

SENATE BILL No. 737

December 13, 2017, Introduced by Senators HERTEL, KNEZEK and PROOS 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 2014 PA 347.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) ~~An~~ **A REGISTER OF DEEDS SHALL NOT RECEIVE FOR**
2 **RECORDING AN** instrument executed after October 29, 1937 by which
3 the title to or any interest in real estate is conveyed, assigned,
4 encumbered, or otherwise disposed of ~~shall not be received for~~
5 ~~record by the register of deeds of any county of this state unless~~
6 ~~that~~ **THE** instrument complies with each of the following
7 requirements:

8 (a) The name of each person purporting to execute the

1 instrument is legibly printed, typewritten, or stamped beneath the
2 original signature or mark of the person, **AND THE SIGNATURE OR MARK**
3 **IS IN BLACK OR DARK BLUE INK.**

4 (b) A discrepancy does not exist between the name of each
5 person as printed, typewritten, or stamped beneath ~~their~~**HIS OR HER**
6 signature and the name as recited in the acknowledgment or jurat on
7 the instrument.

8 (c) The name of any notary public whose signature appears ~~upon~~
9 **ON** the instrument is legibly printed, typewritten, or stamped ~~upon~~
10 **ON** the instrument ~~immediately beneath~~**AND APPEARS ON THE SAME PAGE**
11 **NEAR** the signature of ~~that~~**THE** notary public.

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

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

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

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

22 (iii) Legible.

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

24 (f) If the instrument is executed after April 1, 1997, each
25 sheet of the instrument complies with all of the following
26 requirements:

27 (i) Has a margin of unprinted space that is at least 2-1/2

1 inches at the top of the first page and at least 1/2 inch on all
2 remaining sides of each page.

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

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

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

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

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

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

20 (i) Except as provided in subparagraph (ii), September 12,
21 2007.

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

24 **(H) IF THE INSTRUMENT OR ANY PART OF IT IS IN A LANGUAGE OTHER**
25 **THAN ENGLISH, A WRITTEN ENGLISH TRANSLATION IS ATTACHED TO THE**
26 **INSTRUMENT.**

27 (2) Subsection (1)(e) and (f) does not apply to instruments

1 executed outside this state or to the filing or recording of a plat
2 or other instrument, the size of which is regulated by law.

3 (3) A register of deeds shall not record an instrument
4 executed after April 1, 1997, **OTHER THAN AN INSTRUMENT DESCRIBED IN**
5 **SUBSECTION (2)**, if the statement required under subsection
6 (1)(f)(ii) purports to evidence more than 1 recordable event.

7 (4) Any instrument received and recorded by a register of
8 deeds, including any instrument considered duly recorded under
9 subsection (6), is conclusively presumed to comply with this act.

10 The requirements contained in this act are cumulative to the
11 requirements imposed by any other act relating to the recording of
12 instruments.

13 (5) ~~An~~ **A REGISTER OF DEEDS SHALL NOT REJECT AN** instrument ~~that~~
14 **FOR RECORDING BECAUSE OF THE CONTENT OF THE INSTRUMENT IF THE**
15 **INSTRUMENT** complies with the provisions of this act and any other
16 act relating to the recording of instruments. ~~shall not be rejected~~
17 ~~for recording because of the content of the instrument.~~

18 (6) If a mortgage meets all requirements for recording under
19 this act and a copy of the mortgage is affixed to an affidavit that
20 is recordable under section 1a(g) of 1915 PA 123, MCL 565.451a,
21 ~~then the~~ **REGISTER OF DEEDS SHALL RECEIVE THE** affidavit with the
22 accompanying copy of the mortgage ~~shall be received for record, by~~
23 ~~the register of deeds,~~ and the mortgage is duly recorded under this
24 act and under section 29 of 1846 RS 65, MCL 565.29, as of the date
25 of recording of the affidavit. To the extent that the mortgage
26 validly creates a lien, the lien is perfected as of the date of
27 recording of the affidavit. ~~The amendatory act that added this~~

1 ~~subsection applies~~ **AMENDMENTS TO THIS SECTION ENACTED BY 2014 PA**
2 **347 APPLY** retroactively to all copies of mortgages verified by
3 affidavit regardless of whether they are recorded on, before, or
4 after **OCTOBER 17, 2014**, the effective date of ~~that amendatory act.~~
5 **2014 PA 347**. However, **A REGISTER OF DEEDS SHALL NOT RECEIVE** an
6 affidavit and mortgage ~~shall not be received for record under this~~
7 ~~subsection on or after the effective date of the amendatory act~~
8 ~~that added this subsection~~ **OCTOBER 16, 2014** if more than 1 mortgage
9 is attached to the affidavit.