

Act No. 347
Public Acts of 2014
Approved by the Governor
October 15, 2014
Filed with the Secretary of State
October 17, 2014
EFFECTIVE DATE: October 17, 2014

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Pettalia and Lane

ENROLLED HOUSE BILL No. 4638

AN ACT to amend 1937 PA 103, entitled "An act to prescribe certain conditions relative to the execution of instruments entitled to be recorded in the office of the register of deeds," by amending section 1 (MCL 565.201), as amended by 2007 PA 56.

The People of the State of Michigan enact:

Sec. 1. (1) An instrument executed after October 29, 1937 by which the title to or any interest in real estate is conveyed, assigned, encumbered, or otherwise disposed of shall not be received for record by the register of deeds of any county of this state unless that instrument complies with each of the following requirements:

(a) The name of each person purporting to execute the instrument is legibly printed, typewritten, or stamped beneath the original signature or mark of the person.

(b) A discrepancy does not exist between the name of each person as printed, typewritten, or stamped beneath their signature and the name as recited in the acknowledgment or jurat on the instrument.

(c) The name of any notary public whose signature appears upon the instrument is legibly printed, typewritten, or stamped upon the instrument immediately beneath the signature of that notary public.

(d) The address of each of the grantees in each deed of conveyance or assignment of real estate, including the street number address if located within territory where street number addresses are in common use, or, if not, the post office address, is legibly printed, typewritten, or stamped on the instrument.

(e) If the instrument is executed before April 1, 1997, each sheet of the instrument is all of the following:

(i) Typewritten or printed in type not smaller than 8-point size.

(ii) Not more than 8-1/2 by 14 inches.

(iii) Legible.

(iv) On paper of not less than 13 (17x22—500) pound weight.

(f) If the instrument is executed after April 1, 1997, each sheet of the instrument complies with all of the following requirements:

(i) Has a margin of unprinted space that is at least 2-1/2 inches at the top of the first page and at least 1/2 inch on all remaining sides of each page.

(ii) Subject to subsection (3), displays on the first line of print on the first page of the instrument a single statement identifying the recordable event that the instrument evidences.

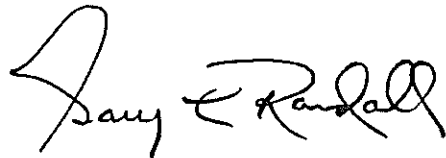
(iii) Is electronically, mechanically, or hand printed in 10-point type or the equivalent of 10-point type.

(iv) Is legibly printed in black ink on white paper that is not less than 20-pound weight.

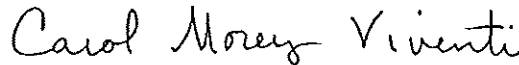
- (v) Is not less than 8-1/2 inches wide and 11 inches long or more than 8-1/2 inches wide and 14 inches long.
- (vi) Contains no attachment that is less than 8-1/2 inches wide and 11 inches long or more than 8-1/2 inches wide and 14 inches long.
- (g) Unless state or federal law, rule, regulation, or court order or rule requires that all or more than 4 sequential digits of the social security number appear in the instrument, beginning on 1 of the following dates the first 5 digits of any social security number appearing in or on the instrument are obscured or removed:
 - (i) Except as provided in subparagraph (ii), September 12, 2007.
 - (ii) For an instrument presented to the register of deeds by the department of treasury, April 1, 2008.
- (2) Subsection (1)(e) and (f) does not apply to instruments executed outside this state or to the filing or recording of a plat or other instrument, the size of which is regulated by law.
- (3) A register of deeds shall not record an instrument executed after April 1, 1997 if the statement required under subsection (1)(f)(ii) purports to evidence more than 1 recordable event.
- (4) Any instrument received and recorded by a register of deeds, including any instrument considered duly recorded under subsection (6), is conclusively presumed to comply with this act. The requirements contained in this act are cumulative to the requirements imposed by any other act relating to the recording of instruments.
- (5) An instrument that complies with the provisions of this act and any other act relating to the recording of instruments shall not be rejected for recording because of the content of the instrument.
- (6) If a mortgage meets all requirements for recording under this act and a copy of the mortgage is affixed to an affidavit that is recordable under section 1a(g) of 1915 PA 123, MCL 565.451a, then the affidavit with the accompanying copy of the mortgage shall be received for record by the register of deeds, and the mortgage is duly recorded under this act and under section 29 of 1846 RS 65, MCL 565.29, as of the date of recording of the affidavit. To the extent that the mortgage validly creates a lien, the lien is perfected as of the date of recording of the affidavit. The amendatory act that added this subsection applies retroactively to all copies of mortgages verified by affidavit regardless of whether they are recorded on, before, or after the effective date of that amendatory act. However, an affidavit and mortgage shall not be received for record under this subsection on or after the effective date of the amendatory act that added this subsection if more than 1 mortgage is attached to the affidavit.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4640 of the 97th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor

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REGULAR SESSION OF 2014**

Introduced by Reps. Lane and Pettalia

ENROLLED HOUSE BILL No. 4639

AN ACT to amend 1846 RS 65, entitled "Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages," by amending section 28 (MCL 565.28), as amended by 2008 PA 358.

