

HOUSE BILL No. 5218

October 24, 1989, Introduced by Rep. Barns and referred to the Committee on Urban Affairs.

A bill to amend section 25 of chapter 65 of the Revised Statutes of 1846, entitled

"Of alienation by deed, and the proof and recording of conveyances, and the canceling of mortgages,"

being section 565.25 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 25 of chapter 65 of the Revised Statutes
2 of 1846, being section 565.25 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 25. (1) In the entry book of deeds, the register shall
5 enter all deeds of conveyance absolute in their terms, and not
6 intended as mortgages or securities, and all copies left as
7 cautions. ~~and in~~ IN the entry book of mortgages ~~he~~ THE
8 REGISTER shall enter all mortgages and other deeds intended as
9 securities, and all assignments of any ~~such~~ mortgages or

1 securities. ~~and in~~ IN the entry book of levies ~~he~~ THE
 2 REGISTER shall enter all levies, attachments, LIENS, notices ~~or~~
 3 OF lis pendens, sheriffs' certificates of sale, ~~and~~ United
 4 States marshals' certificates of sale, AND OTHER INSTRUMENTS OF
 5 ENCUMBRANCES, noting in ~~such~~ THE books, the day, hour, and
 6 minute of ~~the reception~~ RECEIPT, and other particulars, in the
 7 appropriate columns in the order in which ~~such~~ THE instruments
 8 are respectively received. ~~and every such~~

9 (2) THE RECORDING OF A LEVY, ATTACHMENT, LIEN, LIS PENDENS,
 10 SHERIFF'S CERTIFICATE, MARSHAL'S CERTIFICATE, OR OTHER INSTRUMENT
 11 OF ENCUMBRANCE, SHALL NOT BE CONSIDERED PERFECTED UNLESS THE
 12 INSTRUMENT IS ACCOMPANIED WITH PROOF OF SERVICE THAT NOTICE HAS
 13 BEEN GIVEN TO THE RECORDED LANDOWNER OF THE LAND TO WHICH THE
 14 INSTRUMENT OF ENCUMBRANCE APPLIES.

15 (3) THE instrument shall be considered as recorded at the
 16 time so noted ~~. And the record of such levies, attachments,~~
 17 ~~notices, lis pendens, sheriffs' certificates, marshals' certifi-~~
 18 ~~cates, and the original papers required by statute to be recorded~~
 19 ~~to perfect such levies, attachments, notices, lis pendens and~~
 20 ~~certificates on record in the office of the register of deeds,~~
 21 AND shall be notice to all persons EXCEPT THE RECORDED LANDOWNER,
 22 of the liens, rights and interests acquired by or involved in
 23 ~~such~~ THE proceedings. ~~and all~~ ALL subsequent owners or
 24 ~~incumbrances~~ ENCUMBRANCES shall take subject to ~~such~~ THE
 25 PERFECTED liens, rights, or interests.