

Revised Statutes of 1846

R.S. of 1846

Chapter 82

Chapter 82. General Provisions Relating To Fraudulent Conveyances And Contracts.

566.221 Acts to hinder or defraud creditors; invalidity.

Sec. 1.

Every conveyance or assignment, in writing or otherwise, of any estate or interest in lands, or in goods or things in action, or of any rents or profits issuing therefrom, and any charge upon lands, goods or things in action, or upon the rents or profits thereof, made with the intent to hinder, delay or defraud creditors or other persons of their lawful suits, damages, forfeitures, debts or demands, and every bond or other evidence of debt given, suit commenced, decree or judgment suffered, with the like intent, as against the persons so hindered, delayed or defrauded, shall be void.

History: R.S. 1846, Ch. 82 ;-- CL 1857, 3198 ;-- CL 1871, 4713 ;-- How. 6203 ;-- CL 1897, 9533 ;-- CL 1915, 11998 ;-- CL 1929, 13434 ;-- CL 1948, 566.221

566.222 Grant or assignment of trust to be in writing.

Sec. 2.

Every grant or assignment of any existing trust in lands, goods or things in action, unless the same shall be in writing and signed by the party making the same, or by his agent lawfully authorized, shall be void.

History: R.S. 1846, Ch. 82 ;-- CL 1857, 3199 ;-- CL 1871, 4714 ;-- How. 6204 ;-- CL 1897, 9534 ;-- CL 1915, 11999 ;-- CL 1929, 13435 ;-- CL 1948, 566.222

566.223 Acts void as against heirs or assigns of creditor and purchaser.

Sec. 3.

Every conveyance, charge, instrument or proceeding, declared by law to be void as against creditors or purchasers, shall be equally void as against the heirs, successors, personal representatives or assigns of such creditors or purchasers.

History: R.S. 1846, Ch. 82 ;-- CL 1857, 3200 ;-- CL 1871, 4715 ;-- How. 6205 ;-- CL 1897, 9535 ;-- CL 1915, 12000 ;-- CL 1929, 13436 ;-- CL 1948, 566.223

566.224 Fraudulent intent; question of fact.

Sec. 4.

The question of fraudulent intent, in all cases arising under this, or either of the last 2 preceding chapters, shall be deemed a question of fact and not of law.

History: R.S. 1846, Ch. 82 ;-- CL 1857, 3201 ;-- CL 1871, 4716 ;-- How. 6206 ;-- CL 1897, 9536 ;-- CL 1915, 12001 ;-- CL 1929, 13437 ;-- CL 1948, 566.224

Compiler's Notes: For provisions of "the last 2 preceding chapters," referred to in this section, see MCL 566.131 et seq. and MCL 566.101 et seq.

566.225 Purchaser without notice; protection.

Sec. 5.

None of the provisions of this, or the last 2 preceding chapters, shall be construed, in any manner to affect or impair the title of a purchaser for a valuable consideration unless it shall appear that he had previous notice of the fraudulent intent of his immediate grantor, or of the fraud rendering void the title of such grantor.

History: R.S. 1846, Ch. 82 ;-- CL 1857, 3202 ;-- CL 1871, 4717 ;-- How. 6207 ;-- CL 1897, 9537 ;-- CL 1915, 12002 ;-- CL 1929, 13438 ;-- CL 1948, 566.225

Compiler's Notes: For provisions of "the last 2 preceding chapters," referred to in this section, see MCL 566.131 et seq. and MCL 566.101 et seq.

566.226 Conveyance; definition.

Sec. 6.

The term "conveyance," as used in this and the preceding eightieth chapter, shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be the form of such instrument, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

History: R.S. 1846, Ch. 82 ;-- CL 1857, 3203 ;-- CL 1871, 4718 ;-- How. 6208 ;-- CL 1897, 9538 ;-- CL 1915, 12003 ;-- CL 1929, 13439 ;-- CL 1948, 566.226

Compiler's Notes: For provisions of the "eightieth chapter," referred to in this section, see MCL 566.101 et seq.