

REAL PROPERTY LAW SECTION  
Respectfully submits the following position on:

\*

SB 0684

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The Real Property Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Real Property Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Real Property Law Section is 3,184.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 18. The number who voted in favor to this position was 16. The number who voted opposed to this position was 0.

## Report on Public Policy Position

**Name of section:**

Real Property Law Section

**Contact person:**

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**Bill Number:**

[SB 0684](#) (Emmons) Property; other; affidavits to correct errors or omissions relating to previously recorded documents; allow. Amends [1915 PA 123](#) (MCL [565.451a](#) - [565.453](#)) by adding sec. 1d.

**Date position was adopted:**

November 2, 2011

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting.

**Number of members in the decision-making body:**

18

**Number who voted in favor and opposed to the position:**

16 Voted for position

0 Voted against position

0 Abstained from vote

2 Did not vote

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

This bill would allow any person with knowledge of a scrivener's error or omission to record a corrective instrument. The Titles and Conveyancing Committee requested that the Section oppose the bill because it would likely lead to more problems that they solve. In particular, in allowing any person to record instruments purporting to change existing instruments is too open to allowing abuse and clouding title creating potential slander of title. This should be distinguished from parties to an instrument recording affidavits to correct scrivener errors, which is already permitted. The bill does not address all of the concerns of the Section outlined above, although they are improved from the previous version.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2011-SB-0684>