

Act No. 698
Public Acts of 2002
Approved by the Governor
December 30, 2002
Filed with the Secretary of State
December 30, 2002
EFFECTIVE DATE: March 31, 2003

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Senator Hammerstrom

ENROLLED SENATE BILL No. 63

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 2567 (MCL 600.2567), as amended by 1990 PA 346, and by adding section 2568.

The People of the State of Michigan enact:

Sec. 2567. (1) Except as provided in subsection (3), a register of deeds is entitled to the following fees, which are not taxable as costs except as indicated:

(a) For entering and recording a deed, mortgage, certified copy of an attachment, notice of the pendency of a suit, or other instrument, \$8.00 for the first page and \$3.00 for each additional and succeeding page. The fee shall be paid when the deed, mortgage, certified copy of an attachment, notice of the pendency of a suit, or other instrument is left for record. Until December 31, 2006, the register of deeds shall deposit \$5.00 of the total fee collected for each recording into the automation fund established under section 2568. For any document that assigns or discharges more than 1 instrument, \$3.00 shall be added to the recording fee for each additional instrument assigned or discharged.

(b) For copies of any records or papers, if required, \$1.00 per page, taxable as costs if otherwise allowed.

(c) For a seal to exemplification, \$1.00.

(d) For searching the records and files, on request, by the office of the register of deeds, 50 cents for each year for which grantor/grantee searches are made, with a minimum fee of \$5.00, except that the fee for tract index searches shall be based upon the cost of establishing and maintaining a tract index.

(e) For filing every other paper, and making an entry of it, if necessary, \$1.00, unless otherwise specifically provided for.

(f) For searching for every other paper, on request, by the office of the register of deeds, \$1.00 for each paper examined.

(2) In addition to any other fees prescribed in subsection (1) or (3), a register of deeds shall collect a fee of \$2.00 for entering and recording a deed, mortgage, certified copy of an attachment, notice of the pendency of a suit, or other instrument. The fee shall be paid when the deed, mortgage, certified copy of an attachment, notice of the pendency of a suit, or other instrument is left for record.

(3) A charter county may impose a fee schedule by ordinance or resolution with different amounts than the amounts prescribed by subsection (1). A charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged.

(4) As used in this section, "page" means 1 side of a single sheet of paper at least 8-1/2 inches by 11 inches in length and not exceeding 8-1/2 inches by 14 inches in length and not less than 20-pound weight.

Sec. 2568. (1) Each county in this state shall establish an automation fund, and that fund shall receive money deposited by the register of deeds of the county in accordance with section 2567. The county treasurer shall direct investment of the fund and shall credit to the fund interest and earnings from fund investments.

(2) The county register of deeds of each county shall expend the fees credited to the fund under section 2567 subject to an appropriation under the uniform budgeting and accounting act, 1968 PA 2, MCL 141.421 to 141.440a, for upgrading technology in the register of deeds office, with priority given to upgrading search capabilities. Upgrading includes the design and purchase of equipment and supplies, and implementation of systems and procedures that allow the register of deeds to receive, enter, record, certify, index, store, search, retrieve, copy, and otherwise process by automated procedures and advanced technology documents, instruments, abstracts, maps, plats, and other items recorded and maintained by the register of deeds.

(3) Not later than 90 days after the effective date of the amendatory act that added this subsection, each register of deeds shall begin to implement procedures to process and make available all items recorded, compiled, or maintained by that register of deeds, using the automated procedures and advanced technology described in subsection (2) to the maximum extent feasible utilizing the fund created under subsection (1).

(4) Four years after the effective date of the amendatory act that added this section, the register of deeds of each county shall prepare a report to the legislature that addresses, but is not limited to, each of the following issues:

(a) The progress that has been made by the register of deeds since the effective date of the amendatory act that added this section in achieving a goal of timely processing of recordable instruments.

(b) The extent to which the register of deeds has made records in the register's possession computer accessible by way of internet websites or other on-line media.

(5) The reports required under subsection (4) may be compiled into a single report by an agent of the county registers of deeds before it is submitted to the legislature.

Carol Morey Viventi

Secretary of the Senate.

Ray E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.