

HOUSE BILL No. 4351

March 7, 1989, Introduced by Rep. Niederstadt and referred to the Committee on Taxation.

A bill to amend section 5 of Act No. 102 of the Public Acts of 1983, entitled
"Uniform federal lien registration act,"
being section 211.665 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 of Act No. 102 of the Public Acts of
2 1983, being section 211.665 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 5. (1) If a notice of a federal lien ~~, a refiled~~
5 ~~notice of a federal lien,~~ or a notice of revocation of any cer-
6 tificate described in subsection (2) is presented to the secre-
7 tary of state, the secretary of state shall cause the notice to
8 be marked, held, and indexed pursuant to section 9403 (4) of THE
9 UNIFORM COMMERCIAL CODE, Act No. 174 of the Public Acts of 1962,
10 being section 440.9403 of the Michigan Compiled Laws, as if the

1 notice were a financing statement within the meaning of that
2 act. If the notice OF A FEDERAL LIEN, A REFILED NOTICE OF A FED-
3 ERAL LIEN, OR A NOTICE OF REVOCATION OF A CERTIFICATE DESCRIBED
4 IN SUBSECTION (2) is presented to the register of deeds in a
5 county, the register of deeds shall endorse the notice with his
6 or her identification and the date and time of receipt and imme-
7 diately file it alphabetically or enter it in an alphabetical
8 index showing the name and address of the person named in the
9 notice, the date and time of receipt, the title and address of
10 the official or entity certifying the lien, and the total amount
11 appearing on the notice of lien.

12 (2) If a REFILED NOTICE OF A FEDERAL LIEN OR A certificate
13 of release, nonattachment, discharge, or subordination of any
14 lien is presented to the secretary of state for filing, the sec-
15 retary of state shall do all of the following:

16 (A) SUBJECT TO SUBSECTION (5), CAUSE A REFILED NOTICE OF A
17 FEDERAL LIEN TO BE MARKED, HELD, AND INDEXED AS IF THE REFILED
18 NOTICE OF A FEDERAL LIEN IS A CONTINUATION STATEMENT WITHIN THE
19 MEANING OF THE UNIFORM COMMERCIAL CODE, ACT NO. 174 OF THE PUBLIC
20 ACTS OF 1962, BEING SECTIONS 440.1101 TO 440.11102 OF THE
21 MICHIGAN COMPILED LAWS.

22 (B) ~~(a)~~ Cause a certificate of release or nonattachment to
23 be marked, held, and indexed as if the certificate were a termi-
24 nation statement within the meaning of Act No. 174 of the Public
25 Acts of 1962. ~~, being sections 440.1101 to 440.11102 of the~~
26 ~~Michigan Compiled Laws, but the notice of lien to which the~~
27 ~~certificate relates shall not be removed from the files.~~

1 (C) ~~(b)~~ Cause a certificate of discharge or subordination
2 to be marked, held, and indexed as if the certificate were a
3 release of collateral within the meaning of Act No. 174 of the
4 Public Acts of 1962.

5 (3) ~~if~~ SUBJECT TO SUBSECTION (5), IF a refiled notice of A
6 federal lien ~~referred to in subsection (1)~~ or any of the cer-
7 tificates or notices referred to in subsection (2) is presented
8 for filing to the register of deeds in a county, the register of
9 deeds shall ~~permanently~~ attach the refiled notice or the cer-
10 tificate to the original notice of lien and enter the refiled
11 notice or the certificate with the date of filing in any alpha-
12 betical lien index on the line where the original notice of lien
13 is entered.

14 (4) Upon request of any person, the filing officer shall
15 issue his or her certificate showing whether there is on file, on
16 the date and hour stated, any notice of lien, certificate, or
17 notice affecting any lien filed under this act or former Act
18 No. 162 of the Public Acts of 1967, naming a particular person,
19 and if a notice or certificate is on file, giving the date and
20 hour of filing of each notice or certificate. The fee for a cer-
21 tificate is \$3.00. Upon request, the filing officer shall fur-
22 nish a copy of any notice of federal lien, or notice or certifi-
23 cate affecting a federal lien, for a fee of ~~\$3.00~~ \$1.00 per
24 page.

25 (5) IF A REFILED NOTICE OF A FEDERAL LIEN IS NOT PRESENTED
26 TO THE FILING OFFICER FOR FILING WITHIN 7 YEARS AND 60 DAYS AFTER
27 THE DATE ON WHICH THE NOTICE OF A FEDERAL LIEN OR THE LATEST

1 REFILED NOTICE OF THAT FEDERAL LIEN IS FILED, THE FILING OFFICER
2 MAY REMOVE THE NOTICE OF A FEDERAL LIEN AND ANY RELATED REFILED
3 NOTICE OF A FEDERAL LIEN OR ANY CERTIFICATE DESCRIBED IN SUBSEC-
4 TION (2) FROM THE FILE. IF A REFILED NOTICE OF A FEDERAL LIEN IS
5 PRESENTED TO THE FILING OFFICER AFTER THE REMOVAL OF ANY DOCUMENT
6 FROM THE FILE PURSUANT TO THIS SUBSECTION, THE NOTICE SHALL BE
7 INDEXED AS PROVIDED FOR A NOTICE OF A FEDERAL LIEN UNDER SUBSEC-
8 TION (1).

9 (6) IF A FEDERAL LIEN HAS BEEN ASSESSED AND FILED OR
10 RECORDED IN ERROR, THE CERTIFICATE OF RELEASE OR DISCHARGE SHALL
11 CONTAIN A STATEMENT THAT EXPLAINS THAT THE FEDERAL LIEN HAS BEEN
12 ASSESSED AND FILED OR RECORDED IN ERROR.