

# HOUSE BILL No. 4571

April 10, 1989, Introduced by Reps. Terrell, DeMars, Hunter, Stallworth, Honigman, Bennane, Harrison, Leland, Joe Young, Sr., Kilpatrick, Power, Sikkema, Martin, Bandstra and Clack and referred to the Committee on Judiciary.

A bill to amend sections 1 and 3 of Act No. 259 of the Public Acts of 1909, entitled as amended

"An act to provide that judgments of divorce and judgments of separate maintenance shall make provision in satisfaction of the claims of the wife in the property of the husband and in satisfaction of the claims of the husband and wife in contracts of insurance and annuity upon the life of the husband or wife, and in satisfaction of claims of the husband and wife in or to any pension, annuity, retirement allowance, or accumulated contributions in any pension, annuity, or retirement system, including any rights or contingent rights in and to unvested pension, annuity, or retirement benefits; and to change the tenure of lands owned by husband and wife in case of divorce, and to provide for the disposition or partition of such lands or the proceeds thereof,"

section 1 as amended by Act No. 42 of the Public Acts of 1985, being sections 552.101 and 552.103 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 3 of Act No. 259 of the Public  
2 Acts of 1909, section 1 as amended by Act No. 42 of the Public

1 Acts of 1985, being sections 552.101 and 552.103 of the Michigan  
2 Compiled Laws, are amended to read as follows:

3       Sec. 1. (1) When ~~any~~ A judgment of divorce or judgment of  
4 separate maintenance is granted in ~~any of the courts~~ A DOMESTIC  
5 RELATIONS COURT of this state, ~~it shall be the duty of~~ the  
6 court granting the judgment ~~to~~ SHALL include ~~in it~~ a provi-  
7 sion in lieu of the dower of the wife in the property of the hus-  
8 band, which provision shall be in full satisfaction of all claims  
9 that the wife may have in any property which the husband owns or  
10 may own in the future, or in which he may have any interest.

11       (2) Each judgment of divorce or judgment of separate mainte-  
12 nance shall determine all rights of the wife in and to the pro-  
13 ceeds of any policy or contract of life insurance, endowment, or  
14 annuity upon the life of the husband in which the wife was named  
15 or designated as beneficiary, or to which the wife became enti-  
16 tled by assignment or change of beneficiary during the marriage  
17 or in anticipation of marriage. If the judgment of divorce or  
18 judgment of separate maintenance does not determine the rights of  
19 the wife in and to a policy of life insurance, endowment, or  
20 annuity, the policy shall be payable to the estate of the husband  
21 or to the named beneficiary if the husband so designates.

22 However, the company issuing the policy shall be discharged of  
23 all liability on the policy by payment of its proceeds in accord-  
24 ance with the terms of the policy, unless before the payment the  
25 company receives written notice, by or on behalf of the insured  
26 or the estate of the insured or 1 of the heirs of the insured, or

1 any other person having an interest in the policy, of a claim  
2 under the policy and the divorce.

3 (3) Each judgment of divorce or judgment of separate mainte-  
4 nance shall determine all rights of the husband in and to the  
5 proceeds of any policy or contract of life insurance, endowment,  
6 or annuity upon the life of the wife in which the husband was  
7 named or designated as beneficiary, or to which he became enti-  
8 tled by assignment or change of beneficiary during the marriage  
9 or in anticipation of marriage. If the judgment of divorce or  
10 judgment of separate maintenance does not determine the rights of  
11 the husband in and to the policy of life insurance, endowment, or  
12 annuity, the policy shall be payable to the estate of the wife,  
13 or to the named beneficiary if the wife so designates. However,  
14 the company issuing the policy shall be discharged of all liabil-  
15 ity on the policy by payment of the proceeds in accordance with  
16 the terms of the policy, unless before the payment the company  
17 receives written notice, by or on behalf of the insured or the  
18 estate of the insured or 1 of the heirs of the insured, or any  
19 other person having an interest in the policy, of a claim under  
20 the policy and the divorce.

21 (4) Each judgment of divorce or judgment of separate mainte-  
22 nance shall determine all rights of the husband and wife in and  
23 to all of the following:

24 (a) Any pension, annuity, or retirement benefits.

25 (b) Any accumulated contributions in any pension, annuity,  
26 or retirement system.

1 (c) Any right or contingent right in and to unvested  
2 pension, annuity, or retirement benefits.

3 Sec. 3. The ~~bill of~~ complaint or AN amendment ~~thereto~~  
4 TO A COMPLAINT, or the answer or ~~cross bill~~ THE CROSS-COMPLAINT  
5 or AN amendment ~~thereto~~ TO A CROSS-COMPLAINT, filed in ~~any~~ A  
6 divorce proceeding may ask that the ownership of the lands  
7 described therein and owned by the parties to ~~such suit~~ THE  
8 ACTION as joint tenants or as tenants by entireties shall be  
9 determined by the decree of divorce, if granted. ~~, and in such~~  
10 ~~case the~~ THE court granting the divorce may award ~~such~~ THE  
11 lands to 1 or the other of ~~said~~ THE parties, or any part of  
12 ~~it~~ THE LAND to either of them, or may order ~~such~~ THE lands to  
13 be sold under the direction of ~~a circuit court commissioner~~ THE  
14 DOMESTIC RELATIONS COURT, and the proceeds ~~thereof~~ divided  
15 between the parties in ~~such~~ THE proportion ~~as~~ the court  
16 ~~shall order,~~ ORDERS or may ~~appoint commissioners to~~ partition  
17 ~~such~~ THE lands between ~~said~~ THE parties in the proportion  
18 fixed by the decree. ~~The proceedings following the appointment~~  
19 ~~of such commissioner shall conform to the law governing the par-~~  
20 ~~tition of lands between tenants in common.~~

21 Section 2. This amendatory act shall take effect  
22 January 1, 1990.

23 Section 3. This amendatory act shall not take effect unless  
24 Senate Bill No. \_\_\_\_\_ or House Bill No. 4567 (request  
25 no. 01659'89) of the 85th Legislature is enacted into law.