

FORM OF DEEDS, MORTGAGES, AND ACKNOWLEDGMENTS (EXCERPT)
Act 187 of 1881

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