FORM OF DEEDS, MORTGAGES, AND ACKNOWLEDGMENTS

Act 187 of 1881

AN ACT in relation to the form of deeds and mortgages of real estate and to the form of the acknowledgments of the same.

History: 1881, Act 187, Eff. Sept. 10, 1881

The People of the State of Michigan enact:

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565.151 Form; warranty deed.

Sec. 1.

That any conveyance of lands worded in substance as follows: "A.B. conveys and warrants to C.D. (here describe the premises) for the sum of (here insert the consideration)," the said conveyance being dated and duly signed, sealed and acknowledged by the grantor, shall be deemed and held to be a conveyance in fee simple to the grantee, his heirs and assigns, with covenant from the grantor for himself and his heirs and personal representatives, that he is lawfully seized of the premises, has good right to convey the same, and guarantees the quiet possession thereof; that the same are free from all incumbrances, and that he will warrant and defend the title to the same against all lawful claims.

History: 1881, Act 187, Eff. Sept. 10, 1881 ;-- How. 5728 ;-- CL 1897, 9014 ;-- CL 1915, 11749 ;-- CL 1929, 13321 ;-- CL 1948, 565.151

565.152 Form; quit claim deed.

Sec. 2.

Any conveyance of lands worded in substance as follows: "A.B. quit claims to C.D. (here describe the premises) for the sum of (here insert the consideration)," the said conveyance, being duly signed, sealed, and acknowledged by the grantor, shall be deemed to be a good and sufficient conveyance in quit claim to the grantee, his heirs, and assigns.

History: 1881, Act 187, Eff. Sept. 10, 1881 ;-- How. 5729 ;-- CL 1897, 9015 ;-- CL 1915, 11750 ;-- CL 1929, 13322 ;-- CL 1948, 565.152

565.153 Estates; word of creation.

Sec. 3.

It shall not be necessary to use the words "heirs and assigns of the grantee" to create in the grantee an estate of inheritance; and if it be the intention of the grantor to convey any lesser estate, it shall be so expressed in the deed.

History: 1881, Act 187, Eff. Sept. 10, 1881 ;-- How. 5730 ;-- CL 1897, 9016 ;-- CL 1915, 11751 ;-- CL 1929, 13323 ;-- CL 1948, 565.153

565.154 Mortgage; wording; validity and enforceability.

Sec. 4.

A mortgage of lands that is worded in substance as follows: "A.B. mortgages and warrants to C.D., (here describe the premises) to secure the re-payment of" (here describe the indebtedness or obligations the mortgage secures) and is signed by the grantor, is a valid and enforceable mortgage to the grantee and the grantee's heirs, assigns, successors, and personal representatives with warranty from the grantor and the grantor's legal representatives, of marketable title in the grantor, free from prior incumbrances. If the indebtedness or obligations secured are described generally, such as "all indebtedness that A.B. now and in the future owes to C.D.", and if the words "and warrant" are omitted from the form, the mortgage is valid and enforceable, but without warranty.

History: 1881, Act 187, Eff. Sept. 10, 1881 ;-- How. 5731 ;-- CL 1897, 9017 ;-- CL 1915, 11752 ;-- CL 1929, 13324 ;-- CL 1948, 565.154 ;-- Am. 2004, Act 422, Imd. Eff. Dec. 15, 2004

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