

REVISE REGISTER OF DEEDS RECORDING PROTOCOLS

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Senate Bill 927

Sponsor: Sen. Tupac A. Hunter

Senate Bill 1160

Sponsor: Sen. Mark C. Jansen

House Committee: Intergovernmental, Urban, and Regional Affairs

Senate Committee: Local, Urban, and State Affairs

Complete to 12-10-08

A SUMMARY OF SENATE BILL 927 AND SENATE BILL 1160 AS REPORTED FROM HOUSE COMMITTEE

Senate Bill 927 (S-2) would amend Chapter 65 of the Revised Statutes of 1846 (MCL 565.24), which provides for the recording of conveyances, to do the following:

- Delete requirements that a register of deeds keep various entry books; and delete provisions regarding the effect of entry in those books.
- Require a register to note the date, hour, and time an instrument was delivered for recording; and provide for noting information on instruments delivered in bulk.
- Specify that an instrument would be deemed recorded at the time of delivery if it were later determined to have satisfied all recording requirements.
- Require public access to an instrument delivered to a register.
- Allow a register to charge a fee for a search of an original instrument or a name search, before a document was entered into the general index.
- Provide for civil immunity for a register or employees of a register conducting or deciding whether to conduct a search.
- Require a register to post a "general index date" and maintain a record of the calendar date and the general index date recorded on that calendar date.
- Specify that a register's assignment of a liber and page or other unique identifying number would be prima facie evidence that an instrument had satisfied all recording requirements.

Senate Bill 1160 (S-1) would amend Chapter 65 (MCL 565.27 et al) to:

- Allow a register of deeds to note on an instrument the date and time it was accepted, after recording requirements had been met.
- Delete a requirement that a register certify on a recorded instrument when it was received.
- Rewrite requirements for a general index of instruments recorded, specifying information that a general index would have to contain, which would include the date processed.

- Require a register of deeds to note a reference to the liber and page or other unique identifying number where an instrument was recorded.
- Repeal a section requiring each register of deeds to provide different sets of books for recording deeds and mortgages.

The bills are tie-barred to each other. (For additional detail, see the analysis dated 10-16-08 by the Senate Fiscal Agency.)

HOUSE COMMITTEE AMENDMENTS:

The Intergovernmental, Urban and Regional Affairs Committee reported out the Senate-passed version of the bills without amendments.

FISCAL IMPACT:

The bills are not expected to have a fiscal impact on state government; they would have an indeterminate impact on local units.

POSITIONS:

The Michigan Association of Registers of Deeds supports the bills. (11-12-08)

Fidelity supports the bills. (11-12-08)

The Michigan Association of Realtors supports the bills. (11-12-08)

Berrien County supports the bills. (11-12-08)

Montcalm County supports the bills. (11-12-08)

Kent County supports the bills. (11-12-08)

The Michigan Land Title Association supports the bills. (11-12-08)

Legislative Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.