PRINCIPAL AND AGENT RELATIONSHIP

Act 104 of 1943

AN ACT relating to the effect of the death of a person in the armed forces of the United States or associated or connected therewith, or the happening of any other event which by operation of law would otherwise terminate the relationship between a principal and an agent, upon an agency created by such person as principal.

History: 1943, Act 104, Eff. July 30, 1943

The People of the State of Michigan enact:

CAUTION! This document is from an archive and may contain outdated information

35.501 Principal and agent relationship; effect of unreported death of principal in armed forces.

Sec. 1.

The authority of any person, firm, corporation or other legal entity empowered to act as agent under a written power of attorney or otherwise, by any person in the service of the United States, in the armed forces thereof or assigned to duty having any military or civilian connection with the operations of such forces, while serving outside the continental United States, for any lawful purpose or purposes whatsoever, shall not be revoked or terminated by the death of the principal while in said service or associated or connected therewith as aforesaid, but shall continue as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees, or personal representatives of the principal. An affidavit, executed by the attorney-in-fact or agent, setting forth that he has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the non-revocation or non-termination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this state, such affidavit, when authenticated for record in the manner prescribed by law, shall likewise be recordable. No report or listing, either official or otherwise, of "missing" or "missing in action," as such words are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency. This act shall not be construed so as to alter or affect any provision for revocation or termination contained in such power of attorney. The provisions hereof shall apply whether such power shall have been granted before or after the effective date of this act.

History: 1943, Act 104, Eff. July 30, 1943 ;-- Am. 1947, Act 42, Eff. Oct. 11, 1947 ;-- CL 1948, 35.501