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

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- 1 the recording of deeds and mortgages. -; in 1 of which sets all-
- 2 IN 1 SET, deeds required by the preceding section 25 to be
- 3 entered in the entry book of deeds shall be recorded at full
- 4 length, with the certificates of acknowledgment or proof of the
- 5 execution thereof, and in OF THE DEEDS. IN the other SET, all
- 6 such instruments as are required to be entered in the entry
- 7 book of mortgages -, shall in like manner, be recorded -,
- 8 except in those counties using a photographic process IN LIKE
- 9 MANNER. HOWEVER, A REGISTER OF DEEDS WHO USES A MEDIUM PURSUANT
- 10 TO THE RECORDS MEDIA ACT as a method of recording , which coun
- 11 ties may bind all photographic copies MAY COMBINE ALL
- 12 REPRODUCTIONS of instruments into 1 set of numbered books
- 13 (libers), giving to each page a number. Said THE set of books
- 14 shall be called: Register of Deeds Records.
- Name of county
- 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
- II 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.

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