



SENATE BILL No. 1255

September 20, 1994, Introduced by Senator FAUST and
referred to the Committee on Local Government and
Urban Development

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 convey-
ances, 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, IS NOT PERFECTED UNLESS BOTH OF THE FOLLOWING
 12 ACCOMPANY THE INSTRUMENT

13 (A) A FULL AND FAIR ACCOUNTING OF THE FACTS THAT SUPPORT
 14 RECORDING OF THE INSTRUMENT OR ENCUMBRANCE AND SUPPORTING DOCU-
 15 MENTATION, AS AVAILABLE

16 (B) PROOF OF SERVICE THAT NOTICE HAS BEEN GIVEN TO THE
 17 RECORDED LANDOWNER OF THE LAND TO WHICH THE INSTRUMENT OF ENCUM-
 18 BRANCE APPLIES

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

1 ~~incumbrances~~ ENCUMBRANCES shall take subject to ~~such~~ THE
2 PERFECTED liens, rights, or interests