
 22 unless Senate Joint Resolution ____ or House Joint Resolution F
 23 (request no. 00367'23) of the 102nd Legislature becomes a part of
 24 the state constitution of 1963 as provided in section 1 of article
 25 XII of the state constitution of 1963.