

# HOUSE BILL NO. 4626

June 10, 2025, Introduced by Reps. Skaggs, Pohutsky, McFall, Rheingans, Hoskins, Wooden, Miller, Dievendorf, MacDonell, Byrnes, Price, B. Carter, Andrews, Rogers, Tsernoglou, Coffia, Weiss, Brixie, Glanville, Conlin, Mentzer, Foreman, Longjohn, McKinney, Hope, Scott, Morgan, Wilson and Wegela and referred to Committee on Government Operations.

A bill to amend 1948 (1st Ex Sess) PA 39, entitled  
"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,""

by amending sections 3 and 4 (MCL 557.253 and 557.254).

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**        Sec. 3. **(1)** Any property ~~which, at the time this act takes~~

1 ~~effect, constitutes that, on May 10, 1948, constituted~~ community  
 2 ~~property by virtue because of the provisions of Act No. 317 of the~~  
 3 ~~Public Acts of 1947 shall continue~~ **former 1947 PA 317 continues** to  
 4 be community property and ~~remain~~ **remains** subject to the provisions  
 5 of ~~said that~~ act, and for ~~such that~~ purpose ~~said that~~ act shall  
 6 ~~continue~~ **continues** in force. ~~:- Provided, That, except where~~  
 7 **However, unless** the conveyance or other instrument of title under  
 8 which the ~~same~~ **property** was acquired or other evidence of ownership  
 9 ~~thereof of the property~~ expressly states the intention that ~~such~~  
 10 ~~the~~ property ~~shall be~~ **is** community property, ~~any such the~~ property  
 11 shall, ~~upon the expiration of 1 year after the time this act takes~~  
 12 ~~effect, must, after May 9, 1949,~~ be deemed to be the separate  
 13 property of **1 or both of** the ~~husband or the wife, or both,~~ **spouses,**  
 14 according to the name or names set forth in the conveyance or other  
 15 instrument of title under which ~~such the~~ property was acquired or  
 16 other evidence of ownership ~~thereof, of the property,~~ unless,  
 17 ~~within such 1 year period, after May 9, 1948 and before May 10,~~  
 18 **1949,** either spouse having an interest ~~therein, in the property,~~ or  
 19 any of the devisees, legatees, heirs, or distributees of either of  
 20 them who ~~shall have~~ **has** died ~~prior to or during the running of such~~  
 21 ~~1 year period, shall file before May 10, 1949, files~~ notice of  
 22 claim that ~~such the~~ property constitutes community property.

23 (2) ~~Such A~~ notice of claim **under this section,** to be  
 24 effective, ~~shall must~~ be in writing, ~~shall~~ contain a description of  
 25 each item of property to which the ~~same~~ **notice** relates, ~~shall be~~  
 26 executed by the party making the ~~same~~ **claim** in the manner required  
 27 for the execution of deeds, and ~~shall be~~ filed in the office of the  
 28 register of deeds for the county in which the spouse by whom, or in  
 29 whose behalf, the ~~same~~ **claim** is made resides at the time of the

1 filing thereof, or, ~~in the event that such~~ **if the** spouse shall have  
 2 **has** died, for the county in which ~~such~~ **the** spouse resided at the  
 3 time of death. ~~In the event that such~~ **If the** notice of claim  
 4 relates to real property located in any other county or counties,  
 5 to be effective as to ~~such~~ **that** property, a duplicate original of  
 6 ~~such~~ **the** notice of claim shall ~~shall~~ **must** also be filed in the office of  
 7 the register of deeds for each ~~such~~ **other** county.

8 (3) ~~No~~ **A** disability of any kind or lack of knowledge on the  
 9 part of anyone ~~shall~~ **does not** suspend the running of the time for  
 10 filing ~~such~~ **a** notice of claim **under this section**, but ~~such~~ **the**  
 11 notice may be executed and filed by any other person acting in  
 12 behalf of any party by whom ~~such~~ **the** notice of claim may be filed  
 13 who is under a disability or otherwise unable to make ~~such~~ **the**  
 14 claim in his or her own behalf.

15 Sec. 4. Any property ~~hereafter~~ **after May 10, 1948** from  
 16 property ~~which~~ **that** constitutes community property by virtue of ~~the~~  
 17 ~~provisions of Act No. 317 of the Public Acts of 1947 shall~~  
 18 ~~constitute~~ **former 1947 PA 317 constitutes** community property and  
 19 ~~remain~~ **remains** subject to the provisions of ~~said~~ **that** act and for  
 20 ~~such~~ **that** purpose ~~said~~ **that** act shall ~~continue~~ **continues** in force.  
 21 ~~: Provided, That, except where~~ **However, unless** the conveyance or  
 22 other instrument of title under which the ~~same~~ **property** is acquired  
 23 or other evidence of ownership ~~thereof~~ **of the property** expressly  
 24 states the intention that ~~such~~ **the** property ~~shall be~~ **is** community  
 25 property, any ~~such~~ property acquired ~~within 1 year after the time~~  
 26 ~~this act takes effect shall~~ **before May 10, 1949 must** be deemed to  
 27 be separate property of **1 or both of** the ~~husband or the wife, or~~  
 28 ~~both,~~ **spouses** according to the name or names set forth in the  
 29 conveyance or other instrument of title under which ~~such~~ **the**

1 property is acquired or other evidence of ownership ~~thereof, of the~~  
 2 **property**, unless ~~within such 1 year period after May 9, 1948 and~~  
 3 **before May 10, 1949**, either spouse having an interest ~~therein, in~~  
 4 **the property** or any of the devisees, legatees, heirs, or  
 5 distributees of either of them who ~~shall have~~ **has** died ~~prior to or~~  
 6 ~~during the running of such 1 year period, shall file before May 10,~~  
 7 **1949 files** notice of claim that ~~such the~~ property constitutes  
 8 community property. ~~And provided further, That any~~ **Any** such  
 9 property acquired after ~~the expiration of such 1 year period shall~~  
 10 **May 9, 1949 must** be deemed to be separate property, as ~~aforesaid,~~  
 11 **provided in this section**, unless the conveyance or other instrument  
 12 of title under which ~~such the~~ property is acquired or other  
 13 evidence of ownership ~~thereof shall of the property~~ expressly ~~state~~  
 14 **states** the intention that ~~such the~~ property ~~shall constitute~~  
 15 **constitutes** community property. ~~All of the The~~ provisions of  
 16 section 3 ~~of this act with respect to any about a~~ notice of claim  
 17 ~~pursuant thereto shall be applicable with respect under section 3~~  
 18 **apply** to ~~any a~~ notice of claim under ~~the provisions of this~~  
 19 section.

20 Enacting section 1. This amendatory act does not take effect  
 21 unless Senate Joint Resolution \_\_\_\_ (request no. S00781'25) or  
 22 House Joint Resolution F (request no. H00781'25) of the 103rd  
 23 Legislature becomes a part of the state constitution of 1963 as  
 24 provided in section 1 of article XII of the state constitution of  
 25 1963.