

HOUSE BILL No. 4918

June 5, 1991, Introduced by Reps. Clarke and DeMars and referred to the Committee on Judiciary.

A bill to amend sections 16, 17, 19, 20, 21, 22, and 23 of chapter 65 of the Revised Statutes of 1846, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," being sections 565.16, 565.17, 565.19, 565.20, 565.21, 565.22, and 565.23 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 16, 17, 19, 20, 21, 22, and 23 of chap-
2 ter 65 of the Revised Statutes of 1846, being sections 565.16,
3 565.17, 565.19, 565.20, 565.21, 565.22, and 565.23 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 16. If any grantor residing in this state ~~—~~ shall
6 refuse to acknowledge his OR HER deed, the grantee or any person
7 claiming under him OR HER ~~—~~ may apply to ~~any justice of the~~
8 ~~peace~~ THE CIRCUIT COURT in the county where the land lies, or

1 where the grantor or any subscribing witness to the deed resides,
2 ~~who~~ WHICH shall ~~thereupon~~ issue a summons to the grantor to
3 appear at a certain time and place before the ~~said justice~~
4 COURT, to hear the testimony of the subscribing witnesses to the
5 deed; and the ~~said~~ summons with a copy of the deed annexed ~~—~~
6 shall be served at least 7 days before the time therein assigned
7 for proving the deed.

8 Sec. 17. At the time mentioned in ~~such~~ THE summons, or at
9 any time to which the hearing may be adjourned, the due execution
10 of the deed may be proved by the testimony of 1 or more of the
11 subscribing witnesses; and if proved to the satisfaction of the
12 ~~justice, he~~ COURT, IT shall certify the same, ~~thereon,~~ and in
13 ~~such~~ THE certificate he OR SHE shall note the presence or
14 absence of the grantor, as the fact may be.

15 Sec. 19. The court ~~or justice~~ before whom any deed may be
16 presented to be proved, as provided ~~in the preceding sections~~
17 BY THIS ACT, may issue subpoenas to the subscribing witnesses or
18 others, as the case may require, to appear and testify touching
19 the execution of ~~such~~ THE deed. ~~— which~~ THE subpoenas may be
20 served in any part of this state.

21 Sec. 20. Every person who being served with ~~such~~ A sub-
22 poena UNDER THIS ACT, shall without reasonable cause, refuse or
23 neglect to appear, or appearing shall refuse to answer on oath,
24 ~~touching the matters aforesaid,~~ shall be liable to the injured
25 party in the sum of 100 dollars damages, and for ~~such~~ further
26 damages as ~~such~~ THE party may sustain, ~~thereby,~~ and may also
27 be committed to prison ~~as~~ for ~~a~~ contempt by the court ~~or~~

1 ~~justice~~ who issued ~~such~~ THE subpoena, there to remain until he
2 OR SHE shall submit to answer upon oath. ~~as aforesaid.~~

3 Sec. 21. ~~Any~~ A person interested in a deed that is not
4 acknowledged ~~,~~ may at any time before or during ~~such~~ AN
5 application to ~~a~~ THE CIRCUIT court ~~of record, or such proceed-~~
6 ~~ings before a justice,~~ file in the office of the register of
7 deeds of the county where the lands are situated, a copy of the
8 deed compared with the original by the register, which shall ~~,~~
9 ~~for the space of 30 days thereafter in case of proceedings before~~
10 ~~a justice, and~~ in THE case of proceedings before a court of
11 record, for the space of 10 days after the first day of the next
12 term of ~~such~~ THE court, have the same effect as the recording
13 of the deed, if ~~such~~ THE deed shall, within that time be duly
14 proved and recorded.

15 Sec. 22. If at the expiration of the time mentioned in the
16 preceding section for that purpose, ~~such~~ THE proceedings for
17 proving the execution of the deed shall be pending before ~~a jus-~~
18 ~~tice of the peace~~ THE CIRCUIT COURT, the effect of filing such
19 copy shall continue until the expiration of 7 days after the ter-
20 mination of the proceedings, if such deed shall within that time
21 be duly proved and recorded.

22 Sec. 23. A certificate of the acknowledgment of any deed,
23 or of the proof of the execution thereof before a court of
24 record, ~~or justice of the peace,~~ signed by the clerk of such
25 court ~~,~~ ~~or by the justice~~ before whom the same was taken, as
26 provided in this chapter, and, in the cases where the same is
27 necessary, the certificate required by ~~the eleventh~~ section 11

1 of this chapter ~~—~~ shall entitle ~~—such—~~ THE deed with the
2 certificate or certificates ~~—aforesaid—~~ to be recorded in the
3 office of the register of deeds of the county where the lands
4 lie.