

HOUSE BILL No. 4466

March 5, 1991, Introduced by Reps. Niederstadt, Bartnik, Pitoniak, Byrum, Dobronski, Baade, Middaugh, McNutt and Dalman and referred to the Committee on Towns and Counties.

A bill to amend sections 26, 28, and 43 of chapter 65 of the Revised Statutes of 1846, entitled

"Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,"

section 28 as amended by Act No. 95 of the Public Acts of 1980, being sections 565.26, 565.28, and 565.43 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 26, 28, and 43 of chapter 65 of the
2 Revised Statutes of 1846, section 28 as amended by Act No. 95 of
3 the Public Acts of 1980, being sections 565.26, 565.28, and
4 565.43 of the Michigan Compiled Laws, are amended to read as
5 follows:

6 Sec. 26. Different sets of books shall be provided by ~~the~~
7 ~~registers~~ EACH REGISTER of deeds ~~of the several counties,~~ for

15	Name of county
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16 Sec. 28. (1) Each register of deeds shall keep a proper
17 general index to each ~~of the sets~~ SET of books in which he or
18 she shall enter ~~—~~ alphabetically the name of each ~~and every~~
19 party to each instrument recorded by the register of deeds, with
20 a reference to the book and page where the instrument is
21 recorded. In ~~counties~~ A COUNTY in which ~~photographic copies~~
22 ~~of instruments are bound into~~ REPRODUCTIONS PURSUANT TO THE
23 RECORDS MEDIA ACT ARE COMBINED IN 1 set of books, the register of
24 deeds shall keep separate indexes of the instruments. ~~as previ-~~
25 ~~ously required by law.~~ The register of deeds shall also keep a
26 separate index in which shall be entered daily a minute of all
27 discharges of mortgages as the discharges are entered, whether by

1 written discharge or entered upon the margin of the record,
2 together with a reference to the volume and page where recorded,
3 or entered upon the margin.

4 (2) Each index required by this act may be maintained
5 wholly, or in part, by computerization of the index.

6 (3) ~~All~~ EACH computerized ~~indexes~~ INDEX shall be secured
7 by a duplicate index maintained at a separate location from the
8 primary index.

9 (4) The primary index shall be secured by a code, key, or
10 other system designed to prohibit ~~any~~ AN unauthorized person
11 from altering the index.

12 Sec. 43. Every ~~such~~ certificate DESCRIBED IN SECTION 42,
13 and the proof or acknowledgment ~~thereof~~ OF THE CERTIFICATE,
14 shall be recorded at full length, and a reference shall be made
15 to the book and page containing ~~such record~~ THE CERTIFICATE, in
16 the minute of the discharge of ~~such~~ THE mortgage made by the
17 register upon the ~~record thereof. In counties where~~ MORTGAGE.
18 IF the register of deeds ~~has been~~ IS authorized by the board of
19 ~~supervisors to microphotograph~~ COMMISSIONERS TO REPRODUCE
20 deeds, mortgages, maps, ~~and~~ instruments, or writings, as pro-
21 vided in SECTION 2 OF Act No. ~~7~~ 105 of the Public Acts of
22 ~~1941~~ 1964, ~~as amended,~~ being ~~sections 691.661 to 691.662~~
23 SECTION 691.1102 of the MICHIGAN Compiled Laws, ~~of 1948,~~ AND
24 THE MORTGAGE DOES NOT EXIST IN A HARD COPY MEDIUM, it ~~shall~~ IS
25 not ~~be~~ necessary for him OR HER to make reference to THE BOOK
26 AND PAGE CONTAINING THE CERTIFICATE ON the book or page
27 containing ~~such record as above provided~~ THE MORTGAGE.

1 INSTEAD, REFERENCE TO THE BOOK AND PAGE CONTAINING THE
2 CERTIFICATE SHALL BE MADE IN THE INDEX TO THE ENTRY BOOK OF
3 MORTGAGES.

4 Section 2. This amendatory act shall not take effect unless
5 Senate Bill No. _____ or House Bill No. 4438 (request
6 no. 01788'91) of the 86th Legislature is enacted into law.