

RECORDING AFFIDAVITS AFFECTING REAL PROPERTY
Act 123 of 1915

AN ACT to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits.

History: 1915, Act 123, Eff. Aug. 24, 1915;—Am. 1937, Act 190, Imd. Eff. July 14, 1937;—Am. 1965, Act 178, Imd. Eff. July 15, 1965.

The People of the State of Michigan enact:

565.451 Repealed. 1965, Act 178, Imd. Eff. July 15, 1965.

Compiler's note: The repealed section pertained to affidavits as to parties to instruments, recording, and perjury.

565.451a Affidavit stating facts relating to matters affecting realty; recording.

Sec. 1a. An affidavit stating facts relating to any of the following matters which may affect the title to real property in this state made by any person having knowledge of the facts or by any person competent to testify concerning such facts in open court, may be recorded in the office of the register of deeds of the county where the real property is situated:

(a) Birth, age, sex, marital status, death, name, residence, identity, capacity, relationship, family history, heirship, homestead status and service in the armed forces of parties named in deeds, wills, mortgages and other instruments affecting real property;

(b) Knowledge of the happening of any condition or event which may terminate an estate or interest in real property;

(c) Knowledge of surveyors duly registered under the laws of this state with respect to the existence and location of monuments and physical boundaries, such as fences, streams, roads and rights of way of real property;

(d) Knowledge of such registered surveyors reconciling conflicting and ambiguous descriptions in conveyances with descriptions in a regular chain of title;

(e) Knowledge of facts incident to possession or the actual, open, notorious and adverse possession of real property; or

(f) Knowledge of the purchaser, or in the case of a corporation, of its president, vice president, secretary or other duly authorized representative acting in a fiduciary or representative capacity, of real property sold upon foreclosure or conveyed in lieu of foreclosure of a trust mortgage or deed of trust securing an issue of bonds or other evidences of indebtedness, or of any mortgage, land contract or other security instrument held by a fiduciary or other representative, as to the authority of such purchaser to purchase the real property and as to the terms and conditions upon which the real property is to be held and disposed of.

History: Add. 1965, Act 178, Imd. Eff. July 15, 1965.

565.451b Affidavit stating facts relating to matters affecting realty; perjury.

Sec. 1b. Any person who knowingly makes any false statement in an affidavit is guilty of perjury.

History: Add. 1965, Act 178, Imd. Eff. July 15, 1965.

565.451c Affidavit stating fact relating to matters affecting realty; land description.

Sec. 1c. The affidavit shall include a description of the land, title to which may be affected by facts stated in the affidavit. If there appears in the regular chain of title of the land a deed, will, mortgage or other instrument affecting the title which contains a full and adequate description of the land, the description may be incorporated in the affidavit by reference to the record of the instrument in the register of deeds office in lieu of including the full description of the land.

History: Add. 1965, Act 178, Imd. Eff. July 15, 1965.

565.451d Correction of errors or omissions; affidavit.

Sec. 1d. (1) An affidavit to correct the following types of errors or omissions in previously recorded documents may be recorded in the office of register of deeds for the county where the real property that is the subject of the affidavit is located:

(a) Errors and omissions relating to the proper place of recording.

(b) Scrivener's errors and scrivener's omissions.

(2) All of the following apply to an affidavit under subsection (1):

(a) The affidavit shall be made by a person who has knowledge of the relevant facts and is competent to testify concerning those facts in open court and shall meet the requirements of section 1c.

(b) The affidavit does not alter the substantive rights of any party unless it is executed by that party.

(3) The county register of deeds shall index all names recited within an affidavit recorded under subsection (1).

(4) Subsection (1) does not prohibit the recording of a corrected version of the previously recorded document indicating the corrective changes and making reference to the previously recorded document by liber and page number or by another unique identifying number.

History: Add. 2012, Act 336, Imd. Eff. Oct. 16, 2012.

565.452 Affidavit; register duties; fee; social security number.

Sec. 2. (1) The register of deeds of the county where an affidavit described in this act is offered for record shall receive and record it in the manner that deeds are recorded. The register of deeds shall collect the same fee for recording the affidavit as is provided by law for recording deeds.

(2) Unless state or federal law, rule, regulation, or court order or rule requires that all or more than 4 sequential digits of the social security number appear in the affidavit, a register of deeds shall not receive an affidavit for recording unless the first 5 digits of any social security number appearing in or on the affidavit are obscured or removed.

History: 1915, Act 123, Eff. Aug. 24, 1915;—CL 1915, 11737;—CL 1929, 13365;—CL 1948, 565.452;—Am. 1965, Act 178, Imd. Eff. July 15, 1965;—Am. 2007, Act 54, Imd. Eff. Sept. 6, 2007.

565.453 Affidavit; use as evidence.

Sec. 3. The affidavit, whether recorded before or after the passage of this act, may be received in evidence in any civil cause, in any court of this state and by any board or officer of the state in any suit or proceeding affecting the real estate and shall be prima facie evidence of the facts and circumstances therein contained.

History: 1915, Act 123, Eff. Aug. 24, 1915;—CL 1915, 11738;—CL 1929, 13366;—CL 1948, 565.453;—Am. 1965, Act 178, Imd. Eff. July 15, 1965.