

SUBSTITUTE FOR
HOUSE BILL NO. 4638

A bill 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:

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

7 (a) The name of each person purporting to execute the
8 instrument is legibly printed, typewritten, or stamped beneath the

1 original signature or mark of the person.

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

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

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

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

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

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

19 (iii) Legible.

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

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

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

27 (ii) Subject to subsection (3), displays on the first line of

1 print on the first page of the instrument a single statement
2 identifying the recordable event that the instrument evidences.

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

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

7 (v) Is not less than 8-1/2 inches wide and 11 inches long or
8 more than 8-1/2 inches wide and 14 inches long.

9 (vi) Contains no attachment that is less than 8-1/2 inches wide
10 and 11 inches long or more than 8-1/2 inches wide and 14 inches
11 long.

12 (g) Unless state or federal law, rule, regulation, or court
13 order or rule requires that all or more than 4 sequential digits of
14 the social security number appear in the instrument, beginning on 1
15 of the following dates the first 5 digits of any social security
16 number appearing in or on the instrument are obscured or removed:

17 (i) Except as provided in subparagraph (ii), ~~the effective date~~
18 ~~of the amendatory act that added this subdivision.~~ **SEPTEMBER 12,**
19 **2007.**

20 (ii) For an instrument presented to the register of deeds by
21 the department of treasury, April 1, 2008.

22 (2) Subsection (1)(e) and (f) does not apply to instruments
23 executed outside this state or to the filing or recording of a plat
24 or other instrument, the size of which is regulated by law.

25 (3) A register of deeds shall not record an instrument
26 executed after April 1, 1997 if the instrument purports to evidence
27 more than 1 recordable event.

1 (4) Any instrument received and recorded by a register of
2 deeds, ~~shall be~~ **INCLUDING ANY INSTRUMENT CONSIDERED DULY RECORDED**
3 **UNDER SUBSECTION (6), IS** conclusively presumed to comply with this
4 act. The requirements contained in this act are cumulative to the
5 requirements imposed by any other act relating to the recording of
6 instruments.

7 (5) An instrument that complies with the provisions of this
8 act and any other act relating to the recording of instruments
9 shall not be rejected for recording because of the content of the
10 instrument.

11 (6) **IF A MORTGAGE INSTRUMENT MEETS ALL REQUIREMENTS FOR**
12 **RECORDING UNDER THIS ACT AND A COPY OF THE MORTGAGE INSTRUMENT IS**
13 **AFFIXED TO AN AFFIDAVIT THAT MEETS THE REQUIREMENTS OF SECTION**
14 **1A(G) OF 1915 PA 123, MCL 565.451A, THEN THE AFFIDAVIT WITH THE**
15 **ACCOMPANYING COPY OF THE MORTGAGE INSTRUMENT SHALL BE RECEIVED FOR**
16 **RECORD BY THE REGISTER OF DEEDS, AND THE MORTGAGE INSTRUMENT IS**
17 **DULY RECORDED UNDER THIS ACT AND UNDER SECTION 29 OF 1846 RS 65,**
18 **MCL 565.29, AS OF THE DATE OF RECORDING OF THE AFFIDAVIT. TO THE**
19 **EXTENT THAT THE MORTGAGE INSTRUMENT VALIDLY CREATES A LIEN, THE**
20 **LIEN IS PERFECTED AS OF THE DATE OF RECORDING OF THE AFFIDAVIT. THE**
21 **AMENDATORY ACT THAT ADDED THIS SUBSECTION APPLIES RETROACTIVELY TO**
22 **ALL COPIES OF MORTGAGE INSTRUMENTS VERIFIED BY AFFIDAVIT REGARDLESS**
23 **OF WHETHER THEY ARE RECORDED ON, BEFORE, OR AFTER THE EFFECTIVE**
24 **DATE OF THAT AMENDATORY ACT. HOWEVER, AN AFFIDAVIT AND MORTGAGE**
25 **INSTRUMENT SHALL NOT BE RECEIVED FOR RECORD UNDER THIS SUBSECTION**
26 **ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
27 **THIS SUBSECTION IF MORE THAN 1 MORTGAGE INSTRUMENT IS ATTACHED TO**

1 **THE AFFIDAVIT.**

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