

HOUSE BILL No. 5832

April 29, 2004, Introduced by Reps. Rivet, Bisbee, Stahl, Brandenburg, Wenke, Huizenga and Palsrok and referred to the Committee on Commerce.

A bill to amend 1881 PA 187, entitled

"An act in relation to the form of deeds and mortgages of real estate and to the form of the acknowledgments of the same,"

by amending section 4 (MCL 565.154).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

HOUSE BILL No. 5832

1 Sec. 4. ~~Any~~ **A** mortgage of lands **that is** worded in
2 substance as follows: "A.B. mortgages and warrants to C.D.,
3 (here describe the premises) to secure the re-payment of" (here
4 ~~recite the sum for which the mortgage is granted, or the notes~~
5 ~~or other evidence [evidences] of debt, or a description thereof,~~
6 ~~sought to be secured, also the date of the re-payment), the said~~
7 mortgage being dated and duly **describe the indebtedness or**
8 **obligations the mortgage secures) and is** signed ~~—, sealed and~~
9 ~~acknowledged~~ by the grantor, ~~shall be deemed and held to be~~ **is**
10 a ~~good and sufficient~~ **valid and enforceable** mortgage to the
11 grantee ~~—, his~~ **and the grantee's** heirs, assigns, ~~executors and~~

1 administrators, **successors, and personal representatives** with
2 warranty from the grantor and ~~his~~ **the grantor's** legal
3 representatives, of ~~perfect~~ **marketable** title in the grantor,
4 ~~and against all previous~~ **free from prior** incumbrances. ~~And if~~
5 ~~in the above form~~ **If the indebtedness or obligations secured are**
6 **described generally, such as "all indebtedness that A.B. now and**
7 **in the future owes to C.D.", and if the words "and warrant" be**
8 **are omitted from the form, the mortgage shall be good is valid**
9 **and enforceable, but without warranty.**