REPEAL OF COMMUNITY PROPERTY ACT

Act 39 of 1948 (1st Ex. Sess.)

AN ACT to repeal Act No. 317 of the Public Acts of 1947, entitled "An act to provide for the creation of a community estate between husband and wife in real and personal property as defined herein; to prescribe the effect of such community estate; to define and prescribe certain rights and liabilities of parties affected hereby; to eliminate curtesy and dower in such community estate; to preserve the right of dower in the separate property of the husband, and to repeal all acts and parts of acts inconsistent herewith."

History: 1948, 1st Ex. Sess., Act 39, Imd. Eff. May 10, 1948

The People of the State of Michigan enact:

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557.251 Repealed. 1980, Act 180, Imd. Eff. July 2, 1980.

Compiler's Notes: The repealed section repealed the community property act, subject to certain saving provisions.

557.252 Repeal of community property act; effect.

Sec. 2.

This act shall not impair or affect any right acquired prior to the time this act takes effect, but the same may be enjoyed as fully and to the same extent as if this act had not been passed, under and according to the law in force at the time such right was acquired, except as provided in sections 3 and 4 of this act.

History: 1948, 1st Ex. Sess., Act 39, Imd. Eff. May 10, 1948 ;-- CL 1948, 557.252

557.253 Repeal of community property act; community property on effective date of repeal, continuance, notice of claim.

Sec. 3.

Any property which, at the time this act takes effect, constitutes community property by virtue of the provisions of Act No. 317 of the Public Acts of 1947 shall continue to be community property and remain subject to the provisions of said act and for such purpose said act shall continue in force: Provided, That, except where the conveyance or other instrument of title under which the same was acquired or other evidence of ownership thereof expressly states the intention that such property shall be community property, any such property shall, upon the expiration of 1 year after the time this act takes effect, be deemed to be the separate property of the husband or the wife, or both, according to the name or names set forth in the conveyance or other instrument of title under which such property was acquired or other evidence of ownership thereof, unless, within such 1 year period, either spouse having an interest therein, or any of the devisees, legatees, heirs or distributees of either of them who shall have died prior to or during the running of such 1 year period, shall file notice of claim that such property constitutes community property.

Such notice of claim, to be effective, shall be in writing, shall contain a description of each item of property to which the same relates, shall be executed by the party making the same in the manner required for the execution of deeds and shall be filed in the office of the register of deeds for the county in which the spouse by whom, or in whose behalf, the same is made resides at the time of the filing thereof, or, in the event that such spouse shall have died, for the county in which such spouse resided at the time of death. In the event that such notice of claim relates to real property located in any other county or counties, to be effective as to such property, a duplicate original of such notice of claim shall also be filed in the office of the register of deeds for each such county.

No disability of any kind or lack of knowledge on the part of anyone shall suspend the running of the time for filing such notice of claim, but such notice may be executed and filed by any other person acting in behalf of any party by whom such notice of claim may be filed who is under a disability or otherwise unable to make such claim in his or her own behalf.

History: 1948, 1st Ex. Sess., Act 39, Imd. Eff. May 10, 1948 ;-- CL 1948, 557.253

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557.254 Repeal of community property act; community property thereafter derived, continuance, notice of claim.

Sec. 4.

Any property hereafter derived from property which constitutes community property by virtue of the provisions of Act No. 317 of the Public Acts of 1947 shall constitute community property and remain subject to the provisions of said act and for such purpose said act shall continue in force: Provided, That, except where the conveyance or other instrument of title under which the same is acquired or other evidence of ownership thereof expressly states the intention that such property shall be community property, any such property acquired within 1 year after the time this act takes effect shall be deemed to be separate property of the husband or the wife, or both, according to the name or names set forth in the conveyance or other instrument of title under which such property is acquired or other evidence of ownership thereof, unless within such 1 year period either spouse having an interest therein, or any of the devisees, legatees, heirs or distributees of either of them who shall have died prior to or during the running of such 1 year period, shall file notice of claim that such property constitutes community property: And provided further, That any such property acquired after the expiration of such 1 year period shall be deemed to be separate property, as aforesaid, unless the conveyance or other instrument of title under which such property is acquired or other evidence of ownership thereof shall expressly state the intention that such property shall constitute community property. All of the provisions of section 3 of this act with respect to any notice of claim pursuant thereto shall be applicable with respect to any notice of claim under the provisions of this section.

History: 1948, 1st Ex. Sess., Act 39, Imd. Eff. May 10, 1948 ;-- CL 1948, 557.254

557.255 Reliance on acts of husband or wife.

Sec. 5.

Notwithstanding any provision of Act No. 317 of the Public Acts of 1947 or any other provision of this act, any other person may rely, and shall be fully protected in so doing, upon the right of the husband or the wife to receive, manage, control, dispose of, or otherwise deal

with property standing in his or her name in such manner that, by law, but for the provisions of said acts, he or she would be entitled so to deal therewith.

History: 1948, 1st Ex. Sess., Act 39, Imd. Eff. May 10, 1948 ;-- CL 1948, 557.255

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