

Act No. 46
Public Act of 1989
June 13, 1989
Filed by the Secretary of State
June 13, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Rep. Niederstadt

ENROLLED HOUSE BILL No. 4351

AN ACT to amend section 5 of Act No. 102 of the Public Acts of 1983, entitled "An act to provide for the recording and filing of notices of federal liens and discharges of federal liens; and to repeal certain acts and parts of acts," being section 211.665 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 5 of Act No. 102 of the Public Acts of 1983, being section 211.665 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 5. (1) If a notice of a federal lien or a notice of revocation of any certificate described in subsection (2) is presented to the secretary of state, the secretary of state shall cause the notice to be marked, held, and indexed pursuant to section 9403 (4) of the uniform commercial code, Act No. 174 of the Public Acts of 1962, being section 440.9403 of the Michigan Compiled Laws, as if the notice were a financing statement within the meaning of that act. If the notice of a federal lien, a refiled notice of a federal lien, or a notice of revocation of a certificate described in subsection (2) is presented to the register of deeds in a county, the register of deeds shall endorse the notice with his or her identification and the date and time of receipt and immediately file it alphabetically or enter it in an alphabetical index showing the name and address of the person named in the notice, the date and time of receipt, the title and address of the official or entity certifying the lien, and the total amount appearing on the notice of lien.

(2) If a refiled notice of a federal lien or a certificate of release, nonattachment, discharge, or subordination of any lien is presented to the secretary of state for filing, the secretary of state shall do all of the following:

(a) Subject to subsection (5), cause a refiled notice of a federal lien to be marked, held, and indexed as if the refiled notice of a federal lien is a continuation statement within the meaning of the uniform commercial code, Act No. 174 of the Public Acts of 1962, being sections 440.1101 to 440.1102 of the Michigan Compiled Laws.

(b) Cause a certificate of release or nonattachment to be marked, held, and indexed as if the certificate were a termination statement within the meaning of Act No. 174 of the Public Acts of 1962.

(c) Cause a certificate of discharge or subordination to be marked, held, and indexed as if the certificate were a release of collateral within the meaning of Act No. 174 of the Public Acts of 1962.

(3) Subject to subsection (5), if a refiled notice of a federal lien or any of the certificates or notices referred to in subsection (2) is presented for filing to the register of deeds in a county, the register of deeds shall attach the refiled notice or the certificate to the original notice of lien and enter the refiled notice or the certificate with the date of filing in any alphabetical lien index on the line where the original notice of lien is entered.

(4) Upon request of any person, the filing officer shall issue his or her certificate showing whether there is on file, on the date and hour stated, any notice of lien, certificate, or notice affecting any lien filed under this act or former Act No. 162 of the Public Acts of 1967, naming a particular person, and if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is \$3.00. Upon request, the filing officer shall furnish a copy of any notice of federal lien, or notice or certificate affecting a federal lien, for a fee of \$1.00 per page.

(5) If a refiled notice of a federal lien is not presented to the filing officer for filing within 7 years and 60 days after the date on which the notice of a federal lien or the latest refiled notice of that federal lien is filed, the filing officer may remove the notice of a federal lien and any related refiled notice of a federal lien or any certificate described in subsection (2) from the file. If a refiled notice of a federal lien is presented to the filing officer after the removal of any document from the file pursuant to this subsection, the notice shall be indexed as provided for a notice of a federal lien under subsection (1).

(6) If a federal lien has been assessed and filed or recorded in error, the certificate of release or discharge shall contain a statement that explains that the federal lien has been assessed and filed or recorded in error.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.