

# HOUSE BILL No. 4638

April 30, 2013, Introduced by Reps. Pettalia and Lane and referred to the Committee on Local Government.

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  
9           original signature or mark of the person.

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

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

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

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

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

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

18 (iii) Legible.

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

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

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

26 (ii) Subject to subsection (3), displays on the first line of  
27 print on the first page of the instrument a single statement

1 identifying the recordable event that the instrument evidences.

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

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

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

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

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

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

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

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

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

27 (4) Any instrument received and recorded by a register of

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

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

10 (6) IF A COPY OF AN INSTRUMENT THAT MEETS ALL REQUIREMENTS FOR  
11 RECORDING UNDER THIS ACT, OTHER THAN THE REQUIREMENT OF ORIGINAL  
12 SIGNATURES, IS AFFIXED TO AN AFFIDAVIT THAT MEETS THE REQUIREMENTS  
13 OF SECTION 1A(G) OF 1915 PA 123, MCL 565.451A, THEN THE AFFIDAVIT  
14 WITH THE ACCOMPANYING COPY OF THE INSTRUMENT SHALL BE RECEIVED FOR  
15 RECORD BY THE REGISTER OF DEEDS, AND UPON RECORDING, THE INSTRUMENT  
16 IS DULY RECORDED UNDER THIS ACT AND UNDER SECTION 29 OF 1846 RS 65,  
17 MCL 565.29, AS OF THE DATE OF RECORDING OF THE AFFIDAVIT. TO THE  
18 EXTENT THAT THE INSTRUMENT VALIDLY CREATES A LIEN, THE LIEN IS  
19 PERFECTED AS OF THE DATE OF RECORDING OF THE AFFIDAVIT. THE 2013  
20 AMENDATORY ACT THAT ADDED THIS SUBSECTION IS RETROACTIVE AND  
21 APPLIES TO ALL COPIES OF ORIGINAL INSTRUMENTS VERIFIED BY AFFIDAVIT  
22 REGARDLESS OF WHETHER RECORDED ON, BEFORE, OR AFTER THE EFFECTIVE  
23 DATE OF THAT AMENDATORY ACT.

24 Enacting section 1. This amendatory act does not take effect  
25 unless Senate Bill No. \_\_\_\_ or House Bill No. 4640 (request no.  
26 01205'13 a) of the 97th Legislature is enacted into law.