

REPRINT
SUBSTITUTE FOR
HOUSE BILL NO. 5023

(As passed the House, October 24, 2001)

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 1996 PA 459.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) An instrument executed after October 29, 1937
2 by 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
5 ~~the~~ THIS state unless that instrument complies with each of the
6 following requirements:
7 (a) The name of each person ~~who executed~~ PURPORTING TO
8 EXECUTE the instrument is legibly printed, typewritten, or
9 stamped ~~upon the instrument immediately~~ beneath the ORIGINAL
10 signature OR MARK of ~~each~~ THE person. ~~and the address of each~~

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1 ~~person is printed, typewritten, or stamped upon the face of the~~
2 ~~instrument.~~

3 (b) A discrepancy does not exist between the name of ~~a~~
4 EACH person ~~as it appears either in the body of the instrument~~
5 ~~or in the acknowledgment or jurat,~~ as printed, typewritten, or
6 stamped ~~upon the instrument~~ beneath ~~the~~ THEIR signature ~~,~~
7 and ~~in the signature of that person~~ NAME AS RECITED IN THE
8 ACKNOWLEDGMENT OR JURAT ON THE INSTRUMENT.

9 ~~(c) The name of each witness to the instrument is legibly~~
10 ~~printed, typewritten or stamped upon the instrument immediately~~
11 ~~beneath the signature of the witness.~~

12 (C) ~~(d)~~ The name of any notary public whose signature
13 appears upon the instrument is legibly printed, typewritten, or
14 stamped upon the instrument immediately beneath the signature of
15 that notary public.

16 ~~(e) Wherever in this act the name of a person is required~~
17 ~~to be "printed, typewritten or stamped upon such instrument imme-~~
18 ~~diately beneath the signature" of the person, it is the intent of~~
19 ~~the legislature to require that the signature be written upon the~~
20 ~~instrument directly preceding the name "printed, typewritten or~~
21 ~~stamped". That signature shall not, however, be superimposed~~
22 ~~upon the name so as to render either illegible. However, the~~
23 ~~instrument is entitled to be received for record if the name and~~
24 ~~signature are, in the discretion of the register of deeds, so~~
25 ~~placed upon the instrument as to render the connection between~~
26 ~~the two apparent. Any instrument received and recorded by a~~
27 ~~register of deeds shall be conclusively presumed to comply with~~

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1 ~~this act. The requirements contained in this act are cumulative~~
2 ~~to the requirements imposed by any other act relating to the~~
3 ~~recording of instruments.~~

4 (D) ~~-(f)-~~ The address of each of the grantees in each deed
5 of conveyance or assignment of real estate, including the street
6 number address if located within territory where street number
7 addresses are in common use, or, if not, the post office address,
8 is legibly printed, typewritten, or stamped on the instrument.

9 (E) ~~-(g)-~~ If the instrument is executed before April 1,
10 1997, each sheet of the instrument is all of the following:

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

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

14 (iii) Legible.

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

17 (F) ~~-(h)-~~ If the instrument is executed after April 1, 1997,
18 each sheet of the instrument complies with all of the following
19 requirements:

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

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

26 (iii) Is electronically, mechanically, or hand printed in
27 10-point type or the equivalent of 10-point type.

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

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

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

8 (2) Subsection ~~-(1)(g) and (h)-~~ (1)(E) AND (F) do not apply
9 to instruments executed outside this state or to the filing or
10 recording of a plat or other instrument, the size of which is
11 regulated by law.

12 (3) A register of deeds shall not record an instrument exe-
13 cuted after April 1, 1997 if the instrument purports to evidence
14 more than 1 recordable event.

15 (4) ANY INSTRUMENT RECEIVED AND RECORDED BY A REGISTER OF
16 DEEDS SHALL BE CONCLUSIVELY PRESUMED TO COMPLY WITH THIS ACT.
17 THE REQUIREMENTS CONTAINED IN THIS ACT ARE CUMULATIVE TO THE
18 REQUIREMENTS IMPOSED BY ANY OTHER ACT RELATING TO THE RECORDING
19 OF INSTRUMENTS.

20 (5) AN INSTRUMENT THAT COMPLIES WITH THE PROVISIONS OF THIS
21 ACT AND ANY OTHER ACT RELATING TO THE RECORDING OF INSTRUMENTS
22 SHALL NOT BE REJECTED FOR RECORDING BECAUSE OF THE CONTENT OF THE
23 INSTRUMENT.