

# HOUSE BILL No. 4721

April 17, 1991, Introduced by Reps. Niederstadt, Hertel, Weeks, Bartnik, Wallace, Olshove, Yokich, Profit, Baade, Byrum, Randall, Muxlow, Gnodtke and Middaugh and referred to the Committee on Towns and Counties.

A bill to amend section 5 of Act No. 102 of the Public Acts of 1983, entitled

"Uniform federal lien registration act,"

as amended by Act No. 46 of the Public Acts of 1989, 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, as amended by Act No. 46 of the Public Acts of 1989, being  
3 section 211.665 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 5. (1) If a notice of a federal lien or a notice of  
6 revocation of any certificate described in subsection (2) is  
7 presented to the secretary of state, the secretary of state shall  
8 cause the notice to be marked, held, and indexed pursuant to  
9 section 9403 (4) of the uniform commercial code, Act No. 174 of

1 the Public Acts of 1962, being section 440.9403 of the Michigan  
2 Compiled Laws, as if the notice were a financing statement within  
3 the meaning of that act. If the notice of a federal lien, a  
4 refiled notice of a federal lien, or a notice of revocation of a  
5 certificate described in subsection (2) is presented to the reg-  
6 ister of deeds in a county, the register of deeds shall endorse  
7 the notice with his or her identification and the date and time  
8 of receipt and immediately file it alphabetically or enter it in  
9 an alphabetical index showing the name and address of the person  
10 named in the notice, the date and time of receipt, the title and  
11 address of the official or entity certifying the lien, and the  
12 total amount appearing on the notice of lien.

13 (2) If a refiled notice of a federal lien or a certificate  
14 of release, nonattachment, discharge, or subordination of any  
15 lien is presented to the secretary of state for filing, the sec-  
16 retary of state shall do all of the following:

17 (a) Subject to subsection (5), cause a refiled notice of a  
18 federal lien to be marked, held, and indexed as if the refiled  
19 notice of a federal lien is a continuation statement within the  
20 meaning of the uniform commercial code, Act No. 174 of the Public  
21 Acts of 1962, being sections 440.1101 to 440.11102 of the  
22 Michigan Compiled Laws.

23 (b) Cause a certificate of release or nonattachment to be  
24 marked, held, and indexed as if the certificate were a termina-  
25 tion statement within the meaning of Act No. 174 of the Public  
26 Acts of 1962.

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

5 (3) Subject to subsection (5), if a refiled notice of a fed-  
6 eral lien or any of the certificates or notices referred to in  
7 subsection (2) is presented for filing to the register of deeds  
8 in a county, the register of deeds shall attach the refiled  
9 notice or the certificate to the original notice of lien and  
10 enter the refiled notice or the certificate with the date of  
11 filing in any alphabetical lien index on the line where the orig-  
12 inal notice of lien is entered.

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

23 (5) If a refiled notice of a federal lien is not presented  
24 to the filing officer for filing within ~~7~~ 10 years ~~and 60~~  
25 ~~days~~ after the date on which the notice of a federal lien or the  
26 latest refiled notice of that federal lien is filed, the filing  
27 officer may remove the notice of a federal lien and any related

1 refiled notice of a federal lien or any certificate described in  
2 subsection (2) from the file. If a refiled notice of a federal  
3 lien is presented to the filing officer after the removal of any  
4 document from the file pursuant to this subsection, the notice  
5 shall be indexed as provided for a notice of a federal lien under  
6 subsection (1).

7       (6) If a federal lien has been assessed and filed or  
8 recorded in error, the certificate of release or discharge shall  
9 contain a statement that explains that the federal lien has been  
10 assessed and filed or recorded in error.