

**RECORDING TRUST AGREEMENT OR CERTIFICATE OF TRUST EXISTENCE AND
AUTHORITY
Act 133 of 1991**

AN ACT to allow the use and recording of certain documents regarding trusts in the case of real property that is conveyed or otherwise affected by a trust; and to prescribe their effect.

History: 1991, Act 133, Imd. Eff. Nov. 6, 1991.

The People of the State of Michigan enact:

565.431 Instrument affecting interest in real property executed pursuant to express trust; copy of trust agreement or certificate of trust existence and authority.

Sec. 1. An instrument conveying, encumbering, or otherwise affecting an interest in real property, executed pursuant to an express trust, may be accompanied either by a copy of the trust agreement or by a certificate of trust existence and authority, as described in sections 2 and 3.

History: 1991, Act 133, Imd. Eff. Nov. 6, 1991.

565.432 Certificate of trust existence and authority; contents.

Sec. 2. A certificate of trust existence and authority shall contain all of the following information:

- (a) The title of the trust.
- (b) The date of the trust agreement and any amendments to the trust agreement.
- (c) The name of the settlor or grantor and the settlor's or grantor's address.
- (d) The names and addresses of all of the trustees and successor trustees.
- (e) The legal description of the affected real property.
- (f) Verbatim reproductions of provisions of the trust agreement, and any amendments to the trust agreement, regarding all of the following:
 - (i) The powers of the trustee or trustees relating to real property or any interest in real property and restrictions on the powers of the trustee or trustees relating to real property or any interest in real property.
 - (ii) The governing law.
 - (iii) Amendment of the trust relating to the trust provisions described in subdivision (a) to (f)(ii).
- (g) Certification that the trust agreement remains in full force and effect.
- (h) A list of names and addresses of all persons who, at the time the certificate of trust is executed, are trustees of the trust.

History: 1991, Act 133, Imd. Eff. Nov. 6, 1991.

565.433 Certificate of trust existence and authority; execution; form.

Sec. 3. A certificate of trust existence and authority shall be executed by the settlor or grantor; an attorney for the settlor, grantor, or trustee; or an officer of a banking institution or an attorney if then acting as a trustee. The certificate shall be in the form of an affidavit.

History: 1991, Act 133, Imd. Eff. Nov. 6, 1991.

***** 565.434 THIS SECTION IS AMENDED EFFECTIVE SEPTEMBER 18, 2018: See 565.434.amended *****

565.434 Trust agreement or certificate of trust existence and authority; recording.

Sec. 4. The trust agreement or certificate of trust existence and authority, and any amendments to or revocations of the trust agreement or the certificate of trust existence and authority, may be recorded in the office of the register of deeds of each county where the lands that are the subject of or affected by the trust agreement are located.

History: 1991, Act 133, Imd. Eff. Nov. 6, 1991.

***** 565.434.amended THIS AMENDED SECTION IS EFFECTIVE SEPTEMBER 18, 2018 *****

565.434.amended Trust agreement or certificate of trust existence and authority; recording.

Sec. 4. A trust agreement or certificate of trust existence and authority that accompanies an instrument as described in section 1, and any amendments to or revocations of the trust agreement or the certificate of trust existence and authority, may be recorded in the office of the register of deeds of each county where the lands that are the subject of or affected by the trust agreement are located. If a trust agreement accompanies an instrument, the trust agreement must be recorded as a separate document.

History: 1991, Act 133, Imd. Eff. Nov. 6, 1991;—Am. 2018, Act 194, Eff. Sept. 18, 2018.

565.435 Protection afforded party relying on information in recorded certificate of trust existence and authority; further examination of trust agreement.

Sec. 5. A purchaser or other party relying upon the information contained in a recorded certificate of trust existence and authority shall be afforded the same protection as is provided to a subsequent purchaser in good faith under section 29 of chapter 65 of the Revised Statutes of 1846, being section 565.29 of the Michigan Compiled Laws, and shall not be required to further examine the trust agreement, unless an instrument amending or revoking the trust agreement or certificate of trust existence and authority is recorded in the same office in which the trust agreement or certificate of trust existence and authority was recorded.

History: 1991, Act 133, Imd. Eff. Nov. 6, 1991.

565.436 Indexing of certificate of trust existence and authority.

Sec. 6. The certificate of trust existence and authority, in addition to being indexed in any other manner required by law, shall be indexed in the records of the office of the register of deeds under the title of the trust.

History: 1991, Act 133, Imd. Eff. Nov. 6, 1991.

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