

REAL PROPERTY LAW SECTION  
Respectfully submits the following position on:

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HB 4928

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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 an electronic discussion and vote. 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:**

Ron Reynolds

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**Bill Number:**

[HB 4928](#) (Cotter) 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:**

June 5, 2012

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

Position adopted after an electronic discussion and vote

**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:**

Support and Amend

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

The Section initially voted to oppose this bill as introduced along with a similar bill SB 0684 on November 2, 2011. After HB 4928 initially passed the House, the sponsor agreed to address the Section's concerns and to correct language which required that the affidavit be made by someone who has knowledge of the facts OR is competent to testify. The sponsor agreed to an amendment that would say that the person must have knowledge AND be competent to testify. With that correction, all of the Section's objections have been addressed, and the amended bill will provide a simple means to correct errors and ensure that registers of deeds will accept them for recording. The amended bill was reported out of the Senate Judiciary Committee on June 6, 2012.

**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-HB-4928>