

HOUSE BILL No. 5781

May 16, 1990, Introduced by Rep. Niederstadt and referred to the Committee on Towns and Counties.

A bill to amend sections 26, 28, and 43 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," section 28 as amended by Act No. 95 of the Public Acts of 1980, being sections 565.26, 565.28, and 565.43 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 26, 28, and 43 of chapter 65 of the
2 Revised Statutes of 1846, section 28 as amended by Act No. 95 of
3 the Public Acts of 1980, being sections 565.26, 565.28, and
4 565.43 of the Michigan Compiled Laws, are amended to read as
5 follows:

6 Sec. 26. Different sets of books shall be provided by ~~the~~
7 ~~registers~~ EACH REGISTER of deeds ~~of the several counties,~~ for

1 the recording of deeds and mortgages. ~~, in 1 of which sets all~~
 2 IN 1 SET, deeds required by ~~the preceding~~ section 25 to be
 3 entered in the entry book of deeds ~~, shall~~ be recorded at full
 4 length, with the certificates of acknowledgment or proof of the
 5 execution ~~thereof, and in~~ OF THE DEEDS. IN the other SET, ~~all~~
 6 ~~such~~ instruments ~~as are~~ required to be entered in the entry
 7 book of mortgages ~~, shall in like manner,~~ be recorded ~~,~~
 8 ~~except in those counties using a photographic process~~ IN LIKE
 9 MANNER. HOWEVER, A REGISTER OF DEEDS WHO USES A MEDIUM PURSUANT
 10 TO THE RECORDS MEDIA ACT as a method of recording ~~, which coun-~~
 11 ~~ties may bind all photographic copies~~ MAY COMBINE ALL
 12 REPRODUCTIONS of instruments into 1 set of numbered books
 13 (libers), giving to each page a number. ~~Said~~ THE set of books
 14 shall be called: Register of Deeds Records.

15 Name of county

16 Sec. 28. (1) Each register of deeds shall keep a proper
 17 general index to each ~~of the sets~~ SET of books in which he or
 18 she shall enter ~~,~~ alphabetically the name of each ~~and every~~
 19 party to each instrument recorded by the register of deeds, with
 20 a reference to the book and page where the instrument is
 21 recorded. In ~~counties~~ A COUNTY in which ~~photographic copies~~
 22 ~~of instruments are bound into~~ REPRODUCTIONS PURSUANT TO THE
 23 RECORDS MEDIA ACT ARE COMBINED IN 1 set of books, the register of
 24 deeds shall keep separate indexes of the instruments. ~~as previ-~~
 25 ~~ously required by law.~~ The register of deeds shall also keep a
 26 separate index in which shall be entered daily a minute of all
 27 discharges of mortgages as the discharges are entered, whether by

1 written discharge or entered upon the margin of the record,
2 together with a reference to the volume and page where recorded,
3 or entered upon the margin.

4 (2) Each index required by this act may be maintained
5 wholly, or in part, by computerization of the index.

6 (3) ~~All~~ EACH computerized ~~indexes~~ INDEX shall be secured
7 by a duplicate index maintained at a separate location from the
8 primary index.

9 (4) The primary index shall be secured by a code, key, or
10 other system designed to prohibit ~~any~~ AN unauthorized person
11 from altering the index.

12 Sec. 43. Every ~~such~~ certificate DESCRIBED IN SECTION 42,
13 and the proof or acknowledgment ~~thereof~~ OF THE CERTIFICATE,
14 shall be recorded at full length, and a reference shall be made
15 to the book and page containing ~~such~~ THE record, in the minute
16 of the discharge of ~~such~~ THE mortgage made by the register upon
17 the record ~~thereof.~~ ~~In counties where~~ IF the register of deeds
18 ~~has been~~ IS authorized by the board of ~~supervisors to~~
19 ~~microphotograph~~ COMMISSIONERS TO REPRODUCE deeds, mortgages,
20 maps, ~~and~~ instruments or writings, as provided in SECTION 2 OF
21 Act No. ~~7~~ 105 of the Public Acts of ~~1941~~ 1964, ~~as amended,~~
22 being ~~sections 691.661 to 691.662~~ SECTION 691.1102 of the
23 MICHIGAN Compiled Laws, ~~of 1948,~~ it ~~shall~~ IS not ~~be~~ neces-
24 sary for him OR HER to make reference ~~to~~ ON the book or page
25 containing ~~such~~ THE record ~~as above provided~~ UNLESS THE
26 RECORD EXISTS IN A HARD COPY MEDIUM.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ (request no. 03301'89) or House Bill
3 No. 5013 of the 85th Legislature is enacted into law.