

Legislative Analysis



DEADLINE FOR FILING DISCHARGE OF A MORTGAGE

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House Bill 4817
Sponsor: Rep. David Farhat
Committee: Commerce

Complete to 3-8-04

A SUMMARY OF HOUSE BILL 4817 AS INTRODUCED 6-10-03

The bill would amend Chapter 65 of the Revised Statutes of 1846, which deals in part with the recording and canceling of mortgages, in the following ways.

- Currently, a mortgagee or personal representative or assignee of the mortgagee must file a discharge of the mortgage with the register of deeds within 90 days after a mortgage has been paid or otherwise satisfied and discharged. The bill would require the filing of a discharge within seven days.
- Currently, if a mortgagee refuses or neglects to file the discharge of a mortgage within the time required, the mortgage is liable to the mortgagor for \$100 damages, as well as actual damages caused by the neglect or refusal. The bill would make the mortgagee liable for \$1,000 damages and all actual damages.

The bill also would make a number of modernizing amendments to the language of the statute.

MCL 565.41 and 565.44

Legislative Analyst: Chris Couch

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