

HOUSE BILL No. 4612

April 12, 1989, Introduced by Reps. Harrison, Saunders; Leland, Joe Young, Sr., Johnson, Miller, Scott, Ostling, Kilpatrick, Murphy, DeMars, Joe Young, Jr., Gubow, Ciaramitaro, Watkins, Jondahl, Berman, Gire, Brown, Stallworth, Bennane, Perry Bullard, Emerson, Hollister and Wallace and referred to the Committee on State Affairs.

A bill to amend the title and sections 1 and 2 of Act No. 103 of the Public Acts of 1937, 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," being sections 565.201 and 565.202 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1 and 2 of Act No. 103 of
2 the Public Acts of 1937, being sections 565.201 and 565.202 of
3 the Michigan Compiled Laws, are amended to read as follows:

TITLE

4
5 An act to REQUIRE THE RECORDING OF CERTAIN INSTRUMENTS; AND
6 TO prescribe certain conditions relative to the execution of
7 instruments entitled to be recorded in the office of the register
8 of deeds.

1 Sec. 1. (1) ~~No~~ ALL INSTRUMENTS THAT TRANSFER AN INTEREST
2 IN REAL PROPERTY SHALL BE RECORDED BY THE TRANSFEREE OF THAT REAL
3 PROPERTY WITH THE REGISTER OF DEEDS IN THE COUNTY WHERE THE REAL
4 PROPERTY IS LOCATED BY THE CLOSE OF THE NEXT BUSINESS DAY AFTER
5 THE TRANSFER OCCURS. IF THE REAL PROPERTY IS LOCATED IN MORE
6 THAN 1 COUNTY, THE INSTRUMENT SHALL BE RECORDED IN EACH COUNTY
7 WHERE THE REAL PROPERTY IS LOCATED.

8 (2) AN instrument by which the title to real ~~estate~~
9 PROPERTY or any interest ~~therein~~ IN REAL PROPERTY is conveyed,
10 assigned, encumbered, or otherwise disposed of, executed after
11 ~~the effective date of this act~~ OCTOBER 29, 1937 shall NOT be
12 received for record by the register of deeds of any county of the
13 state unless the ~~same~~ INSTRUMENT complies with ~~each~~ ALL of
14 the following requirements:

15 (a) The name of each person who executed ~~such~~ THE instru-
16 ment shall be legibly printed, typewritten, or stamped upon
17 ~~such~~ THE instrument immediately beneath the signature of ~~such~~
18 THE person and the address of each ~~such~~ person shall be
19 printed, typewritten, or stamped upon the face of the
20 instrument. —

21 (b) No discrepancy shall exist between the name of ~~such~~
22 THE person as it appears either in the body of ~~such~~ THE instru-
23 ment, the acknowledgment, or jurat, as printed, typewritten, or
24 stamped upon ~~such~~ THE instrument by the signature, or in the
25 signature of ~~such~~ THE person. —

26 (c) The name of each witness to ~~such~~ THE instrument shall
27 be legibly printed, typewritten, or stamped upon ~~such~~ THE

1 instrument immediately beneath the signature of ~~such~~ THE
2 witness. —

3 (d) The name of any notary public whose signature appears
4 upon ~~such~~ THE instrument shall be legibly printed, typewritten,
5 or stamped upon ~~such~~ THE instrument immediately beneath the
6 signature of ~~such~~ THE notary public. —

7 (e) Wherever in this act it is required that the name of a
8 person shall be "printed, typewritten, or stamped upon ~~such~~ THE
9 instrument immediately beneath the signature" of ~~such~~ THE
10 person, it is the intent of the legislature to require that
11 ~~such~~ THE signature be written upon ~~such~~ THE instrument
12 directly preceding ~~such~~ THE name so "printed, typewritten, or
13 stamped". ~~Such~~ THE signature shall not, however, be superim-
14 posed upon ~~such~~ THE name so as to render either illegible.
15 ~~Such~~ THE instrument shall, however, be entitled to be received
16 for record if ~~such~~ THE name and signature are in the discretion
17 of the register of deeds ~~so~~ placed upon ~~such~~ THE instrument
18 SO as to render the connection between the 2 apparent. Any
19 instrument received and recorded by a register of deeds shall be
20 conclusively presumed to comply with the requirements of this
21 act. The requirements contained in this act shall be cumulative
22 to the requirements imposed by any other act relating to the
23 recording of instruments. —

24 (f) The address of each of the grantees in each deed of con-
25 veyance or assignment of real estate, including the street number
26 address if located within territory where ~~such~~ THE street
27 number addresses are in common use, or, if not, the post office

1 address shall be legibly printed, typewritten, or stamped in
2 ~~such~~ THE instrument. ~~—~~

3 (g) Instruments shall not be typewritten or printed in type
4 smaller than 8 point size, and the size of ~~any~~ A sheet in any
5 ~~such~~ instrument shall not exceed 8-1/2 by 14 inches, and shall
6 be legible and on paper of not less than 13 (17x22--500) pound
7 weight. Nothing in this subdivision shall affect instruments
8 executed outside the state or the filing or recording of plats or
9 other instruments, the size of which are regulated by law.

10 (3) A PERSON WHO VIOLATES A PROVISION OF THIS ACT IS GUILTY
11 OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$100.00
12 FOR EACH VIOLATION.

13 Sec. 2. The register of deeds shall ~~—, however, —~~ receive
14 ~~any such~~ AN instrument for record, although the ~~same~~
15 INSTRUMENT does not comply with the requirements of this act, ~~—~~
16 ~~Provided, There~~ IF THERE is recorded ~~therewith~~ WITH THE
17 INSTRUMENT an affidavit of ~~some~~ A person having personal knowl-
18 edge of the facts, which affidavit shall be either printed or
19 typewritten, shall comply with the requirements of this act, and
20 shall state ~~therein~~ THE FOLLOWING:

21 (a) The correct name of ~~any~~ A person, the name of whom was
22 not printed, typewritten or stamped upon such instrument as
23 required by this act. ~~—~~

24 (b) In case ~~such~~ THE instrument does not comply with the
25 requirements of ~~paragraph (b) of section 1~~ SECTION 1(2)(B), the
26 correct name of ~~such~~ THE person and ~~shall state~~ A STATEMENT

1 that each of the names used in ~~such~~ THE instrument refer to
2 ~~such~~ THAT person.