

MICHIGAN LEGISLATURE

96th Legislature Regular Session
Michigan Compiled Laws Complete Through PA 38
of 2012
House: Adjourned until Tuesday, March 20, 2012
1:30:00 PM
Senate: Adjourned until Tuesday, March 20, 2012
10:00:00 AM

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Section 700.7913

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ESTATES AND PROTECTED INDIVIDUALS CODE (EXCERPT) Act 386 of 1998

700.7913 Certificate of trust.

Sec. 7913.

(1) Instead of furnishing a copy of the trust instrument to a person other than a trust beneficiary, the trustee may furnish to the person a certificate of trust containing all of the following information:

- (a) The name of the trust and the date of the trust instrument and any amendments.
- (b) The name and address of the currently acting trustee.
- (c) The powers of the trustee relating to the purposes for which the certificate is being offered.
- (d) The revocability or irrevocability of the trust and the identity of any person holding a power to revoke the trust.
- (e) The authority of cotrustees to sign or otherwise authenticate and whether all or less than all are required in order to exercise powers of the trustee.

(2) A certificate of trust may be signed or otherwise authenticated by the settlor, any trustee, or an attorney for the settlor or trustee. The certificate shall be in the form of an affidavit.

(3) A certificate of trust shall state that the trust has not been revoked, modified, or amended in any manner that would cause the representations contained in the certificate of trust to be incorrect.



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(4) A certificate of trust need not contain the dispositive terms of the trust.

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(5) A recipient of a certificate of trust may require the trustee to furnish copies of those excerpts from the original trust instrument and later amendments that designate the trustee and confer upon the trustee the power to act in the pending transaction.

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(6) A person who acts in reliance upon a certificate of trust without knowledge that the representations contained in the certificate are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certificate.

(7) A person who in good faith enters into a transaction in reliance upon a certificate of trust may enforce the transaction against the trust property as if the representations contained in the certificate were correct.

(8) A person making a demand for the trust instrument in addition to a certificate of trust or excerpts is liable for damages, costs, expenses, and legal fees if the court determines that the person was not acting pursuant to a legal requirement in demanding the trust instrument.

(9) This section does not limit the right of a person to obtain a copy of the trust instrument in a judicial proceeding concerning the trust.

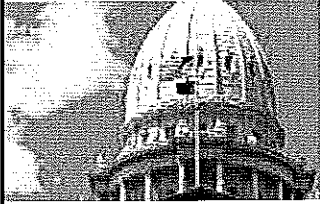
History: Add. 2009, Act 46, Eff. Apr. 1, 2010

Popular Name: EPIC

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Section 565.432

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RECORDING TRUST AGREEMENT OR CERTIFICATE OF TRUST EXISTENCE AND AUTHORITY (EXCERPT) Act 133 of 1991

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565.432 Certificate of trust existence and authority; contents.

Sec. 2.

A certificate of trust existence and authority shall contain all of the following information:

- (a) The title of the trust.
- (b) The date of the trust agreement and any amendments to the trust agreement.
- (c) The name of the settlor or grantor and the settlor's or grantor's address.
- (d) The names and addresses of all of the trustees and successor trustees.
- (e) The legal description of the affected real property.
- (f) Verbatim reproductions of provisions of the trust agreement, and any amendments to the trust agreement, regarding all of the following:
 - (i) The powers of the trustee or trustees relating to real property or any interest in real property and restrictions on the powers of the trustee or trustees relating to real property or any interest in real property.
 - (ii) The governing law.

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(iii) Amendment of the trust relating to the trust provisions described in subdivision (a) to (f)(ii).

(g) Certification that the trust agreement remains in full force and effect.

(h) A list of names and addresses of all persons who, at the time the certificate of trust is executed, are trustees of the trust.

History: 1991, Act 133, Imd. Eff. Nov. 6, 1991

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