



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 5293 (as passed by the House)

Sponsor: Representative Bill Caul

House Committee: Local Government and Urban Policy

Senate Committee: Economic Development, Small Business and Regulatory Reform

Date Completed: 11-27-06

CONTENT

The bill would amend Public Act 123 of 1915, which provides for the recording of affidavits affecting real property, to allow the recording of an affidavit to correct errors or omissions in previously recorded documents, including errors relating to the proper place of recording and scrivener's errors or omissions. The affidavit would have to be recorded in the office of register of deeds for the county where the real property that was the subject of the affidavit was located.

Under the Act, a person may record an affidavit stating facts relating to certain matters that may affect the title to real property (such as the identity, age, death, residence, and relationship of parties named in deeds, wills, and mortgages; knowledge of a condition or event that may terminate an estate or interest in real property; and knowledge of facts related to the actual, open, notorious, and adverse possession of real property). The affidavit must be recorded in the office of the register of deeds of the county where the property is located.

An affidavit recorded under the Act must include a description of the land in question. Anyone who knowingly makes a false statement in an affidavit is guilty of perjury. An affidavit recorded under the bill would be subject to these provisions.

An affidavit under the bill would not be necessary if a new document indicating corrective changes and referring to the errant recording by liber and page number were recorded.

Proposed MCL 565.451d

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.