STATEMENT OF MARITAL STATUS IN INSTRUMENTS CONVEYING OR MORTGAGING REAL ESTATE
Act 79 of 1915

AN ACT to provide certain requirements in written instruments conveying or mortgaging real estate or any interest therein in which there are male grantors, mortgagors or other parties executing the same to entitle the same to record.

History: 1915, Act 79, Eff. Aug. 24, 1915.

The People of the State of Michigan enact:

565.221 Written instruments conveying or mortgaging real estate or interest offered for record before April 6, 2017; statement of marital status; refusal to receive instrument for record; recording affidavit showing marital status; record of instrument and affidavit; effect; instrument recorded without marital status shown; elapse of 10 years; evidence.

Sec. 1. (1) All written instruments conveying or mortgaging real estate or any interest in real estate executed and offered for record before April 6, 2017 must state whether any male grantors, mortgagors, or other parties executing the instrument are married or single, and the register of deeds of the county in which the instrument is offered for record shall refuse to receive the instrument for record unless it conforms to this act.

(2) If an instrument has been recorded in the office of a register of deeds without the instrument showing the marital status as required by this section, an affidavit stating the facts, executed in conformity with 1915 PA 123, MCL 565.451a to 565.453, may be recorded in the register's office. Upon the recording of the affidavit showing the marital status of the male grantor, mortgagor, or party executing, on the date of the instrument, the record of the affidavit and the record of the instrument are effectual for all purposes as a legal record, and the record of the instrument and affidavit or a transcript of them may be given in evidence in all cases, and the instrument must be construed to be as valid and effectual as if it had contained a statement showing the marital status of the male individual or individuals executing it.

(3) If an instrument offered for record before April 6, 2017 has been recorded in the office of a register of deeds without the instrument showing the marital status as required under this section, and 10 years has elapsed since the recording, the record of the instrument or a transcript of it may be given in evidence in all cases and is effectual for all purposes as a legal record and the instrument must be construed to be as valid and effectual as if it had contained a statement showing the marital status of the male individual or individuals executing it.

History: 1915, Act 79, Eff. Aug. 24, 1915;—CL 1915, 11716;—CL 1929, 13327;—Am. 1937, Act 163, Imd. Eff. July 9, 1937;—CL 1948, 565.221;—Am. 1980, Act 489, Imd. Eff. Jan. 21, 1981;—Am. 2017, Act 54, Imd. Eff. June 15, 2017.

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