



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 5362 (Substitute H-2 as reported without amendment)  
House Bill 5398 (Substitute H-4 as reported without amendment)  
Sponsor: Representative Peter J. Lucido  
House Committee: Judiciary  
Senate Committee: Judiciary

**CONTENT**

House Bill 5362 (H-2) would amend the Michigan Trust Code (MTC) to modify the information required to be in a certificate of trust.

House Bill 5398 (H-4) would amend Public Act 133 of 1991, which pertains to the use and recording of certain documents regarding trusts in the case of conveyed real property, to do the following:

- Refer to a "trust instrument", instead of a "trust agreement".
- Refer to a "certificate of trust", instead of a "certificate of trust existence and authority".
- Require a certificate of trust to be recorded as a separate document it accompanied an instrument that conveys, encumbers, or otherwise affects real property.

The bill also would repeal Sections 2, 3, and 6 of the Public Act 133. (Those sections pertain to certificates of trust existence and authority, the execution of a certificate of trust existence and authority, and indexing a certificate of trust existence and authority, respectively.)

MCL 700.7913 (H.B. 5362)  
565.431 et al. (H.B. 5398)

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

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

Date Completed: 12-13-18

Fiscal Analyst: Abbey Frazier