The People of the State of Michigan enact:

Sec. 28. (1) Each register of deeds shall keep a general index of instruments accepted for recording, after the instruments have met all recording requirements, including the payment of fees, by means of books or computerization or a combination of both. The index shall include the following information:

- (a) Liber and page, or other unique identifying number, which shall be sequentially, not randomly, assigned.
- (b) Instrument type.
- (c) The name of each party to each instrument.
- (d) Date processed, after having met all recording requirements, including payment of fees.
- (e) Location of land: section, town and range, platted description, or other description authorized by law.
- (f) Other reference information as required.

(2) Each computerized index shall be maintained to allow for an alphabetical search of the names of each party to each instrument, except as provided in section 1a(g) of 1915 PA 123, MCL 565.451a, recorded by the register of deeds.

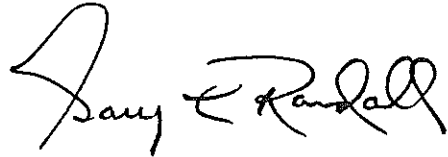
(3) Each computerized index shall be secured by a duplicate index maintained at a separate location from the primary index.

(4) The primary index shall be secured by a code, key, or other system designed to prohibit an unauthorized person from altering the index.

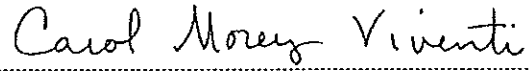
Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

- (a) House Bill No. 4638.
- (b) House Bill No. 4640.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Introduced by Reps. Pettalia and Lane

ENROLLED HOUSE BILL No. 4640

AN ACT to amend 1915 PA 123, entitled "An act to provide for the recording and use in evidence of affidavits affecting real property; and to provide a penalty for the making of false affidavits," by amending section 1a (MCL 565.451a).

The People of the State of Michigan enact:

Sec. 1a. An affidavit stating facts relating to any of the following matters that may affect the title to real property in this state and made by any person having knowledge of the facts and competent to testify concerning those facts in open court may be recorded in the office of the register of deeds of the county where the real property is situated:

(a) Birth, age, sex, marital status, death, name, residence, identity, capacity, relationship, family history, heirship, homestead status and service in the armed forces of parties named in deeds, wills, mortgages and other instruments affecting real property.

(b) Knowledge of the happening of any condition or event that may terminate an estate or interest in real property.

(c) Knowledge of surveyors registered under the laws of this state with respect to the existence and location of monuments and physical boundaries, such as fences, streams, roads, and rights of way of real property.

(d) Knowledge of surveyors registered under the laws of this state reconciling conflicting and ambiguous descriptions in conveyances with descriptions in a regular chain of title.

(e) Knowledge of facts incident to possession or the actual, open, notorious, and adverse possession of real property.

(f) Knowledge of the purchaser, or if the purchaser is a corporation, of its president, vice president, secretary, or other authorized representative acting in a fiduciary or representative capacity, of real property sold upon foreclosure or conveyed in lieu of foreclosure of a trust mortgage or deed of trust securing an issue of bonds or other evidences of indebtedness, or of any mortgage, land contract, or other security instrument held by a fiduciary or other representative, as to the authority of the purchaser to purchase the real property and as to the terms and conditions upon which the real property is to be held and disposed of.

(g) Knowledge of a person with respect to an unrecorded mortgage if the affidavit recites the names of the parties to the unrecorded mortgage and is accompanied by a copy of the unrecorded mortgage. The affidavit shall be indexed as provided in section 28 of 1846 RS 65, MCL 565.28, under the name of the affiant. This subdivision applies to any affidavit regarding a mortgage within its scope, even if the affidavit was recorded before the effective date of the amendatory act that added this subdivision. However, an affidavit recorded on or after the effective date of the amendatory act that added this subdivision shall also be indexed under the names of the parties to the mortgage. Furthermore, a copy of an unrecorded mortgage and affidavit shall not be received and recorded by the register of deeds on or after the effective date of the amendatory act that added this subdivision unless the affidavit and the copy of the mortgage are legible and the affidavit states all of the following:

(i) The names of the mortgagor and mortgagee.

(ii) A legal description of the property, the property tax identification number, and, if applicable, the address of the property.

(iii) That the original mortgage has been lost or destroyed.

(iv) That the original mortgage was signed by the parties to the unrecorded mortgage.

(v) That, to the best of the affiant's knowledge, the original mortgage was delivered from the mortgagor to the mortgagee.

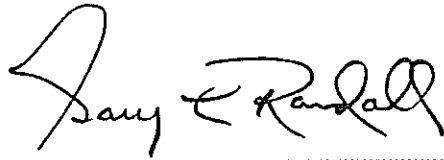
(vi) That the affiant did 1 of the following, as applicable:

(A) Mailed a copy of the affidavit and unrecorded mortgage by first-class certified or registered mail, return receipt requested, to the mortgagor at the mortgagor's address last known to the affiant. Actual delivery of that mail or the return of a signed return receipt is not required for the purposes of this sub-subparagraph.

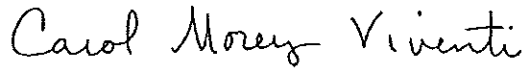
(B) Personally served a copy of the affidavit and unrecorded mortgage on the mortgagor.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4638 of the 97th Legislature is enacted into law.

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