

Report on Public Policy Position

Name of section:

Real Property Law Section

Contact Person:

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Bill Number:

[HB 4236](#) (Caul) 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:

December 12, 2007

Process used to take the ideological position:

Discussion and vote of the Council of the Section

Number of members in the decision-making body:

17

Number who voted in favor and opposed to the position:

12 Voted for position

0 Voted against position

5 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 opposed the bill because it would likely lead to more problems than it solves. 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 slanders of title. This should be distinguished from parties to an instrument recording affidavits to correct scrivener errors, which is already permitted.

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?2007-HB-4236>